A BILL TO BE ENTITLED
AN ACT TO STANDARDIZE THE DEFINITION OF BROADBAND AND TO MODERNIZE
BROADBAND SPEED BENCHMARKS IN THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143B-1320 reads as rewritten:

"§ 143B-1320. Definitions; scope; exemptions.
(a) Definitions. – The following definitions apply in this Article:
(1) Broadband service. – Internet access service of at least 25 megabits per second
download and at least 3 megabits per second upload, regardless of the
technology or medium used to provide the service.
(1a) CGIA. – Center for Geographic Information and Analysis.
(16) Separate agency. – Any agency that has maintained responsibility for its
information technology personnel, operations, projects, assets, and funding.
The agency head shall work with the State CIO to ensure that the agency has
all required information technology support.
(16a) Served area. – A designated geographic area that presently has access to
broadband service. The term may also include individual homes and
businesses.
(16a) Significant cybersecurity incident. – A cybersecurity incident that is likely
to result in demonstrable harm to the State's security interests, economy,
critical infrastructure, or to the public confidence, civil liberties, or public
health and safety of the residents of North Carolina. A significant
cybersecurity incident is determined by the following factors:
a. Incidents that meet thresholds identified by the Department jointly
with the Department of Public Safety that involve information:
1. That is not releasable to the public and that is restricted or
highly restricted according to Statewide Data Classification
and Handling Policy; or
2. That involves the exfiltration, modification, deletion, or
unauthorized access, or lack of availability to information or
systems within certain parameters to include (i) a specific
threshold of number of records or users affected as defined in
G.S. 75-65 or (ii) any additional data types with required security controls.

b. Incidents that involve information that is not recoverable or cannot be recovered within defined time lines required to meet operational commitments defined jointly by the State agency and the Department or can be recovered only through additional measures and has a high or medium functional impact to the mission of an agency.

(17) State agency or agency. – Any agency, department, institution, commission, committee, board, division, bureau, office, unit, officer, or official of the State. The term does not include the legislative or judicial branches of government or The University of North Carolina.

(18) State Chief Information Officer or State CIO. – The head of the Department, who is a Governor's cabinet level officer.

(19) State CIO approved data center. – A data center designated by the State CIO for State agency use that meets operational standards established by the Department.

(20) Underserved area. – A designated geographic area that (i) presently does not have broadband service and (ii) has transmission speeds of less than 25 megabits per second download and 3 megabits per second upload. The term may also include individual homes and businesses.

(21) Unserved area. – A designated geographic area that presently does not have broadband service. The term may also include individual homes and businesses.

SECTION 1.(b) G.S. 143B-1373 reads as rewritten:

"§ 143B-1373. Growing Rural Economies with Access to Technology (GREAT) program.

(a) As used in this section, the following definitions apply:

(1) Agriculture. – Activities defined in G.S. 106-581.1.

(2) Broadband service. – For the purposes of this section, terrestrially deployed Internet access service with transmission speeds of at least 25 megabits per second (Mbps) download and at least 3 megabits per second upload (25:3) that meets the transmission speed standard for broadband service defined in G.S. 143B-1320(a)(1).

..."

(14) Unserved area. – A designated geographic area that is presently without access to broadband service, as defined in this section, offered by a wireline or fixed wireless provider. As defined in G.S. 143B-1320(a)(21). Areas where a private provider has been designated to receive funds through other State- or federally funded programs designed specifically for broadband deployment shall be considered served if such funding is intended to result in construction of broadband in the area within 18 months or for the duration of the federal funding program for that area, or if the funding recipient is otherwise in good standing with the funding agency's regulations governing the funding program.

(15) Unserved household or business. – A household or business that does not presently have access to broadband service, as defined in this subsection.

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(1) Broadband service. – Internet access service, regardless of the technology or medium used to provide the service, that meets the transmission speeds that are equal to or greater than the requirements for the minimum performance tier speed standard for broadband service defined in G.S. 143B-1320(a)(1) and with latency equal to or lesser than the requirements for low latency, as both metrics are provided by the Federal Communications Commission in Paragraph 39 of the report and order adopted January 30, 2020, and released February 7, 2020.

SECTON 1.(d) G.S. 146-29.2 reads as rewritten:

"§ 146-29.2. Lease or interest in real property for communication purposes.

(a) The following definitions apply in this section:

…

(b) Broadband. – Internet access service with transmission speeds that are equal to or greater than the requirements for basic broadband tier 1 service as defined by the Federal Communications Commission for broadband data gathering and reporting, that meets the transmission speed standard for broadband service defined in G.S. 143B-1320(a)(1), regardless of the technology or medium used to provide the service.

