

SENATE BILL 66

C8, P1

EMERGENCY BILL
(PRE-FILED)

11r0670
CF HB 97

By: **Senators Elfreth, Beidle, Eckardt, Griffith, Guzzone, Hester, Kelley, Patterson, Rosapepe, West, Carozza, Gallion, Kagan, Lam, Pinsky, Reilly, Simonaire, Washington, and Zucker**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2021

CHAPTER _____

1 AN ACT concerning

2 **Department of Housing and Community Development – Office of Digital**
3 **Inclusion – Established**
4 **(Digital Connectivity Act of 2021)**

5 FOR the purpose of establishing the Office of Digital Inclusion in the Department of
6 Housing and Community Development; establishing the purpose of the Office;
7 requiring the Governor to appoint the Director of the Office; providing that the
8 Director serves at the pleasure of the Governor and reports to certain individuals;
9 requiring the Director to work closely with certain officials for certain purposes;
10 establishing the duties of the Office; requiring the Office to offer funding and
11 technical assistance through certain partnerships to help local governments and
12 certain entities qualify for federal funding opportunities; requiring the Office to work
13 with a certain unit to initiate a broadband funding structure under a certain
14 provision of law; requiring the Office to prepare and submit a certain plan to the
15 Governor and the General Assembly, on or before a certain date; requiring the Office
16 to solicit input from certain stakeholders in preparing the plan; requiring the Office
17 to collaborate with certain units of State and local government in carrying out certain
18 provisions of this Act; requiring the Office to make a certain annual report on or
19 before a certain date; repealing provisions of law concerning ~~the Rural Broadband~~
20 ~~Assistance Fund and the Rural Broadband Coordination Board; establishing the~~
21 Digital Inclusion Fund and the Digital Connectivity Fund as special, nonlapsing
22 funds; establishing the purposes of the funds; requiring the Office to administer the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 funds; requiring the State Treasurer to hold the funds and the Comptroller to
 2 account for the funds; specifying the contents of the funds; specifying the purposes
 3 for which the funds may be used; providing for the investment of money in and
 4 expenditures from the funds; requiring interest earnings of the Digital Inclusion
 5 Fund, the Digital Connectivity Fund, and the Rural Broadband Assistance Fund to
 6 be credited to the funds; exempting the Digital Inclusion Fund, the Digital
 7 Connectivity Fund, and the Rural Broadband Assistance Fund from a certain
 8 provision of law requiring interest earnings on State money to accrue to the General
 9 Fund of the State; transferring the Rural Broadband Assistance Fund to the
 10 Department; requiring the Rural Broadband Assistance Fund to be administered by
 11 the Department; repealing a requirement regarding the distribution of funds from
 12 the Rural Broadband Assistance Fund; establishing the intent of the General
 13 Assembly that a certain individual serve as the first Director of the Office;
 14 establishing that the Office of Digital Inclusion is the successor of the Office of Rural
 15 Broadband within the Department; providing for the meaning of the names and titles
 16 of certain agencies and officials in certain laws, executives orders, rules, regulations,
 17 policies, and documents; providing that nothing in this Act affects the terms of office
 18 of certain members of certain units; providing that a certain individual shall remain
 19 for the balance of a certain term except under certain circumstances; providing for
 20 the validity, termination, completion, consummation, and enforcement of certain
 21 transactions, employment statuses, rights, duties, and interests; requiring that a
 22 certain successor unit be considered in all respects as having the powers and
 23 obligations granted the former unit, under certain circumstances; requiring the
 24 continuity of certain units to be retained; requiring certain properties,
 25 appropriations, credits, assets, liabilities, and obligations to be continued in a certain
 26 manner; for certain fiscal years, requiring the Governor to include a certain
 27 appropriation in the annual budget bill for a certain purpose; defining certain terms;
 28 providing for the construction of this Act; making this Act an emergency measure;
 29 and generally relating to broadband Internet service and the creation of the Office of
 30 Digital Inclusion.

