

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1611

Short Title: Rural Internet Access Agency.

(Public)

---

Sponsors: Representatives Tolson, Baddour; Barefoot, Bonner, Bridgeman, Cox, Goodwin, Haire, Hall, Owens, Saunders, Setzer, Sutton, Teague, Tucker, Wainwright, Walend, Warren, and Yongue.

---

Referred to: Ways and Means.

---

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NORTH CAROLINA RURAL INTERNET ACCESS AGENCY.

The General Assembly of North Carolina enacts:

Section 1. Article 10 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

**“PART 2D. NORTH CAROLINA RURAL INTERNET ACCESS AGENCY.**

**”§ 143B-437.20. Short title and intent.**

This Part is the ‘North Carolina Rural Internet Access Agency Act.’ The General Assembly finds as follows:

(1) Access to computers and the Internet, along with the ability to effectively use these technologies, are becoming increasingly important for full participation in America's economical, political, and social life.

(2) Affordable, high-speed Internet access is a key competitive factor for economic development and quality of life in the New Economy of the global market place.

- 1           (3) In the digital age, universal connectivity at affordable prices is a  
2 necessity for business transactions, education and training, health care,  
3 government services, and the democratic process.
- 4           (4) Unequal access to computer technology and Internet connectivity by  
5 income, educational level and/or geography could deepen and reinforce  
6 the divisions that exist in our society.
- 7           (5) The intent of the Rural Internet Access Agency is to close this digital  
8 divide for the citizens of North Carolina.

9 **"§ 143B-437.21. Definitions.**

10 The following definitions apply in this Part:

- 11           (1) Agency. – The North Carolina Rural Internet Access Agency.
- 12           (2) Governing Body. – The Governing Body of the Agency.
- 13           (3) High-speed broad band Internet access. – Internet access with  
14 transmission speeds of at least 128 kilobits per second for residential  
15 customers and at least 256 kilobits per second for business customers.
- 16           (4) Rural county. – A county with a density of fewer than 200 people per  
17 square mile based on the most recent United States decennial census.
- 18           (5) Rural partnership. – Any of the following:
- 19           a. The Western North Carolina Regional Economic Development  
20 Commission created in G.S. 158-8.1.
- 21           b. The Northeastern North Carolina Regional Economic  
22 Development Commission created in G.S. 158-8.2.
- 23           c. The Southeastern North Carolina Regional Economic  
24 Development Commission created in G.S. 158-8.3.
- 25           d. The Global TransPark Development Commission created in G.S.  
26 158-33.

27 **"§ 143B-437.22. Creation of Agency and Governing Body.**

28           (a) Creation. – The North Carolina Rural Internet Access Agency is created as a  
29 subcommittee of the North Carolina Rural Redevelopment Authority. The purpose of the  
30 Agency is to manage, oversee, and monitor efforts to provide rural counties with high-  
31 speed broad band Internet access.

32           (b) Governing Body. – The Agency is governed by a Governing Body which  
33 consists of the following 19 members:

- 34           (1) Sixteen members appointed by the Governor, as follows:
- 35           a. Three named from the largest incumbent local telephone  
36 exchange companies in North Carolina.
- 37           b. One from rural telephone cooperatives.
- 38           c. One from small independent telephone companies.
- 39           d. One from competing local telephone exchange companies  
40 certified by the North Carolina Utilities Commission.
- 41           e. One from Internet service providers doing business in North  
42 Carolina.

1           f. One from cable television companies doing business in rural  
2           counties.

3           g. One from commercial wireless communications carriers in North  
4           Carolina.

5           h. Six representing business and education or other users from rural  
6           counties, who provide education or health care to rural counties  
7           of North Carolina.

8           i. One from rural partnerships.

9           (2) The State's Chief Information Officer, who shall serve ex officio.

10          (3) Chair of the North Carolina Rural Economic Development Center, who  
11          shall serve ex officio.

