

SENATE BILL 66

C8, P1

EMERGENCY BILL
ENROLLED BILL

(11r0670)

— *Education, Health, and Environmental Affairs and Budget and Taxation/Economic Matters* —

Introduced by Senators Elfreth, Beidle, Eckardt, Griffith, Guzzone, Hester, Kelley, Patterson, Rosapepe, West, Carozza, Gallion, Kagan, Lam, Pinsky, Reilly, Simonaire, Washington, and Zucker

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Department of Housing and Community Development – Office of ~~Digital~~**
3 **~~Inclusion~~ Statewide Broadband – Established**
4 **(Digital Connectivity Act of 2021)**

5 FOR the purpose of establishing the Office of ~~Digital Inclusion~~ Statewide Broadband in the
6 Department of Housing and Community Development; establishing the purpose of
7 the Office; requiring the Governor to appoint the Director of the Office; providing
8 that the Director serves at the pleasure of the Governor and reports to certain
9 individuals; requiring the Director to work closely with certain officials for certain
10 purposes; establishing the duties of the Office; requiring the Office to offer funding
11 and technical assistance through certain partnerships to help local governments and
12 certain entities qualify for federal funding opportunities; requiring the Office to work

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Italics indicate opposite chamber/conference committee amendments.



1 with a certain unit to initiate a broadband funding structure under a certain
 2 provision of law; requiring the Office to prepare and submit a certain plan to the
 3 Governor and the General Assembly, on or before a certain date; requiring the Office
 4 to solicit input from certain stakeholders in preparing the plan; requiring the Office
 5 to collaborate with certain units of State and local government in carrying out certain
 6 provisions of this Act; requiring the Office to make a certain annual report on or
 7 before a certain date; ~~repealing provisions of law concerning the Rural Broadband~~
 8 ~~Assistance Fund and the Rural Broadband Coordination Board;~~ establishing the
 9 Digital Inclusion Fund and the Digital Connectivity Fund as special, nonlapsing
 10 funds; establishing the purposes of the funds; requiring the Office to administer the
 11 funds; requiring the State Treasurer to hold the funds and the Comptroller to
 12 account for the funds; specifying the contents of the funds; specifying the purposes
 13 for which the funds may be used; providing for the investment of money in and
 14 expenditures from the funds; requiring interest earnings of the Digital Inclusion
 15 Fund, the Digital Connectivity Fund, and the Rural Broadband Assistance Fund to
 16 be credited to the funds; exempting the Digital Inclusion Fund, the Digital
 17 Connectivity Fund, and the Rural Broadband Assistance Fund from a certain
 18 provision of law requiring interest earnings on State money to accrue to the General
 19 Fund of the State; transferring the Rural Broadband Assistance Fund to the
 20 Department; requiring the Rural Broadband Assistance Fund to be administered by
 21 ~~the Department Office; repealing a requirement regarding the distribution of funds~~
 22 ~~from the Rural Broadband Assistance Fund;~~ establishing the intent of the General
 23 Assembly that a certain individual serve as the first Director of the Office;
 24 establishing that the Office of ~~Digital Inclusion~~ *Statewide Broadband* is the
 25 successor of the Office of Rural Broadband within the Department; providing for the
 26 meaning of the names and titles of certain agencies and officials in certain laws,
 27 executives orders, rules, regulations, policies, and documents; providing that nothing
 28 in this Act affects the terms of office of certain members of certain units; providing
 29 that a certain individual shall remain for the balance of a certain term except under
 30 certain circumstances; providing for the validity, termination, completion,
 31 consummation, and enforcement of certain transactions, employment statuses,
 32 rights, duties, and interests; requiring that a certain successor unit be considered in
 33 all respects as having the powers and obligations granted the former unit, under
 34 certain circumstances; requiring the continuity of certain units to be retained;
 35 requiring certain properties, appropriations, credits, assets, liabilities, and
 36 obligations to be continued in a certain manner; for certain fiscal years, requiring
 37 the Governor to include a certain appropriation in the annual budget bill for a certain
 38 purpose; defining certain terms; *making conforming changes*; providing for the
 39 construction of this Act; making this Act an emergency measure; and generally
 40 relating to broadband Internet service and the creation of the Office of ~~Digital~~
 41 ~~Inclusion~~ *Statewide Broadband*.

