AN ACT

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

GOVERNMENT, EVERY POLITICAL SUBDIVISION OF THE STATE, AND
certain officers of such subdivisions, every person,
association, and corporation required to pay, assess, or
collect taxes, or to make returns or reports under the laws
imposing taxes for state purposes, or to pay license fees or
other moneys to the commonwealth, or any agency thereof,
every state depository and every debtor or creditor of the
commonwealth," providing for state-owned assets, county-owned
assets and broadband services; establishing the broadband
services restricted account; and providing for 2022-2023
budget implementation for state-related universities.

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

Section 1. Short title.

This act shall be known and may be cited as the state-owned
assets and broadband services act.

Section 2. Definitions.

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

"Department." The department of general services of the
commonwealth.

"Fixed broadband service." An internet connection provided
through a link to a stationary location.

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

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

"Underserved area." An area within this commonwealth that is
demonstrated to have limited access to fixed broadband services
or mobile broadband services.

"Unserved area." An area within this commonwealth that is
demonstrated to not have access to fixed broadband services or
mobile broadband services.

Section 3. Inventory of State-owned assets.

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

(B) PUBLICATION.--THE DEPARTMENT SHALL SUBMIT AN INVENTORY OF STATE-OWNED ASSETS POTENTIALLY AVAILABLE FOR FIXED BROADBAND SERVICES AND MOBILE BROADBAND SERVICES TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN AND POST THE INVENTORY ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

Section 3.1. Inventory of county-owned assets.

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

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

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

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

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

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

Section 5. Broadband Services Restricted Account.

(a) Establishment. The Broadband Services Restricted Account is established in the General Fund. The money in the restricted account is appropriated on a continuing basis to the department for the purpose of deploying high-speed broadband services in unserved areas and underserved areas.
(b) Funding. The following shall be deposited into the restricted account established under subsection (a):

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

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

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

(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
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

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guidelines for the following:

(1) Qualifications for broadband service providers.

(2) Negotiating and finalizing site occupancy

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agreements.

(B) REAL ESTATE TAXES. IN THE GUIDELINES ADOPTED UNDER

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SUBSECTION (A), THE DEPARTMENT OR ITS DESIGNEE SHALL SPECIFY

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THAT REAL ESTATE TAXES ASSESSED AS A RESULT OF FIXED ASSETS

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CONSTRUCTED TO PROVIDE FIXED BROADBAND SERVICES OR MOBILE

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BROADBAND SERVICES SHALL BE THE RESPONSIBILITY OF THE QUALIFIED

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PROVIDER. A LEASE, CONTRACT OR AGREEMENT SIGNED UNDER THE

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PROVISIONS OF THIS ACT MAY NOT REQUIRE THE COMMONWEALTH OR ITS

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POLITICAL SUBDIVISIONS OR INSTRUMENTALITIES TO PAY REAL ESTATE

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TAXES ON FIXED ASSETS CONSTRUCTED TO PROVIDE FIXED BROADBAND

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SERVICES OR MOBILE BROADBAND SERVICES.

(C) RIGHT-TO-KNOW LAW. THE GUIDELINES ADOPTED UNDER

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SUBSECTION (A) SHALL BE PUBLIC RECORD AS DEFINED IN SECTION 102

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OF THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE

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RIGHT-TO-KNOW LAW, AND SHALL BE AVAILABLE ON THE DEPARTMENT’S

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PUBLICLY ACCESSIBLE INTERNET WEBSITE.

Section 7. Approvals.

The department or its designee shall identify an appropriate-

timeline of no more than 90 days for approval of site occupancy-

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agreements.

Section 8. Statewide Mobile Radio and Microwave System.

(b) Allocation of proceeds.--Proceeds from the lease or licensing of a tower or other asset of the Statewide Mobile Radio and Microwave System shall be used for the purpose of maintaining and improving the system.

Section 9. Applicability.

This act shall not apply to AS FOLLOWS:

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

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

Section 10. Effective date.

This act shall take effect immediately.

SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS AMENDED BY ADDING ARTICLES TO READ:

ARTICLE I-K

STATE-OWNED ASSETS, COUNTY-OWNED ASSETS AND BROADBAND SERVICES

SECTION 101-K. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"DEPARTMENT." THE DEPARTMENT OF GENERAL SERVICES OF THE COMMONWEALTH.

