

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 390

Short Title: Counties/Internet Infrastructure. (Public)

Sponsors: Representatives Dobson, Bert Jones, Presnell, and Garrison (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government II

March 20, 2017

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING COUNTIES TO PROVIDE HIGH-SPEED INTERNET ACCESS
3 SERVICE AS A PUBLIC ENTERPRISE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 153A-274 reads as rewritten:

6 "§ 153A-274. Public enterprise defined.

7 As used in this Article, "public enterprise" includes:

- 8 (1) Water supply and distribution systems.
- 9 (2) Wastewater collection, treatment, and disposal systems of all types,
10 including septic tank systems or other on-site collection or disposal facilities
11 or systems.
- 12 (3) Solid waste collection and disposal systems and facilities.
- 13 (4) Airports.
- 14 (5) Off-street parking facilities.
- 15 (6) Public transportation systems.
- 16 (7) Stormwater management programs designed to protect water quality by
17 controlling the level of pollutants in, and the quantity and flow of,
18 stormwater and structural and natural stormwater and drainage systems of all
19 types.
- 20 (8) High-speed Internet access service, as defined in G.S. 160A-340(4)."

21 SECTION 2. Part 1 of Article 15 of Chapter 153A of the General Statutes is
22 amended by adding a new section to read as follows:

23 "§ 153A-275.1. Authority to provide high-speed Internet access service as a public
24 enterprise.

25 (a) A county may provide infrastructure, including, but not limited to, conduit,
26 fiber-optic cable, and fiber-optic wire for the purpose of expanding high-speed Internet access
27 service in unserved areas of the county to promote and encourage economic development in the
28 county. The county may lease the infrastructure to unaffiliated, qualified private providers of
29 high-speed Internet access service. Any lease contracts under this section shall comply with the
30 provisions of Article 8 of Chapter 143 of the General Statutes and shall be awarded on a
31 technology neutral basis. The county shall use only unrestricted general fund revenue to
32 provide the infrastructure. Nothing in this section shall be construed to permit a county to
33 provide Internet service.

34 (b) The following definitions apply in this section:

- 35 (1) High-speed Internet access service. – As defined in G.S. 160A-340(4).



1 (2) Unserved area. – As defined in G.S. 160A-340.2(b)."
2 **SECTION 3.** This act is effective when it becomes law.