

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 RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 6, 2022

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 AMENDING THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), ENTITLED <--
6 "AN ACT RELATING TO THE FINANCES OF THE STATE GOVERNMENT;
7 PROVIDING FOR CANCER CONTROL, PREVENTION AND RESEARCH, FOR
8 AMBULATORY SURGICAL CENTER DATA COLLECTION, FOR THE JOINT
9 UNDERWRITING ASSOCIATION, FOR ENTERTAINMENT BUSINESS
10 FINANCIAL MANAGEMENT FIRMS, FOR PRIVATE DAM FINANCIAL
11 ASSURANCE AND FOR REINSTATEMENT OF ITEM VETOES; PROVIDING FOR
12 THE SETTLEMENT, ASSESSMENT, COLLECTION, AND LIEN OF TAXES,
13 BONUS, AND ALL OTHER ACCOUNTS DUE THE COMMONWEALTH, THE
14 COLLECTION AND RECOVERY OF FEES AND OTHER MONEY OR PROPERTY
15 DUE OR BELONGING TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
16 INCLUDING ESCHEATED PROPERTY AND THE PROCEEDS OF ITS SALE,
17 THE CUSTODY AND DISBURSEMENT OR OTHER DISPOSITION OF FUNDS
18 AND SECURITIES BELONGING TO OR IN THE POSSESSION OF THE
19 COMMONWEALTH, AND THE SETTLEMENT OF CLAIMS AGAINST THE
20 COMMONWEALTH, THE RESETTLEMENT OF ACCOUNTS AND APPEALS TO THE
21 COURTS, REFUNDS OF MONEYS ERRONEOUSLY PAID TO THE
22 COMMONWEALTH, AUDITING THE ACCOUNTS OF THE COMMONWEALTH AND
23 ALL AGENCIES THEREOF, OF ALL PUBLIC OFFICERS COLLECTING
24 MONEYS PAYABLE TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
25 AND ALL RECEIPTS OF APPROPRIATIONS FROM THE COMMONWEALTH,
26 AUTHORIZING THE COMMONWEALTH TO ISSUE TAX ANTICIPATION NOTES
27 TO DEFRAY CURRENT EXPENSES, IMPLEMENTING THE PROVISIONS OF
28 SECTION 7(A) OF ARTICLE VIII OF THE CONSTITUTION OF
29 PENNSYLVANIA AUTHORIZING AND RESTRICTING THE INCURRING OF
30 CERTAIN DEBT AND IMPOSING PENALTIES; AFFECTING EVERY
31 DEPARTMENT, BOARD, COMMISSION, AND OFFICER OF THE STATE

1 GOVERNMENT, EVERY POLITICAL SUBDIVISION OF THE STATE, AND
2 CERTAIN OFFICERS OF SUCH SUBDIVISIONS, EVERY PERSON,
3 ASSOCIATION, AND CORPORATION REQUIRED TO PAY, ASSESS, OR
4 COLLECT TAXES, OR TO MAKE RETURNS OR REPORTS UNDER THE LAWS
5 IMPOSING TAXES FOR STATE PURPOSES, OR TO PAY LICENSE FEES OR
6 OTHER MONEYS TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
7 EVERY STATE DEPOSITORY AND EVERY DEBTOR OR CREDITOR OF THE
8 COMMONWEALTH," PROVIDING FOR STATE-OWNED ASSETS, COUNTY-OWNED
9 ASSETS AND BROADBAND SERVICES; ESTABLISHING THE BROADBAND
10 SERVICES RESTRICTED ACCOUNT; AND PROVIDING FOR 2022-2023
11 BUDGET IMPLEMENTATION FOR STATE-RELATED UNIVERSITIES.

