

HOUSE BILL 1144

C5

8lr2685

By: **Delegates Huckler and Feldman**

Introduced and read first time: February 7, 2008

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 Budget and Management 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; authorizing the Department to contract with a
10 certain not–for–profit organization for certain purposes; stating findings of the
11 General Assembly; substituting the Department of Information Technology for
12 the Department of Budget and Management for the purposes of this Act on the
13 fulfillment of a certain contingency; and generally relating to high speed
14 Internet and telecommunications deployment.

15 BY adding to

16 Article – State Finance and Procurement

17 Section 3–706

18 Annotated Code of Maryland

19 (2006 Replacement Volume and 2007 Supplement)

20 BY adding to

21 Article – State Finance and Procurement

22 Section 3A–405

23 Annotated Code of Maryland

24 (2006 Replacement Volume and 2007 Supplement)

25 (As enacted by Chapter ____ (S.B. 212/H.B. 362) of the Acts of the General
26 Assembly of 2008)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Finance and Procurement**

2 **3-706.**

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

4 **(1) THE DEPLOYMENT AND ADOPTION OF TELECOMMUNICATIONS**
5 **SERVICES AND INFORMATION TECHNOLOGY HAS RESULTED IN ENHANCED**
6 **ECONOMIC DEVELOPMENT AND PUBLIC SAFETY FOR THE STATE'S**
7 **COMMUNITIES, INCREASED HEALTH CARE AND EDUCATIONAL OPPORTUNITIES,**
8 **AND A BETTER QUALITY OF LIFE FOR THE RESIDENTS OF THE STATE;**

9 **(2) CONTINUED PROGRESS IN THE DEPLOYMENT AND ADOPTION**
10 **OF HIGH SPEED INTERNET AND OTHER ADVANCED TELECOMMUNICATIONS**
11 **SERVICES IS VITAL TO ENSURING THAT THE STATE REMAINS COMPETITIVE AND**
12 **CONTINUES TO CREATE BUSINESS AND JOB GROWTH; AND**

13 **(3) THE STATE MUST ENCOURAGE AND SUPPORT THE**
14 **PARTNERSHIP OF THE PUBLIC AND PRIVATE SECTORS IN THE CONTINUED**
15 **GROWTH OF TELECOMMUNICATIONS FOR THE RESIDENTS AND BUSINESSES OF**
16 **THE STATE.**

17 **(B) (1) THE DEPARTMENT SHALL ENLIST A PUBLIC-PRIVATE**
18 **PARTNERSHIP TO IMPLEMENT A COMPREHENSIVE STATEWIDE HIGH SPEED**
19 **INTERNET DEPLOYMENT AND ADOPTION INITIATIVE.**

20 **(2) THE PURPOSES OF THE PARTNERSHIP ARE TO:**

21 **(I) ENSURE THAT ALL RESIDENTS AND BUSINESSES OF THE**
22 **STATE HAVE ACCESS TO AFFORDABLE AND RELIABLE HIGH SPEED INTERNET**
23 **SERVICE;**

24 **(II) ACHIEVE IMPROVED TECHNOLOGY LITERACY,**
25 **INCREASED COMPUTER OWNERSHIP, AND HOME HIGH SPEED INTERNET USE**
26 **AMONG RESIDENTS AND BUSINESSES OF THE STATE;**

27 **(III) ESTABLISH AND EMPOWER LOCAL GRASSROOTS**
28 **TECHNOLOGY TEAMS IN EACH COUNTY TO PLAN FOR IMPROVED TECHNOLOGY**
29 **USE ACROSS MANY COMMUNITY SECTORS; AND**

30 **(IV) ESTABLISH AND SUSTAIN AN ENVIRONMENT RIPE FOR**
31 **INVESTMENT IN TELECOMMUNICATIONS AND TECHNOLOGY THROUGHOUT THE**
32 **STATE.**

