
By: ~~Delegates Hurson and Franchot, Franchot, D'Amato, Benson, DeCarlo,~~
Mandel, McIntosh, Riley, Swain, and Kagan

Introduced and read first time: February 11, 2000
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2000

CHAPTER _____

1 AN ACT concerning

2 **Study Commission on Broadband Internet Transport Service**

3 FOR the purpose of establishing ~~the a~~ Study Commission on Broadband Internet
4 Transport Service; providing the membership, ~~duties, responsibilities~~ chairman,
5 purpose, and staffing of the Study Commission; requiring the Study
6 Commission to submit ~~a certain report~~ reports to certain persons by ~~a certain~~
7 ~~date~~ dates; expressing the intent of the General Assembly regarding the
8 appointment and meetings of the Study Commission; providing for the
9 termination of this Act; and generally relating to the Study Commission on
10 Broadband Internet ~~transport services~~ Transport Service.

11 ~~BY adding to~~
12 ~~Article Commercial Law~~
13 ~~Section 11-1501 to be under the new subtitle "Subtitle 15. Internet Transport~~
14 ~~Service"~~
15 ~~Annotated Code of Maryland~~
16 ~~(1990 Replacement Volume and 1999 Supplement)~~

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

19 (a) There is a Study Commission on Broadband Internet Transport Service.

20 (b) The Study Commission shall consist of the following 21 members:

21 (1) Two members of the House of Delegates, appointed by the Speaker of
22 the House;

- 1 (2) Two members of the Senate of Maryland, appointed by the President
2 of the Senate;
- 3 (3) The Secretary of Business and Economic Development, or the
4 Secretary's designee;
- 5 (4) The Chairman of the Public Service Commission, or the Chairman's
6 designee;
- 7 (5) The Chairman of the State Information Technology Board; and
- 8 (6) Fourteen members appointed by the Governor, as follows:
- 9 (i) Two representatives of companies that provide access to
10 broadband Internet transport service in the State using cable television lines;
- 11 (ii) One representative of a company that provides access to
12 broadband Internet transport service in the State using telephone lines;
- 13 (iii) One representative of the local incumbent telephone exchange
14 company in the State;
- 15 (iv) Two representatives of companies that provide access to
16 broadband Internet transport service in the State using neither cable television lines
17 nor telephone lines;
- 18 (v) Two representatives of companies that conduct business as
19 Internet service providers;
- 20 (vi) One representative of a company that provides hardware
21 technology that enables content to be transmitted over the Internet;
- 22 (vii) One representative of a company headquartered in the State
23 that primarily conducts business using the Internet;
- 24 (viii) One representative of municipal government, based on
25 recommendations from the Maryland Municipal League;
- 26 (ix) One representative of county government, based on
27 recommendations from the Maryland Association of Counties;
- 28 (x) One representative of the Office of the People's Counsel in the
29 Public Service Commission; and
- 30 (xi) One consumer member.
- 31 (c) The Chairman of the State Information Technology Board shall serve as
32 chairman of the Study Commission.
- 33 (d) The Office of the Governor shall provide staff support to the Study
34 Commission.

1 (e) A member of the Study Commission:

2 (1) May not receive compensation; but

3 (2) Is entitled to reimbursement for expenses under the Standard State
4 Travel Regulations, as provided in the State Budget.

5 (f) The purpose of the Study Commission is to study and make
6 recommendations on:

7 (1) The various means to provide access to broadband Internet transport
8 service in the State, including the current and projected status of the availability of
9 the various means in the State;

10 (2) Available and needed infrastructure for providing access to
11 broadband Internet transport service in the State;

12 (3) Terms and conditions under which the various means to provide
13 broadband Internet transport service and Internet content are or should be available
14 in the State;

15 (4) Issues relating to the promotion of the various means to provide
16 access to broadband Internet transport service in the State;

17 (5) Current and possible means of monitoring or regulating the
18 development and operation of broadband Internet transport service in the State;

19 (6) The status of cable franchise agreements granted by local
20 governments in the State; and

21 (7) The status of any federal or state laws, regulations, court decisions,
22 or other policies addressing the issue of access to broadband Internet transport
23 service.

24 (g) (1) On or before December 31, 2000, the Study Commission shall submit
25 a preliminary report to the Governor and, subject to § 2-1246 of the State
26 Government Article, to the General Assembly including the findings of the Study
27 Commission, the recommendations of the Study Commission, and any proposed
28 legislation for the 2001 Session, regulation, or other policy that the Study
29 Commission considers appropriate.

30 (2) On or before December 31, 2001, the Study Commission shall submit
31 a final report to the Governor and, subject to § 2-1246 of the State Government
32 Article, to the General Assembly including the findings of the Study Commission, the
33 recommendations of the Study Commission, and any proposed legislation, regulation,
34 or other policy that the Study Commission considers appropriate.

