

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 305 Session of 2019

INTRODUCED BY SNYDER, IRVIN, SCHLOSSBERG, JAMES, D. MILLER, HILL-EVANS, NEILSON, PASHINSKI, M. K. KELLER, MILLARD, ULLMAN, GROVE, BERNSTINE, SAYLOR, DEASY, DeLUCA, LONGIETTI, BIZZARRO, MARKOSEK, KORTZ, SCHWEYER, McCLINTON, OBERLANDER, MASSER, DAVIDSON, MURT, MADDEN, T. DAVIS, JONES, CAUSER, KAIL, SIMS AND WILLIAMS, FEBRUARY 1, 2019

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 20, 2019

AN ACT

1 Providing for an inventory of State-owned assets and county-
2 owned assets for the development of mobile broadband services
3 in unserved areas and underserved areas of this Commonwealth
4 AND FOR THE STATEWIDE MOBILE RADIO AND MICROWAVE SYSTEM. <--

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 Mobile 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 services." An Internet connection provided

1 through a link to a stationary location at a data bit rate or  
2 connectivity speed defined by department policy.

3 "Mobile broadband services." An Internet connection provided  
4 through a link to locations that are not stationary at a data  
5 bit rate or connectivity speed defined by department policy.

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

10 "Secretary." The Secretary of General Services of the  
11 Commonwealth.

12 "Underserved area." An area within this Commonwealth that is  
13 demonstrated to have limited access to fixed broadband services  
14 or mobile broadband services.

15 "Unserved area." An area within this Commonwealth that is  
16 demonstrated to not have access to fixed broadband services or  
17 mobile broadband service.

18 Section 3. Inventory of State-owned assets.

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

1 available in providing broadband services in underserved areas  
2 and unserved areas.

3 Section 3.1. Inventory of county-owned assets.

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

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

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

14 (a) General rule.--Notwithstanding any provision of law to  
15 the contrary and subject to the guidelines adopted by the  
16 department under section 5, the department having responsibility  
17 for a State-owned asset in an unserved area or underserved area  
18 may lease or convey a license or other interest in the asset to  
19 a qualified provider in order to permit the use of the asset by  
20 the qualified provider in the deployment of mobile broadband  
21 service within the unserved area or underserved area or portion  
22 of that unserved area or underserved area.

23 (b) Evidence of compliance.--The requirement under  
24 subsection (a) is subject to the qualified provider presenting  
25 to the department evidence of compliance with structural,  
26 permitting and other guidelines under section 5, which will be  
27 reviewed by the department or its designee.

28 Section 5. Departmental guidelines.

29 The department or its designee shall adopt guidelines for the  
30 following:

1 (1) Qualifications for broadband service providers.

2 (2) Negotiating and finalizing site occupancy  
3 agreements.

4 Section 6. Approvals.

5 The department or its designee shall identify an appropriate  
6 timeline of no more than ~~30~~ 90 days for approval of site <--  
7 occupancy agreements.

8 SECTION 7. STATEWIDE MOBILE RADIO AND MICROWAVE SYSTEM. <--

9 (A) JURISDICTION.--THE PENNSYLVANIA STATE POLICE SHALL HAVE  
10 JURISDICTION OVER THE STATEWIDE MOBILE RADIO AND MICROWAVE  
11 SYSTEM DESCRIBED IN THE ACT OF DECEMBER 5, 1996 (P.L.921,  
12 NO.148), KNOWN AS THE CAPITAL BUDGET PROJECT ITEMIZATION ACT FOR  
13 1996-1997.

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

18 Section ~~7~~ 8. Applicability. <--

19 ~~This~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 7, THIS act <--  
20 shall not apply to the Pennsylvania State Police and the  
21 Pennsylvania Historical and Museum Commission.

22 Section ~~8~~ 9. Effective date. <--

23 This act shall take effect ~~immediately~~ IN 180 DAYS. <--