

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 349
Committee Substitute Favorable 4/22/15**

Short Title: Develop Broadband Connectivity Plan.

(Public)

Sponsors:

Referred to:

March 26, 2015

A BILL TO BE ENTITLED

1 AN ACT TO ENCOURAGE PROVISION OF BROADBAND ACCESS IN ALL AREAS OF
2 NORTH CAROLINA BY PROVIDING FOR THE CREATION OF A STATE
3 BROADBAND PLAN BY THE OFFICE OF THE STATE CHIEF INFORMATION
4 OFFICER AND BY SPECIFYING THAT BROADBAND SERVICE PROVIDERS MAY
5 OFFER COMMUNICATIONS AND BROADBAND SERVICES IN AREAS WHERE
6 THE INCUMBENT SERVICE PROVIDER IS NOT PROVIDING BROADBAND
7 SERVICE.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** The General Assembly finds that the availability of community
11 broadband connectivity through the expansion of readily accessible Internet to all of North
12 Carolina's counties is vital for the continued economic prosperity of all the State's citizens and
13 that a plan to meet this need for high-quality digital access is necessary to achieve this end in
14 the quickest and most efficient manner.

15 **SECTION 2.** The Office of the State Chief Information Officer, through its Office
16 of Digital Infrastructure, and with the assistance of the Department of Transportation, the
17 Department of Administration, the Department of Commerce, North Carolina State University,
18 the University of North Carolina at Charlotte, any other relevant state agencies, and private
19 sector stakeholders, shall develop a State broadband plan to ensure that all citizens of North
20 Carolina have access to broadband capability. The plan shall include the following
21 components:

- 22 (1) Identification of the most effective and efficient means for deployment,
23 utilization, and adoption of broadband throughout the State.
- 24 (2) A detailed strategy for achieving affordability of such service.
- 25 (3) An evaluation of the status of deployment of broadband service, including a
26 survey of projects and programs undertaken across the State by commercial
27 broadband providers, local governments, and nongovernmental
28 organizations.
- 29 (4) Recommendations to foster the deployment, utilization, and adoption of
30 broadband for the purposes of enhancing economic development, education,
31 public safety, healthcare delivery, energy efficiency, job creation, and
32 government efficiency.

33 **SECTION 3.** The Office shall report no later than May 1, 2016, to the Joint
34 Legislative Committee on Information Technology on the State broadband plan and include
35 recommendations for necessary legislative action and cost estimates for achieving the
36 objectives set forth in the plan.



1 **SECTION 4.** Funding for the implementation of this act shall be provided by the
2 Office of the State Chief Information Officer using funds available from the Information
3 Technology Fund.

4 **SECTION 5.** G.S. 62-113(c) reads as rewritten:

5 "(c) Any broadband service provider that provides voice grade communication services
6 within a defined service territory or franchise area, and elects to provide broadband service in
7 areas ~~contiguous to~~ outside its service territory or franchise area, may provide such voice grade
8 service as an incident to such broadband service to a customer when the incumbent
9 telecommunications or cable provider is not currently providing broadband service to the
10 customer, without violating its service territory restrictions or franchise agreement."

11 **SECTION 6.** This act is effective when it becomes law.