

HOUSE BILL 43

P1, C8

1lr1372

(PRE-FILED)

By: **Delegate Krimm**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Information Technology – Office of Broadband and Joint**
3 **Committee on Broadband**

4 FOR the purpose of altering the uses of the Rural Broadband Assistance Fund; establishing
5 the Office of Broadband in the Department of Information Technology; establishing
6 that the Office shall be led by a Director who serves at the pleasure of the Governor;
7 establishing the Office's duties; requiring the Office to coordinate with certain
8 executive agencies and stakeholders; requiring the operations of the Office to be
9 funded by money appropriated to a certain fund and sports and event wagering
10 revenues under certain circumstances; establishing the Joint Committee on
11 Broadband; establishing the membership, staffing, powers, and duties of the Joint
12 Committee; requiring the Office to cooperate with the Joint Committee in certain
13 ways; requiring the Office to submit a certain report to the Joint Committee on or
14 before a certain date each year; requiring the Joint Committee to submit a certain
15 report to the General Assembly on or before a certain date each year; defining certain
16 terms; and generally relating to the Office of Broadband in the Department of
17 Information Technology and the Joint Committee on Broadband.

18 BY repealing and reenacting, without amendments,
19 Article – Economic Development
20 Section 5–1102(a)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Economic Development
25 Section 5–1102(f)
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
 2 Article – State Finance and Procurement
 3 Section 3A–101(a) and (b)
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2020 Supplement)

6 BY adding to
 7 Article – State Finance and Procurement
 8 Section 3A–801 through 3A–805 to be under the new subtitle “Subtitle 8. Office of
 9 Broadband”
 10 Annotated Code of Maryland
 11 (2015 Replacement Volume and 2020 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 13 That the Laws of Maryland read as follows:

14 **Article – Economic Development**

15 5–1102.

16 (a) There is a Rural Broadband Assistance Fund in the Department.

17 (f) The Fund may be used only for [planning, construction, and maintenance of
 18 broadband communication services and equipment in rural and underserved areas and
 19 related activities] **THE OPERATIONS OF THE OFFICE OF BROADBAND ESTABLISHED**
 20 **UNDER TITLE 3A, SUBTITLE 8 OF THE STATE FINANCE AND PROCUREMENT**
 21 **ARTICLE.**

22 **Article – State Finance and Procurement**

23 3A–101.

24 (a) In this title the following words have the meanings indicated.

25 (b) “Department” means the Department of Information Technology.

26 **SUBTITLE 8. OFFICE OF BROADBAND.**

27 **3A–801.**

28 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 29 **INDICATED.**

30 (B) **“COMMITTEE” MEANS THE JOINT COMMITTEE ON BROADBAND.**

31 (C) **“DIRECTOR” MEANS THE ADMINISTRATOR OF THE OFFICE OF**

1 **BROADBAND.**

2 (D) **“OFFICE” MEANS THE OFFICE OF BROADBAND.**

3 **3A-802.**

4 (A) **THERE IS AN OFFICE OF BROADBAND IN THE DEPARTMENT.**

5 (B) **THE DIRECTOR SHALL:**

6 (1) **BE DESIGNATED BY THE GOVERNOR; AND**

7 (2) **SERVE AT THE PLEASURE OF THE GOVERNOR.**

8 **3A-803.**

9 (A) **THE OFFICE SHALL:**

10 (1) **ASSIST AND SUPPORT LOCAL JURISDICTIONS IN THEIR**
11 **IMPROVEMENT OF ACCESS TO HIGH-SPEED INTERNET;**

12 (2) **IDENTIFY AND COORDINATE THE DELIVERY OF RESOURCES TO**
13 **LOCAL JURISDICTIONS FOR THE IMPROVEMENT OF ACCESS TO HIGH-SPEED**
14 **INTERNET, INCLUDING:**

15 (I) **IDENTIFYING SOURCES OF FUNDS, SUCH AS FEDERAL**
16 **FUNDING, THAT CAN BE USED TO EXPAND ACCESS TO HIGH-SPEED INTERNET; AND**

