

SENATE BILL 66

C8, P1

(PRE-FILED)

11r0670
CF HB 97

By: **Senators Elfreth, Beidle, Eckardt, Griffith, Guzzone, Hester, Kelley, Patterson, Rosapepe, West, and Zucker**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

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

5 FOR the purpose of establishing the Office of Digital Inclusion in the Department of
6 Housing and Community Development; establishing the purpose of the Office;
7 requiring the Governor to appoint the Director of the Office; providing that the
8 Director serves at the pleasure of the Governor and reports to certain individuals;
9 requiring the Director to work closely with certain officials for certain purposes;
10 establishing the duties of the Office; requiring the Office to offer funding and
11 technical assistance through certain partnerships to help local governments and
12 certain entities qualify for federal funding opportunities; requiring the Office to work
13 with a certain unit to initiate a broadband funding structure under a certain
14 provision of law; requiring the Office to prepare and submit a certain plan to the
15 Governor and the General Assembly, on or before a certain date; requiring the Office
16 to solicit input from certain stakeholders in preparing the plan; requiring the Office
17 to collaborate with certain units of State and local government in carrying out certain
18 provisions of this Act; requiring the Office to make a certain annual report on or
19 before a certain date; repealing provisions of law concerning the Rural Broadband
20 Assistance Fund and the Rural Broadband Coordination Board; establishing the
21 intent of the General Assembly that a certain individual serve as the first Director
22 of the Office; establishing that the Office of Digital Inclusion is the successor of the
23 Office of Rural Broadband within the Department; providing for the meaning of the
24 names and titles of certain agencies and officials in certain laws, executives orders,
25 rules, regulations, policies, and documents; providing that nothing in this Act affects
26 the terms of office of certain members of certain units; providing that a certain
27 individual shall remain for the balance of a certain term except under certain
28 circumstances; providing for the validity, termination, completion, consummation,
29 and enforcement of certain transactions, employment statuses, rights, duties, and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 interests; requiring that a certain successor unit be considered in all respects as
2 having the powers and obligations granted the former unit, under certain
3 circumstances; requiring the continuity of certain units to be retained; requiring
4 certain properties, appropriations, credits, assets, liabilities, and obligations to be
5 continued in a certain manner; for certain fiscal years, requiring the Governor to
6 include a certain appropriation in the annual budget bill for a certain purpose; and
7 generally relating to broadband Internet service and the creation of the Office of
8 Digital Inclusion.

9 BY repealing

10 Article – Economic Development

11 Section 5–1101 and 5–1102 and the subtitle “Subtitle 11. Rural Broadband
12 Assistance Fund”; and Section 13–501 through 13–506 and the subtitle
13 “Subtitle 5. Rural Broadband Coordination Board”

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2020 Supplement)

16 BY adding to

17 Article – Housing and Community Development

18 Section 6.5–101 through 6.5–104 to be under the new title “Title 6.5. Office of Digital
19 Inclusion”

20 Annotated Code of Maryland

21 (2019 Replacement Volume and 2020 Supplement)

22 Preamble

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

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

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

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

38 WHEREAS, By advancing digital literacy and universal access among Marylanders,
39 the State will help eradicate the inequalities in adoption, knowledge, and skills needed to

1 effectively use and communicate through various digital platforms and tools, ultimately
2 enabling the skills and knowledge necessary for digitally inclusive communities; and

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

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

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

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

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That Section(s) 5–1101 and 5–1102 and the subtitle “Subtitle 11. Rural Broadband
16 Assistance Fund”; and Section(s) 13–501 through 13–506 and the subtitle “Subtitle 5. Rural
17 Broadband Coordination Board” of Article – Economic Development of the Annotated Code
18 of Maryland be repealed.

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

21 **Article – Housing and Community Development**

22 **TITLE 6.5. OFFICE OF DIGITAL INCLUSION.**

23 **6.5–101.**

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

26 (B) “DIRECTOR” MEANS THE DIRECTOR OF THE OFFICE OF DIGITAL
27 INCLUSION.

28 (C) “OFFICE” MEANS THE OFFICE OF DIGITAL INCLUSION.

29 **6.5–102.**

30 (A) THERE IS AN OFFICE OF DIGITAL INCLUSION IN THE DEPARTMENT.