31 BY repealing

32 Article – Economic Development

33 ~~Section 5–1101 and 5–1102 and the subtitle “Subtitle 11. Rural Broadband~~
 34 ~~Assistance Fund”;~~ and Section 13–501 through 13–506 and the subtitle
 35 “Subtitle 5. Rural Broadband Coordination Board”

36 Annotated Code of Maryland

37 (2018 Replacement Volume and 2020 Supplement)

38 BY repealing and reenacting, with amendments, and transferring

39 Article – Economic Development

40 Section 5–1102

41 Annotated Code of Maryland

42 (2018 Replacement Volume and 2020 Supplement)

43 to be

44 Article – Housing and Community Development

45 Section 6.6–107

1 Annotated Code of Maryland
 2 (2019 Replacement Volume and 2020 Supplement)

3 BY adding to
 4 Article – Housing and Community Development
 5 Section 6.5–101 through ~~6.5–104~~ 6.5–107 to be under the new title “Title 6.5. Office
 6 of Digital Inclusion”
 7 Annotated Code of Maryland
 8 (2019 Replacement Volume and 2020 Supplement)

9 BY repealing and reenacting, without amendments,
 10 Article – State Finance and Procurement
 11 Section 6–226(a)(2)(i)
 12 Annotated Code of Maryland
 13 (2015 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,
 15 Article – State Finance and Procurement
 16 Section 6–226(a)(2)(ii)128. and 129.
 17 Annotated Code of Maryland
 18 (2015 Replacement Volume and 2020 Supplement)

19 BY adding to
 20 Article – State Finance and Procurement
 21 Section 6–226(a)(2)(ii)130., 131., and 132.
 22 Annotated Code of Maryland
 23 (2015 Replacement Volume and 2020 Supplement)

24 Preamble

25 WHEREAS, The General Assembly recognizes the importance of the Internet as the
 26 most transformative technology of modern life, a key stimulus for socioeconomic
 27 opportunity and development, and a prerequisite for social and economic inclusion; and

28 WHEREAS, High-quality broadband Internet service creates new jobs, attracts new
 29 industries, expands markets for new and existing businesses, enables Marylanders to
 30 better access educational opportunities and resources, facilitates delivery of health care
 31 services, and protects public safety; and

32 WHEREAS, Increased deployment of broadband Internet services and
 33 infrastructure will improve long-term quality of life for all Marylanders and will ensure
 34 that the State remains economically competitive both locally and globally; and

35 WHEREAS, Maryland is committed to enabling the development of a statewide
 36 digital communications infrastructure by encouraging continued private investment and
 37 where necessary, through public investment, public-private partnerships, and cooperatives
 38 to meet the growing demand for reliable, high-speed, universal, and affordable broadband

1 access in the key sectors of public safety, education, health care, and transportation for all
2 Marylanders; and

3 WHEREAS, By advancing digital literacy and universal access among Marylanders,
4 the State will help eradicate the inequalities in adoption, knowledge, and skills needed to
5 effectively use and communicate through various digital platforms and tools, ultimately
6 enabling the acquisition of skills and knowledge necessary for digitally inclusive
7 communities; and

8 WHEREAS, A ~~growing~~ digital divide between Marylanders who have the ability and
9 means to use broadband Internet services and those who do not exacerbates preexisting
10 inequality in the State; and

11 WHEREAS, The Governor established the Office of Rural Broadband in 2017
12 through Executive Order, and the Office is doing important work to provide Internet access
13 and connectivity to certain residents in more rural parts of the State; and

14 WHEREAS, There are Marylanders in every county of the State who are unable to
15 adequately use broadband Internet today, or who are unaware of the utility and benefits of
16 broadband Internet; and

17 WHEREAS, It is necessary to establish an office that will work not only with rural
18 jurisdictions but with every county in the State; now, therefore,

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That Section(s) 5-1101 ~~and 5-1102 and the subtitle "Subtitle 11. Rural Broadband~~
21 ~~Assistance Fund"~~; and Section(s) 13-501 through 13-506 and the subtitle "Subtitle 5. Rural
22 Broadband Coordination Board" of Article – Economic Development of the Annotated Code
23 of Maryland be repealed.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
25 as follows:

26 **Article – Housing and Community Development**

27 **TITLE 6.5. OFFICE OF DIGITAL INCLUSION.**

28 **6.5-101.**

29 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

31 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF DIGITAL
32 INCLUSION.

33 (C) "OFFICE" MEANS THE OFFICE OF DIGITAL INCLUSION.

