

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 129*

H129-ATD-5 [v.4]

AMENDMENT NO._____ (to be filled in by Principal Clerk)

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Date _____,2011

Comm. Sub. [NO] Amends Title [NO] First Edition

Representative

1 moves to amend the bill on page 2, lines 13 through 46, by rewriting the lines to read:

2	" <u>(1)</u>	Comply with all local, State, and federal laws, regulations, or other
3		requirements regarding the provision of communications service if provided
4		by a private communications service provider.
5	<u>(2)</u>	In accordance with the provisions of Chapter 159 of the General Statutes, the
6		Local Government Finance Act, establish one or more separate enterprise
7		funds for the provision of communications service, use the enterprise funds
8		to separately account for revenues, expenses, property, and source of
9		investment dollars associated with the provision of communications service,
10		and prepare and publish an independent annual report and audit in
11		accordance with generally accepted accounting principles that reflect the
12		fully allocated cost of providing the communications service, including all
13		direct and indirect costs. An annual independent audit conducted under
14		G.S. 159-34 and submitted to the Local Government Commission satisfies
15		the audit requirement of this subdivision.
16	<u>(3)</u>	Limit the provision of communications service to either of the following:
17		a. <u>Persons within the service area boundaries of the city providing the</u>
18		communications service. (The service area boundaries to be
19		described for each provider later in this section.)
20		b. Existing customers of the communications service as of April 1,
21		2011. Service to customers outside the service area of the city shall
22		comply with the open bidding procedures of Article 8 of Chapter 143
23		upon the expiration or termination of the existing service contract.
24	<u>(4)</u>	Shall not, directly or indirectly, under the powers of a city, exercise power or
25		authority in any area, including zoning or land-use regulation, or exercise
26		power to withhold or delay the provision of monopoly utility service, to
27		require any person, including residents of a particular development, to use or
28		subscribe to any communications service provided by the city-owned
29		communications service provider.
30	<u>(5)</u>	Shall provide nondiscriminatory access to private communications service
31		providers on a first-come, first-served basis to rights-of-way, poles, or
32		conduits owned, leased, or operated by the city unless the facilities have
33		insufficient capacity for the access and additional capacity cannot reasonably



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1		be added to the facilities. For purposes of this subdivision, the term
2		"nondiscriminatory access" means that, at a minimum, access shall be
3		granted on the same terms and conditions as that given to a city-owned
4		communications service provider.
5	<u>(6)</u>	Shall not air advertisements or other promotions for the city-owned
6		communications service on a public, educational, or governmental access
7		channel if the city requires another communications service provider to carry
8		the channel. The city shall not use city resources that are not allocated for
9		cost accounting purposes to the city-owned communications service to
10		promote city services in comparison to private services or, directly or
11		indirectly, require city employees, officers, or contractors to purchase city
12		services."
13		
14		
15		

SIGNED		_
	Amendment Sponsor	
SIGNED		
SIGNED	Committee Chair if Senate Committee Amendment	_
ADOPTED	FAILED	TABLED