35 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
36 General Assembly that the Governor complete the appointment of members to the

1 Study Commission by July 1, 2000, and that the Study Commission start meeting as
 2 soon as practicable after the appointments are completed.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 4 June 1, 2000. It shall remain effective for a period of 1 year and 7 months and, at the
 5 end of December 31, 2001, with no further action required by the General Assembly,
 6 this Act shall be abrogated and of no further force and effect.

7 **~~Article—Commercial Law~~**

8 **~~SUBTITLE 15. INTERNET TRANSPORT SERVICE.~~**

9 ~~11-1501.~~

10 (A) ~~THERE IS A STUDY COMMISSION ON INTERNET TRANSPORT SERVICE.~~

11 (B) ~~THE STUDY COMMISSION CONSISTS OF THE FOLLOWING 19 MEMBERS:~~

12 (1) ~~FOUR MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE~~
 13 ~~SPEAKER OF THE HOUSE, OF WHOM AT LEAST ONE SHALL BE OF THE MINORITY~~
 14 ~~PARTY;~~

15 (2) ~~FOUR MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE~~
 16 ~~PRESIDENT OF THE SENATE, OF WHOM AT LEAST ONE SHALL BE OF THE MINORITY~~
 17 ~~PARTY;~~

18 (3) ~~THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR~~
 19 ~~THE SECRETARY'S DESIGNEE;~~

20 (4) ~~THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION, OR THE~~
 21 ~~CHAIRMAN'S DESIGNEE; AND~~

22 (5) ~~NINE MEMBERS APPOINTED BY THE GOVERNOR, AS FOLLOWS:~~

23 (I) ~~TWO REPRESENTATIVES OF COMPANIES THAT PROVIDE~~
 24 ~~INTERNET ACCESS IN THE STATE USING CABLE TELEVISION LINES;~~

25 (II) ~~TWO REPRESENTATIVES OF COMPANIES THAT PROVIDE~~
 26 ~~INTERNET SERVICE IN THE STATE USING TELEPHONE LINES;~~

27 (III) ~~ONE REPRESENTATIVE OF LOCAL GOVERNMENT IN THE STATE;~~

28 (IV) ~~ONE REPRESENTATIVE OF A COMPANY BASED IN THE STATE~~
 29 ~~THAT PRIMARILY CONDUCTS BUSINESS USING THE INTERNET; AND~~

30 (V) ~~THREE CONSUMER MEMBERS.~~

31 (C) ~~THE GOVERNOR SHALL SELECT A CHAIRMAN OF THE STUDY COMMISSION.~~

32 (D) ~~A MEMBER OF THE STUDY COMMISSION;~~

1 (1) MAY NOT RECEIVE COMPENSATION; BUT

2 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
3 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

4 (E) THE PURPOSE OF THE STUDY COMMISSION IS TO STUDY AND MAKE
5 RECOMMENDATIONS ON:

6 (1) THE MEANS AVAILABLE TO PROVIDE ACCESS TO BROADBAND
7 INTERNET TRANSPORT SERVICES IN THE STATE;

8 (2) AVAILABLE AND NEEDED INFRASTRUCTURE FOR PROVIDING
9 ACCESS TO BROADBAND INTERNET TRANSPORT SERVICES IN THE STATE;

10 (3) TERMS AND CONDITIONS UNDER WHICH BROADBAND INTERNET
11 TRANSPORT SERVICES AND INTERNET CONTENT ARE OR SHOULD BE AVAILABLE IN
12 THE STATE;

13 (4) ISSUES RELATING TO PROMOTION OF ACCESS TO BROADBAND
14 INTERNET SERVICES IN THE STATE; AND

15 (5) CURRENT AND POSSIBLE MEANS OF MONITORING OR REGULATING
16 THE DEVELOPMENT AND OPERATION OF BROADBAND INTERNET SERVICES IN THE
17 STATE.

18 (F) ON OR BEFORE DECEMBER 31, 2000, THE STUDY COMMISSION SHALL
19 SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
20 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY INCLUDING THE RESULTS OF
21 THE STUDY, THE RECOMMENDATIONS OF THE STUDY COMMISSION, AND ANY
22 PROPOSED LEGISLATION, REGULATION, OR OTHER POLICY THAT THE STUDY
23 COMMISSION CONSIDERS APPROPRIATE.

24 (G) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT SHALL
25 PROVIDE STAFF SUPPORT TO THE STUDY COMMISSION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2000. It shall remain effective for a period of 1 year and 1 month and, at the
28 end of June 30, 2001, with no further action required by the General Assembly, this
29 Act shall be abrogated and of no further force and effect.