

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
May 14, 2020
S.B. 769
PRINCIPAL CLERK

S

D

SENATE BILL DRS45436-MQa-159

Short Title: Municipal Broadband Expansion. (Public)

Sponsors: Senators deViere, Searcy, and Foushee (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENABLE LOCAL GOVERNMENTS TO EXPAND ACCESS TO BROADBAND
3 FOR THE CITIZENS OF THIS STATE.

4 Whereas, the General Assembly has previously looked to local solutions, like
5 member-owned utilities and public-private partnerships, as an effective way to provide for the
6 development of the infrastructure necessary to support economic development in rural and
7 underserved areas; and

8 Whereas, the General Assembly has long recognized that digital computing and
9 communications technology is the key element of infrastructure for connecting each person to
10 the economic development opportunities of the twenty-first century and has taken steps to
11 directly advance the development and use of this infrastructure where possible through programs
12 like the School Connectivity Initiative and Digital Learning Plan;

13 Whereas, the circumstances around COVID-19 have further pressed the issue and
14 need for broadband infrastructure in rural communities; Now, therefore,
15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** G.S. 160A-321 reads as rewritten:
17 "**§ 160A-321. Sale, lease, or discontinuance of city-owned enterprise.**

18 (a) A city is authorized to sell or lease as lessor any public enterprise that it may own
19 upon any terms and conditions that the council may deem best. However, except as to transfers
20 to another governmental entity pursuant to G.S. 160A-274 or as provided in subsection (b) of
21 this section, a city-owned public enterprise shall not be sold, leased to another, or discontinued
22 unless the proposal to sell, lease, or discontinue is first submitted to a vote of the people and
23 approved by a majority of those who vote thereon. Voter approval shall not be required for the
24 sale, lease, or discontinuance of airports, off-street parking systems and facilities, or solid waste
25 collection and disposal systems.

26 ...
27 (c) Notwithstanding subsections (a) and (b) of this section, a city may lease a part of the
28 city-owned public enterprise to be operated and used as a component of a wired or wireless
29 network without a vote of people. Any lease under this subsection shall be subject to Article 12
30 of this Chapter."

31 **SECTION 2.** Article 23 of Chapter 153A of the General Statutes is amended by
32 adding a new section to read:

33 "**§ 153A-460. Authority to construct internal communications.**

34 A city or county shall have the authority to purchase, lease, construct, and operate facilities
35 to support intragovernmental services for the city's or county's internal governmental purposes,
36 including wired or wireless network facilities."



1 **SECTION 3.** G.S. 143-128.1C is amended by adding a new subsection to read:
2 "(n) For purposes of this section, the term "public-private project" shall also include a
3 capital improvement project undertaken for the benefit of a city or county pursuant to a
4 development contract that includes construction of components of a wired or wireless network
5 in conjunction with or part of another construction project undertaken by the city or county.
6 Nothing in this subsection authorizes a city or county to unilaterally provide high-speed Internet
7 broadband service, or infrastructure needed to support broadband, computing, and
8 communications components."

9 **SECTION 4.(a)** There is appropriated from the General Fund to the Department of
10 Information Technology, Broadband Infrastructure Office, the sum of fifty thousand dollars
11 (\$50,000) in nonrecurring funds for the 2020-2021 fiscal year to be used to assist local
12 governments in planning and implementing broadband infrastructure expansion.

13 **SECTION 4.(b)** This section becomes effective July 1, 2020.

14 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
15 law.