

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 430
State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 5/1/03**

Short Title: Warren County Telecommunications.

(Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

1
2 AN ACT AUTHORIZING WARREN COUNTY TO CREATE A
3 TELECOMMUNICATIONS AUTHORITY TO PROVIDE GREATER
4 TELECOMMUNICATIONS SERVICES TO CITIZENS AND BUSINESSES IN
5 THE COUNTY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Warren County may, by resolution or ordinance, create a
8 Telecommunications Authority (hereinafter referred to as the Authority) that shall
9 consist of five members, who shall serve for two-year terms. The members shall be
10 appointed by the County's Board of Commissioners (hereinafter referred to as the
11 Board). Appointments to fill vacancies occurring during the regular terms shall be
12 made by the Board. The appointments of all members shall run until their successors are
13 appointed and qualified.

14 The members of the Authority shall elect a chairman and vice-chairman from
15 the membership of the Authority. They shall also elect a secretary who may, or may not,
16 be a member of the Authority.

17 A majority of the members shall constitute a quorum for the transaction of
18 business, and an affirmative vote of the majority of the members present at a meeting of
19 the Authority shall be required to constitute action of the Authority.

20 **SECTION 2.** The Telecommunications Authority shall be authorized to
21 grant telecommunications franchises and to offer for sale or lease at full or partial
22 consideration telecommunications infrastructure or equipment, including pole or tower
23 attachments, antennas or conduit occupancy, or services, including intragovernmental
24 radio dispatch or paging systems, to: (i) any department, office, board, commission,
25 agency, or other division or entity of Warren County; (ii) the citizens of Warren County;
26 (iii) the Warren County School Board; or (iv) a department, office, board, commission,
27 agency, or other division or entity of an adjoining county if the actual cost of the
28 telecommunications equipment, infrastructure, or service does not exceed the cost of

1 providing the equipment, infrastructure, or service. For purposes of this act,
2 telecommunications shall mean a high-speed, switched electrical or spectral
3 transmission enabling users to originate and receive voice, data, graphics, and video
4 using any available technology.

5 **SECTION 3.** The Telecommunications Authority shall also have the
6 authority to:

7 (1) Acquire real property by eminent domain under Chapter 40A of the
8 General Statutes, but the Authority shall not acquire any facilities or
9 property owned by a telephone company, electric company, or cable
10 operator.

11 (2) With the approval of the Board, make or enter into contracts or
12 agreements necessary to carry out its purpose as stated in this act.

13 **SECTION 4.** The establishment and operation of a Telecommunications
14 Authority as authorized in this act are governmental functions and constitute a public
15 purpose, and the Board is hereby authorized to appropriate funds to support the
16 establishment and operation of the Authority. The Authority is hereby authorized to
17 establish such license and regulatory fees and charges as it may deem appropriate,
18 subject to the approval of the Board.

19 **SECTION 5.** The Authority shall be fiscally accountable to the Board, and
20 the Board shall have authority to examine all records and accounts of the Authority at
21 any time.

22 **SECTION 6.** Nothing in this act shall be construed to limit or otherwise
23 affect the power or authority of the North Carolina Utilities Commission or the right of
24 appeal to the North Carolina Utilities Commission as provided by law.

25 **SECTION 7.** Nothing in this act shall be construed to limit or otherwise
26 affect the applicability of the Federal Telecommunications Act of 1996, 47 U.S.C. §
27 151, et seq., to any actions taken by the Telecommunications Authority or the Warren
28 County Board of Commissioners.

29 **SECTION 8.** This act is effective when it becomes law.