

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

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**HOUSE DRH80397-MC-195 (04/06)**

Short Title: Lengthen Investment Period for M&E Incentive. (Public)

Sponsors: Representatives Gibson and Wainwright (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO LENGTHEN THE PERIOD FOR AN ELIGIBLE DATACENTER TO INVEST  
3 IN IMPROVEMENTS TO REAL PROPERTY OR INSTALLED MACHINERY AND  
4 EQUIPMENT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 105-187.50 reads as rewritten:

7 "**§ 105-187.50. Definitions.**

8 The definitions in G.S. 105-164.3 apply in this Article. In addition, the following  
9 definitions apply in this Article:

- 10 (1) Concurrently maintainable. – Capable of having any capacity component or  
11 distribution element serviced or repaired on a planned basis without  
12 interrupting or impeding the performance of the computer equipment.
- 13 (2) Eligible datacenter. – A facility that provides infrastructure for hosting or  
14 data processing services and satisfies each of the following conditions:
- 15 a. The facility's power and cooling systems are created and maintained  
16 to be concurrently maintainable and include redundant capacity  
17 components and multiple distribution paths serving the computer  
18 equipment at the facility. The facility must have multiple distribution  
19 paths serving the computer equipment; however, a single distribution  
20 path may serve the computer equipment at any one time.
- 21 b. The Secretary of Commerce has made a written determination of the  
22 following:
- 23 1. For facilities that are located in a development tier one area at  
24 the time of application for the written determination, that at  
25 least one hundred fifty million dollars (\$150,000,000) in  
26 private funds has been or will be invested in improvements to  
27 real property or installed datacenter machinery and  
28 equipment, or a combination thereof, within five years of the  
29 date on which the ~~first qualifying improvement is~~  
30 made, certificate of occupancy is received, regardless of any  
31 subsequent change in county development tier status.
- 32 2. For facilities that are not located in a development tier one  
33 area at the time of application for the written determination,  
34 that at least three hundred million dollars (\$300,000,000) in  
35 private funds has been or will be invested in improvements to



- 1 real property or installed datacenter machinery and  
2 equipment, or a combination thereof, within five years of the  
3 date on which the ~~first qualifying improvement is made,~~  
4 certificate of occupancy is received, regardless of any  
5 subsequent change in county development tier status.
- 6 c. The facility satisfies the wage standard and health insurance  
7 requirements of G.S. 105-129.83.
- 8 (3) Multiple distribution paths. – A series of distribution paths configured to  
9 ensure that failure on one distribution path does not interrupt or impede other  
10 distribution paths.
- 11 (4) Redundant capacity components. – Components beyond those required to  
12 support the computer equipment."
- 13 **SECTION 2.** This act becomes effective January 1, 2010.