

HOUSE BILL 1121

C5, C8

9lr2760

By: **Delegates Hucker and Feldman**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Information Technology – Public–Private Deployment Initiative**

3 FOR the purpose of requiring the Department of Information Technology to enlist a
4 certain public–private partnership for certain purposes, including fostering
5 deployment of high–speed Internet service and other telecommunications and
6 information technology services through a certain initiative; requiring the
7 partnership to receive certain input; requiring certain public units to cooperate
8 with certain entities for certain purposes; establishing certain components and
9 requirements of the initiative; requiring and authorizing the Department to
10 contract with a certain not–for–profit organization for certain purposes; stating
11 findings of the General Assembly; and generally relating to high–speed Internet
12 and telecommunications deployment.

13 BY adding to

14 Article – State Finance and Procurement

15 Section 3A–405

16 Annotated Code of Maryland

17 (2006 Replacement Volume and 2008 Supplement)

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

20 **Article – State Finance and Procurement**

21 **3A–405.**

22 **(A) THE GENERAL ASSEMBLY FINDS THAT:**

23 **(1) THE DEPLOYMENT AND ADOPTION OF TELECOMMUNICATIONS**
24 **SERVICES AND INFORMATION TECHNOLOGY HAS RESULTED IN ENHANCED**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ECONOMIC DEVELOPMENT AND PUBLIC SAFETY FOR THE STATE'S
2 COMMUNITIES, INCREASED HEALTH CARE AND EDUCATIONAL OPPORTUNITIES,
3 AND A BETTER QUALITY OF LIFE FOR THE RESIDENTS OF THE STATE;

4 (2) CONTINUED PROGRESS IN THE DEPLOYMENT AND ADOPTION
5 OF HIGH-SPEED INTERNET AND OTHER ADVANCED TELECOMMUNICATIONS
6 SERVICES IS VITAL TO ENSURING THAT THE STATE REMAINS COMPETITIVE AND
7 CONTINUES TO CREATE BUSINESS AND JOB GROWTH; AND

8 (3) THE STATE MUST ENCOURAGE AND SUPPORT THE
9 PARTNERSHIP OF THE PUBLIC AND PRIVATE SECTORS IN THE CONTINUED
10 GROWTH OF TELECOMMUNICATIONS FOR THE RESIDENTS AND BUSINESSES OF
11 THE STATE.

12 (B) (1) THE DEPARTMENT SHALL ENLIST A PUBLIC-PRIVATE
13 PARTNERSHIP TO IMPLEMENT A COMPREHENSIVE STATEWIDE HIGH-SPEED
14 INTERNET DEPLOYMENT AND ADOPTION INITIATIVE.

15 (2) THE PURPOSE OF THE PARTNERSHIP IS TO:

16 (I) ENSURE THAT ALL RESIDENTS AND BUSINESSES OF THE
17 STATE HAVE ACCESS TO AFFORDABLE AND RELIABLE HIGH-SPEED INTERNET
18 SERVICE;

19 (II) ACHIEVE IMPROVED TECHNOLOGY LITERACY,
20 INCREASED COMPUTER OWNERSHIP, AND HOME HIGH-SPEED INTERNET USE
21 AMONG RESIDENTS AND BUSINESSES OF THE STATE;

22 (III) ESTABLISH AND EMPOWER LOCAL GRASSROOTS
23 TECHNOLOGY TEAMS IN EACH COUNTY TO PLAN FOR IMPROVED TECHNOLOGY
24 USE ACROSS MANY COMMUNITY SECTORS; AND

25 (IV) ESTABLISH AND SUSTAIN AN ENVIRONMENT RIPE FOR
26 INVESTMENT IN TELECOMMUNICATIONS AND TECHNOLOGY THROUGHOUT THE
27 STATE.

28 (C) (1) THE PUBLIC-PRIVATE PARTNERSHIP DESCRIBED IN
29 SUBSECTION (B) OF THIS SECTION SHALL RECEIVE INPUT FROM AND REQUIRE
30 COOPERATION AMONG UNITS OF STATE AND LOCAL GOVERNMENT AND
31 ENTITIES REPRESENTING ECONOMIC DEVELOPMENT, LOCAL COMMUNITY
32 DEVELOPMENT, TECHNOLOGY PLANNING, EDUCATION, HEALTH CARE, AND
33 OTHER RELEVANT ENTITIES.

1 **(2) PUBLIC UNITS WITHIN THE PARTNERSHIP SHALL**
2 **COLLABORATE WITH TELECOMMUNICATIONS PROVIDERS, TECHNOLOGY**
3 **COMPANIES, TELECOMMUNICATIONS UNIONS, COMMUNITY-BASED**
4 **ORGANIZATIONS, AND RELEVANT PRIVATE SECTOR ENTITIES TO ACHIEVE THE**
5 **PURPOSES STATED IN SUBSECTION (B)(2) OF THIS SECTION.**

6 **(D) (1) THE HIGH-SPEED INTERNET DEPLOYMENT AND ADOPTION**
7 **INITIATIVE DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL INCLUDE**
8 **THE ACTIONS DESCRIBED IN THIS SUBSECTION.**

9 **(2) (I) THE INITIATIVE SHALL PROVIDE FOR THE CREATION OF**
10 **A STATEWIDE INVENTORY OF HIGH-SPEED INTERNET SERVICE AND RELEVANT**
11 **TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES.**

12 **(II) THE INITIATIVE SHALL CONTRACT WITH A**
13 **NOT-FOR-PROFIT ORGANIZATION UNDER SUBSECTION (E)(1) OF THIS SECTION**
14 **TO COLLECT DATA FOR THE INVENTORY.**