1 **(C) (1) THE PUBLIC-PRIVATE PARTNERSHIP DESCRIBED IN**
2 **SUBSECTION (B) OF THIS SECTION SHALL RECEIVE INPUT FROM AND REQUIRE**
3 **COOPERATION AMONG UNITS OF STATE AND LOCAL GOVERNMENT AND**
4 **ENTITIES REPRESENTING ECONOMIC DEVELOPMENT, LOCAL COMMUNITY**
5 **DEVELOPMENT, TECHNOLOGY PLANNING, EDUCATION, HEALTH CARE, AND**
6 **OTHER RELEVANT ENTITIES.**

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

12 **(D) (1) THE HIGH SPEED INTERNET DEPLOYMENT AND ADOPTION**
13 **INITIATIVE DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL INCLUDE**
14 **THE ACTIONS DESCRIBED IN THIS SUBSECTION.**

15 **(2) (I) THE INITIATIVE SHALL PROVIDE FOR THE CREATION OF**
16 **A STATEWIDE INVENTORY OF HIGH SPEED INTERNET SERVICE AND RELEVANT**
17 **TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES.**

18 **(II) THE INVENTORY SHALL INCLUDE:**

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

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

26 **(III) THE DATA DESCRIBED IN SUBPARAGRAPH (II) OF THIS**
27 **PARAGRAPH SHALL BE UPDATED EVERY 6 MONTHS.**

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

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

32 **2. IDENTIFYING BARRIERS TO ADOPTION OF THESE**
33 **TECHNOLOGIES.**

1 **(II) THE DATA DESCRIBED IN SUBPARAGRAPH (I) OF THIS**
2 **PARAGRAPH, INCLUDING ANY PROGRESS MEASURED IN THESE AREAS, SHALL BE**
3 **UPDATED EACH YEAR.**

4 **(4) (I) THE INITIATIVE SHALL PROVIDE FOR BUILDING AND**
5 **FACILITATING A LOCAL TECHNOLOGY PLANNING TEAM IN EACH COUNTY OR**
6 **OTHER APPROPRIATE REGION.**

7 **(II) EACH TEAM SHALL HAVE MEMBERS REPRESENTING A**
8 **CROSS-SECTION OF ITS COMMUNITY, INCLUDING REPRESENTATIVES OF:**

- 9 1. **LOCAL GOVERNMENT;**
- 10 2. **LIBRARIES;**
- 11 3. **GRADES K-12 AND HIGHER EDUCATION;**
- 12 4. **COMMUNITY-BASED ORGANIZATIONS;**
- 13 5. **HEALTH CARE;**
- 14 6. **BUSINESSES;**
- 15 7. **TELECOMMUNICATIONS UNIONS;**
- 16 8. **TOURISM;**
- 17 9. **PARKS AND RECREATION; AND**
- 18 10. **AGRICULTURE.**

19 **(III) EACH TEAM SHALL:**

- 20 1. **ASSESS TECHNOLOGY USE ACROSS RELEVANT**
21 **COMMUNITY SECTORS;**
- 22 2. **SET GOALS FOR IMPROVED TECHNOLOGY USE**
23 **WITHIN EACH SECTOR; AND**
- 24 3. **DEVELOP A TACTICAL BUSINESS PLAN FOR**
25 **ACHIEVING ITS GOALS, WITH SPECIFIC RECOMMENDATIONS FOR ONLINE**
26 **APPLICATION DEVELOPMENT AND CREATION OF DEMAND.**

1 (5) THE INITIATIVE SHALL REQUIRE COLLABORATIVE WORK
2 WITH HIGH SPEED INTERNET PROVIDERS AND TECHNOLOGY COMPANIES
3 ACROSS THE STATE TO ENCOURAGE DEPLOYMENT AND USE OF HIGH SPEED
4 INTERNET SERVICE AND OTHER RELEVANT TELECOMMUNICATIONS AND
5 INFORMATION TECHNOLOGY SERVICES, ESPECIALLY IN UNDERSERVED AREAS,
6 THROUGH THE USE OF AGGREGATION OF LOCAL DEMAND, MAPPING ANALYSIS,
7 AND THE CREATION OF MARKET INTELLIGENCE TO IMPROVE THE BUSINESS
8 CASE FOR PROVIDERS TO DEPLOY IN THESE AREAS.

