

AMENDMENTS TO HOUSE BILL NO. 2071

Sponsor: SENATOR PHILLIPS-HILL

Printer's No. 2432

1 Amend Bill, page 2, line 5, by inserting after "services"
2 , including

3 Amend Bill, page 2, line 16, by striking out "OR" where it
4 occurs the first time and inserting
5 , council of governments,

6 Amend Bill, page 2, line 16, by striking out the period after
7 "GOVERNMENT" and inserting
8 or any other entity approved by the board, subject to
9 section 6112(c)(1)(i) (relating to board).

10 Amend Bill, page 2, line 22, by striking out "(relating to
11 board)"

12 Amend Bill, page 3, line 15, by striking out "downstream" and
13 inserting
14 for downloads

15 Amend Bill, page 3, line 15, by striking out "upstream" and
16 inserting
17 for uploads

18 Amend Bill, page 3, line 23, by inserting after "program"
19 or programs

20 Amend Bill, page 3, line 24, by inserting after "generally)"
21 to fund projects

22 Amend Bill, page 3, by inserting between lines 24 and 25
23 "Project." A high-speed broadband service infrastructure
24 project or other broadband project allowable under Federal law
25 or guidance.

1 "Reliable broadband service." Broadband service that meets
2 performance criteria for service availability, adaptability to
3 changing end-user requirements, length of serviceable life or
4 other criteria, other than upload and download speeds, as
5 determined by the authority to comply with Federal law or
6 guidance.

7 Amend Bill, page 4, line 17, by striking out "LOCATION" and
8 inserting

9 area

10 Amend Bill, page 5, line 4, by striking out "Trust accounts"
11 and inserting

12 Accounts

13 Amend Bill, page 5, lines 21 through 30, by striking out
14 "elapse" in line 21 and all of lines 22 through 30 and inserting

15 later of:

16 (1) ten years from the effective date of this section;

17 or

18 (2) all Federal funds available for the purposes of this
19 chapter have been exhausted and all applicable duties and
20 responsibilities under Federal law or guidance have been
21 completed.

22 (d.1) Notice.--Prior to dissolution under subsection (d),
23 the authority shall transmit notice of the dissolution to the
24 Legislative Reference Bureau for publication in the Pennsylvania
25 Bulletin.

26 Amend Bill, page 6, lines 14 through 30; page 7, lines 1
27 through 10; by striking out all of said lines on said pages and
28 inserting

29 (a) Composition.--The board shall consist of members
30 selected as follows:

31 (1) The Secretary of Agriculture or a designee who shall
32 be an employee of the Department of Agriculture.

33 (2) the Secretary of Community and Economic Development
34 or a designee who shall be an employee of the Department of
35 Community and Economic Development.

36 (3) The Secretary of Education or a designee who shall
37 be an employee of the Department of Education.

38 (4) The Executive Director of the Center for Rural
39 Pennsylvania or a designee who shall be an employee of the
40 Center of Rural Pennsylvania.

41 (5) the chair of the Pennsylvania Public Utility
42 Commission or a designee who shall be an employee of the

Pennsylvania Public Utility Commission.

(6) The Secretary of General Services or a designee who shall be an employee of the Department of General Services.

(7) The Secretary of the Budget or a designee who shall be an employee of the Office of the Budget.

(8) One member of the Senate appointed by the President pro tempore of the Senate or a designee who shall be an employee of the Senate.

(9) One member of the Senate appointed by the Minority Leader of the Senate or a designee who shall be an employee of the Senate.

(10) One member of the House of Representatives appointed by the Speaker of the House of Representatives or a designee who shall be an employee of the House of Representatives.

(11) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives or a designee who shall be an employee of the House of Representatives.

Amend Bill, page 7, line 18, by striking out "four" and inserting

five

Amend Bill, page 7, lines 19 and 20, by striking out "(a) (1) (vii), (viii), (ix), (x) or (xi)" and inserting

(a) (7), (8), (9), (10) and (11)

Amend Bill, page 8, line 29, by striking out "once a month A" and inserting

on a

Amend Bill, page 8, line 30; page 9, lines 1 through 6; by striking out all of said lines on said pages and inserting

(d) Initial appointment and vacancy.--An appointing authority shall appoint initial members to the board within 30 days of the effective date of this chapter. Whenever a vacancy occurs on the board, the appointing authority shall appoint a successor member within 30 days of the vacancy.

