

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1453

Short Title: Oyster Shells/Highway Beautification. (Public)

Sponsors: Senators Jenkins; Albertson, Boseman, Soles, Swindell, and Weinstein.

Referred to: Transportation.

March 26, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN HIGHWAY
3 BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF
4 TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 136-123 reads as rewritten:

7 "**§ 136-123. Restoration, preservation and enhancement of natural or scenic**
8 **beauty.**

9 (a) The Department of Transportation is hereby authorized and empowered to
10 acquire by purchase, exchanges or gift, the fee-simple title or any lesser interest therein
11 in real property in the vicinity of public highways forming a part of the State highway
12 system, for the restoration, preservation and enhancement of natural or scenic beauty;
13 provided that no lands, rights-of-way or facilities of a public utility as defined by
14 G.S. 62-3(23), or of an electric membership corporation or telephone membership
15 corporation, may be acquired, except that the Department of Transportation upon
16 payment of the full cost thereof may require the relocation of electric distribution or
17 telephone lines or poles; provided further, that such lands may be acquired by the
18 Department of Transportation with the consent of the public utility or membership
19 corporation.

20 (b) No highway beautification project undertaken by the Department or any other
21 unit of government may use oyster shells as a ground cover. The Department or any
22 other unit of government that comes into possession of oyster shells shall make them
23 available to the Department of Environment and Natural Resources, Division of Marine
24 Fisheries, for use in any oyster bed revitalization programs or any other program that
25 may use the shells."

26 **SECTION 2.** This act is effective when it becomes law.