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By: **Delegates Walkup, Taylor, Amedori, W. Baker, Bartlett, Bohanan, Boutin, Bozman, Brinkley, Cane, Conway, Crouse, Donoghue, Eckardt, Edwards, Elliott, Getty, Hecht, Hutchins, James, Kelly, Linton, McClenahan, McKee, Mitchell, O'Donnell, Parrott, Riley, Rudolph, Schisler, Shank, Snodgrass, Stocksdale, Stull, and Wood**

Introduced and read first time: February 8, 2002  
Assigned to: Commerce and Government Matters

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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 Department of Business and Economic  
9 Development and the Department of Budget and Management to undertake  
10 certain actions by certain dates and to report to the General Assembly on certain  
11 actions by a certain date; and generally relating to telecommunication and  
12 computer networking and underserved areas.

13 BY repealing and reenacting, without amendments,  
14 Article - State Finance and Procurement  
15 Section 3-702  
16 Annotated Code of Maryland  
17 (2001 Replacement Volume)

18 BY repealing and reenacting, with amendments,  
19 Article - State Finance and Procurement  
20 Section 3-705  
21 Annotated Code of Maryland  
22 (2001 Replacement Volume)

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

1 **Article - State Finance and Procurement**

2 3-702.

3 (a) The Department shall:

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

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

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

14 (4) coordinate State government telecommunication systems and  
15 services by reviewing requests by units of State government for telecommunication  
16 equipment, systems, or services;

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

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

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

26 3-705.

27 (a) The General Assembly declares that:

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

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

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

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

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

11 (I) PROMOTING LOW-IMPACT ECONOMIC DEVELOPMENT THAT  
12 WILL REQUIRE LITTLE ADDITIONAL TRADITIONAL CAPITAL INFRASTRUCTURE AND  
13 CONSUMPTION OF LAND; AND

14 (II) ASSISTING COMMUNITY LEGACY AND REVITALIZATION  
15 EFFORTS IN CURRENT POPULATION CENTERS OF UNSERVED AND UNDERSERVED  
16 AREAS THROUGH PROMOTING REINVESTMENT IN THESE COMMUNITIES,  
17 FACILITATING THE REUSE OF EXISTING BUILDINGS AND STRUCTURES IN THESE  
18 COMMUNITIES, AND DRAWING EMPLOYEES FROM THE COMMUNITIES AND THEIR  
19 ENVIRONS;

20 (6) improvement of telecommunication and computer networking for  
21 State and local governments and educational institutions promotes economic  
22 development, educational resource use and development, and efficiency in State and  
23 local administration; and

24 [(6)] (7) the use of improved State telecommunication and computer  
25 networking under this section is intended not to compete with commercial access to  
26 advanced network technology, but rather to COMPLEMENT IT WHERE IT EXISTS, TO  
27 PROVIDE ACCESS WHERE COMMERCIAL ACCESS IS LACKING, AND TO foster  
28 fundamental efficiencies in government and education for the public good.

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

31 (2) The network shall consist of:

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

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

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

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That:

10 (a) On or before July 1, 2003, the Department of Business and Economic  
11 Development shall identify existing and significant potential demand for access to  
12 high-speed telecommunication and data transmission services facilities in  
13 underserved rural areas of the State, in consultation with local government officials,  
14 existing businesses, and existing regional and local consortia and other groups  
15 involved with high-technology economic development in those areas;

16 (b) On or before July 1, 2003, the Department of Budget and Management  
17 shall explore expansion of fiber-optic cable and high-speed telecommunication and  
18 data transmission capacity into underserved rural areas that have existing and  
19 significant potential demand for fiber-optic cable and its capacity, associated with  
20 State and local economic development, by expansion of the State backbone and  
21 network under § 3-705 of the State Finance and Procurement Article, through other  
22 Net.Work.Maryland initiatives, or through other public-private cooperation with  
23 commercial providers of high-speed telecommunication and data transmission  
24 services;

25 (c) On or before January 1, 2004, the Department of Business and  
26 Employment Development, in consultation with the Department of Budget and  
27 Management, shall facilitate the expansion of high-speed telecommunication and  
28 data transmission services and facilities into underserved rural areas of the State by  
29 matching existing and significant potential demand with private and public providers  
30 of these services and facilities; and

31 (d) On or before January 1, 2003, the Department of Business and Economic  
32 Development and the Department of Budget and Management shall report jointly,  
33 subject to § 2-1246 of the State Government Article, to the General Assembly on their  
34 progress in complying with this section.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 July 1, 2002.