

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 753  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Rural Broadband Communication Services”; strike beginning with “Rural” in line 4 down through “Office” in line 9 and substitute “Maryland Rural Broadband Coordination Board; specifying the Board’s powers and duties; specifying the membership of the Board; requiring the Board and affected units of State government to cooperate in a certain manner; requiring the Rural Maryland Council to provide certain staff support and to provide a certain report”; in line 10, strike “Office” and substitute “Department of Business and Economic Development”; strike beginning with “authorizing” in line 11 down through “business” in line 13 and substitute “requiring the Department to administer the Fund; requiring the Department to make disbursement from the Fund within a certain period of time under certain circumstances”; strike beginning with “stating” in line 15 down through “cooperatives” in line 18 and substitute “providing that the amount of funds transferred from the Transportation Authority Fund may be reduced by a certain amount under certain circumstances; providing that the State Highway Administration shall allow the use of any right-of-way for the installation of certain infrastructure without imposition of a certain charge; defining certain terms; providing for the termination of this Act; and generally relating to rural broadband communication services”; after line 18, insert:

“BY adding to

Article 41 - Governor - Executive and Administrative Departments

Section 21-101 through 21-103 to be under the new title “Title 21. Rural Broadband Coordination”

Annotated Code of Maryland

(2003 Replacement Volume and 2005 Supplement)”;

in line 21, strike “through 5-1903” and substitute “and 5-1902”; and in line 22, strike “Coordination” and substitute “Assistance Fund”.

(Over)

On pages 1 and 2, strike in their entirety the lines beginning with line 25 on page 1 through line 5 on page 2, inclusive.

On page 2, after line 10, insert:

“BY adding to

Article - Transportation

Section 8-654

Annotated Code of Maryland

(2001 Replacement Volume and 2005 Supplement)””.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“Article 41 - Governor - Executive and Administrative Departments

TITLE 21. RURAL BROADBAND COORDINATION.

21-101.

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

(B) “BOARD” MEANS THE MARYLAND RURAL BROADBAND COORDINATION BOARD.

21-102.

(A) THERE IS A MARYLAND RURAL BROADBAND COORDINATION BOARD.

(B) THE BOARD SHALL:

(1) ASSIST IN THE DEPLOYMENT OF BROADBAND COMMUNICATION INFRASTRUCTURE IN RURAL AND UNDERSERVED AREAS OF THE STATE;

(2) COOPERATE WITH PUBLIC, PRIVATE, AND NONPROFIT ENTITIES TO OBTAIN, COORDINATE, AND DISSEMINATE RESOURCES FOR THE

ESTABLISHMENT OF BROADBAND COMMUNICATION SERVICES IN RURAL AND UNDERSERVED AREAS OF THE STATE;

(3) REVIEW AND APPROVE THE DISBURSEMENT OF THE FUNDS UNDER THE RURAL BROADBAND ASSISTANCE FUND UNDER ARTICLE 83A § 5-1903 OF THE CODE AND ANY OTHER FEDERAL, STATE, AND PRIVATE FINANCIAL RESOURCES THAT MAY BE PROVIDED TO ASSIST THE ESTABLISHMENT OF BROADBAND COMMUNICATION SERVICES IN RURAL AND UNDERSERVED AREAS OF THE STATE;  
AND

(4) PERFORM OTHER FUNCTIONS THAT ARE CONSISTENT WITH THE INTENT OF THIS TITLE.

21-103.

(A) THE MEMBERSHIP OF THE BOARD CONSISTS OF:

(1) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(2) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

(3) AS SELECTED BY THE SECRETARY OF BUDGET AND MANAGEMENT, EITHER THE CHIEF OF THE STATE OFFICE OF INFORMATION TECHNOLOGY OR THE DIRECTOR OF NETWORK MARYLAND;

(4) THE CHAIRMAN OF THE RURAL MARYLAND COUNCIL, OR THE CHAIRMAN'S DESIGNEE;

(5) THE CHAIRMAN OF THE TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND, OR THE CHAIRMAN'S DESIGNEE;

(Over)

(6) THE CHAIRMAN OF THE TRI-COUNTY COUNCIL FOR WESTERN MARYLAND. OR THE CHAIRMAN’S DESIGNEE;

(7) THE CHAIRMAN OF THE MID-SHORE REGIONAL COUNCIL. OR THE CHAIRMAN’S DESIGNEE;

(8) THE CHAIRMAN OF THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF MARYLAND. OR THE CHAIRMAN’S DESIGNEE; AND

(9) THE CHAIRMAN OF THE UPPER SHORE REGIONAL COUNCIL. OR THE CHAIRMAN’S DESIGNEE.

