

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 361
Commerce Committee Substitute Adopted 4/30/97

Short Title: Expand Information Highway Use.

(Public)

Sponsors:

Referred to:

March 11, 1997

A BILL TO BE ENTITLED
AN ACT TO EXPAND THE AUTHORIZED USERS AND USES OF THE NORTH
CAROLINA INFORMATION HIGHWAY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-426.39(16) reads as rewritten:

"(16) Establish switched broadband telecommunications services and permit in addition to State agencies, cities, counties, and other local government units, the following organizations and entities to share on a not-for-profit basis:

- a. Nonprofit educational institutions;
- b. The Microelectronics Center of North Carolina ('MCNC');
- c. Research affiliates of MCNC for use only in connection with research activities sponsored or funded, in whole or in part, by MCNC, if such research activities relate to health care or education in North Carolina;
- d. Agencies of the United States government operating in North Carolina for use only in connection with activities that relate to health care or education in North Carolina; or

- 1 e. Hospitals, clinics, and other health care facilities for use only in
2 connection with activities that relate to health care or education
3 in North ~~Carolina~~-Carolina; or
4 f. Private nonprofit corporations whose purpose is to establish
5 public-access networks on a regional basis for North Carolina
6 citizens and to assist the State and local government in carrying
7 out its public purposes.

8 Provided, however, that sharing of the switched broadband
9 telecommunications services by State agencies with entities or
10 organizations in the categories set forth herein shall not cause the State,
11 the Office of State Controller, or the MCNC to be classified as a public
12 utility as that term is defined in G.S. 62-3(23)a.6. Nor shall the State,
13 the Office of State Controller, or the MCNC engage in any activities
14 that may cause those entities to be classified as a common carrier as that
15 term is defined in the federal Communications Act of 1934, 47 U.S.C. §
16 153(h). Provided further, authority to share the switched broadband
17 telecommunications services with the non-State agencies set forth above
18 in subdivision (16)a. through ~~subdivision (16)e.~~ subdivision (16)f. shall
19 terminate one year from the effective date of a tariff that makes the
20 broadband services available to any ~~customer.~~ customer statewide.
21 Provided further, authorized users of the switched broadband
22 telecommunications services at educational institutions may permit their
23 classrooms to be rented for the use of the broadband services by the
24 above mentioned private, nonprofit entities, for civic and educational
25 uses which serve a public purpose. Sharing, renting, or resale of these
26 switched broadband services except as specifically provided in this
27 subsection is prohibited."

28 Section 2. The implementation, application, and administration of Section 1 of
29 this act shall be monitored by the State Telecommunications Section of State Information
30 Processing Services (SIPS) which shall report to the Information Resources Management
31 Commission (IRMC) and recommend modifications to be made to the General Assembly
32 as appropriate.

33 Section 3. This act is effective when it becomes law.