

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 763

AMENDMENT NO. A7  
(to be filled in by  
Principal Clerk)

H763-ATA-59 [v.2]

Page 1 of 2

Amends Title [NO]  
Third Edition

Date \_\_\_\_\_, 2016

Senator D. Davis

1 moves to amend the bill on page 12, lines 27 through 33,  
2 by rewriting those lines to read:

3  
4           "(2) ~~Construction~~ The Department of Military and Veterans Affairs determines that,  
5 pursuant to G.S. 143-215.120A(b), construction or operation of the proposed  
6 wind energy facility or proposed wind energy facility expansion would  
7 encroach upon or would otherwise have a significant adverse impact on the  
8 mission, training, or operations of any major military installation or branch of  
9 military in North Carolina and result in a detriment to continued military  
10 presence in the State.~~It~~"; and  
11

12  
13 on page 12, line 45,  
14 by rewriting that line to read:

15  
16 "determination, issued pursuant to G.S. 143-215.120A, from the Department of Military and"; and  
17

18  
19 on page 13, lines 24 through 30,  
20 by rewriting those lines to read:

21  
22           "(b) Based on its evaluation of the criteria set forth in subsection (a) of this section, the  
23 Department of Military and Veterans Affairs shall issue a determination to the Department as to  
24 whether the proposed wind energy facility or wind energy facility expansion encroaches on  
25 military missions, training or operations, which shall include findings of fact that document the  
26 basis for the determination. If in the conduct of its review, the Department of Military and  
27 Veterans Affairs determines that the proposed wind energy facility or wind energy facility  
28 expansion encroaches on military missions, training or operations, the Department of Military and  
29 Veterans Affairs shall notify the Department accordingly, in writing, with a determination that the  
30 Department denies the permit. The Department of Military Affairs shall issue its encroachment  
31 determination within 60 days following receipt of a completed application. If the Department of  
32 Military and Veterans Affairs fails to act within the time period set forth in this subsection, the



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1 Department shall treat the failure to act as a determination by the Department of Military and  
2 Veterans Affairs that the proposed wind energy facility or wind energy facility expansion would  
3 encroach upon or would otherwise have a significant adverse impact on the mission, training, or  
4 operations of any major military installation or branch of military in North Carolina and result in a  
5 detriment to continued military presence in the State.  
6 ....".

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**