(B) THE BOARD SHALL:

(1) ELECT A CHAIR FROM AMONG ITS MEMBERS; AND

(2) ADOPT RULES TO CARRY OUT THIS TITLE.

(C) THE BOARD AND THE AFFECTED UNITS OF STATE GOVERNMENT SHALL COOPERATE FULLY IN CARRYING OUT THE INTENT OF THIS TITLE.

(D) THE RURAL MARYLAND COUNCIL SHALL:

(1) PROVIDE STAFF SUPPORT TO THE BOARD; AND

(2) IN ITS ANNUAL REPORT UNDER §15-109 OF THIS ARTICLE, REPORT ON THE ACTIVITIES OF THE BOARD IN THE PRECEDING FISCAL YEAR TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.”;

after line 17, insert:

“(B) “BOARD” MEANS THE MARYLAND RURAL BROADBAND COORDINATION BOARD UNDER ARTICLE 41, TITLE 21.”; in line 14, strike “COORDINATION” and substitute “ASSISTANCE FUND”; and in line 18, strike “(B)” and substitute “(C)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 20 on page 2 through line 23 on page 3, inclusive, and substitute:

“5-1902.”

On page 3, in line 24, strike “OFFICE” and substitute “DEPARTMENT”; in line 25, strike “RURAL” and substitute “IN THE ESTABLISHMENT OF”; in line 26, strike “COOPERATIVES IN DEVELOPING BROADBAND TELECOMMUNICATION” and substitute “COMMUNICATION”; in lines 27 and 28, strike “AND MAKING THOSE SERVICES AVAILABLE TO THE PUBLIC” and substitute “OF THE STATE”; and in line 29, strike “OFFICE” and substitute “DEPARTMENT”.

On page 4, in line 6, strike “TELECOMMUNICATION” and substitute “COMMUNICATION”; and strike beginning with “EXPENDITURES” in line 12 down through “BUDGET” in line 13 and substitute “THE DEPARTMENT SHALL MAKE DISBURSEMENTS FROM THE FUND WITHIN 30 DAYS FOLLOWING NOTICE OF A DECISION OF THE BOARD UNDER ARTICLE 41 § 21-102(B)(3) OF THE CODE”.

On pages 4 through 6, strike in their entirety the lines beginning with line 14 on page 4 through line 9 on page 6, inclusive.

AMENDMENT NO. 3

On page 7, in line 11, after “(I)” insert “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH”; strike beginning with “FOR” in line 17 down through “ARTICLE” in line 19; strike beginning with “THE” in line 20 down through “2007” in line 22 and substitute “THE AMOUNT OF THE TRANSFER OF FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REDUCED BY ANY AMOUNT OF STATE FUNDS THAT ARE APPROPRIATED IN THE BUDGET, OR OTHERWISE AVAILABLE, TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT FOR FISCAL YEAR 2007 FOR THE PURPOSE OF ASSISTING IN THE ESTABLISHMENT OF BROADBAND COMMUNICATION SERVICES IN RURAL AND UNDERSERVED AREAS OF THE STATE”; after line 25, insert:

(Over)

“8-654.

THE ADMINISTRATION SHALL ALLOW THE USE OF ANY RIGHT-OF-WAY FOR THE INSTALLATION OF BROADBAND COMMUNICATION INFRASTRUCTURE IN RURAL AND UNDERSERVED AREAS OF THE STATE WITHOUT IMPOSITION OF ANY CHARGE FOR THE USE OF THE RIGHT-OF-WAY. ”;

strike lines 26 through 35, inclusive; in line 36, strike “4.” and substitute “2.”; and in line 37, after “2006.” insert “It shall remain effective for a period of 14 years and, at the end of June 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.