

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 442 Session of  
2021

INTRODUCED BY PHILLIPS-HILL, STEFANO, MARTIN, YAW, BROOKS,  
GORDNER, SCHWANK, HUTCHINSON, PITTMAN, MASTRIANO, AUMENT AND  
BAKER, MARCH 19, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 21, 2021

## AN ACT

1 Providing for an inventory of State-owned assets for the  
2 development of fixed broadband services in unserved areas,  
3 establishing the Broadband Services Restricted Account and  
4 providing for underserved areas of this Commonwealth.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the State-owned  
9 Assets and Broadband Services Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Department." The Department of General Services of the  
15 Commonwealth.

16 "Fixed broadband service." An Internet connection provided  
17 through a link to a stationary location.

1 "Mobile broadband service." An Internet connection provided  
2 through a link to locations that are not stationary.

3 "Qualified provider." A provider of mobile broadband service  
4 that has obtained all governmental approvals required for the  
5 provision of fixed broadband service in the unserved area or  
6 underserved area in which it seeks to provide the service.

7 "Underserved area." An area within this Commonwealth that is  
8 demonstrated to have limited access to fixed broadband services  
9 or mobile broadband services.

10 "Unserved area." An area within this Commonwealth that is  
11 demonstrated to not have access to fixed broadband services or  
12 mobile broadband services.

13 Section 3. Inventory of State-owned assets.

14 (A) BROADBAND SERVICES.--Under the act of June 15, 1972 <--  
15 (P.L.395, No.117), entitled "An act providing for an inventory  
16 of all Commonwealth real property, except highway rights-of-way  
17 to be prepared by the Department of Property and Supplies, for  
18 its availability to the public, for its updating, and for  
19 cooperation by all State governmental agencies; and making an  
20 appropriation," and section 508(b) of the act of April 9, 1929  
21 (P.L.177, No.175), known as The Administrative Code of 1929, the  
22 department shall include in its inventories and surveys of real  
23 estate structures and assets information on possible use of  
24 those assets for fixed broadband services or mobile broadband  
25 services. The information shall be used by the department or its  
26 designee when analyzing resources available in providing  
27 broadband services in underserved areas and unserved areas.

28 (B) PUBLICATION.--THE DEPARTMENT SHALL SUBMIT AN INVENTORY <--  
29 OF STATE-OWNED ASSETS POTENTIALLY AVAILABLE FOR FIXED BROADBAND  
30 SERVICES AND MOBILE BROADBAND SERVICES TO THE LEGISLATIVE

1 REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN  
2 AND POST THE INVENTORY ON ITS PUBLICLY ACCESSIBLE INTERNET  
3 WEBSITE WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

4 Section 3.1. Inventory of county-owned assets.

5 (a) Preparation of inventories.--A county may prepare and  
6 periodically update an inventory of county-owned assets that are  
7 available and may be used to provide broadband services in  
8 underserved areas and unserved areas.

9 (b) Transmission to department.--A county inventory prepared  
10 under subsection (a) may be transmitted to the department and  
11 shall be included in the information used by the department  
12 under section 3 when analyzing resources available to provide  
13 broadband services in underserved areas and unserved areas.

14 (C) PUBLICATION.--THE DEPARTMENT SHALL SUBMIT A COUNTY <--  
15 INVENTORY PREPARED UNDER SUBSECTION (A) TO THE LEGISLATIVE  
16 REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN  
17 AND POST THE INVENTORY ON ITS PUBLICLY ACCESSIBLE INTERNET  
18 WEBSITE WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

19 Section 4. Lease or conveyance of State-owned assets.

20 (a) General rule.--Notwithstanding any provision of law to  
21 the contrary and subject to the guidelines adopted by the  
22 department under section 6, the State agency having  
23 responsibility for a State-owned asset for fixed broadband  
24 services or mobile broadband services in an unserved area or  
25 underserved area may AUCTION, lease or convey a license or other <--  
26 interest in the asset to a qualified provider in order to permit  
27 the use of the asset by the qualified provider in its deployment  
28 of fixed broadband services or mobile broadband services within  
29 the unserved area or underserved area or portion of that  
30 unserved area or underserved area.

1 (b) Evidence of compliance.--The requirement under  
2 subsection (a) is subject to the qualified provider presenting  
3 to the State agency evidence of compliance with structural,  
4 permitting and other guidelines under section 6, which will be  
5 reviewed by the department or its designee.

6 Section 5. Broadband Services Restricted Account.

7 (a) Establishment.--The Broadband Services Restricted  
8 Account is established in the General Fund. The money in the  
9 restricted account is appropriated on a continuing basis to the  
10 department for the purpose of deploying high-speed broadband  
11 services in unserved areas and underserved areas.