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

14 ~~Section 1. Short title.~~

<--

15 ~~This act shall be known and may be cited as the State owned~~
16 ~~Assets and Broadband Services Act.~~

17 ~~Section 2. Definitions.~~

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

21 ~~"Department." The Department of General Services of the~~
22 ~~Commonwealth.~~

23 ~~"Fixed broadband service." An Internet connection provided~~
24 ~~through a link to a stationary location.~~

25 ~~"Mobile broadband service." An Internet connection provided~~
26 ~~through a link to locations that are not stationary.~~

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

31 ~~"Underserved area." An area within this Commonwealth that is~~
32 ~~demonstrated to have limited access to fixed broadband services~~
33 ~~or mobile broadband services.~~

34 ~~"Unserved area." An area within this Commonwealth that is~~
35 ~~demonstrated to not have access to fixed broadband services or~~

1 ~~mobile broadband services.~~

2 ~~Section 3. Inventory of State owned assets.~~

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

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

23 ~~Section 3.1. Inventory of county owned assets.~~

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

28 ~~(b) Transmission to department. A county inventory prepared~~
29 ~~under subsection (a) may be transmitted to the department and~~
30 ~~shall be included in the information used by the department~~

1 ~~under section 3 when analyzing resources available to provide~~
2 ~~broadband services in underserved areas and unserved areas.~~

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

8 ~~Section 4. Lease or conveyance of State owned assets.~~

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

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

25 ~~Section 5. Broadband Services Restricted Account.~~

26 ~~(a) Establishment. The Broadband Services Restricted~~
27 ~~Account is established in the General Fund. The money in the~~
28 ~~restricted account is appropriated on a continuing basis to the~~
29 ~~department for the purpose of deploying high speed broadband~~
30 ~~services in unserved areas and underserved areas.~~

1 ~~(b) Funding. The following shall be deposited into the~~
2 ~~restricted account established under subsection (a):~~

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

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

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

19 ~~(i) to analyze and market Commonwealth owned assets,~~
20 ~~a neutral host system, for revenue generating purposes;~~

21 ~~(ii) to manage the occupancy, revenues and expenses~~
22 ~~associated with each asset;~~

23 ~~(iii) to construct or, through agreement with a~~
24 ~~service provider, facilitate the construction of new~~
25 ~~telecommunication equipment on Commonwealth owned land,~~
26 ~~facilities or within rights of way;~~

27 ~~(iv) to retrofit or facilitate the upgrade of~~
28 ~~existing telecommunication equipment, including, but not~~
29 ~~limited to, space on any previously constructed towers~~
30 ~~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 SERVICES OR MOBILE BROADBAND SERVICES.~~

~~(C) RIGHT TO KNOW LAW. THE GUIDELINES ADOPTED UNDER SUBSECTION (A) SHALL BE PUBLIC RECORD 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.~~

~~Section 7. Approvals.~~

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

~~Section 8. Statewide Mobile Radio and Microwave System.~~

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

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

11 ~~Section 9. Applicability.~~

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

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

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

17 ~~Section 10. Effective date.~~

18 ~~This act shall take effect immediately.~~

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

21 ARTICLE I-K

22 STATE-OWNED ASSETS, COUNTY-OWNED ASSETS

23 AND BROADBAND SERVICES

24 SECTION 101-K. DEFINITIONS.

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

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

30 "FIXED BROADBAND SERVICE." AN INTERNET CONNECTION PROVIDED

1 THROUGH A LINK TO A STATIONARY LOCATION.

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

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

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

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

14 SECTION 102-K. PENNSYLVANIA STATE POLICE.

15 (A) JURISDICTION.--THE PENNSYLVANIA STATE POLICE SHALL HAVE
16 JURISDICTION OVER THE STATEWIDE MOBILE RADIO AND MICROWAVE
17 SYSTEM DESCRIBED IN THE ACT OF DECEMBER 5, 1996 (P.L.921,
18 NO.148), KNOWN AS THE CAPITAL BUDGET PROJECT ITEMIZATION ACT FOR
19 1996-1997.

