

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 128

Short Title: Nonbetterment Relocation Costs.

(Local)

Sponsors: Representatives Cansler, Sherrill, Walend (Primary Sponsors); and Nesbitt.

Referred to: Transportation, if favorable, Appropriations.

February 23, 1999

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION
2 SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS
3 FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED
4 PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL
5 STATUTES.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 136-27.1 reads as rewritten:

9 **"§ 136-27.1. Relocation of water and sewer lines of municipalities and nonprofit**
10 **water or sewer corporations or associations.**

11 The Department of Transportation shall pay the nonbetterment cost for the relocation
12 of water and sewer lines, located within the existing State highway right-of-way, that are
13 necessary to be relocated for a State highway improvement project and that are owned
14 by: (i) a municipality with a population of 5,500 or less according to the latest
15 decennial census; (ii) a nonprofit water or sewer association or corporation; (iii) any
16 water or sewer system organized pursuant to Chapter 162A of the General Statutes; (iv) a
17 rural water system operated by county as an enterprise system; (v) any sanitary district
18 organized pursuant to Part 2 of Article 2 of Chapter 130A of the General Statutes; ~~or~~ (vi)
19 constructed by a water or sewer system organized pursuant to Chapter 162A of the
20 General Statutes and then sold or transferred to a municipality with a population of

1 greater than 5,500 according to the latest decennial ~~eensus-~~census; or (vii) constructed by
2 a water or sewer system organized pursuant to Article 20 of Chapter 160A of the General
3 Statutes."

4 Section 2. This act applies to Buncombe County and Henderson County only.

5 Section 3. This act is effective when it becomes law and shall not affect
6 pending litigation.