SECTON 1.(e) G.S. 153A-459, as amended by Section 38.10(a) of S.L. 2021-180, reads as rewritten:

"§ 153A-459. County broadband acceleration.

A county may provide grants to unaffiliated private or nonprofit providers of broadband service, as that term is defined in G.S. 143B-1373(a)(2), G.S. 143B-1320(a), for the purpose of expanding broadband service in unserved areas in the county. The grants shall be awarded on a technology neutral basis, shall be open to all private or nonprofit providers of broadband service, and may require matching funds by the private or nonprofit providers. A county shall seek and consider requests for proposal from providers prior to awarding a broadband grant and shall use reasonable means to ensure that potential applicants are made aware of the grant; provided, however, a county is not required to seek and consider requests for proposal when providing financial or other support in connection with an application from a private provider for a broadband service grant under G.S. 143B-1373. The county may use general fund revenue as well as State or federal funds for the grants. For purposes of this section, the term "unserved area" has the same meaning as in G.S. 143B-1373(a)(14). For any grants awarded pursuant to this section after the date this section becomes effective, the term "unserved area" shall not include any location where a private provider has been designated to receive funds through State- or federally funded programs designed specifically for broadband service deployment if the recipient of the funding is in good standing with the grantor agency's requirements regarding construction build-out and time lines. Nothing in this section authorizes a county to provide high-speed Internet broadband service."

SECTON 1.(f) G.S. 160A-340 reads as rewritten:


The following definitions apply in this Article:

(1) City-owned communications service provider. – A city that provides communications service using a communications network, whether directly, indirectly, or through an interlocal agreement or a joint agency.

(2) Communications network. – A wired or wireless network for the provision of communications service.

(3) Communications service. – The provision of cable, video programming, telecommunications, broadband, or high-speed Internet access service to the
section 2. (a) G.S. 143B-1320, as amended by Section 1(a) of this act, reads as rewritten:

"§ 143B-1320. Definitions; scope; exemptions.

(a) Definitions. – The following definitions apply in this Article:

(1) Broadband service. – Internet access service of at least 25-100 megabits per second download and at least 3-20 megabits per second upload, regardless of the technology or medium used to provide the service.

(20) Underserved area. – A designated geographic area that (i) presently does not have broadband service and (ii) has transmission speeds of less than 25-100 megabits per second download and 3-20 megabits per second upload. The term may also include individual homes and businesses.

(21) Unserved area. – A designated geographic area that presently does not have broadband service or presently has transmission speeds of 25 megabits per second download and 3 megabits per second upload, or less, but does not have transmission speeds meeting the definition of broadband service. The term may also include individual homes and businesses.

..."

section 2. (b) G.S. 143B-1373 reads as rewritten:

"§ 143B-1373. Growing Rural Economies with Access to Technology (GREAT) program.

... (g) Applications shall be scored based upon a system that awards a single point for criteria considered to be the minimum level for the provision of broadband service with additional points awarded to criteria that exceed minimum levels. The Office shall score project applications in accordance with the following:

... (6) Base speed multiplier. – Projects that will provide minimum download and minimum upload speeds shall have the aggregate points given under subdivisions (1) through (5) of this subsection multiplied by a factor at the level indicated in the table below:

Minimum Download:
<table>
<thead>
<tr>
<th>Minimum Upload</th>
<th>Score Multiplier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 100:10 Mbps.</td>
<td>1.35</td>
</tr>
<tr>
<td>100:10-100:20 Mbps. up to 200:20 Mbps.</td>
<td>1.75</td>
</tr>
<tr>
<td>200:20 Mbps. or greater.</td>
<td>2.00</td>
</tr>
<tr>
<td>100 Mbps., symmetrical.</td>
<td>3.00</td>
</tr>
<tr>
<td>Greater than 100:100 Mbps.</td>
<td>4.00</td>
</tr>
</tbody>
</table>

"...

SECTION 2.(c) This section becomes effective July 1, 2023.

SECTION 3.(a) There is appropriated from the General Fund to the Department of Information Technology the sum of one hundred thousand dollars ($100,000) in nonrecurring funds for the 2022-2023 fiscal year to update requirements of broadband programs administered by the Department that are impacted by the increased broadband speed benchmarks established in this act and other administrative costs associated with broadband grant programs.

SECTION 3.(b) This section becomes effective July 1, 2022.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.