42 ~~BY repealing~~

43 ~~Article — Economic Development~~

44 ~~Section 5-1101 and 5-1102 and the subtitle “Subtitle 11. Rural Broadband~~
 45 ~~Assistance Fund”; and Section 13-501 through 13-506 and the subtitle~~
 46 ~~“Subtitle 5. Rural Broadband Coordination Board”~~

1 Annotated Code of Maryland
 2 (2018 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments, and transferring

4 Article – Economic Development

5 Section 5–1102

6 Annotated Code of Maryland

7 (2018 Replacement Volume and 2020 Supplement)

8 to be

9 Article – Housing and Community Development

10 Section ~~6.6–107~~ 6.5–107

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2020 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Economic Development

15 Section 13–504

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2020 Supplement)

18 BY adding to

19 Article – Housing and Community Development

20 Section 6.5–101 through ~~6.5–104~~ 6.5–107 to be under the new title “Title 6.5. Office
 21 of ~~Digital Inclusion~~ Statewide Broadband”

22 Annotated Code of Maryland

23 (2019 Replacement Volume and 2020 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – State Finance and Procurement

26 Section 6–226(a)(2)(i)

27 Annotated Code of Maryland

28 (2015 Replacement Volume and 2020 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article – State Finance and Procurement

31 Section 6–226(a)(2)(ii)128. and 129.

32 Annotated Code of Maryland

33 (2015 Replacement Volume and 2020 Supplement)

34 (As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and Chapters
 35 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)

36 BY adding to

37 Article – State Finance and Procurement

38 Section 6–226(a)(2)(ii)130., 131., and 132.

39 Annotated Code of Maryland

40 (2015 Replacement Volume and 2020 Supplement)

Preamble

WHEREAS, The General Assembly recognizes the importance of the Internet as the most transformative technology of modern life, a key stimulus for socioeconomic opportunity and development, and a prerequisite for social and economic inclusion; and

WHEREAS, High-quality broadband Internet service creates new jobs, attracts new industries, expands markets for new and existing businesses, enables Marylanders to better access educational opportunities and resources, facilitates delivery of health care services, and protects public safety; and

WHEREAS, Increased deployment of broadband Internet services and infrastructure will improve long-term quality of life for all Marylanders and will ensure that the State remains economically competitive both locally and globally; and

WHEREAS, Maryland is committed to enabling the development of a statewide digital communications infrastructure by encouraging continued private investment and where necessary, through public investment, public-private partnerships, and cooperatives to meet the growing demand for reliable, high-speed, universal, and affordable broadband access in the key sectors of public safety, education, health care, and transportation for all Marylanders; and

WHEREAS, By advancing digital literacy and universal access among Marylanders, the State will help eradicate the inequalities in adoption, knowledge, and skills needed to effectively use and communicate through various digital platforms and tools, ultimately enabling the acquisition of skills and knowledge necessary for digitally inclusive communities; and

WHEREAS, A ~~growing~~ digital divide between Marylanders who have the ability and means to use broadband Internet services and those who do not exacerbates preexisting inequality in the State; and

WHEREAS, The Governor established the Office of Rural Broadband in 2017 through Executive Order, and the Office is doing important work to provide Internet access and connectivity to certain residents in more rural parts of the State; and

WHEREAS, There are Marylanders in every county of the State who are unable to adequately use broadband Internet today, or who are unaware of the utility and benefits of broadband Internet; and

WHEREAS, It is necessary to establish an office that will work not only with rural jurisdictions but with every county in the State; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, ~~That Section(s) 5-1101 and 5-1102 and the subtitle "Subtitle 11. Rural Broadband Assistance Fund"; and Section(s) 13-501 through 13-506 and the subtitle "Subtitle 5. Rural~~

1 ~~Broadband Coordination Board” of Article Economic Development of the Annotated Code~~
 2 ~~of Maryland be repealed.~~

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

5 *Article – Economic Development*

6 13-504.

7 *The Board shall:*

8 (1) assist in the deployment of broadband communication infrastructure in
 9 rural and underserved areas of the State;

10 (2) cooperate with public, private, and nonprofit entities to obtain,
 11 coordinate, and disseminate resources for the establishment of broadband communication
 12 services in rural and underserved areas of the State;

13 (3) review and approve the disbursement of funds under the Rural
 14 Broadband Assistance Fund under [~~§ 5-1102 of this article~~] **§ 6.5-107 OF THE HOUSING**
 15 **AND COMMUNITY DEVELOPMENT ARTICLE** and any other federal, State, and private
 16 financial resources that may be provided to assist the establishment of broadband
 17 communication services in rural and underserved areas of the State; and

18 (4) perform other functions that are consistent with the intent of this
 19 subtitle.

