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By: **Delegate Walkup**

Introduced and read first time: February 9, 2001

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Telecommunication and Computer Network Access - Underserved Areas**

3 FOR the purpose of altering certain provisions relating to a certain State  
4 telecommunication and computer network under the Department of Budget and  
5 Management; providing for the construction of certain network facilities in  
6 areas where existing commercial access is lacking; providing for certain points of  
7 presence in certain areas in a certain manner; declaring the intent of the  
8 General Assembly; requiring the Governor to provide certain funding for certain  
9 purposes; requesting the Governor to include certain funding in the State  
10 budget for certain purposes in certain fiscal years; and generally relating to  
11 telecommunication and computer networking and underserved areas.

12 BY repealing and reenacting, without amendments,  
13 Article - State Finance and Procurement  
14 Section 3-702  
15 Annotated Code of Maryland  
16 (1995 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - State Finance and Procurement  
19 Section 3-705  
20 Annotated Code of Maryland  
21 (1995 Replacement Volume and 2000 Supplement)

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

24 **Article - State Finance and Procurement**

25 3-702.

26 (a) The Department shall:

1 (1) coordinate the development, procurement, management and  
2 operation of telecommunication equipment, systems, and services by State  
3 government;

4 (2) acquire and manage common user telecommunication equipment,  
5 systems, or services and charge units of State government for their proportionate  
6 share of the costs of installation, maintenance, and operation of the common user  
7 telecommunication equipment, systems, or services;

8 (3) promote compatibility of telecommunication systems by developing  
9 policies, procedures, and standards for the acquisition and use of telecommunication  
10 equipment, systems, and services by units of State government;

11 (4) coordinate State government telecommunication systems and  
12 services by reviewing requests by units of State government for telecommunication  
13 equipment, systems, or services;

14 (5) advise units of State government about planning, acquisition, and  
15 operation of telecommunication equipment, systems, or services; and

16 (6) provide radio frequency coordination for State and local governments  
17 in accordance with regulations of the Federal Communications Commission.

18 (b) The Department may make arrangement for a user other than a unit of  
19 State government to have access to and use of State telecommunication equipment,  
20 systems, and services and shall charge the user any appropriate amount to cover the  
21 cost of installation, maintenance, and operation of the telecommunication equipment,  
22 system, or service provided.

23 3-705.

24 (a) The General Assembly declares that:

25 (1) it is the policy of the State to foster telecommunication and computer  
26 networking among State and local governments, their agencies, and educational  
27 institutions in the State;

28 (2) the current alignment of interagency and educational  
29 telecommunication and computer networking in the State, based in part on the  
30 arrangement of Local Access and Transport Areas (LATAs), does not serve all areas of  
31 the State equally, but instead creates a disparity between rural and urban regions;

32 (3) rates for the intrastate inter-LATA telephone communications  
33 needed for effective integration of telecommunication and computer resources are  
34 prohibitive for many smaller governments, agencies, and institutions;

35 (4) there is a need to improve access, especially in rural areas, to  
36 efficient telecommunication and computer network connections;

1 (5) IMPROVED ACCESS TO HIGH-SPEED TELECOMMUNICATION AND  
2 COMPUTER NETWORKING CONNECTIONS IN DESIGNATED GROWTH AREAS,  
3 PARTICULARLY IN UNSERVED AND UNDERSERVED PARTS OF THE STATE, WILL  
4 FOSTER ECONOMIC DEVELOPMENT IN APPROPRIATE AREAS, FURTHERING THE GOAL  
5 OF "SMART GROWTH" IN THE STATE BY:

6 (I) PROMOTING LOW-IMPACT ECONOMIC DEVELOPMENT THAT  
7 WILL REQUIRE LITTLE ADDITIONAL TRADITIONAL CAPITAL INFRASTRUCTURE AND  
8 CONSUMPTION OF LAND; AND

9 (II) ASSISTING COMMUNITY LEGACY AND REVITALIZATION  
10 EFFORTS IN CURRENT POPULATION CENTERS OF UNSERVED AND UNDERSERVED  
11 AREAS THROUGH PROMOTING REINVESTMENT IN THESE COMMUNITIES,  
12 FACILITATING THE REUSE OF EXISTING BUILDINGS AND STRUCTURES IN THESE  
13 COMMUNITIES, AND DRAWING EMPLOYEES FROM THE COMMUNITIES AND THEIR  
14 ENVIRONS;

15 (6) improvement of telecommunication and computer networking for  
16 State and local governments and educational institutions promotes economic  
17 development, educational resource use and development, and efficiency in State and  
18 local administration; and

19 [(6)] (7) the use of improved State telecommunication and computer  
20 networking under this section is intended not to compete with commercial access to  
21 advanced network technology, but rather to COMPLEMENT IT WHERE IT EXISTS, TO  
22 PROVIDE ACCESS WHERE COMMERCIAL ACCESS IS LACKING, AND TO foster  
23 fundamental efficiencies in government and education for the public good.

24 (b) (1) The Department shall establish a telecommunication and computer  
25 network in the State.

26 (2) The network shall consist of:

27 (i) one or more connection facilities for telecommunication and  
28 computer connection in each LATA in the [State] STATE, SITED TO PROVIDE  
29 SUITABLE ACCESS FOR RURAL AS WELL AS URBAN AND SUBURBAN AREAS;

30 (ii) a backbone comprising one or more inter-LATA fiber-optic  
31 links between each telecommunication facility, using a failure-resistant architecture,  
32 and adhering to the [DS3] OC3 standard or better, to allow communication rates of at  
33 least 45 megabits per second, and multiplexing for transmission of video, voice, and  
34 data;

35 (III) ON REQUEST OF A COUNTY OR MUNICIPAL CORPORATION,  
36 POINTS OF PRESENCE IN GROWTH AREAS, AS DESIGNATED IN THE COUNTY OR  
37 MUNICIPAL MASTER PLAN, THAT ARE ADJACENT TO THE BACKBONE; and

38 [(iii)] (IV) facilities, auxiliary equipment, and services required to  
39 support the network in a reliable and secure manner.

1 (c) The network shall be accessible through direct connection and through  
2 local intra-LATA telecommunications to State and local governments and public and  
3 private educational institutions in the State.

4 (D) (1) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN  
5 APPROPRIATION SUFFICIENT TO CONSTRUCT, OPERATE, MAINTAIN, AND UPGRADE  
6 THE TELECOMMUNICATION AND COMPUTER NETWORK REQUIRED UNDER THIS  
7 SECTION.

8 (2) OPTIONS FOR CONSTRUCTION MAY INCLUDE THE USE OF  
9 INCENTIVES TO STIMULATE PRIVATE INVESTMENT, OR PUBLIC-PRIVATE  
10 PARTNERSHIPS, IN FACILITIES ACCESSIBLE TO STATE AND LOCAL GOVERNMENTS  
11 AND PUBLIC AND PRIVATE EDUCATIONAL INSTITUTIONS IN AREAS UNSERVED OR  
12 UNDERSERVED BY PRIVATE HIGH-SPEED TELECOMMUNICATIONS AND COMPUTER  
13 NETWORKING.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor is  
15 requested to include in each of the State budgets for fiscal years 2003 through 2006  
16 an appropriation sufficient to construct or lease, operate, maintain, and upgrade the  
17 telecommunication and computer network required under § 3-705 of the State  
18 Finance and Procurement Article, as enacted by this Act, including construction of a  
19 fiber-optic backbone in rural areas not currently served or underserved by  
20 commercial fiber-optic telecommunication facilities, by direct investment or through  
21 stimulation of private investment in high-speed telecommunications and computer  
22 networks.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2001.