12          (4) The Secretary of Commerce, who shall serve ex officio.

13          (c) Oath. – As the holder of an office, each member of the Governing Body must  
14 take the oath required by Section 7 of Article VI of the North Carolina Constitution  
15 before assuming the duties of a Governing Body member.

16          (d) Terms. – The term of office of a member of the Governing Body is three years.

17          (e) Chair. – The Governor shall designate one of the members appointed by the  
18 Governor as the Chair of the Governing Body. The Governor shall convene the first  
19 meeting of the Governing Body.

20          (f) Vacancies. – All members of the Governing Body shall remain in office until  
21 their successors are appointed and qualify. A vacancy in an appointment made by the  
22 Governor shall be filled by the Governor for the remainder of the unexpired term. A  
23 person appointed to fill a vacancy must qualify in the same manner as a person appointed  
24 for a full term.

25          (g) Removal of Governing Body Members. – The Governor may remove any  
26 member of the Governing Body for misfeasance, malfeasance, or nonfeasance in  
27 accordance with G.S. 143B-13(d), and may remove a member for using improper  
28 influence in accordance with G.S. 143B-13(c).

29          (h) Compensation of the Governing Body. – No part of the revenues or assets of  
30 the Agency shall inure to the benefit of or be distributable to the members of the  
31 Governing Body or officers or other private persons. The members of the Governing  
32 Body shall receive no salary for their services but may receive per diem and allowances  
33 in accordance with G.S. 138-5.

34 **"§ 143B-437.23. Goals and duties of the Agency.**

35          The Agency shall perform the duties necessary to achieve the following goals and  
36 objectives:

37           (1) Local dial-up Internet access provided from every telephone exchange  
38           within one year.

39           (2) High-speed Internet access available to every citizen of North Carolina  
40           within three years, at prices in rural counties that are comparable to  
41           prices in other counties.

42           (3) Two pilot Telework Centers in either enterprise tier one or enterprise  
43           tier 2 areas established within, by January 1, 2002.

- 1           (4) Significant increases in ownership of computers, related web devices,  
2           and Internet subscriptions promoted throughout North Carolina.
- 3           (5) Accurate, current, and complete information provided through the  
4           Internet to citizens about the availability of present telecommunication  
5           and Internet services with periodic updates on the future deployment of  
6           new telecommunications and Internet services.
- 7           (6) Development of government Internet applications promoted to make  
8           citizen interactions with government agencies and services easier and  
9           more convenient and to facilitate the delivery of more comprehensive  
10           programs including training, education, and health care.
- 11           (7) Open technology approaches employed to encourage all potential  
12           providers to participate in the implementation of high-speed Internet  
13           access with no technology bias.

14 **"§ 143B-437.24. Powers of Agency.**

15           The Agency shall have all necessary powers to achieve these goals including, but not  
16 limited to, accepting funds offered to it for accomplishing its duties and performing its  
17 administrative operations. The Agency may also advocate before the General Assembly  
18 draft legislation to further the goals of rural Internet access."

19           Section 2. G.S. 120-123 is amended by adding a new subdivision to read:

20           "(70) The Rural Internet Access Agency created in Part 2D of Article 10 of  
21           Chapter 143B of the General Statutes."

22           Section 3. G.S. 126-5(c1) is amended by adding a new subdivision to read:

23           "(18) Employees of the Rural Internet Access Agency created in Part 2D of  
24           Article 10 of Chapter 143B of the General Statutes."

25           Section 4. G.S. 160A-20(h) is amended by adding a new subdivision to read:

26           "(13) The Rural Internet Access Agency created in Part 2D of Article 10 of  
27           Chapter 143B of the General Statutes."

28           Section 5. This act does not obligate the General Assembly to appropriate  
29 funds.

30           Section 6. This act is effective when it becomes law. The Rural Internet  
31 Access Agency created in this act is dissolved effective three years after the members of  
32 its Governing Body are appointed.