

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-84
SENATE BILL 1453**

AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN LANDSCAPING OR
HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF
TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT.

The General Assembly of North Carolina enacts:

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

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

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

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

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

In the General Assembly read three times and ratified this the 11th day of June, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 5:02 p.m. this 14th day of June, 2007