

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 470 Session of 2019

INTRODUCED BY PHILLIPS-HILL, YAW, GORDNER, HUTCHINSON, COSTA, BAKER, AUMENT, STEFANO, BROWNE, HAYWOOD AND LAUGHLIN, MARCH 28, 2019

SENATOR PHILLIPS-HILL, STATE GOVERNMENT, AS AMENDED, SEPTEMBER 24, 2019

AN ACT

1 Providing for an inventory of State-owned assets for the
2 development of mobile broadband services in unserved areas
3 and underserved areas of this Commonwealth.

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

15 "Fixed broadband services." An Internet connection provided
16 through a link to a stationary location at a data bit rate or <--
17 connectivity speed defined by department policy.

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

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

8 "Secretary." The Secretary of General Services of the
9 Commonwealth.

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

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

16 Section 3. Inventory of State-owned assets.

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

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

2 (a) General rule.--Notwithstanding any provision of law to
3 the contrary and subject to the guidelines adopted by the
4 department under section 5, the department having responsibility
5 for a State-owned asset in an unserved area or underserved area
6 may lease or convey a license or other interest in the asset to
7 a qualified provider in order to permit the use of the asset by
8 the qualified provider in its deployment of mobile broadband
9 service within the unserved area or underserved area or portion
10 of that unserved area or underserved area.

11 (b) Evidence of compliance.--The requirement under
12 subsection (a) is subject to the qualified provider presenting
13 to the department evidence of compliance with structural,
14 permitting and other guidelines under section 5, which will be
15 reviewed by the department or its designee.

16 Section 5. Departmental guidelines.

17 The department or its designee shall adopt guidelines for the
18 following:

19 (1) Qualifications for broadband service providers.

20 (2) Negotiating and finalizing site occupancy
21 agreements.

22 Section 6. Approvals.

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

26 SECTION 7. APPLICABILITY. <--

27 THIS ACT SHALL NOT APPLY TO:

28 (1) THE PENNSYLVANIA STATE POLICE.

29 (2) THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION.

30 Section 7 8. Effective date. <--

1 This act shall take effect immediately.