20 **Article – Housing and Community Development**

21 **TITLE 6.5. OFFICE OF ~~DIGITAL INCLUSION~~ STATEWIDE BROADBAND.**

22 **6.5-101.**

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

25 (B) “DIRECTOR” MEANS THE DIRECTOR OF THE OFFICE OF ~~DIGITAL~~
 26 ~~INCLUSION~~ STATEWIDE BROADBAND.

27 (C) “OFFICE” MEANS THE OFFICE OF ~~DIGITAL INCLUSION~~ STATEWIDE
 28 BROADBAND.

29 **6.5-102.**

1 (A) THERE IS AN OFFICE OF ~~DIGITAL INCLUSION~~ STATEWIDE BROADBAND
2 IN THE DEPARTMENT.

3 (B) THE PURPOSE OF THE OFFICE IS TO ENSURE THAT EVERY RESIDENT OF
4 THE STATE:

5 (1) IS SUPPORTED IN THE ADOPTION OF RELIABLE, UNIVERSAL,
6 HIGH-QUALITY BROADBAND INTERNET SERVICE AT AN AFFORDABLE PRICE; AND

7 (2) HAS THE TOOLS NECESSARY TO USE THE INTERNET AND TAKE
8 ADVANTAGE OF INTERNET RESOURCES.

9 **6.5-103.**

10 (A) THE GOVERNOR SHALL APPOINT THE DIRECTOR OF THE OFFICE.

11 (B) THE DIRECTOR:

12 (1) SERVES AT THE PLEASURE OF THE GOVERNOR; AND

13 (2) REPORTS TO BOTH THE SECRETARY AND THE GOVERNOR.

14 (C) THE DIRECTOR SHALL WORK CLOSELY WITH THE SECRETARY OF
15 COMMERCE AND THE STATE SUPERINTENDENT OF SCHOOLS TO HARMONIZE THE
16 EFFORTS OF THE OFFICE WITH THE ECONOMIC DEVELOPMENT ASPECTS OF DIGITAL
17 INFRASTRUCTURE AND WITH THE NEEDS OF LOCAL EDUCATION AGENCIES.

18 **6.5-104.**

19 (A) THE OFFICE SHALL:

20 (1) DEVELOP DEFINITIONS AND STANDARDS FOR BROADBAND
21 INTERNET THAT:

22 (I) ADDRESS CURRENT AND FUTURE REQUIREMENTS AND USES
23 BY COMMUNITIES, BUSINESSES, SCHOOLS, HEALTH CARE PROVIDERS, AND OTHER
24 STAKEHOLDERS; ~~AND~~

25 (II) REFLECT THE NEED FOR A FORWARD-LOOKING, STATEWIDE
26 DIGITAL COMMUNICATIONS INFRASTRUCTURE; AND

27 (III) ARE NOT AT ODDS WITH DEFINITIONS AND STANDARDS
28 ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION;

1 (2) (I) COLLECT PROMOTIONAL AND NONPROMOTIONAL PRICING
2 DATA DIRECTLY FROM BROADBAND INTERNET PROVIDERS; AND

3 (II) ASSESS THE ACTUAL UPLOAD AND DOWNLOAD SPEEDS
4 EXPERIENCED BY CONSUMERS;

5 (3) CREATE A STATEWIDE AUDIT OF THE AVAILABILITY, RELIABILITY,
6 AND AFFORDABILITY OF BROADBAND INTERNET SERVICES IN EVERY COUNTY,
7 WHICH SHALL INCLUDE:

8 (I) NETWORK PERFORMANCE METRICS, INCLUDING
9 INFORMATION ON DATA TRANSFER SPEEDS, NETWORK THROUGHPUT, AND
10 NETWORK LATENCY;

11 (II) A DATA-BASED EVALUATION, USING A VARIETY OF DATA
12 COLLECTION METHODS INCLUDING COMMUNITY SURVEYS AND TARGETED
13 OUTREACH TO TRADITIONALLY UNDERREPRESENTED COMMUNITIES, OF THE
14 REASONS THAT CERTAIN RESIDENTS AND BUSINESSES DO NOT HAVE ACCESS TO
15 BROADBAND INTERNET SERVICES; AND

16 (III) DEMOGRAPHIC INFORMATION REGARDING COMMUNITIES
17 WHERE BROADBAND INTERNET SERVICES ARE UNAVAILABLE OR UNAFFORDABLE;