"FIXED BROADBAND SERVICE." AN INTERNET CONNECTION PROVIDED
THROUGH A LINK TO A STATIONARY LOCATION.

"MOBILE BROADBAND SERVICE." AN INTERNET CONNECTION PROVIDED THROUGH A LINK TO LOCATIONS THAT ARE NOT STATIONARY.

"QUALIFIED PROVIDER." A PROVIDER OF MOBILE BROADBAND SERVICE THAT HAS OBTAINED ALL GOVERNMENTAL APPROVALS REQUIRED FOR THE PROVISION OF FIXED BROADBAND SERVICE IN THE UNSERVED AREA OR UNDERSERVED AREA IN WHICH IT SEeks TO PROVIDE THE SERVICE.

"UNDERSERVED AREA." AN AREA WITHIN THIS COMMONWEALTH THAT IS DEMONSTRATED TO HAVE LIMITED ACCESS TO FIXED BROADBAND SERVICES OR MOBILE BROADBAND SERVICES.

"UNSERVED AREA." AN AREA WITHIN THIS COMMONWEALTH THAT IS DEMONSTRATED TO NOT HAVE ACCESS TO FIXED BROADBAND SERVICES OR MOBILE BROADBAND SERVICES.

SECTION 102-K. PENNSYLVANIA STATE POLICE.


(B) PROCEEDS.--PROCEEDS FROM THE LEASE OR LICENSING OF A TOWER OR OTHER ASSET OF THE STATEWIDE MOBILE RADIO AND MICROWAVE SYSTEM SHALL BE USED FOR THE PURPOSE OF MAINTAINING AND IMPROVING THE STATEWIDE MOBILE RADIO AND MICROWAVE SYSTEM.

SECTION 103-K. STATE-OWNED ASSETS, COUNTY-OWNED ASSETS AND BROADBAND SERVICES.

(A) INVENTORIES.--THE FOLLOWING SHALL APPLY:

(1) UNDER THE ACT OF JUNE 15, 1972 (P.L.395, NO.117), ENTITLED "AN ACT PROVIDING FOR AN INVENTORY OF ALL COMMONWEALTH REAL PROPERTY, EXCEPT HIGHWAY RIGHTS-OF-WAY TO BE PREPARED BY THE DEPARTMENT OF PROPERTY AND SUPPLIES, FOR...
ITS AVAILABILITY TO THE PUBLIC, FOR ITS UPDATING, AND FOR
COOPERATION BY ALL STATE GOVERNMENTAL AGENCIES; AND MAKING AN
APPROPRIATION," AND SECTION 508(B) OF THE ACT OF APRIL 9,
1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
1929, THE DEPARTMENT SHALL INCLUDE IN ITS INVENTORIES AND
SURVEYS OF REAL ESTATE STRUCTURES AND ASSETS INFORMATION ON
POSSIBLE USE OF THE ASSETS FOR FIXED BROADBAND SERVICES OR
MOBILE BROADBAND SERVICES. THE INFORMATION SHALL BE USED BY
THE DEPARTMENT OR ITS DESIGNEE WHEN ANALYZING RESOURCES
AVAILABLE IN PROVIDING BROADBAND SERVICES IN UNDERSERVED
AREAS AND UNSERVED AREAS. THE INVENTORY MAY NOT INCLUDE
ASSETS USED BY THE PENNSYLVANIA STATE POLICE OR THE
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION.

(2) A COUNTY MAY PREPARE AND PERIODICALLY UPDATE AN
INVENTORY OF COUNTY-OWNED ASSETS THAT ARE AVAILABLE AND MAY
BE USED TO PROVIDE BROADBAND SERVICES IN UNDERSERVED AREAS
AND UNSERVED AREAS. A COUNTY INVENTORY PREPARED UNDER THIS
PARAGRAPH MAY BE TRANSMITTED TO THE DEPARTMENT AND SHALL BE
INCLUDED IN THE INFORMATION USED BY THE DEPARTMENT UNDER
SUBSECTION (E) WHEN ANALYZING RESOURCES AVAILABLE TO PROVIDE
BROADBAND SERVICES IN UNDERSERVED AREAS AND UNSERVED AREAS.

