

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 789

Short Title: Highway Utility Nonbetterment Cost-2.

(Public)

Sponsors: Representative Goodwin.

Referred to: Transportation.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

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

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

The Department of Transportation shall pay the nonbetterment cost for the relocation of water and sewer lines, located within the existing State highway right-of-way, that are necessary to be relocated for a State highway improvement project and that are owned by: any of the following:

(1) ~~(i) a~~ Owned by a municipality with a population of 5,500 or less according to the latest decennial ~~census;~~ (ii) census.

(2) ~~a~~ Owned by a nonprofit water or sewer association or ~~corporation;~~ (iii) corporation.

(3) ~~any~~ Owned by any water or sewer system organized pursuant to Chapter 162A of the General ~~Statutes;~~ (iv) Statutes.

(4) ~~a~~ Owned by a rural water system operated by county as an enterprise ~~system;~~ (v) system.

- 1 (5) ~~any~~ Owned by any sanitary district organized pursuant to Part 2 of
2 Article 2 of Chapter 130A of the General Statutes; ~~or (vi) Statutes.~~
- 3 (6) ~~constructed~~ Constructed by a water or sewer system organized pursuant
4 to Chapter 162A of the General Statutes and then sold or transferred to a
5 municipality with a population of greater than 5,500 according to the
6 latest decennial census.
- 7 (7) Owned by any municipality with a population of 20,000 or less
8 according to the latest decennial census when all of the following
9 conditions apply:
- 10 a. The line or lines were ordered to be installed by one State
11 agency, construction was started, and then the line or lines were
12 ordered to be relocated by the Department within four years in
13 connection with reconstruction of a federal primary highway.
- 14 b. The municipality operates its water or sewer system as an
15 enterprise system and has not used any of the proceeds from its
16 water or sewer enterprise fund for any purposes other than water
17 or sewer purposes during the previous five years."

18 Section 2. This act is effective when it becomes law.