17 (II) **ASSISTING LOCAL JURISDICTIONS IN APPLYING TO RECEIVE**
18 **FUNDING;**

19 (3) **WORK WITH LOCAL JURISDICTIONS AND ECONOMIC**
20 **DEVELOPMENT ORGANIZATIONS TO IDENTIFY AREAS WITH A DEMAND FOR BETTER**
21 **INTERNET SERVICE;**

22 (4) **IDENTIFY OPPORTUNITIES FOR PRODUCTIVE PARTNERSHIPS,**
23 **INCLUDING PUBLIC-PRIVATE PARTNERSHIPS, THAT ENABLE RESOURCE SHARING**
24 **AND FURTHER THE GOAL OF EXPANDING ACCESS TO HIGH-SPEED INTERNET;**

25 (5) **OVERSEE PROJECTS THAT INCREASE THE AVAILABILITY OF**
26 **HIGH-SPEED INTERNET SERVICE;**

27 (6) **INVESTIGATE AND IDENTIFY NEW TECHNOLOGIES THAT WOULD**

1 INCREASE THE AVAILABILITY OF HIGH-SPEED INTERNET SERVICE IN THE STATE;

2 (7) COLLECT, ANALYZE, AND SHARE DATA RELEVANT TO INCREASING
3 THE AVAILABILITY OF HIGH-SPEED INTERNET SERVICE IN THE STATE; AND

4 (8) DEVELOP RECOMMENDATIONS FOR POLICY, REGULATIONS, OR
5 LEGISLATION TO FACILITATE INCREASED AVAILABILITY OF HIGH-SPEED INTERNET
6 ACCESS IN THE STATE, AS WELL AS STRATEGIES FOR IMPLEMENTING THOSE
7 RECOMMENDATIONS.

8 (B) IN PERFORMING ITS DUTIES, THE OFFICE SHALL COORDINATE WITH:

9 (1) THE FOLLOWING EXECUTIVE BRANCH AGENCIES:

10 (I) THE DEPARTMENT OF COMMERCE;

11 (II) THE DEPARTMENT OF HOUSING AND COMMUNITY
12 DEVELOPMENT;

13 (III) THE DEPARTMENT;

14 (IV) THE DEPARTMENT OF TRANSPORTATION; AND

15 (V) THE DEPARTMENT OF PLANNING; AND

16 (2) THE FOLLOWING STAKEHOLDERS:

17 (I) COUNTY AND MUNICIPAL INFORMATION TECHNOLOGY
18 OFFICIALS;

19 (II) THE APPALACHIAN REGIONAL COMMISSION;

20 (III) THE MARYLAND BROADBAND COOPERATIVE;

21 (IV) THE MID-SHORE REGIONAL COUNCIL;

22 (V) THE RURAL MARYLAND COUNCIL;

23 (VI) THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN
24 SHORE OF MARYLAND;

25 (VII) THE UPPER SHORE REGIONAL COUNCIL;

1 (VIII) THE TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND;

2 (IX) THE TRI-COUNTY COUNCIL FOR WESTERN MARYLAND;

3 AND

4 (X) ANY OTHER STAKEHOLDER THAT THE DIRECTOR
5 CONSIDERS APPROPRIATE AND INVITES TO PARTICIPATE.

6 3A-804.

7 THE OFFICE SHALL BE FUNDED BY:

8 (1) MONEY APPROPRIATED TO THE RURAL BROADBAND ASSISTANCE
9 FUND ESTABLISHED UNDER § 5-1102 OF THE ECONOMIC DEVELOPMENT ARTICLE;
10 AND

11 (2) TO THE EXTENT PRACTICABLE, IF THE GENERAL ASSEMBLY
12 ENACTS LEGISLATION IMPLEMENTING SPORTS AND EVENT WAGERING IN THE
13 STATE, REVENUES COLLECTED FROM SPORTS AND EVENT WAGERING IN THE STATE.

14 3A-805.

15 (A) THERE IS A JOINT COMMITTEE ON BROADBAND.

16 (B) (1) THE COMMITTEE CONSISTS OF 10 MEMBERS.

17 (2) OF THE MEMBERS:

18 (I) FIVE SHALL BE MEMBERS OF THE SENATE OF MARYLAND,
19 APPOINTED BY THE PRESIDENT OF THE SENATE; AND

20 (II) FIVE SHALL BE MEMBERS OF THE HOUSE OF DELEGATES,
21 APPOINTED BY THE SPEAKER OF THE HOUSE.