12 (b) Funding.--The following shall be deposited into the  
13 restricted account established under subsection (a):

14 (1) All revenue generated from leases, licenses or other  
15 interests in assets authorized by this act.

16 (2) All revenue generated from the contract entered into  
17 between the department and a wireless infrastructure program  
18 manager on August 23, 2019, and identified by the department  
19 as Contract Number 4400021522. UPON EACH DEPOSIT INTO THE <--  
20 RESTRICTED ACCOUNT, THE DEPARTMENT SHALL NOTIFY, IN WRITING,  
21 THE MAJORITY CHAIR AND MINORITY CHAIR OF THE APPROPRIATIONS  
22 COMMITTEE OF THE SENATE AND THE MAJORITY CHAIR AND MINORITY  
23 CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF  
24 REPRESENTATIVES OF THE SPECIFIC DOLLAR AMOUNT GENERATED FROM  
25 THE CONTRACT SPECIFIED IN THIS PARAGRAPH.

26 (3) All revenue generated from any other contract or  
27 agreement entered into between the department and a wireless  
28 infrastructure program manager for any of the following  
29 purposes:

30 (i) to analyze and market Commonwealth-owned assets,

a neutral host system, for revenue-generating purposes;  
(ii) to manage the occupancy, revenues and expenses associated with each asset;  
(iii) to construct or, through agreement with a service provider, facilitate the construction of new telecommunication equipment on Commonwealth-owned land, facilities or within rights-of-way;  
(iv) to retrofit or facilitate the upgrade of existing telecommunication equipment, including, but not limited to, space on any previously constructed towers and buildings; and  
(v) to enter into site occupancy agreements for assets and telecommunication equipment with service providers that will facilitate the deployment of broadband services to urban and rural consumers.

Section 6. Departmental guidelines.

(A) GUIDELINES.--The department or its designee shall adopt <-- guidelines for the following:

- (1) Qualifications for broadband service providers.
- (2) Negotiating and finalizing site occupancy agreements.

(B) REAL ESTATE TAXES.--IN THE GUIDELINES ADOPTED UNDER <-- SUBSECTION (A), THE DEPARTMENT OR ITS DESIGNEE SHALL SPECIFY THAT REAL ESTATE TAXES ASSESSED AS A RESULT OF FIXED ASSETS CONSTRUCTED TO PROVIDE FIXED BROADBAND SERVICES OR MOBILE BROADBAND SERVICES SHALL BE THE RESPONSIBILITY OF THE QUALIFIED PROVIDER. A LEASE, CONTRACT OR AGREEMENT SIGNED UNDER THE PROVISIONS OF THIS ACT MAY NOT REQUIRE THE COMMONWEALTH OR ITS POLITICAL SUBDIVISIONS OR INSTRUMENTALITIES TO PAY REAL ESTATE TAXES ON FIXED ASSETS CONSTRUCTED TO PROVIDE FIXED BROADBAND

1 SERVICES OR MOBILE BROADBAND SERVICES.

2 (C) RIGHT-TO-KNOW LAW.--THE GUIDELINES ADOPTED UNDER  
3 SUBSECTION (A) SHALL BE PUBLIC RECORD AS DEFINED IN SECTION 102  
4 OF THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE  
5 RIGHT-TO-KNOW LAW, AND SHALL BE AVAILABLE ON THE DEPARTMENT'S  
6 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

7 Section 7. Approvals.

8 The department or its designee shall identify an appropriate  
9 timeline of no more than 90 days for approval of site occupancy  
10 agreements.

11 Section 8. Statewide Mobile Radio and Microwave System.

12 (a) Jurisdiction.--The Pennsylvania State Police shall have  
13 jurisdiction over the Statewide Mobile Radio and Microwave  
14 System described in the act of December 5, 1996 (P.L.921,  
15 No.148), known as the Capital Budget Project Itemization Act for  
16 1996-1997.

17 (b) Allocation of proceeds.--Proceeds from the lease or  
18 licensing of a tower or other asset of the Statewide Mobile  
19 Radio and Microwave System shall be used for the purpose of  
20 maintaining and improving the ~~system~~ STATEWIDE MOBILE RADIO AND <--  
21 MICROWAVE SYSTEM.

22 Section 9. Applicability.

23 This act shall ~~not~~ apply ~~to~~ AS FOLLOWS: <--

24 (1) ~~The~~ SECTIONS 3, 3.1, 4, 5, 6 AND 7 SHALL NOT APPLY <--  
25 TO THE Pennsylvania State Police.

26 (2) ~~The~~ SECTIONS 3, 3.1, 4, 5, 6, 7 AND 8 SHALL NOT <--  
27 APPLY TO THE Pennsylvania Historical and Museum Commission.

28 Section 10. Effective date.

29 This act shall take effect immediately.