9 (6) THE INITIATIVE SHALL INCLUDE THE ESTABLISHMENT OF
10 PROGRAMS TO IMPROVE COMPUTER OWNERSHIP AND INTERNET ACCESS FOR
11 DISENFRANCHISED AND UNDERSERVED POPULATIONS ACROSS THE STATE.

12 (E) (1) THE DEPARTMENT MAY CONTRACT WITH A NOT-FOR-PROFIT
13 ORGANIZATION TO ACCOMPLISH THE PURPOSES OF THIS SECTION.

14 (2) THE CONTRACTED ORGANIZATION SHALL HAVE ESTABLISHED
15 COMPETENCY IN WORKING WITH THE PUBLIC AND PRIVATE SECTORS TO
16 ACCOMPLISH WIDE SCALE DEPLOYMENT AND ADOPTION OF
17 TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY.

18 (F) THIS SECTION MAY NOT BE CONSTRUED TO GIVE THE DEPARTMENT
19 OR ANY OTHER ENTITY ANY ADDITIONAL REGULATORY OR OTHER AUTHORITY
20 OVER PROVIDERS OF TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY.

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

23 Article – State Finance and Procurement

24 3A-405.

25 (A) THE GENERAL ASSEMBLY FINDS THAT:

26 (1) THE DEPLOYMENT AND ADOPTION OF TELECOMMUNICATIONS
27 SERVICES AND INFORMATION TECHNOLOGY HAS RESULTED IN ENHANCED
28 ECONOMIC DEVELOPMENT AND PUBLIC SAFETY FOR THE STATE'S
29 COMMUNITIES, INCREASED HEALTH CARE AND EDUCATIONAL OPPORTUNITIES,
30 AND A BETTER QUALITY OF LIFE FOR THE RESIDENTS OF THE STATE;

31 (2) CONTINUED PROGRESS IN THE DEPLOYMENT AND ADOPTION
32 OF HIGH SPEED INTERNET AND OTHER ADVANCED TELECOMMUNICATIONS
33 SERVICES IS VITAL TO ENSURING THAT THE STATE REMAINS COMPETITIVE AND
34 CONTINUES TO CREATE BUSINESS AND JOB GROWTH; AND

1 **(3) THE STATE MUST ENCOURAGE AND SUPPORT THE**
2 **PARTNERSHIP OF THE PUBLIC AND PRIVATE SECTORS IN THE CONTINUED**
3 **GROWTH OF TELECOMMUNICATIONS FOR THE RESIDENTS AND BUSINESSES OF**
4 **THE STATE.**

5 **(B) (1) THE DEPARTMENT SHALL ENLIST A PUBLIC-PRIVATE**
6 **PARTNERSHIP TO IMPLEMENT A COMPREHENSIVE STATEWIDE HIGH SPEED**
7 **INTERNET DEPLOYMENT AND ADOPTION INITIATIVE.**

8 **(2) THE PURPOSE OF THE PARTNERSHIP IS TO:**

9 **(I) ENSURE THAT ALL RESIDENTS AND BUSINESSES OF THE**
10 **STATE HAVE ACCESS TO AFFORDABLE AND RELIABLE HIGH SPEED INTERNET**
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12 **(II) ACHIEVE IMPROVED TECHNOLOGY LITERACY,**
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- 1 4. **COMMUNITY-BASED ORGANIZATIONS;**
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28 **ORGANIZATION TO ACCOMPLISH THE PURPOSES OF THIS SECTION.**

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5 **(F) THIS SECTION MAY NOT BE CONSTRUED TO GIVE THE DEPARTMENT**
6 **OR ANY OTHER ENTITY ANY ADDITIONAL REGULATORY OR OTHER AUTHORITY**
7 **OVER PROVIDERS OF TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY.**

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
9 take effect July 1, 2008, contingent on the taking effect of Chapter ____ (S.B. 212/H.B.
10 362) of the Acts of the General Assembly of 2008. If Section 2 of this Act takes effect,
11 Section 1 of this Act shall be abrogated and of no further force and effect.

12 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
13 of Section 3 of this Act, this Act shall take effect July 1, 2008.