(B) PUBLICATION.--THE FOLLOWING SHALL APPLY:

(1) THE DEPARTMENT SHALL SUBMIT AN INVENTORY OF STATE-
OWNED ASSETS POTENTIALLY AVAILABLE FOR FIXED BROADBAND
SERVICES AND MOBILE BROADBAND SERVICES TO THE LEGISLATIVE
REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN
AND POST THE INVENTORY ON ITS PUBLICLY ACCESSIBLE INTERNET
WEBSITE WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS
SUBSECTION.

(2) THE DEPARTMENT SHALL SUBMIT A COUNTY INVENTORY
PREPARED UNDER SUBSECTION (A)(2) TO THE LEGISLATIVE REFERENCE
BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN AND POST
THE INVENTORY ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE
WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SUBSECTION.

(C) LICENSE OR OTHER INTEREST.--THE FOLLOWING SHALL APPLY:

(1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY
AND SUBJECT TO THE GUIDELINES ADOPTED BY THE DEPARTMENT UNDER
SUBSECTION (E), THE STATE AGENCY HAVING RESPONSIBILITY FOR A
STATE-OWNED ASSET FOR FIXED BROADBAND SERVICES OR MOBILE
BROADBAND SERVICES IN AN UNSERVED AREA OR UNDERSERVED AREA
MAY AUCTION, LEASE OR CONVEY A LICENSE OR OTHER INTEREST IN
THE ASSET TO A QUALIFIED PROVIDER IN ORDER TO PERMIT THE USE
OF THE ASSET BY THE QUALIFIED PROVIDER IN ITS DEPLOYMENT OF
FIXED BROADBAND SERVICES OR MOBILE BROADBAND SERVICES WITHIN
THE UNSERVED AREA OR UNDERSERVED AREA OR PORTION OF THAT
UNSERVED AREA OR UNDERSERVED AREA.

(2) THE REQUIREMENT UNDER PARAGRAPH (1) SHALL BE SUBJECT
TO THE QUALIFIED PROVIDER PRESENTING TO THE STATE AGENCY
EVIDENCE OF COMPLIANCE WITH STRUCTURAL, PERMITTING AND OTHER
GUIDELINES UNDER SUBSECTION (E), WHICH SHALL BE REVIEWED BY
THE DEPARTMENT OR ITS DESIGNEE.

(D) BROADBAND SERVICES RESTRICTED ACCOUNT.--THE FOLLOWING
SHALL APPLY:

(1) THE BROADBAND SERVICES RESTRICTED ACCOUNT IS
ESTABLISHED IN THE GENERAL FUND. THE MONEY IN THE RESTRICTED
ACCOUNT IS APPROPRIATED ON A CONTINUING BASIS TO THE
DEPARTMENT FOR THE PURPOSE OF DEPLOYING HIGH-SPEED BROADBAND
SERVICES IN UNSERVED AREAS AND UNDERSERVED AREAS.

(2) THE FOLLOWING SHALL BE DEPOSITED INTO THE RESTRICTED
ACCOUNT ESTABLISHED UNDER PARAGRAPH (1):
(I) Revenue generated from leases, licenses or other interests in assets authorized by this article.

(II) Revenue generated from the contract entered into between the department and a wireless infrastructure program manager on August 23, 2019, and identified by the department as contract number 4400021522. Upon each deposit into the restricted account, the department shall notify, in writing, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the specific dollar amount generated from the contract specified in this subparagraph.

(III) Revenue generated from any other contract or agreement entered into between the department and a wireless infrastructure program manager for any of the following purposes:

(A) to analyze and market state-owned assets, a neutral host system, for revenue-generating purposes;

(B) to manage the occupancy, revenues and expenses associated with each asset;

(C) to construct or, through agreement with a service provider, facilitate the construction of new telecommunication equipment on state-owned land or facilities or within rights-of-way;

(D) to retrofit or facilitate the upgrade of existing telecommunication equipment, including, but not limited to, space on any previously constructed towers and buildings; and

(E) 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.

(E) GUIDELINES.--THE FOLLOWING SHALL APPLY:

(1) THE DEPARTMENT OR ITS DESIGNEE SHALL ADOPT GUIDELINES FOR QUALIFICATIONS FOR BROADBAND SERVICE PROVIDERS AND NEGOTIATING AND FINALIZING SITE OCCUPANCY AGREEMENTS.