1 **6.5-102.**

2 (A) **THERE IS AN OFFICE OF DIGITAL INCLUSION IN THE DEPARTMENT.**

3 (B) **THE PURPOSE OF THE OFFICE IS TO ENSURE THAT EVERY RESIDENT OF**
4 **THE STATE:**

5 (1) **IS SUPPORTED IN THE ADOPTION OF RELIABLE, UNIVERSAL,**
6 **HIGH-QUALITY BROADBAND INTERNET SERVICE AT AN AFFORDABLE PRICE; AND**

7 (2) **HAS THE TOOLS NECESSARY TO USE THE INTERNET AND TAKE**
8 **ADVANTAGE OF INTERNET RESOURCES.**

9 **6.5-103.**

10 (A) **THE GOVERNOR SHALL APPOINT THE DIRECTOR OF THE OFFICE.**

11 (B) **THE DIRECTOR:**

12 (1) **SERVES AT THE PLEASURE OF THE GOVERNOR; AND**

13 (2) **REPORTS TO BOTH THE SECRETARY AND THE GOVERNOR.**

14 (C) **THE DIRECTOR SHALL WORK CLOSELY WITH THE SECRETARY OF**
15 **COMMERCE AND THE STATE SUPERINTENDENT OF SCHOOLS TO HARMONIZE THE**
16 **EFFORTS OF THE OFFICE WITH THE ECONOMIC DEVELOPMENT ASPECTS OF DIGITAL**
17 **INFRASTRUCTURE AND WITH THE NEEDS OF LOCAL EDUCATION AGENCIES.**

18 **6.5-104.**

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

20 (1) **DEVELOP DEFINITIONS AND STANDARDS FOR BROADBAND**
21 **INTERNET THAT:**

22 (I) **ADDRESS CURRENT AND FUTURE REQUIREMENTS AND USES**
23 **BY COMMUNITIES, BUSINESSES, SCHOOLS, HEALTH CARE PROVIDERS, AND OTHER**
24 **STAKEHOLDERS; ~~AND~~**

25 (II) **REFLECT THE NEED FOR A FORWARD-LOOKING, STATEWIDE**
26 **DIGITAL COMMUNICATIONS INFRASTRUCTURE; AND**

27 (III) **ARE NOT AT ODDS WITH DEFINITIONS AND STANDARDS**
28 **ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION;**

1 (2) (I) COLLECT PROMOTIONAL AND NONPROMOTIONAL PRICING
2 DATA DIRECTLY FROM BROADBAND INTERNET PROVIDERS; AND

3 (II) ASSESS THE ACTUAL UPLOAD AND DOWNLOAD SPEEDS
4 EXPERIENCED BY CONSUMERS;

5 (3) CREATE A STATEWIDE AUDIT OF THE AVAILABILITY, RELIABILITY,
6 AND AFFORDABILITY OF BROADBAND INTERNET SERVICES IN EVERY COUNTY,
7 WHICH SHALL INCLUDE:

8 (I) NETWORK PERFORMANCE METRICS, INCLUDING
9 INFORMATION ON DATA TRANSFER SPEEDS, NETWORK THROUGHPUT, AND
10 NETWORK LATENCY;

11 (II) A DATA-BASED EVALUATION, USING A VARIETY OF DATA
12 COLLECTION METHODS INCLUDING COMMUNITY SURVEYS AND TARGETED
13 OUTREACH TO TRADITIONALLY UNDERREPRESENTED COMMUNITIES, OF THE
14 REASONS THAT CERTAIN RESIDENTS AND BUSINESSES DO NOT HAVE ACCESS TO
15 BROADBAND INTERNET SERVICES; AND

16 (III) DEMOGRAPHIC INFORMATION REGARDING COMMUNITIES
17 WHERE BROADBAND INTERNET SERVICES ARE UNAVAILABLE OR UNAFFORDABLE;

18 (4) CREATE A ~~PUBLIC MAP THAT SHOWS, WITH GRANULARITY~~
19 WEBSITE THAT HOUSES A PUBLICLY ACCESSIBLE MAP THAT ALLOWS USERS TO
20 OVERLAY GIS HEAT MAPPING COMMENTS, BASED ON AND INCORPORATING DATA
21 AND INFORMATION FROM THE FEDERAL COMMUNICATIONS COMMISSION, THAT
22 SHOWS, IN ADDITION TO ANY INFORMATION PROVIDED BY THE FEDERAL
23 COMMUNICATIONS COMMISSION:

24 (I) WHICH ~~RESIDENTS~~ RESIDENCES DO AND DO NOT HAVE
25 ACCESS TO BROADBAND INTERNET; AND

26 (II) BROADBAND INTERNET SERVICE PRICES AND PLANS
27 AVAILABLE IN DIFFERENT AREAS; AND

28 (III) OTHER AVAILABLE STATE GEOGRAPHIC AND
29 DEMOGRAPHIC DATA;

30 (5) COLLECT, ANALYZE, AND PUBLICLY SHARE:

31 (I) GEOGRAPHIC AND DEMOGRAPHIC DATA REGARDING
32 HOUSEHOLDS THAT RELY ON MOBILE BROADBAND FOR INTERNET SERVICE, BASED

1 ON THE UNDERSTANDING THAT MOBILE BROADBAND IS NOT A SUBSTITUTE FOR
2 IN-HOME FIXED INTERNET SERVICES; ~~AND~~

3 (II) DATA REGARDING THE ADOPTION AND AFFORDABILITY OF
4 RELIABLE BROADBAND INTERNET IN THE STATE, INCLUDING THE AVERAGE COST
5 PER AVERAGE SPEED BY COUNTY; AND

6 (III) DATA REGARDING INVESTMENTS IN EXPANDING INTERNET
7 INFRASTRUCTURE, ADOPTION, AND SPEED INCREASES;

8 (6) ASSIST AND SUPPORT LOCAL JURISDICTIONS IN THEIR EFFORTS
9 TO IMPROVE ACCESS TO BROADBAND INTERNET, INCLUDING THROUGH THE
10 DEVELOPMENT AND DEPLOYMENT OF TRAINING PROGRAMS TO INCREASE
11 RESIDENTS' DIGITAL LITERACY;

12 (7) WORK WITH LOCAL JURISDICTIONS AND ECONOMIC
13 DEVELOPMENT ORGANIZATIONS TO IDENTIFY AREAS WITH A DEMAND FOR BETTER
14 INTERNET SERVICE;

15 (8) ESTIMATE AND IDENTIFY THE AMOUNT AND TYPE OF FUNDING
16 NEEDED TO CONNECT RESIDENTS TO AFFORDABLE HIGH-SPEED INTERNET;

17 ~~(8)~~ (9) IDENTIFY AND COORDINATE THE DELIVERY OF RESOURCES
18 TO LOCAL JURISDICTIONS FOR THE IMPROVEMENT OF ACCESS TO BROADBAND
19 INTERNET, INCLUDING BY:

20 (I) IDENTIFYING SOURCES OF FUNDS THAT CAN BE USED TO
21 EXPAND ACCESS TO BROADBAND INTERNET; ~~AND~~

22 (II) ASSISTING LOCAL JURISDICTIONS TO APPLY FOR AND
23 RECEIVE FUNDS FOR EXPANDING ACCESS TO BROADBAND INTERNET; AND

24 (III) IDENTIFYING AND SHARING DATA REGARDING LOCAL,
25 STATE, AND FEDERAL FUNDS ALLOCATED OR RECEIVED THROUGH GRANTS AND
26 PRIVATE SECTOR INVESTMENT FOR INVESTMENT IN EXPANDING INTERNET
27 INFRASTRUCTURE, ADOPTION, AND SPEED INCREASES;

28 (10) REQUEST INFORMATION REGARDING TOTAL DOLLAR
29 INVESTMENTS IN HIGH-SPEED INTERNET FROM LOCAL JURISDICTIONS, PRIVATE
30 COMPANIES, AND ORGANIZATIONS;

31 ~~(9)~~ (11) INVESTIGATE ~~AND~~, IDENTIFY, AND EVALUATE NEW
32 TECHNOLOGIES THAT WOULD INCREASE THE AVAILABILITY OF BROADBAND
33 INTERNET SERVICE IN THE STATE;

1 **1. ENSURE 98% CONNECTIVITY TO UNIVERSAL,**
2 **AFFORDABLE, RELIABLE BROADBAND INTERNET BY A DATE NOT LATER THAN**
3 **DECEMBER 31, 2025;**