18 (4) CREATE A ~~PUBLIC MAP THAT SHOWS, WITH GRANULARITY~~
19 WEBSITE THAT HOUSES A PUBLICLY ACCESSIBLE MAP THAT ALLOWS USERS TO
20 OVERLAY GIS HEAT MAPPING COMMENTS, BASED ON AND INCORPORATING DATA
21 AND INFORMATION FROM THE FEDERAL COMMUNICATIONS COMMISSION, THAT
22 SHOWS, IN ADDITION TO ANY INFORMATION PROVIDED BY THE FEDERAL
23 COMMUNICATIONS COMMISSION:

24 (I) WHICH ~~RESIDENTS~~ RESIDENCES DO AND DO NOT HAVE
25 ACCESS TO BROADBAND INTERNET; AND

26 (II) BROADBAND INTERNET SERVICE PRICES AND PLANS
27 AVAILABLE IN DIFFERENT AREAS; AND

28 (III) OTHER AVAILABLE STATE GEOGRAPHIC AND
29 DEMOGRAPHIC DATA;

30 (5) COLLECT, ANALYZE, AND PUBLICLY SHARE:

31 (I) GEOGRAPHIC AND DEMOGRAPHIC DATA REGARDING
32 HOUSEHOLDS THAT RELY ON MOBILE BROADBAND FOR INTERNET SERVICE, BASED

1 ON THE UNDERSTANDING THAT MOBILE BROADBAND IS NOT A SUBSTITUTE FOR
2 IN-HOME FIXED INTERNET SERVICES; ~~AND~~

3 (II) DATA REGARDING THE ADOPTION AND AFFORDABILITY OF
4 RELIABLE BROADBAND INTERNET IN THE STATE, INCLUDING THE AVERAGE COST
5 PER AVERAGE SPEED BY COUNTY; AND

6 (III) DATA REGARDING INVESTMENTS IN EXPANDING INTERNET
7 INFRASTRUCTURE, ADOPTION, AND SPEED INCREASES;

8 (6) ASSIST AND SUPPORT LOCAL JURISDICTIONS IN THEIR EFFORTS
9 TO IMPROVE ACCESS TO BROADBAND INTERNET, INCLUDING THROUGH THE
10 DEVELOPMENT AND DEPLOYMENT OF TRAINING PROGRAMS TO INCREASE
11 RESIDENTS' DIGITAL LITERACY;

12 (7) WORK WITH LOCAL JURISDICTIONS AND ECONOMIC
13 DEVELOPMENT ORGANIZATIONS TO IDENTIFY AREAS WITH A DEMAND FOR BETTER
14 INTERNET SERVICE;

15 (8) ESTIMATE AND IDENTIFY THE AMOUNT AND TYPE OF FUNDING
16 NEEDED TO CONNECT RESIDENTS TO AFFORDABLE HIGH-SPEED INTERNET;

17 ~~(8)~~ (9) IDENTIFY AND COORDINATE THE DELIVERY OF RESOURCES
18 TO LOCAL JURISDICTIONS FOR THE IMPROVEMENT OF ACCESS TO BROADBAND
19 INTERNET, INCLUDING BY:

20 (I) IDENTIFYING SOURCES OF FUNDS THAT CAN BE USED TO
21 EXPAND ACCESS TO BROADBAND INTERNET; ~~AND~~

22 (II) ASSISTING LOCAL JURISDICTIONS TO APPLY FOR AND
23 RECEIVE FUNDS FOR EXPANDING ACCESS TO BROADBAND INTERNET; AND

24 (III) IDENTIFYING AND SHARING DATA REGARDING LOCAL,
25 STATE, AND FEDERAL FUNDS ALLOCATED OR RECEIVED THROUGH GRANTS AND
26 PRIVATE SECTOR INVESTMENT FOR INVESTMENT IN EXPANDING INTERNET
27 INFRASTRUCTURE, ADOPTION, AND SPEED INCREASES;

28 (10) REQUEST INFORMATION REGARDING TOTAL DOLLAR
29 INVESTMENTS IN HIGH-SPEED INTERNET FROM LOCAL JURISDICTIONS, PRIVATE
30 COMPANIES, AND ORGANIZATIONS;

31 ~~(9)~~ (11) INVESTIGATE ~~AND~~, IDENTIFY, AND EVALUATE NEW
32 TECHNOLOGIES THAT WOULD INCREASE THE AVAILABILITY OF BROADBAND
33 INTERNET SERVICE IN THE STATE;

