

## Chapter 176

## (House Bill 961)

AN ACT concerning

**~~Department of Information Technology~~ ~~Department of Housing and Community Development~~ Rural Broadband Communication Services Service ~~Inventory and Mapping of Assets~~**

FOR the purpose of continuing the Maryland Rural Broadband Coordination Board and the Rural Broadband Assistance Fund; expanding the places where certain nonprofit telecommunications services providers are authorized to install certain broadband communication infrastructure without imposition of a certain charge; extending a requirement that the State Highway Administration allow certain nonprofit telecommunications services providers to install certain broadband communication infrastructure without imposition of a certain charge to certain other units of State government; requiring the ~~Department of Information Technology~~ Department of Housing and Community Development to complete an inventory of certain State and local government assets on or before a certain date; requiring the Department to use a certain inventory to create a certain map; ~~requiring~~ authorizing the Department to solicit input from local governments and Internet service providers on identifying certain unserved and underserved areas in the State; requiring the Department to make a certain inventory and a certain map ~~publicly available on its website~~ available on request; repealing a certain termination date; and generally relating to rural broadband ~~service~~ communication services.

BY repealing and reenacting, with amendments,Article – TransportationSection 8-654Annotated Code of Maryland(2015 Replacement Volume and 2017 Supplement)BY repealing and reenacting, with amendments,Chapter 269 of the Acts of the General Assembly of 2006Section 3BY repealing and reenacting, with amendments,Chapter 306 of the Acts of the General Assembly of 2008Section 22 through 25SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,That the Laws of Maryland read as follows:Article – Transportation8-654.

(a) The [Administration] FOLLOWING UNITS OF THE STATE shall allow the use of any right-of-way OR EASEMENT for the installation of broadband communication infrastructure provided by nonprofit telecommunications services providers in rural and underserved areas of the State without imposition of any charge for the use of the right-of-way OR THE EASEMENT:

(1) THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE STATE HIGHWAY ADMINISTRATION, THE MARYLAND TRANSPORTATION AUTHORITY, AND THE MARYLAND TRANSIT ADMINISTRATION;

(2) THE BOARD OF PUBLIC WORKS;

(3) THE DEPARTMENT OF INFORMATION TECHNOLOGY;

(4) THE DEPARTMENT OF NATURAL RESOURCES; AND

(5) THE DEPARTMENT OF THE ENVIRONMENT.

(b) This section may not be construed to limit or otherwise affect any right granted to the State or a unit of the State under § 253 of the federal Telecommunications Act of 1996 with regard to for profit telecommunications services providers.

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

**Chapter 269 of the Acts of 2006**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2006. [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.]

**Chapter 306 of the Acts of 2008**

SECTION 22. [AND BE IT FURTHER ENACTED, That Title 5, Subtitle 11 of the Economic Development Article, the subtitle “Subtitle 11. Rural Broadband Assistance Fund”, Title 13, Subtitle 5 of the Economic Development Article, and the subtitle “Subtitle 5. Rural Broadband Coordination Board”, as enacted by Section 2 of this Act, shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 269 of the Acts of the General Assembly of 2006. If that termination provision takes effect, Title 5, Subtitle 11 of the Economic Development Article, the subtitle “Subtitle 11. Rural Broadband Assistance Fund”, Title 13, Subtitle 5 of the Economic Development Article, and the subtitle “Subtitle 5. Rural Broadband Coordination Board”, as enacted by Section 2 of

this Act, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 23.] AND BE IT FURTHER ENACTED, That Title 11, Subtitle 1 of the Economic Development Article and the subtitle "Subtitle 1. Base Realignment and Closure Subcabinet", as enacted by Section 2 of this Act, shall remain effective until the taking effect of the termination provision specified in Section 2 of Chapter 6 of the Acts of the General Assembly of 2007. If that termination provision takes effect, Title 11, Subtitle 1 of the Economic Development Article and the subtitle "Subtitle 1. Base Realignment and Closure Subcabinet", as enacted by Section 2 of this Act, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION [24.] 23. AND BE IT FURTHER ENACTED, That Title 11, Subtitle 2 of the Economic Development Article and the subtitle "Subtitle 2. Maryland Military Installation Council", as enacted by Section 2 of this Act, shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 634 of the Acts of the General Assembly of 2006. If that termination provision takes effect, Title 11, Subtitle 2 of the Economic Development Article and the subtitle "Subtitle 2. Maryland Military Installation Council", as enacted by Section 2 of this Act, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION [25.] 24. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 19 through [24] 23 of this Act, this Act shall take effect October 1, 2008.

~~SECTION 3. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:~~

(a) (1) On or before ~~October 1, 2019~~ June 1, 2020, the ~~Department of Information Technology~~ Department of Housing and Community Development shall complete an inventory of all State and local government assets that can be used to assist with the expansion of broadband service to ~~Western~~ unserved and underserved areas of Maryland ~~counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties.~~

(2) Assets inventoried shall include the location and number of:

- (i) cellular towers;
- (ii) water towers;
- (iii) fiber optic cable routes; and

(iv) any other structures the Department determines are necessary to complete the inventory.

(b) (1) The Department shall use the inventory completed under subsection (a) of this section to create a map that includes:

(i) all deployable assets and resources owned or managed by State and local governments; and

(ii) population density and business density for unserved and underserved rural areas ~~in Western of Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties.~~

(2) The Department ~~shall~~ may solicit input from local governments and Internet service providers on identifying unserved and underserved rural areas ~~in Western of Maryland counties, Southern Maryland counties, Eastern Shore counties, and Frederick, Carroll, and Harford counties.~~

(3) The Department shall make the inventory and map required under this section ~~publicly available on its website~~ available on request.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

**Approved by the Governor, April 24, 2018.**