Amend Bill, page 9, line 9, by striking out "legal"

Amend Bill, page 9, line 9, by inserting after "counsel"

and legal

Amend Bill, page 9, lines 16 and 17, by striking out "to

1 implement the purposes of this chapter"

2 Amend Bill, page 10, line 5, by striking out "high-speed
3 infrastructure"

4 Amend Bill, page 10, line 10, by striking out "Trust
5 accounts" and inserting
6 Accounts

7 Amend Bill, page 10, line 11, by striking out "trust"

8 Amend Bill, page 11, line 26, by striking out "overbuilding
9 of capacity" and inserting
10 overbuild

11 Amend Bill, page 12, line 6, by inserting after "entities.--"
12 The authority shall maintain a centralized database of all
13 broadband deployment activities occurring within Commonwealth
14 agencies and departments.

15 Amend Bill, page 12, lines 9 through 11, by striking out "so
16 that the" in line 9, all of line 10 and "deployment activities
17 occurring within this Commonwealth" in line 11 and inserting
18 regarding the authority's development and maintenance of the
19 centralized database

20 Amend Bill, page 12, lines 20 and 21, by striking out "to
21 assist in streamlining zoning processes"

22 Amend Bill, page 12, line 21, by inserting after "broadband"
23 development and

24 Amend Bill, page 12, lines 26 through 28, by striking out "to
25 the Broadband Equity, Access, and" in line 26 and all of lines
26 27 and 28 and inserting
27 to Federal funding for broadband development and deployment.

28 Amend Bill, page 13, line 15, by inserting after "authority"
29 to fund projects

30 Amend Bill, page 13, line 20, by striking out all of said

1 line and inserting

2 (b) Eligible entity.--The following shall apply:

3 (1) For projects related to high-speed broadband service

4 infrastructure, an

5 Amend Bill, page 13, line 24, by striking out "receive" and

6 inserting

7 apply for

8 Amend Bill, page 13, line 24, by inserting after "the" where

9 it occurs the second time

10 development and

11 Amend Bill, page 13, line 28, by striking out "private"

12 Amend Bill, page 13, line 30, by striking out "AND" and

13 inserting

14 or

15 Amend Bill, page 13, by inserting after line 30

16 (2) For all other projects, eligible entities and

17 minimum investment requirements shall be determined by the

18 authority in accordance with Federal law or guidance.

19 Amend Bill, page 14, lines 3 and 4, by striking out "high-

20 speed broadband service infrastructure"

21 Amend Bill, page 14, line 5, by striking out "private"

22 Amend Bill, page 14, lines 8 and 9, by striking out "high-

23 speed broadband service infrastructure"

24 Amend Bill, page 14, line 10, by striking out "private"

25 Amend Bill, page 14, line 13, by inserting after "overbuild"

26 in which less than 80 percent of broadband-serviceable

27 locations served by the proposed project are unserved or

28 underserved

29 Amend Bill, page 16, line 14, by striking out "OR" where it

30 occurs the second time and inserting

31 and

1 Amend Bill, page 16, line 22, by striking out "OR" where it
2 occurs the first time and inserting

3 areas,

4 Amend Bill, page 17, line 1, by inserting after "FUNDS"

5 for the development and deployment of broadband networks

6 Amend Bill, page 17, lines 3 and 4, by striking out "A UNIT
7 OF LOCAL GOVERNMENT, NONPROFIT ORGANIZATION OR BROADBAND SERVICE
8 PROVIDER" and inserting

9 an entity eligible to be an applicant

10 Amend Bill, page 17, line 9, by inserting after "FUNDS"

11 for the development and deployment of broadband networks

12 Amend Bill, page 17, line 10, by striking out "AND" and
13 inserting

14 area,

15 Amend Bill, page 17, line 11, by striking out "LOCATION OR"
16 and inserting

17 area and

18 Amend Bill, page 17, lines 12 through 15, by striking out "A
19 UNIT OF LOCAL GOVERNMENT, NONPROFIT ORGANIZATION" in line 12,
20 all of lines 13 and 14 and "CHALLENGE" in line 15 and inserting

21 If an entity eligible to be an applicant submits a challenge
22 under this subsection, the challenge shall be in writing and on
23 a form developed by the authority and

24 Amend Bill, page 17, lines 16 through 18, by striking out
25 "that the proposed high-speed" in line 16 and all of lines 17
26 and 18 and inserting

27 the eligibility of the proposed project, including
28 whether a particular location is in an unserved area or
29 underserved area.