1 **1. ENSURE 98% CONNECTIVITY TO UNIVERSAL,**
2 **AFFORDABLE, RELIABLE BROADBAND INTERNET BY A DATE NOT LATER THAN**
3 **DECEMBER 31, 2025;**

4 **2. ENSURE THAT EVERY RESIDENT OF THE STATE HAS**
5 **THE ABILITY TO CONNECT TO UNIVERSAL, AFFORDABLE, RELIABLE BROADBAND**
6 **INTERNET THAT EXCEEDS THE FEDERAL COMMUNICATIONS COMMISSION**
7 **STANDARD FOR UPLOAD AND DOWNLOAD SPEEDS BY A DATE NOT LATER THAN**
8 **DECEMBER 31, ~~2029, AS DETERMINED BY THE OFFICE~~ 2026; AND**

9 **3. ESTABLISH KEY PERFORMANCE INDICATORS**
10 **RELATING TO INFRASTRUCTURE, ADOPTION, AND SPEED; AND**

11 **(II) SUBMIT THE PLAN TO THE GOVERNOR AND, IN**
12 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
13 **ASSEMBLY.**

14 **(2) ~~THE~~ IN PREPARING THE PLAN REQUIRED UNDER PARAGRAPH (1)**
15 **OF THIS SUBSECTION, THE OFFICE SHALL:**

16 **(I) SOLICIT INPUT FROM A DIVERSE RANGE OF**
17 **STAKEHOLDERS, INCLUDING LIBRARIES AND WORKFORCE DEVELOPMENT BOARDS**
18 **~~IN PREPARING THE PLAN REQUIRED UNDER THIS SUBSECTION;~~**

19 **(II) CONSULT WITH LOCAL GOVERNMENTS, FEDERAL**
20 **REGULATORS, INTERNET SERVICE PROVIDERS, AND NONGOVERNMENTAL**
21 **ORGANIZATIONS INVOLVED IN AND WORKING IN THE FIELD OF CONNECTING**
22 **COMMUNITIES TO HIGH-SPEED INTERNET AND DIGITAL LITERACY;**

23 **(III) HOLD AT LEAST TWO ONLINE LISTENING SESSIONS; AND**

24 **(IV) RECEIVE WRITTEN STATEMENTS FROM STAKEHOLDERS AT**
25 **A TIME THE OFFICE DETERMINES.**

26 **(D) IN CARRYING OUT ~~THE PROVISIONS OF~~ THIS SECTION, THE OFFICE**
27 **SHALL MEET QUARTERLY TO COLLABORATE WITH THE APPROPRIATE UNITS OF**
28 **STATE GOVERNMENT, INCLUDING THE DEPARTMENT OF INFORMATION**
29 **TECHNOLOGY, THE STATE DEPARTMENT OF EDUCATION, THE STATE DEPARTMENT**
30 **OF TRANSPORTATION, THE MARYLAND STATE LIBRARY, THE DEPARTMENT OF**
31 **COMMERCE, THE DEPARTMENT OF AGRICULTURE, THE MARYLAND DEPARTMENT**
32 **OF HEALTH, AND THE DEPARTMENT OF PLANNING, AND THE APPROPRIATE UNITS**
33 **OF LOCAL GOVERNMENT, INCLUDING THE MARYLAND ASSOCIATION OF COUNTIES**
34 **AND THE MARYLAND MUNICIPAL LEAGUE, TO ENSURE THAT EFFORTS TO EXPAND**
35 **AND ENHANCE BROADBAND INTERNET SERVICES ARE COORDINATED STATEWIDE.**

1 (E) (1) ON OR BEFORE DECEMBER 1, 2021, AND EACH YEAR
2 THEREAFTER, THE OFFICE SHALL REPORT TO THE GOVERNOR AND, IN
3 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
4 ASSEMBLY ON:

5 (I) THE PROGRESS OF THE STATE'S EFFORTS TO:

6 ~~(1)~~ 1. DEVELOP AND IMPLEMENT THE PLAN REQUIRED
7 UNDER SUBSECTION (C) OF THIS SECTION;

8 ~~(2)~~ 2. INCREASE ACCESS AND CONNECTION TO BROADBAND
9 INTERNET SERVICES THROUGHOUT THE STATE WITH SPECIFIC REPORTING ON
10 IMPROVEMENTS TO INFRASTRUCTURE, ADOPTION, AND SPEEDS; AND

11 ~~(3)~~ 3. IMPROVE DIGITAL LITERACY AMONG RESIDENTS OF
12 THE STATE; AND

13 4. INCREASE SPEEDS TO MEET OR EXCEED THE
14 FEDERAL COMMUNICATIONS COMMISSION STANDARD FOR UPLOAD AND
15 DOWNLOAD SPEEDS;

