

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 43**

Short Title: Nonbetterment Relocation Costs.

(Local)

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Sponsors: Representatives Cansler; Nesbitt, Sherrill, and Walend.

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Referred to: Transportation.

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February 5, 2001

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  
12 relocation of water and sewer lines, located within the existing State highway right-of-  
13 way, that are necessary to be relocated for a State highway improvement project and  
14 that are owned by: (i) a municipality with a population of 5,500 or less according to the  
15 latest decennial census; (ii) a nonprofit water or sewer association or corporation; (iii)  
16 any water or sewer system organized pursuant to Chapter 162A of the General Statutes;  
17 (iv) a rural water system operated by county as an enterprise system; (v) any sanitary  
18 district organized pursuant to Part 2 of Article 2 of Chapter 130A of the General  
19 Statutes; ~~or~~ (vi) constructed by a water or sewer system organized pursuant to Chapter  
20 162A of the General Statutes and then sold or transferred to a municipality with a  
21 population of greater than 5,500 according to the latest decennial ~~eensus-~~census; or (vii)  
22 constructed by a water or sewer system organized pursuant to Article 20 of Chapter  
23 160A of the General Statutes."

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

26 **SECTION 3.** This act shall not apply to any funds due to the Department of  
27 Transportation for any project completed or for which a contract has been let prior to  
28 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.