

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 361  
Commerce Committee Substitute Adopted 4/30/97  
Third Edition Engrossed 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 and that pay for these telecommunications  
8 services.

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

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

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