16 (II) THE EXISTING GAPS IN CONNECTIVITY AND THE STATE'S
17 PROGRESS TOWARD CLOSING THOSE GAPS;

18 (III) THE IMPACT THAT GAPS IN INTERNET SERVICE HAVE ON
19 THE WORKFORCE AND STATE AND LOCAL ECONOMIES;

20 (IV) INFORMATION FROM LOCAL EDUCATION AGENCIES ON THE
21 IMPACT OF INTERNET SERVICE QUALITY ON STUDENT ACHIEVEMENT AND ACCESS
22 TO 21ST CENTURY OPPORTUNITIES;

23 (V) DEMOGRAPHIC DATA ON LOCATIONS WITH GAPS IN
24 SERVICES; AND

25 (VI) THE ALLOCATION OF MONEY FROM, AND PROGRAMS
26 SUPPORTED BY, THE DIGITAL INCLUSION FUND AND, THE DIGITAL CONNECTIVITY
27 FUND, AND THE RURAL BROADBAND ASSISTANCE FUND IN THE PRECEDING FISCAL
28 YEAR.

29 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION SHALL BE PUBLISHED ON THE WEBSITE ESTABLISHED UNDER
31 SUBSECTION (A)(4) OF THIS SECTION.

1 6.5-105.

2 (A) IN THIS SECTION, "FUND" MEANS THE DIGITAL INCLUSION FUND.

3 (B) THERE IS A DIGITAL INCLUSION FUND.

4 (C) THE PURPOSE OF THE FUND IS TO PROVIDE A COMPETITIVE GRANT
5 PROGRAM TO SUPPORT CAPACITY BUILDING FOR LOCAL GOVERNMENTS AND
6 NONPROFIT ORGANIZATIONS SEEKING TO CLOSE THE DIGITAL DIVIDE IN
7 MARYLAND BY FURTHERING ACCESS TO HIGH-SPEED INTERNET AND TO
8 IMPLEMENT PROGRAMS TO EXPAND DIGITAL LITERACY.

9 (D) (1) THE OFFICE SHALL ADMINISTER THE FUND.

10 (2) THE OFFICE SHALL WORK WITH OTHER OFFICES WITHIN THE
11 DEPARTMENT AND THE DEPARTMENT OF COMMERCE TO ADOPT REGULATIONS
12 SPECIFYING:

13 (I) PROCEDURES FOR APPLYING FOR FINANCIAL ASSISTANCE;

14 AND

15 (II) PRIORITIES FOR ALLOCATING, SELECTING, AND
16 DISTRIBUTING FINANCIAL ASSISTANCE FROM THE FUND.

17 (E) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT
18 IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
20 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

21 (F) THE FUND CONSISTS OF:

22 (1) MONEY APPROPRIATED BY THE STATE TO THE FUND;

23 (2) FINANCIAL ASSISTANCE PROVIDED TO THE STATE BY THE
24 FEDERAL GOVERNMENT FOR THE FUND;

25 (3) INTEREST EARNINGS; AND

26 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
27 THE BENEFIT OF THE FUND.

1 **(G) (1) THE FUND MAY BE USED ONLY TO DISTRIBUTE GRANTS NOT TO**
2 **EXCEED \$500,000 TO LOCAL GOVERNMENTS AND NONPROFIT CORPORATIONS THAT**
3 **ARE WORKING TO FURTHER THE GOALS OF THE OFFICE, INCLUDING:**

4 **(I) PROVIDING TRAINING TO RESIDENTS IN THE USE OF**
5 **DIGITAL TOOLS;**

6 **(II) ENHANCING THE CAPACITY OF COMMUNITIES TO ACCESS**
7 **GOVERNMENT SERVICES, PARTICIPATE IN CIVIC MATTERS, AND PURSUE**
8 **EDUCATIONAL OPPORTUNITIES;**

9 **(III) RESEARCHING POPULATIONS WITH LOW ADOPTION RATES**
10 **FOR HOME INTERNET AND COMPUTERS; AND**

11 **(IV) OTHER DIGITAL INCLUSION OR EQUITY GOALS IDENTIFIED**
12 **IN THE STATEWIDE PLAN.**

13 **(2) MONEY IN THE FUND MAY NOT BE USED FOR INCREASING**
14 **BROADBAND INTERNET INFRASTRUCTURE.**

15 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
16 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