1 **(B) THE PURPOSE OF THE OFFICE IS TO ENSURE THAT EVERY RESIDENT OF**
2 **THE STATE:**

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

5 **(2) HAS THE TOOLS NECESSARY TO USE THE INTERNET AND TAKE**
6 **ADVANTAGE OF INTERNET RESOURCES.**

7 **6.5-103.**

8 **(A) THE GOVERNOR SHALL APPOINT THE DIRECTOR OF THE OFFICE.**

9 **(B) THE DIRECTOR:**

10 **(1) SERVES AT THE PLEASURE OF THE GOVERNOR; AND**

11 **(2) REPORTS TO BOTH THE SECRETARY AND THE GOVERNOR.**

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

16 **6.5-104.**

17 **(A) THE OFFICE SHALL:**

18 **(1) DEVELOP DEFINITIONS AND STANDARDS FOR BROADBAND**
19 **INTERNET THAT:**

20 **(I) ADDRESS CURRENT AND FUTURE REQUIREMENTS AND USES**
21 **BY COMMUNITIES, BUSINESSES, SCHOOLS, HEALTH CARE PROVIDERS, AND OTHER**
22 **STAKEHOLDERS; AND**

23 **(II) REFLECT THE NEED FOR A FORWARD-LOOKING, STATEWIDE**
24 **DIGITAL COMMUNICATIONS INFRASTRUCTURE;**

25 **(2) COLLECT NONPROMOTIONAL PRICING DATA FROM BROADBAND**
26 **INTERNET PROVIDERS;**

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

4 **(I) NETWORK PERFORMANCE METRICS, INCLUDING**
5 **INFORMATION ON DATA TRANSFER SPEEDS, NETWORK THROUGHPUT, AND**
6 **NETWORK LATENCY;**

7 **(II) A DATA-BASED EVALUATION OF THE REASONS THAT**
8 **CERTAIN RESIDENTS AND BUSINESSES DO NOT HAVE ACCESS TO BROADBAND**
9 **INTERNET SERVICES; AND**

10 **(III) DEMOGRAPHIC INFORMATION REGARDING COMMUNITIES**
11 **WHERE BROADBAND INTERNET SERVICES ARE UNAVAILABLE OR UNAFFORDABLE;**

12 **(4) CREATE A PUBLIC MAP THAT SHOWS, WITH GRANULARITY:**

13 **(I) WHICH RESIDENTS DO AND DO NOT HAVE BROADBAND**
14 **INTERNET; AND**

15 **(II) BROADBAND INTERNET SERVICE PRICES IN DIFFERENT**
16 **AREAS;**

17 **(5) COLLECT, ANALYZE, AND PUBLICLY SHARE:**

18 **(I) GEOGRAPHIC AND DEMOGRAPHIC DATA REGARDING**
19 **HOUSEHOLDS THAT RELY ON MOBILE BROADBAND FOR INTERNET SERVICE, BASED**
20 **ON THE UNDERSTANDING THAT MOBILE BROADBAND IS NOT A SUBSTITUTE FOR**
21 **IN-HOME FIXED INTERNET SERVICES; AND**

22 **(II) DATA REGARDING THE ADOPTION AND AFFORDABILITY OF**
23 **RELIABLE BROADBAND INTERNET IN THE STATE, INCLUDING THE AVERAGE COST**
24 **PER AVERAGE SPEED BY COUNTY;**

25 **(6) ASSIST AND SUPPORT LOCAL JURISDICTIONS IN THEIR EFFORTS**
26 **TO IMPROVE ACCESS TO BROADBAND INTERNET, INCLUDING THROUGH THE**
27 **DEVELOPMENT AND DEPLOYMENT OF TRAINING PROGRAMS TO INCREASE**
28 **RESIDENTS' DIGITAL LITERACY;**

29 **(7) WORK WITH LOCAL JURISDICTIONS AND ECONOMIC**
30 **DEVELOPMENT ORGANIZATIONS TO IDENTIFY AREAS WITH A DEMAND FOR BETTER**
31 **INTERNET SERVICE;**

1 **(8) IDENTIFY AND COORDINATE THE DELIVERY OF RESOURCES TO**
2 **LOCAL JURISDICTIONS FOR THE IMPROVEMENT OF ACCESS TO BROADBAND**
3 **INTERNET, INCLUDING BY:**

4 **(I) IDENTIFYING SOURCES OF FUNDS THAT CAN BE USED TO**
5 **EXPAND ACCESS TO BROADBAND INTERNET; AND**

6 **(II) ASSISTING LOCAL JURISDICTIONS TO APPLY FOR AND**
7 **RECEIVE FUNDS FOR EXPANDING ACCESS TO BROADBAND INTERNET;**

8 **(9) INVESTIGATE AND IDENTIFY NEW TECHNOLOGIES THAT WOULD**
9 **INCREASE THE AVAILABILITY OF BROADBAND INTERNET SERVICE IN THE STATE;**

10 **(10) IDENTIFY OPPORTUNITIES FOR PRODUCTIVE PARTNERSHIPS**
11 **THAT WOULD ENABLE THE SHARING OF RESOURCES AND FURTHER THE GOAL OF**
12 **EXPANDING ACCESS AND CONNECTION TO BROADBAND INTERNET SERVICE;**

13 **(11) DEVELOP RECOMMENDATIONS REGARDING POLICIES,**
14 **REGULATIONS, OR LEGISLATION TO IMPROVE THE AVAILABILITY OF AND ACCESS TO**
15 **BROADBAND INTERNET SERVICES IN THE STATE;**