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

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

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

27 (1) UNDER THE ACT OF JUNE 15, 1972 (P.L.395, NO.117),
28 ENTITLED "AN ACT PROVIDING FOR AN INVENTORY OF ALL
29 COMMONWEALTH REAL PROPERTY, EXCEPT HIGHWAY RIGHTS-OF-WAY TO
30 BE PREPARED BY THE DEPARTMENT OF PROPERTY AND SUPPLIES, FOR

1 ITS AVAILABILITY TO THE PUBLIC, FOR ITS UPDATING, AND FOR
2 COOPERATION BY ALL STATE GOVERNMENTAL AGENCIES; AND MAKING AN
3 APPROPRIATION," AND SECTION 508(B) OF THE ACT OF APRIL 9,
4 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
5 1929, THE DEPARTMENT SHALL INCLUDE IN ITS INVENTORIES AND
6 SURVEYS OF REAL ESTATE STRUCTURES AND ASSETS INFORMATION ON
7 POSSIBLE USE OF THE ASSETS FOR FIXED BROADBAND SERVICES OR
8 MOBILE BROADBAND SERVICES. THE INFORMATION SHALL BE USED BY
9 THE DEPARTMENT OR ITS DESIGNEE WHEN ANALYZING RESOURCES
10 AVAILABLE IN PROVIDING BROADBAND SERVICES IN UNDERSERVED
11 AREAS AND UNSERVED AREAS. THE INVENTORY MAY NOT INCLUDE
12 ASSETS USED BY THE PENNSYLVANIA STATE POLICE OR THE
13 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION.

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

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

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

30 (2) THE DEPARTMENT SHALL SUBMIT A COUNTY INVENTORY

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

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

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

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

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

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

29 (2) THE FOLLOWING SHALL BE DEPOSITED INTO THE RESTRICTED
30 ACCOUNT ESTABLISHED UNDER PARAGRAPH (1):

1 (I) REVENUE GENERATED FROM LEASES, LICENSES OR OTHER
2 INTERESTS IN ASSETS AUTHORIZED BY THIS ARTICLE.

3 (II) REVENUE GENERATED FROM THE CONTRACT ENTERED
4 INTO BETWEEN THE DEPARTMENT AND A WIRELESS INFRASTRUCTURE
5 PROGRAM MANAGER ON AUGUST 23, 2019, AND IDENTIFIED BY THE
6 DEPARTMENT AS CONTRACT NUMBER 4400021522. UPON EACH
7 DEPOSIT INTO THE RESTRICTED ACCOUNT, THE DEPARTMENT SHALL
8 NOTIFY, IN WRITING, THE CHAIRPERSON AND MINORITY
9 CHAIRPERSON OF THE APPROPRIATIONS COMMITTEE OF THE SENATE
10 AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
11 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES
12 OF THE SPECIFIC DOLLAR AMOUNT GENERATED FROM THE CONTRACT
13 SPECIFIED IN THIS SUBPARAGRAPH.

14 (III) REVENUE GENERATED FROM ANY OTHER CONTRACT OR
15 AGREEMENT ENTERED INTO BETWEEN THE DEPARTMENT AND A
16 WIRELESS INFRASTRUCTURE PROGRAM MANAGER FOR ANY OF THE
17 FOLLOWING PURPOSES:

18 (A) TO ANALYZE AND MARKET STATE-OWNED ASSETS, A
19 NEUTRAL HOST SYSTEM, FOR REVENUE-GENERATING PURPOSES;

20 (B) TO MANAGE THE OCCUPANCY, REVENUES AND
21 EXPENSES ASSOCIATED WITH EACH ASSET;

22 (C) TO CONSTRUCT OR, THROUGH AGREEMENT WITH A
23 SERVICE PROVIDER, FACILITATE THE CONSTRUCTION OF NEW
24 TELECOMMUNICATION EQUIPMENT ON STATE-OWNED LAND OR
25 FACILITIES OR WITHIN RIGHTS-OF-WAY;

26 (D) TO RETROFIT OR FACILITATE THE UPGRADE OF
27 EXISTING TELECOMMUNICATION EQUIPMENT, INCLUDING, BUT
28 NOT LIMITED TO, SPACE ON ANY PREVIOUSLY CONSTRUCTED
29 TOWERS AND BUILDINGS; AND

30 (E) TO ENTER INTO SITE OCCUPANCY AGREEMENTS FOR

1 ASSETS AND TELECOMMUNICATION EQUIPMENT WITH SERVICE
2 PROVIDERS THAT WILL FACILITATE THE DEPLOYMENT OF
3 BROADBAND SERVICES TO URBAN AND RURAL CONSUMERS.