17 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
18 **THE FUND.**

19 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
20 **WITH THE STATE BUDGET.**

21 **6.5-106.**

22 **(A) IN THIS SECTION, "FUND" MEANS THE DIGITAL CONNECTIVITY FUND.**

23 **(B) THERE IS A DIGITAL CONNECTIVITY FUND.**

24 **(C) THE PURPOSE OF THE FUND IS TO ASSIST IN THE ESTABLISHMENT AND**
25 **EXPANSION OF AFFORDABLE BROADBAND COMMUNICATION SERVICES IN**
26 **DISCONNECTED AREAS AND COMMUNITIES IN THE STATE.**

27 **(D) (1) THE OFFICE SHALL ADMINISTER THE FUND.**

28 **(2) THE OFFICE SHALL ADOPT APPLICATION PROCEDURES FOR**
29 **GRANTS DISTRIBUTED FROM THE FUND.**

1 **(3) THE OFFICE SHALL WORK WITH OTHER OFFICES WITHIN THE**
2 **DEPARTMENT AND THE DEPARTMENT OF COMMERCE TO ADOPT REGULATIONS**
3 **SPECIFYING:**

4 **(I) PROCEDURES FOR APPLYING FOR FINANCIAL ASSISTANCE;**
5 **AND**

6 **(II) PRIORITIES FOR ALLOCATING, SELECTING, AND**
7 **DISTRIBUTING FINANCIAL ASSISTANCE FROM THE FUND.**

8 **(E) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT**
9 **IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

10 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
11 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

12 **(F) THE FUND CONSISTS OF:**

13 **(1) MONEY APPROPRIATED BY THE STATE TO THE FUND;**

14 **(2) FINANCIAL ASSISTANCE PROVIDED TO THE STATE BY THE**
15 **FEDERAL GOVERNMENT FOR THE FUND;**

16 **(3) INTEREST EARNINGS; AND**

17 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
18 **THE BENEFIT OF THE FUND.**

19 **(G) THE FUND MAY BE USED ONLY TO DISTRIBUTE COMPETITIVE GRANTS:**

20 **(1) FOR PLANNING, CONSTRUCTION, AND MAINTENANCE OF**
21 **BROADBAND COMMUNICATION SERVICES, EQUIPMENT, AND ACTIVITIES; AND**

22 **(2) TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS TO**
23 **EXPAND HIGH-SPEED INTERNET ACCESS IN DISCONNECTED COMMUNITIES IN THE**
24 **STATE.**

25 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
26 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

27 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
28 **THE FUND.**

1 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
2 WITH THE STATE BUDGET.

3 [5-1102.] 6.5-107.

4 (a) There is a Rural Broadband Assistance Fund in the Department.

5 (b) The purpose of the Fund is to assist in the establishment of broadband
6 communication services in rural and underserved areas of the State.

7 (c) The [Department] OFFICE shall administer the Fund.

8 (d) (1) The Fund is a special, nonlapsing fund that is not subject to reversion
9 under § 7-302 of the State Finance and Procurement Article.

10 (2) The Treasurer shall hold the Fund separately, and the Comptroller
11 shall account for the Fund.

12 (e) The Fund consists of:

13 (1) money appropriated in the State budget to the Fund;

14 (2) money appropriated in the State budget to the Maryland Economic
15 Development Assistance Fund under [Subtitle 3 of this title] TITLE 5, SUBTITLE 3 OF
16 THE ECONOMIC DEVELOPMENT ARTICLE for the purpose of assisting in the
17 establishment of broadband communication services in rural and underserved areas of the
18 State;

19 (3) federal money allocated or granted to the Fund;

20 (4) INTEREST EARNINGS; and

21 [(4)] (5) any other money from any source accepted for the benefit of the
22 Fund.

23 (f) The Fund may be used only for planning, construction, and maintenance of
24 broadband communication services and equipment in rural and underserved areas and
25 related activities.

26 (g) (1) The Treasurer shall invest the money in the Fund in the same manner
27 as other State money may be invested.

28 (2) Any [investment] INTEREST earnings of the Fund shall be credited to
29 the [General] Fund [of the State].

~~1 (h) The Department OFFICE shall make payments from the Fund within 30 days~~
~~2 after notice of a decision of the MARYLAND RURAL BROADBAND COORDINATION Board~~
~~3 under § 13-504(3) of this article THE ECONOMIC DEVELOPMENT ARTICLE.~~

4 Article – State Finance and Procurement

5 6-226.

