

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 361

Short Title: Expand Information Highway Uses.

(Public)

Sponsors: Senator Cooper.

Referred to: Commerce.

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 or 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 in~~
18 ~~subdivision (16)a. through subdivision (16)e. shall terminate one year from~~
19 ~~the effective date of a tariff that makes the broadband services available to any~~
20 ~~customer."~~

21 Section 2. This act is effective when it becomes law.