4 **2. ENSURE THAT EVERY RESIDENT OF THE STATE HAS**
5 **THE ABILITY TO CONNECT TO UNIVERSAL, AFFORDABLE, RELIABLE BROADBAND**
6 **INTERNET THAT EXCEEDS THE FEDERAL COMMUNICATIONS COMMISSION**
7 **STANDARD FOR UPLOAD AND DOWNLOAD SPEEDS BY A DATE NOT LATER THAN**
8 **DECEMBER 31, ~~2029, AS DETERMINED BY THE OFFICE~~ 2026; AND**

9 **3. ESTABLISH KEY PERFORMANCE INDICATORS**
10 **RELATING TO INFRASTRUCTURE, ADOPTION, AND SPEED; AND**

11 **(II) SUBMIT THE PLAN TO THE GOVERNOR AND, IN**
12 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
13 **ASSEMBLY.**

14 **(2) ~~THE~~ IN PREPARING THE PLAN REQUIRED UNDER PARAGRAPH (1)**
15 **OF THIS SUBSECTION, THE OFFICE SHALL:**

16 **(I) SOLICIT INPUT FROM A DIVERSE RANGE OF**
17 **STAKEHOLDERS, INCLUDING LIBRARIES AND WORKFORCE DEVELOPMENT BOARDS**
18 **~~IN PREPARING THE PLAN REQUIRED UNDER THIS SUBSECTION;~~**

19 **(II) CONSULT WITH LOCAL GOVERNMENTS, FEDERAL**
20 **REGULATORS, INTERNET SERVICE PROVIDERS, AND NONGOVERNMENTAL**
21 **ORGANIZATIONS INVOLVED IN AND WORKING IN THE FIELD OF CONNECTING**
22 **COMMUNITIES TO HIGH-SPEED INTERNET AND DIGITAL LITERACY;**

23 **(III) HOLD AT LEAST TWO ONLINE LISTENING SESSIONS; AND**

24 **(IV) RECEIVE WRITTEN STATEMENTS FROM STAKEHOLDERS AT**
25 **A TIME THE OFFICE DETERMINES.**

26 **(D) IN CARRYING OUT ~~THE PROVISIONS OF~~ THIS SECTION, THE OFFICE**
27 **SHALL MEET QUARTERLY TO COLLABORATE WITH THE APPROPRIATE UNITS OF**
28 **STATE GOVERNMENT, INCLUDING THE DEPARTMENT OF INFORMATION**
29 **TECHNOLOGY, THE STATE DEPARTMENT OF EDUCATION, THE STATE DEPARTMENT**
30 **OF TRANSPORTATION, THE MARYLAND STATE LIBRARY, THE DEPARTMENT OF**
31 **COMMERCE, THE DEPARTMENT OF AGRICULTURE, THE MARYLAND DEPARTMENT**
32 **OF HEALTH, AND THE DEPARTMENT OF PLANNING, AND THE APPROPRIATE UNITS**
33 **OF LOCAL GOVERNMENT, INCLUDING THE MARYLAND ASSOCIATION OF COUNTIES**
34 **AND THE MARYLAND MUNICIPAL LEAGUE, TO ENSURE THAT EFFORTS TO EXPAND**
35 **AND ENHANCE BROADBAND INTERNET SERVICES ARE COORDINATED STATEWIDE.**

1 (E) (1) ON OR BEFORE DECEMBER 1, 2021, AND EACH YEAR
 2 THEREAFTER, THE OFFICE SHALL REPORT TO THE GOVERNOR AND, IN
 3 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
 4 ASSEMBLY ON:

5 (I) THE PROGRESS OF THE STATE'S EFFORTS TO:

6 ~~(1)~~ 1. DEVELOP AND IMPLEMENT THE PLAN REQUIRED
 7 UNDER SUBSECTION (C) OF THIS SECTION;

8 ~~(2)~~ 2. INCREASE ACCESS AND CONNECTION TO BROADBAND
 9 INTERNET SERVICES THROUGHOUT THE STATE WITH SPECIFIC REPORTING ON
 10 IMPROVEMENTS TO INFRASTRUCTURE, ADOPTION, AND SPEEDS; AND

11 ~~(3)~~ 3. IMPROVE DIGITAL LITERACY AMONG RESIDENTS OF
 12 THE STATE; AND

13 4. INCREASE SPEEDS TO MEET OR EXCEED THE
 14 FEDERAL COMMUNICATIONS COMMISSION STANDARD FOR UPLOAD AND
 15 DOWNLOAD SPEEDS;