6 (a) (2) (i) Notwithstanding any other provision of law, and unless
 7 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 8 terms of a gift or settlement agreement, net interest on all State money allocated by the
 9 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 10 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 11 Fund of the State.

12 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 13 to the following funds:

14 128. the Michael Erin Busch Sports Fund; [and]

15 129. the Coordinated Community Supports Partnership Fund;

16 130. THE RURAL BROADBAND ASSISTANCE FUND;

17 131. THE DIGITAL INCLUSION FUND; AND

18 132. THE DIGITAL CONNECTIVITY FUND.

19 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall be
 20 construed to preclude the Governor from developing a commission to coordinate efforts to
 21 establish high-speed Internet for all Marylanders.

22 SECTION ~~3~~ 3. AND BE IT FURTHER ENACTED, That:

23 (a) It is the intent of the General Assembly that the individual serving as Director
 24 of the Office of Rural Broadband on the effective date of this Act shall become the first
 25 Director of the Office of ~~Digital Inclusion~~ Statewide Broadband.

26 (b) The Office of ~~Digital Inclusion~~ Statewide Broadband is the successor of the
 27 Office of Rural Broadband within the Department of Housing and Community
 28 Development.

29 (c) In every law, executive order, rule, regulation, policy, or document created by
 30 an official, an employee, or a unit of this State, the names and titles of those agencies and
 31 officials mean the names and titles of the successor agency or official.

1 SECTION ~~4~~ ~~5~~ 4. AND BE IT FURTHER ENACTED, That nothing in this Act affects
2 the term of office of an appointed or elected member of any commission, office, department,
3 agency, or other unit. An individual who is a member of a unit on the effective date of this
4 Act shall remain for the balance of the term to which appointed or elected, unless the
5 member sooner dies, resigns, or is removed under provisions of law.

6 SECTION ~~6~~ ~~5~~ 5. AND BE IT FURTHER ENACTED, That nothing in this Act shall be
7 construed to reduce the annual allocation of funds for rural broadband infrastructure
8 expansion under the Office of *Statewide Broadband*.

9 SECTION ~~5~~ ~~7~~ 6. AND BE IT FURTHER ENACTED, That any transaction or
10 employment status affected by or flowing from any change of nomenclature or any statute
11 amended by this Act and validly entered into or existing before the effective date of this Act
12 and every right, duty, or interest flowing from a statute amended by this Act remains valid
13 after the effective date of this Act and may be terminated, completed, consummated, or
14 enforced as required or allowed by any statute amended by this Act as though the
15 amendment had not occurred. If a change in nomenclature involves a change in name or
16 designation of any State unit, the successor unit shall be considered in all respects as
17 having the powers and obligations granted the former unit.

18 SECTION ~~6~~ ~~8~~ 7. AND BE IT FURTHER ENACTED, That:

19 (1) the continuity of every commission, office, department, agency, or other
20 unit is retained; and

21 (2) the personnel, records, files, furniture, fixtures, and other properties
22 and all appropriations, credits, assets, liabilities, and obligations of each retained unit are
23 continued as the personnel, records, files, furniture, fixtures, properties, appropriations,
24 credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

25 SECTION ~~7~~ ~~9~~ 8. AND BE IT FURTHER ENACTED, That letterhead, business
26 cards, and other documents reflecting the renaming of the Office of Rural Broadband to be
27 the Office of ~~Digital Inclusion~~ *Statewide Broadband* may not be used until all letterhead,
28 business cards, and other documents already in print and reflecting the name of the Office
29 before the effective date of this Act have been used.

30 SECTION ~~8~~ ~~10~~ 9. AND BE IT FURTHER ENACTED, That for fiscal year 2022, and
31 for each fiscal year thereafter, the Governor shall include in the annual budget bill an
32 appropriation in an amount sufficient to employ two employees in the Office of ~~Digital~~
33 ~~Inclusion~~ *Statewide Broadband* in addition to any employees assigned to the Office of Rural
34 Broadband on the effective date of this Act.

35 SECTION ~~9~~ ~~11~~ 10. AND BE IT FURTHER ENACTED, That this Act ~~shall take~~
36 ~~effect July 1, 2021~~ is an emergency measure, is necessary for the immediate preservation
37 of the public health or safety, has been passed by a yea and nay vote supported by
38 three-fifths of all the members elected to each of the two Houses of the General Assembly,
39 and shall take effect from the date it is enacted. It shall remain effective through June 30,

1 2030, and, at the end of June 30, 2030, this Act, with no further action required by the
2 General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.