

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 948

Short Title: Nonbetterment Relocation Costs.

(Public)

Sponsors: Senators Carter; and Metcalf.

Referred to: Transportation.

April 5, 2001

A BILL TO BE ENTITLED

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

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: (i) a municipality with a population of 5,500 or less according to the latest decennial census; (ii) a nonprofit water or sewer association or corporation; (iii) any water or sewer system organized pursuant to Chapter 162A of the General Statutes; (iv) a rural water system operated by county as an enterprise system; (v) any sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A of the General Statutes; (vi) constructed by a water or sewer system organized pursuant to Chapter 162A of the General Statutes and then sold or transferred to a municipality with a population of greater than 5,500 according to the latest decennial census; or (vii) constructed by a water or sewer system organized pursuant to Article 20 of Chapter 160A of the General Statutes."

SECTION 2. This act applies to Buncombe County and Henderson County only.

SECTION 3. This act shall not apply to any funds due to the Department of Transportation for any project completed or for which a contract has been let prior to the effective date of this act.

1 **SECTION 4.** Funds expended by the Department of Transportation pursuant
2 to this act shall be credited against Department projects in Buncombe and Henderson
3 Counties only and shall not affect or delay projects in the other counties of
4 Transportation Divisions 13 and 14.

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