

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 410\*

Short Title: Env. Policy Act Amends.

(Public)

Sponsors: Senators Walker; Tally and Basnight.

Referred to: Environmental and Natural Resources.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ENVIRONMENTAL POLICY ACT OF 1971 AND TO MAKE THE ACT PERMANENT.

The General Assembly of North Carolina enacts:

Section 1. Section 12 of Chapter 1203 of the 1971 Session Laws, as amended by Chapter 119 of the 1973 Session Laws, Chapter 532 of the 1977 Session Laws, and Chapter 658 of the 1981 Session Laws, is rewritten to read:

"Sec. 12. This act shall become effective on 1 October 1971."

Sec. 2. G.S. 113A-4 reads as rewritten:

**§ 113A-4. Cooperation of agencies; reports; availability of information.**

The General Assembly authorizes and directs that, to the fullest extent possible:

- (1) The policies, rules, and public laws of this State shall be interpreted and administered in accordance with the policies set forth in this Article; and
- (2) Any State agency shall include in every recommendation or report on proposals for legislation and actions involving expenditure of public moneys for projects and programs significantly affecting the quality of the environment of this State, a detailed statement by the responsible official setting forth the following:
  - a. The environmental impact of the proposed action;
  - b. Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;
  - c. Mitigation measures proposed to minimize the impact;
  - d. Alternatives to the proposed action;

- 1 e. The relationship between the short-term uses of the  
2 environment involved in the proposed action and the  
3 maintenance and enhancement of long-term productivity; and  
4 f. Any irreversible and irretrievable environmental changes which  
5 would be involved in the proposed action should it be  
6 implemented.

7 (2a) Prior to making any detailed statement, the responsible official shall  
8 consult with and obtain the comments of any agency which has either  
9 jurisdiction by law or special expertise with respect to any  
10 environmental impact involved. Copies of such detailed statement and  
11 such comments shall be made available to the Governor, to such  
12 agency or agencies as he may designate, and to the appropriate multi-  
13 county regional agency as certified by the ~~Director of the Department~~  
14 Secretary of Administration, shall be placed in the public file of the  
15 agency and shall accompany the proposal through the existing agency  
16 review processes. A copy of such detailed statement shall be made  
17 available to the public and to counties, municipalities, institutions and  
18 individuals, upon request.

19 (3) The Governor, and any State agency charged with duties under this  
20 Article, may call upon any of the public institutions of higher  
21 education of this State for assistance in developing plans and  
22 procedures under this Article and in meeting the requirements of this  
23 Article, including without limitation any of the following units of the  
24 University of North Carolina: the Water Resources Research Institute,  
25 the Institute for Environmental Studies, the Triangle Universities  
26 Consortium on Air Pollution, ~~the University Council on Marine Sciences,~~  
27 and the Institute of Government."

28 Sec. 3. G.S. 113A-8 reads as rewritten:

29 **"§ 113A-8. Major development projects.**

30 The governing bodies of all cities, counties, and towns acting individually, or  
31 collectively, ~~are hereby authorized to~~ may by ordinance require any special-purpose unit  
32 of government ~~and~~ or private developer of a major development project to submit  
33 detailed statements, as defined in G.S. 113A-4(2), of the impact of such projects. Any  
34 such ordinance shall apply to all major development projects within the jurisdiction of  
35 the city, county, or town and may not be designed to apply to only a particular major  
36 development project."

37 Sec. 4. This act is effective upon ratification.