16 **(12) REVIEW EXISTING LAWS, POLICIES, AND REGULATIONS**
17 **REGARDING ACCESS TO THE RIGHTS-OF-WAY AND EASEMENTS OF PUBLIC**
18 **UTILITIES AND RECOMMEND ANY CHANGES THE OFFICE DEEMS NECESSARY TO**
19 **ENCOURAGE THE DEPLOYMENT OF BROADBAND INTERNET;**

20 **(13) SUPPORT EFFORTS TO INCREASE THE DIGITAL LITERACY OF**
21 **RESIDENTS AND BUSINESS OWNERS; AND**

22 **(14) COLLABORATE WITH LOCAL EDUCATION AGENCIES AND**
23 **COMMUNITY COLLEGES TO ENSURE THAT STUDENTS HAVE THE ABILITY TO**
24 **CONNECT TO BROADBAND INTERNET.**

25 **(B) (1) THROUGH PARTNERSHIPS WITH LOCAL JURISDICTIONS, LIBRARY**
26 **SYSTEMS, ANCHOR INSTITUTIONS, AND THE PRIVATE SECTOR, THE OFFICE SHALL**
27 **OFFER FUNDING AND TECHNICAL ASSISTANCE TO HELP LOCAL GOVERNMENTS AND**
28 **PRIVATE ENTITIES QUALIFY FOR FEDERAL FUNDING OPPORTUNITIES.**

29 **(2) TO COMPLEMENT OTHER SOURCES OF FUNDING, THE OFFICE**
30 **SHALL WORK WITH THE COMMUNITY DEVELOPMENT ADMINISTRATION TO INITIATE**
31 **A BROADBAND FUNDING STRUCTURE UNDER § 4-229 OF THIS ARTICLE.**

32 **(C) (1) ON OR BEFORE JULY 1, 2022, THE OFFICE SHALL:**

1 **(I) PREPARE A STATEWIDE PLAN TO ENSURE THAT EVERY**
2 **RESIDENT OF THE STATE HAS THE ABILITY TO CONNECT TO UNIVERSAL,**
3 **AFFORDABLE, RELIABLE BROADBAND INTERNET BY A DATE NOT LATER THAN**
4 **DECEMBER 31, 2029, AS DETERMINED BY THE OFFICE; AND**

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

8 **(2) THE OFFICE SHALL SOLICIT INPUT FROM A DIVERSE RANGE OF**
9 **STAKEHOLDERS IN PREPARING THE PLAN REQUIRED UNDER THIS SUBSECTION.**

10 **(D) IN CARRYING OUT THE PROVISIONS OF THIS SECTION, THE OFFICE**
11 **SHALL COLLABORATE WITH THE APPROPRIATE UNITS OF STATE GOVERNMENT,**
12 **INCLUDING THE DEPARTMENT OF INFORMATION TECHNOLOGY, THE STATE**
13 **DEPARTMENT OF EDUCATION, THE STATE DEPARTMENT OF TRANSPORTATION,**
14 **AND THE DEPARTMENT OF PLANNING, AND THE APPROPRIATE UNITS OF LOCAL**
15 **GOVERNMENT TO ENSURE THAT EFFORTS TO EXPAND AND ENHANCE BROADBAND**
16 **INTERNET SERVICES ARE COORDINATED STATEWIDE.**

17 **(E) ON OR BEFORE DECEMBER 1, 2021, AND EACH YEAR THEREAFTER, THE**
18 **OFFICE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF**
19 **THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE PROGRESS**
20 **OF THE STATE'S EFFORTS TO:**

21 **(1) DEVELOP AND IMPLEMENT THE PLAN REQUIRED UNDER**
22 **SUBSECTION (C) OF THIS SECTION;**

23 **(2) INCREASE ACCESS AND CONNECTION TO BROADBAND INTERNET**
24 **SERVICES THROUGHOUT THE STATE; AND**

25 **(3) IMPROVE DIGITAL LITERACY AMONG RESIDENTS OF THE STATE.**

26 SECTION 3. AND BE IT FURTHER ENACTED, That:

27 (a) It is the intent of the General Assembly that the individual serving as Director
28 of the Office of Rural Broadband on the effective date of this Act shall become the first
29 Director of the Office of Digital Inclusion.

30 (b) The Office of Digital Inclusion is the successor of the Office of Rural
31 Broadband within the Department of Housing and Community Development.

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

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

9 SECTION 5. 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. 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. AND BE IT FURTHER ENACTED, That letterhead, business cards,
26 and other documents reflecting the renaming of the Office of Rural Broadband to be the
27 Office of Digital Inclusion may not be used until all letterhead, business cards, and other
28 documents already in print and reflecting the name of the Office before the effective date
29 of this Act have been used.

30 SECTION 8. AND BE IT FURTHER ENACTED, That for fiscal year 2022, and for
31 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 in addition to any employees assigned to the Office of Rural Broadband on the
34 effective date of this Act.

35 SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect July
36 1, 2021.