22 (C) (1) THE MEMBERS OF THE COMMITTEE SHALL SERVE AT THE
23 PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.

24 (2) (I) IF A VACANCY OCCURS AMONG THE SENATORS ON THE
25 COMMITTEE, A SUCCESSOR PROMPTLY SHALL BE APPOINTED BY THE PRESIDENT
26 OF THE SENATE.

27 (II) IF A VACANCY OCCURS AMONG THE DELEGATES ON THE
28 COMMITTEE, A SUCCESSOR PROMPTLY SHALL BE APPOINTED BY THE SPEAKER OF

1 **THE HOUSE.**

2 **(D) FROM AMONG THE MEMBERSHIP OF THE COMMITTEE, THE PRESIDENT**
3 **OF THE SENATE SHALL APPOINT A SENATOR TO SERVE AS THE SENATE CHAIR OF**
4 **THE COMMITTEE, AND THE SPEAKER OF THE HOUSE SHALL APPOINT A DELEGATE**
5 **TO SERVE AS THE HOUSE CHAIR OF THE COMMITTEE.**

6 **(E) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE**
7 **COMMITTEE IS A QUORUM.**

8 **(F) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFF**
9 **ASSISTANCE TO THE COMMITTEE.**

10 **(G) THE COMMITTEE SHALL HOLD:**

11 **(1) AN ORGANIZATIONAL MEETING PROMPTLY AFTER THE**
12 **APPOINTMENT OF ITS MEMBERS; AND**

13 **(2) ANY OTHER MEETING THAT THE COMMITTEE CONSIDERS**
14 **NECESSARY TO CARRY OUT ITS DUTIES EFFICIENTLY.**

15 **(H) THE COMMITTEE MAY:**

16 **(1) HOLD A HEARING ON ANY MATTER RELATING TO THE FUNCTIONS**
17 **OF THE COMMITTEE; AND**

18 **(2) CONSIDER A VOTE ON A BILL OR RESOLUTION REFERRED TO THE**
19 **COMMITTEE BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE.**

20 **(I) TO ENSURE THAT LOCAL JURISDICTIONS IN MARYLAND ARE ABLE TO**
21 **EXPAND ACCESS TO HIGH-SPEED INTERNET, THE COMMITTEE SHALL:**

22 **(1) ASSIST THE OFFICE IN CONDUCTING ITS DUTIES;**

23 **(2) OVERSEE THE OPERATIONS OF THE OFFICE; AND**

24 **(3) CONSIDER RECOMMENDATIONS PROVIDED BY THE OFFICE.**

25 **(J) THE OFFICE SHALL:**

26 **(1) COOPERATE FULLY WITH THE COMMITTEE;**

27 **(2) KEEP THE COMMITTEE FULLY INFORMED AS TO ITS PRIORITIES**

1 AND PROGRESS; AND

2 (3) SUBMIT AN ANNUAL REPORT, SUBJECT TO § 2-1257 OF THE STATE
3 GOVERNMENT ARTICLE, TO THE COMMITTEE ON OR BEFORE OCTOBER 1 EACH
4 YEAR THAT INCLUDES:

5 (I) A DESCRIPTION OF THE OFFICE'S WORK;

6 (II) A REPORT ON THE OFFICE'S PRIORITIES AND PROGRESS;
7 AND

8 (III) RECOMMENDATIONS FOR NEW LAWS, REGULATIONS,
9 PROGRAMS, SERVICES, AND BUDGETARY PRIORITIES THAT ARE NEEDED TO
10 SUPPORT THE EXPANSION OF HIGH-SPEED INTERNET ACCESS IN LOCAL
11 JURISDICTIONS.

12 (K) (1) SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE,
13 THE COMMITTEE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON OR
14 BEFORE DECEMBER 1 EACH YEAR.

15 (2) THE REPORT SHALL INCLUDE:

16 (I) A DESCRIPTION OF THE WORK OF THE COMMITTEE; AND

17 (II) ANY RECOMMENDATIONS OF THE COMMITTEE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
19 1, 2021.