

# HOUSE BILL 97

C8, P1

(PRE-FILED)

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CF SB 66

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By: **Delegates Lierman, Attar, Bridges, Henson, D. Jones, Rosenberg, and Smith**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

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## A BILL ENTITLED

AN ACT concerning

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



having the powers and obligations granted the former unit, under certain circumstances; requiring the continuity of certain units to be retained; requiring certain properties, appropriations, credits, assets, liabilities, and obligations to be continued in a certain manner; for certain fiscal years, requiring the Governor to include a certain appropriation in the annual budget bill for a certain purpose; and generally relating to broadband Internet service and the creation of the Office of Digital Inclusion.

BY repealing

Article – Economic Development

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

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – Housing and Community Development

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

Annotated Code of Maryland

(2019 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 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 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 Broadband Coordination Board” of Article – Economic Development of the Annotated Code of Maryland be repealed.

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

**Article – Housing and Community Development**

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

**6.5–101.**

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

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

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

**6.5–102.**

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

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

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

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

**6.5-103.**

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

**(B) THE DIRECTOR:**

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

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

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

**6.5-104.**

**(A) THE OFFICE SHALL:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

SECTION 6. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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