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

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

8 (2) IN THE GUIDELINES ADOPTED UNDER PARAGRAPH (1), THE
9 DEPARTMENT OR ITS DESIGNEE SHALL SPECIFY THAT REAL ESTATE
10 TAXES ASSESSED AS A RESULT OF FIXED ASSETS CONSTRUCTED TO
11 PROVIDE FIXED BROADBAND SERVICES OR MOBILE BROADBAND SERVICES
12 SHALL BE THE RESPONSIBILITY OF THE QUALIFIED PROVIDER. A
13 LEASE, CONTRACT OR AGREEMENT SIGNED UNDER THE PROVISIONS OF
14 THIS ARTICLE MAY NOT REQUIRE THE COMMONWEALTH OR ITS
15 POLITICAL SUBDIVISIONS OR INSTRUMENTALITIES TO PAY REAL
16 ESTATE TAXES ON FIXED ASSETS CONSTRUCTED TO PROVIDE FIXED
17 BROADBAND SERVICES OR MOBILE BROADBAND SERVICES.

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

23 (F) APPROVAL.--THE DEPARTMENT OR ITS DESIGNEE SHALL IDENTIFY
24 AN APPROPRIATE TIMELINE OF NO MORE THAN 90 DAYS FOR APPROVAL OF
25 SITE OCCUPANCY AGREEMENTS.

26 ARTICLE XVII-F.1

27 2022-2023 BUDGET IMPLEMENTATION

28 SUBARTICLE A

29 (RESERVED)

30 SUBARTICLE B

EXECUTIVE DEPARTMENT

- 1
- 2 SECTION 1711-F.1. (RESERVED).
- 3 SECTION 1712-F.1. (RESERVED).
- 4 SECTION 1713-F.1. (RESERVED).
- 5 SECTION 1714-F.1. (RESERVED).
- 6 SECTION 1715-F.1. (RESERVED).
- 7 SECTION 1716-F.1. (RESERVED).
- 8 SECTION 1717-F.1. (RESERVED).
- 9 SECTION 1718-F.1. (RESERVED).
- 10 SECTION 1719-F.1. (RESERVED).
- 11 SECTION 1720-F.1. (RESERVED).
- 12 SECTION 1721-F.1. (RESERVED).
- 13 SECTION 1722-F.1. (RESERVED).
- 14 SECTION 1723-F.1. (RESERVED).
- 15 SECTION 1724-F.1. (RESERVED).
- 16 SECTION 1725-F.1. (RESERVED).
- 17 SECTION 1726-F.1. (RESERVED).
- 18 SECTION 1727-F.1. (RESERVED).
- 19 SECTION 1728-F.1. (RESERVED).
- 20 SECTION 1729-F.1. (RESERVED).
- 21 SECTION 1730-F.1. (RESERVED).
- 22 SECTION 1731-F.1. (RESERVED).
- 23 SECTION 1732-F.1. (RESERVED).
- 24 SECTION 1733-F.1. (RESERVED).
- 25 SECTION 1734-F.1. (RESERVED).
- 26 SECTION 1735-F.1. (RESERVED).
- 27 SECTION 1736-F.1. STATE-RELATED UNIVERSITIES.
- 28 (A) SCOPE.--THIS SECTION RELATES TO PAYMENTS FROM
- 29 NONPREFERRED APPROPRIATIONS TO THE FOLLOWING INSTITUTIONS:
- 30 (1) THE PENNSYLVANIA STATE UNIVERSITY.

1 (2) THE UNIVERSITY OF PITTSBURGH.

2 (3) TEMPLE UNIVERSITY.

3 (4) LINCOLN UNIVERSITY.

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

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

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

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

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

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

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

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

23 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.