15 **(III) THE INVENTORY AND ITS CONSTITUENT INFORMATION**
16 **SHALL BE SUBJECT TO PROTECTION UNDER A NONDISCLOSURE AGREEMENT**
17 **SUITABLE TO TELECOMMUNICATIONS PROVIDERS FOR COMMERCIALY**
18 **SENSITIVE AND PROPRIETARY INFORMATION.**

19 **(IV) THE INVENTORY SHALL INCLUDE:**

20 **1. IDENTIFICATION OF GEOGRAPHIC GAPS IN**
21 **HIGH-SPEED INTERNET SERVICE COVERAGE THROUGH A METHOD OF GIS**
22 **MAPPING OF SERVICE AVAILABILITY AND GIS ANALYSIS AT THE CENSUS BLOCK**
23 **LEVEL; AND**

24 **2. A BASELINE ASSESSMENT OF STATEWIDE**
25 **HIGH-SPEED INTERNET DEPLOYMENT AS A PERCENTAGE OF HOUSEHOLDS TO**
26 **WHICH HIGH-SPEED INTERNET IS AVAILABLE.**

27 **(V) THE DATA DESCRIBED IN SUBPARAGRAPH (IV) OF THIS**
28 **PARAGRAPH SHALL BE UPDATED EVERY 6 MONTHS.**

29 **(3) (I) THE INITIATIVE SHALL PROVIDE FOR:**

30 **1. THE TRACKING OF STATEWIDE RESIDENTIAL AND**
31 **COMMERCIAL ADOPTION OF HIGH-SPEED INTERNET, COMPUTERS, AND**
32 **INFORMATION TECHNOLOGY; AND**

- 1 8. **TOURISM;**
- 2 9. **CONSUMER GROUPS;**
- 3 10. **PARKS AND RECREATION; AND**
- 4 11. **AGRICULTURE.**

5 **(III) EACH TEAM SHALL BE ENCOURAGED TO:**

- 6 1. **ASSESS TECHNOLOGY USE ACROSS RELEVANT**
7 **COMMUNITY SECTORS;**
- 8 2. **SET GOALS FOR IMPROVED TECHNOLOGY USE**
9 **WITHIN EACH SECTOR; AND**
- 10 3. **DEVELOP A TACTICAL BUSINESS PLAN FOR**
11 **ACHIEVING ITS GOALS, WITH SPECIFIC RECOMMENDATIONS FOR ONLINE**
12 **APPLICATION DEVELOPMENT AND CREATION OF DEMAND.**

13 **(5) THE INITIATIVE SHALL REQUIRE COLLABORATIVE WORK**
14 **WITH HIGH-SPEED INTERNET PROVIDERS AND TECHNOLOGY COMPANIES**
15 **ACROSS THE STATE TO ENCOURAGE DEPLOYMENT AND USE OF HIGH-SPEED**
16 **INTERNET SERVICE AND OTHER RELEVANT TELECOMMUNICATIONS AND**
17 **INFORMATION TECHNOLOGY SERVICES, ESPECIALLY IN UNDERSERVED AREAS,**
18 **THROUGH THE USE OF AGGREGATION OF LOCAL DEMAND, MAPPING ANALYSIS,**
19 **AND THE CREATION OF MARKET INTELLIGENCE TO IMPROVE THE BUSINESS**
20 **CASE FOR PROVIDERS TO DEPLOY IN THESE AREAS.**

21 **(6) THE INITIATIVE SHALL INCLUDE THE ESTABLISHMENT OF**
22 **PROGRAMS TO IMPROVE COMPUTER OWNERSHIP AND INTERNET ACCESS FOR**
23 **DISENFRANCHISED AND UNDERSERVED POPULATIONS ACROSS THE STATE.**

24 **(E) (1) THE DEPARTMENT:**

25 **(I) SHALL CONTRACT WITH A NOT-FOR-PROFIT**
26 **ORGANIZATION TO COLLECT AND COMPLETE THE STATEWIDE INVENTORY OF**
27 **HIGH-SPEED INTERNET SERVICE AND RELEVANT TELECOMMUNICATIONS AND**
28 **INFORMATION TECHNOLOGY SERVICES; AND**

29 **(II) MAY CONTRACT WITH THE ORGANIZATION TO**
30 **ACCOMPLISH THE OTHER PURPOSES OF THIS SECTION.**

1 **(2) THE CONTRACTED ORGANIZATION SHALL HAVE ESTABLISHED**
2 **COMPETENCY IN WORKING WITH THE PUBLIC AND PRIVATE SECTORS TO**
3 **ACCOMPLISH WIDE-SCALE DEPLOYMENT AND ADOPTION OF**
4 **TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY.**

5 **(3) THE DEPARTMENT IS AUTHORIZED TO USE ANY AVAILABLE**
6 **MONEY, INCLUDING FEDERAL FUNDS THAT MAY BECOME AVAILABLE, TO**
7 **PROVIDE GRANTS TO AND CONTRACT FOR SERVICES WITH A NOT-FOR-PROFIT**
8 **ORGANIZATION UNDER THIS SUBSECTION.**

9 **(F) THIS SECTION MAY NOT BE CONSTRUED TO GIVE THE DEPARTMENT**
10 **OR ANY OTHER ENTITY ANY REGULATORY OR OTHER AUTHORITY OVER**
11 **PROVIDERS OF HIGH-SPEED INTERNET, TELECOMMUNICATIONS, OR**
12 **INFORMATION TECHNOLOGY SERVICES.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2009.