16 (II) THE EXISTING GAPS IN CONNECTIVITY AND THE STATE'S
 17 PROGRESS TOWARD CLOSING THOSE GAPS;

18 (III) THE IMPACT THAT GAPS IN INTERNET SERVICE HAVE ON
 19 THE WORKFORCE AND STATE AND LOCAL ECONOMIES;

20 (IV) INFORMATION FROM LOCAL EDUCATION AGENCIES ON THE
 21 IMPACT OF INTERNET SERVICE QUALITY ON STUDENT ACHIEVEMENT AND ACCESS
 22 TO 21ST CENTURY OPPORTUNITIES;

23 (V) DEMOGRAPHIC DATA ON LOCATIONS WITH GAPS IN
 24 SERVICES; AND

25 (VI) THE ALLOCATION OF MONEY FROM, AND PROGRAMS
 26 SUPPORTED BY, THE DIGITAL INCLUSION FUND AND THE DIGITAL CONNECTIVITY
 27 FUND IN THE PRECEDING FISCAL YEAR.

28 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
 29 SUBSECTION SHALL BE PUBLISHED ON THE WEBSITE ESTABLISHED UNDER
 30 SUBSECTION (A)(4) OF THIS SECTION.

31 6.5-105.

1 **(A) IN THIS SECTION, "FUND" MEANS THE DIGITAL INCLUSION FUND.**

2 **(B) THERE IS A DIGITAL INCLUSION FUND.**

3 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE A COMPETITIVE GRANT**
4 **PROGRAM TO SUPPORT CAPACITY BUILDING FOR LOCAL GOVERNMENTS AND**
5 **NONPROFIT ORGANIZATIONS SEEKING TO CLOSE THE DIGITAL DIVIDE IN**
6 **MARYLAND BY FURTHERING ACCESS TO HIGH-SPEED INTERNET AND TO**
7 **IMPLEMENT PROGRAMS TO EXPAND DIGITAL LITERACY.**

8 **(D) (1) THE OFFICE SHALL ADMINISTER THE FUND.**

9 **(2) THE OFFICE SHALL WORK WITH OTHER OFFICES WITHIN THE**
10 **DEPARTMENT AND THE DEPARTMENT OF COMMERCE TO ADOPT REGULATIONS**
11 **SPECIFYING:**

12 **(I) PROCEDURES FOR APPLYING FOR FINANCIAL ASSISTANCE;**
13 **AND**

14 **(II) PRIORITIES FOR ALLOCATING, SELECTING, AND**
15 **DISTRIBUTING FINANCIAL ASSISTANCE FROM THE FUND.**

16 **(E) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT**
17 **IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

18 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
19 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

20 **(F) THE FUND CONSISTS OF:**

21 **(1) MONEY APPROPRIATED BY THE STATE TO THE FUND;**

22 **(2) FINANCIAL ASSISTANCE PROVIDED TO THE STATE BY THE**
23 **FEDERAL GOVERNMENT FOR THE FUND;**

24 **(3) INTEREST EARNINGS; AND**

25 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
26 **THE BENEFIT OF THE FUND.**

27 **(G) (1) THE FUND MAY BE USED ONLY TO DISTRIBUTE GRANTS NOT TO**
28 **EXCEED \$500,000 TO LOCAL GOVERNMENTS AND NONPROFIT CORPORATIONS THAT**
29 **ARE WORKING TO FURTHER THE GOALS OF THE OFFICE, INCLUDING:**

1 **(I) PROVIDING TRAINING TO RESIDENTS IN THE USE OF**
2 **DIGITAL TOOLS;**

3 **(II) ENHANCING THE CAPACITY OF COMMUNITIES TO ACCESS**
4 **GOVERNMENT SERVICES, PARTICIPATE IN CIVIC MATTERS, AND PURSUE**
5 **EDUCATIONAL OPPORTUNITIES;**