30 Amend Bill, page 17, lines 21 and 22, by striking out "high-
31 speed broadband service infrastructure"

32 Amend Bill, page 17, line 25, by inserting after "6123"

1 for the development and deployment of broadband networks

2 Amend Bill, page 17, line 26, by striking out

3 "infrastructure"

4 Amend Bill, page 17, line 27, by inserting after "areas"

5 as required by Federal law or guidance

6 Amend Bill, page 17, line 29, by striking out

7 "infrastructure"

8 Amend Bill, page 17, line 30, by striking out "Criteria" and

9 inserting

10 Infrastructure criteria

11 Amend Bill, page 17, line 30, by striking out "authority" and

12 inserting

13 board

14 Amend Bill, page 18, lines 13 through 15, by striking out all

15 of lines 13 and 14 and "(4)" in line 15 and inserting

16 (3)

17 Amend Bill, page 18, line 16, by inserting after "to"

18 develop and

19 Amend Bill, page 18, line 17, by striking out "network" and

20 inserting

21 service

22 Amend Bill, page 18, line 19, by striking out "(5)" and

23 inserting

24 (4)

25 Amend Bill, page 18, line 19, by striking out "private"

26 Amend Bill, page 18, line 22, by striking out "(6)" and

27 inserting

28 (5)

29 Amend Bill, page 18, line 27, by striking out "(7)" and

30 inserting

1 (6)

2 Amend Bill, page 18, lines 27 through 29, by striking out
3 "to" in line 27 and all of lines 28 and 29 and inserting

4 in such a manner as to result in an overbuild.

5 (7) An affidavit that an applicant shall ensure that a
6 contractor or subcontractor performing construction,
7 reconstruction, demolition, repair or maintenance work on a
8 high-speed broadband service infrastructure project developed
9 and deployed under this chapter meets all of the following
10 requirements:

11 (i) Maintains all valid licenses, registrations or
12 certificates required by the Federal Government, the
13 Commonwealth or a local government entity that is
14 necessary to do business or perform applicable work.

15 (ii) Maintains compliance with the act of June 2,
16 1915 (P.L.736, No.338), known as the Workers'
17 Compensation Act, the act of December 5, 1936 (2nd
18 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
19 Compensation Law, and bonding and liability insurance
20 requirements as specified in the contract for the
21 project.

22 (iii) Has not defaulted on a project, declared
23 bankruptcy, been debarred or suspended on a project by
24 the Federal Government, the Commonwealth or a local
25 government entity within the previous three years.

26 (iv) Has not been convicted of a misdemeanor or
27 felony relating to the performance or operation of the
28 business of the contractor or subcontractor within the
29 previous 10 years.

30 (v) Has completed a minimum of the United States
31 Occupational Safety and Health Administration's 10-hour
32 safety training course or similar training sufficient to
33 prepare workers for any hazards that may be encountered
34 during their work on the high-speed broadband service
35 infrastructure.

36 Amend Bill, page 19, by inserting between lines 1 and 2

37 (f.1) Other project criteria.--The board shall award grants
38 under section 6123 for all other projects based upon a scoring
39 system, which shall be released to the public at least 30 days
40 before the beginning of the application period under subsection
41 (a). The authority shall determine the criteria when weighing or
42 scoring an application for a grant under section 6123 based on
43 Federal law or guidance and other factors which the authority
44 determines to be reasonable and appropriate for the purposes of
45 this chapter.

46 Amend Bill, page 19, line 17, by striking out "AS" and

1 inserting
2 and
3 Amend Bill, page 19, line 17, by striking out "AND" and
4 inserting
5 or
6 Amend Bill, page 19, line 19, by striking out "high-speed
7 broadband service infrastructure"
8 Amend Bill, page 19, line 22, by inserting a period after
9 "authority"
10 Amend Bill, page 19, lines 22 through 25, by striking out
11 "and OR the Auditor General, regardless of the" in line 22 and
12 all of lines 23 through 25
13 Amend Bill, page 19, line 26, by striking out "in 60 days"
14 and inserting
15 immediately