

~~(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR FISCAL YEAR 2008 ONLY, \$10,000,000 OF THE FUNDS IN THE TRANSPORTATION AUTHORITY FUND, WHICH ARE NOT REQUIRED BY LAW TO BE DISTRIBUTED TO THE COUNTIES OR BALTIMORE CITY, AND WHICH HAVE NOT BEEN PLEDGED OR OTHERWISE COMMITTED TO THE PAYMENT OF OR AS SECURITY FOR ANY BONDS OR OTHER DEBT ISSUED OR INCURRED IN ACCORDANCE WITH THIS ARTICLE, SHALL BE TRANSFERRED AND CREDITED TO THE RURAL BROADBAND ASSISTANCE FUND UNDER ARTICLE 83A, § 5 1902 § 5 1902 OF THE CODE FOR THE BENEFIT OF ONE OR MORE RURAL BROADBAND COOPERATIVES FORMED UNDER § 5 6C 01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.~~

~~(II) THE TRANSFER OF FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS CONTINGENT ON THE FORMATION AND EXISTENCE OF AT LEAST ONE RURAL BROADBAND COOPERATIVE IN THE STATE AS OF JUNE 30, 2007 THE AMOUNT OF THE TRANSFER OF FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REDUCED BY ANY AMOUNT OF STATE FUNDS THAT ARE APPROPRIATED IN THE BUDGET, OR OTHERWISE AVAILABLE, TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT FOR FISCAL YEAR 2007 FOR THE PURPOSE OF ASSISTING IN THE ESTABLISHMENT OF BROADBAND COMMUNICATION SERVICES IN RURAL AND UNDERSERVED AREAS OF THE STATE.~~

~~[(2)] (3) The use and disposition of money to the credit of the Transportation Authority Fund is subject to the provision of the applicable bond authorizing resolution or trust agreement.~~

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(A) THE ADMINISTRATION SHALL ALLOW THE USE OF ANY RIGHT-OF-WAY 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.

(B) THE COST OF ANY RELOCATION OF BROADBAND COMMUNICATION INFRASTRUCTURE DUE TO FUTURE ROAD IMPROVEMENTS SHALL BE THE RESPONSIBILITY OF THE APPROPRIATE TELECOMMUNICATIONS SERVICES PROVIDER.

(C) 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 it is the intent of the General Assembly that procurement, installation, and operation of rural broadband telecommunication services through rural broadband cooperatives in accordance with this Act shall be accomplished with the assistance of federal financial aid and with resource sharing with private entities to the greatest extent practicable.

SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to impair or otherwise alter the authority of any cooperative other than