6 **(III) RESEARCHING POPULATIONS WITH LOW ADOPTION RATES**
7 **FOR HOME INTERNET AND COMPUTERS; AND**

8 **(IV) OTHER DIGITAL INCLUSION OR EQUITY GOALS IDENTIFIED**
9 **IN THE STATEWIDE PLAN.**

10 **(2) MONEY IN THE FUND MAY NOT BE USED FOR INCREASING**
11 **BROADBAND INTERNET INFRASTRUCTURE.**

12 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
13 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

14 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
15 **THE FUND.**

16 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
17 **WITH THE STATE BUDGET.**

18 **6.5-106.**

19 **(A) IN THIS SECTION, "FUND" MEANS THE DIGITAL CONNECTIVITY FUND.**

20 **(B) THERE IS A DIGITAL CONNECTIVITY FUND.**

21 **(C) THE PURPOSE OF THE FUND IS TO ASSIST IN THE ESTABLISHMENT AND**
22 **EXPANSION OF AFFORDABLE BROADBAND COMMUNICATION SERVICES IN**
23 **DISCONNECTED AREAS AND COMMUNITIES IN THE STATE.**

24 **(D) (1) THE OFFICE SHALL ADMINISTER THE FUND.**

25 **(2) THE OFFICE SHALL ADOPT APPLICATION PROCEDURES FOR**
26 **GRANTS DISTRIBUTED FROM THE FUND.**

27 **(3) THE OFFICE SHALL WORK WITH OTHER OFFICES WITHIN THE**
28 **DEPARTMENT AND THE DEPARTMENT OF COMMERCE TO ADOPT REGULATIONS**
29 **SPECIFYING:**

1 **(I) PROCEDURES FOR APPLYING FOR FINANCIAL ASSISTANCE;**
2 **AND**

3 **(II) PRIORITIES FOR ALLOCATING, SELECTING, AND**
4 **DISTRIBUTING FINANCIAL ASSISTANCE FROM THE FUND.**

5 **(E) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT**
6 **IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

7 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
8 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

9 **(F) THE FUND CONSISTS OF:**

10 **(1) MONEY APPROPRIATED BY THE STATE TO THE FUND;**

11 **(2) FINANCIAL ASSISTANCE PROVIDED TO THE STATE BY THE**
12 **FEDERAL GOVERNMENT FOR THE FUND;**

13 **(3) INTEREST EARNINGS; AND**

14 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
15 **THE BENEFIT OF THE FUND.**

16 **(G) THE FUND MAY BE USED ONLY TO DISTRIBUTE COMPETITIVE GRANTS:**

17 **(1) FOR PLANNING, CONSTRUCTION, AND MAINTENANCE OF**
18 **BROADBAND COMMUNICATION SERVICES, EQUIPMENT, AND ACTIVITIES; AND**

19 **(2) TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS TO**
20 **EXPAND HIGH-SPEED INTERNET ACCESS IN DISCONNECTED COMMUNITIES IN THE**
21 **STATE.**

22 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
23 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

24 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
25 **THE FUND.**

26 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
27 **WITH THE STATE BUDGET.**

28 **[5-1102.] 6.5-107.**

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

1 (b) The purpose of the Fund is to assist in the establishment of broadband
2 communication services in rural and underserved areas of the State.

3 (c) The [Department] OFFICE shall administer the Fund.

4 (d) (1) The Fund is a special, nonlapsing fund that is not subject to reversion
5 under § 7–302 of the State Finance and Procurement Article.

6 (2) The Treasurer shall hold the Fund separately, and the Comptroller
7 shall account for the Fund.

8 (e) The Fund consists of:

9 (1) money appropriated in the State budget to the Fund;

10 (2) money appropriated in the State budget to the Maryland Economic
11 Development Assistance Fund under [Subtitle 3 of this title] TITLE 5, SUBTITLE 3 OF
12 THE ECONOMIC DEVELOPMENT ARTICLE for the purpose of assisting in the
13 establishment of broadband communication services in rural and underserved areas of the
14 State;

15 (3) federal money allocated or granted to the Fund;

16 (4) INTEREST EARNINGS; and

17 ~~(4)~~ (5) any other money from any source accepted for the benefit of the
18 Fund.

19 (f) The Fund may be used only for planning, construction, and maintenance of
20 broadband communication services and equipment in rural and underserved areas and
21 related activities.

22 (g) (1) The Treasurer shall invest the money in the Fund in the same manner
23 as other State money may be invested.