(2) IN THE GUIDELINES ADOPTED UNDER PARAGRAPH (1), 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 ARTICLE MAY NOT REQUIRE THE COMMONWEALTH OR ITS POLITICAL SUBDIVISIONS OR INSTRUMENTALITIES TO PAY REAL ESTATE TAXES ON FIXED ASSETS CONSTRUCTED TO PROVIDE FIXED BROADBAND SERVICES OR MOBILE BROADBAND SERVICES.

(3) THE GUIDELINES ADOPTED UNDER PARAGRAPH (1) SHALL BE PUBLIC RECORDS AS DEFINED IN SECTION 102 OF THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, AND SHALL BE AVAILABLE ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

(F) APPROVAL.--THE DEPARTMENT OR ITS DESIGNEE SHALL IDENTIFY AN APPROPRIATE TIMELINE OF NO MORE THAN 90 DAYS FOR APPROVAL OF SITE OCCUPANCY AGREEMENTS.
SECTION 1711-F.1.  (RESERVED).
SECTION 1712-F.1.  (RESERVED).
SECTION 1713-F.1.  (RESERVED).
SECTION 1714-F.1.  (RESERVED).
SECTION 1715-F.1.  (RESERVED).
SECTION 1716-F.1.  (RESERVED).
SECTION 1717-F.1.  (RESERVED).
SECTION 1718-F.1.  (RESERVED).
SECTION 1719-F.1.  (RESERVED).
SECTION 1720-F.1.  (RESERVED).
SECTION 1721-F.1.  (RESERVED).
SECTION 1722-F.1.  (RESERVED).
SECTION 1723-F.1.  (RESERVED).
SECTION 1724-F.1.  (RESERVED).
SECTION 1725-F.1.  (RESERVED).
SECTION 1726-F.1.  (RESERVED).
SECTION 1727-F.1.  (RESERVED).
SECTION 1728-F.1.  (RESERVED).
SECTION 1729-F.1.  (RESERVED).
SECTION 1730-F.1.  (RESERVED).
SECTION 1731-F.1.  (RESERVED).
SECTION 1732-F.1.  (RESERVED).
SECTION 1733-F.1.  (RESERVED).
SECTION 1734-F.1.  (RESERVED).
SECTION 1735-F.1.  (RESERVED).
SECTION 1736-F.1.  STATE-RELATED UNIVERSITIES.
   (A)  SCOPE.--THIS SECTION RELATES TO PAYMENTS FROM
   NONPREFERRED APPROPRIATIONS TO THE FOLLOWING INSTITUTIONS:
   (1)  THE PENNSYLVANIA STATE UNIVERSITY.
(2) THE UNIVERSITY OF PITTSBURGH.

(3) TEMPLE UNIVERSITY.

(4) LINCOLN UNIVERSITY.

(B) FUNDING RESTRICTION.--ALL OF THE FOLLOWING APPLY TO A
PAYMENT UNDER SUBSECTION (A):

(1) THE PAYMENT SHALL BE MADE ON A MONTHLY BASIS.

(2) THE PAYMENT MUST BE BASED ON COST INCURRED BY THE
INSTITUTION ALLOCATED OVER THE 2022-2023 FISCAL YEAR.

(3) THE INSTITUTION MUST NOT ENGAGE IN RESEARCH OR
EXPERIMENTATION USING FETAL TISSUE OBTAINED FROM AN ELECTIVE
ABORTION.

(4) NOT LATER THAN 30 DAYS PRIOR TO THE DATE THE PAYMENT
IS MADE, A FINANCIAL OFFICER OF THE INSTITUTION MUST SUBMIT
ALL OF THE FOLLOWING TO THE SECRETARY OF EDUCATION, THE STATE
TREASURER, THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF
THE HOUSE OF REPRESENTATIVES:

(I) AN ESTIMATE OF COSTS UNDER PARAGRAPH (2).

(II) A STATEMENT, SUBJECT TO 18 PA.C.S. § 4904
(RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES), THAT
THE INSTITUTION IS IN COMPLIANCE WITH PARAGRAPH (3).

SECTION 2. THE ADDITION OF ARTICLE XVII-F.1 OF THE ACT SHALL
APPLY RETROACTIVELY TO JULY 1, 2022.

SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.