24 (2) Any [investment] INTEREST earnings of the Fund shall be credited to
25 the [General] Fund [of the State].

26 ~~(h)~~ The Department shall make payments from the Fund within 30 days after
27 notice of a decision of the Board under § 13–504(3) of this article.]

28 Article – State Finance and Procurement

29 6–226.

1 (a) (2) (i) Notwithstanding any other provision of law, and unless
 2 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 3 terms of a gift or settlement agreement, net interest on all State money allocated by the
 4 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 5 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 6 Fund of the State.

7 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 8 to the following funds:

9 128. the Michael Erin Busch Sports Fund; [and]

10 129. the Coordinated Community Supports Partnership Fund;

11 130. THE RURAL BROADBAND ASSISTANCE FUND;

12 131. THE DIGITAL INCLUSION FUND; AND

13 132. THE DIGITAL CONNECTIVITY FUND.

14 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act shall be
 15 construed to preclude the Governor from developing a commission to coordinate efforts to
 16 establish high-speed Internet for all Marylanders.

17 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That:

18 (a) It is the intent of the General Assembly that the individual serving as Director
 19 of the Office of Rural Broadband on the effective date of this Act shall become the first
 20 Director of the Office of Digital Inclusion.

21 (b) The Office of Digital Inclusion is the successor of the Office of Rural
 22 Broadband within the Department of Housing and Community Development.

23 (c) In every law, executive order, rule, regulation, policy, or document created by
 24 an official, an employee, or a unit of this State, the names and titles of those agencies and
 25 officials mean the names and titles of the successor agency or official.

26 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That nothing in this Act affects
 27 the term of office of an appointed or elected member of any commission, office, department,
 28 agency, or other unit. An individual who is a member of a unit on the effective date of this
 29 Act shall remain for the balance of the term to which appointed or elected, unless the
 30 member sooner dies, resigns, or is removed under provisions of law.

31 SECTION 6. AND BE IT FURTHER ENACTED, That nothing in this Act shall be
 32 construed to reduce the annual allocation of funds for rural broadband infrastructure
 33 expansion under the Office.

1 SECTION ~~5~~ 7. AND BE IT FURTHER ENACTED, That any transaction or
2 employment status affected by or flowing from any change of nomenclature or any statute
3 amended by this Act and validly entered into or existing before the effective date of this Act
4 and every right, duty, or interest flowing from a statute amended by this Act remains valid
5 after the effective date of this Act and may be terminated, completed, consummated, or
6 enforced as required or allowed by any statute amended by this Act as though the
7 amendment had not occurred. If a change in nomenclature involves a change in name or
8 designation of any State unit, the successor unit shall be considered in all respects as
9 having the powers and obligations granted the former unit.

10 SECTION ~~6~~ 8. AND BE IT FURTHER ENACTED, That:

11 (1) the continuity of every commission, office, department, agency, or other
12 unit is retained; and

13 (2) the personnel, records, files, furniture, fixtures, and other properties
14 and all appropriations, credits, assets, liabilities, and obligations of each retained unit are
15 continued as the personnel, records, files, furniture, fixtures, properties, appropriations,
16 credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

17 SECTION ~~7~~ 9. AND BE IT FURTHER ENACTED, That letterhead, business cards,
18 and other documents reflecting the renaming of the Office of Rural Broadband to be the
19 Office of Digital Inclusion may not be used until all letterhead, business cards, and other
20 documents already in print and reflecting the name of the Office before the effective date
21 of this Act have been used.

22 SECTION ~~8~~ 10. AND BE IT FURTHER ENACTED, That for fiscal year 2022, and
23 for each fiscal year thereafter, the Governor shall include in the annual budget bill an
24 appropriation in an amount sufficient to employ two employees in the Office of Digital
25 Inclusion in addition to any employees assigned to the Office of Rural Broadband on the
26 effective date of this Act.

27 SECTION ~~9~~ 11. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
28 July 1, 2021 is an emergency measure, is necessary for the immediate preservation of the
29 public health or safety, has been passed by a ye and nay vote supported by three-fifths of
30 all the members elected to each of the two Houses of the General Assembly, and shall take
31 effect from the date it is enacted. It shall remain effective through June 30, 2030, and, at
32 the end of June 30, 2030, this Act, with no further action required by the General Assembly,
33 shall be abrogated and of no further force and effect.