

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 956 Session of 2021

INTRODUCED BY ORTITAY, SNYDER, STAMBAUGH, HILL-EVANS, IRVIN,
SMITH, CIRESI, RAPP AND WHEELAND, MARCH 17, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 17, 2021

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
2 "An act relating to the finances of the State government;
3 providing for cancer control, prevention and research, for
4 ambulatory surgical center data collection, for the Joint
5 Underwriting Association, for entertainment business
6 financial management firms, for private dam financial
7 assurance and for reinstatement of item vetoes; providing for
8 the settlement, assessment, collection, and lien of taxes,
9 bonus, and all other accounts due the Commonwealth, the
10 collection and recovery of fees and other money or property
11 due or belonging to the Commonwealth, or any agency thereof,
12 including escheated property and the proceeds of its sale,
13 the custody and disbursement or other disposition of funds
14 and securities belonging to or in the possession of the
15 Commonwealth, and the settlement of claims against the
16 Commonwealth, the resettlement of accounts and appeals to the
17 courts, refunds of moneys erroneously paid to the
18 Commonwealth, auditing the accounts of the Commonwealth and
19 all agencies thereof, of all public officers collecting
20 moneys payable to the Commonwealth, or any agency thereof,
21 and all receipts of appropriations from the Commonwealth,
22 authorizing the Commonwealth to issue tax anticipation notes
23 to defray current expenses, implementing the provisions of
24 section 7(a) of Article VIII of the Constitution of
25 Pennsylvania authorizing and restricting the incurring of
26 certain debt and imposing penalties; affecting every
27 department, board, commission, and officer of the State
28 government, every political subdivision of the State, and
29 certain officers of such subdivisions, every person,
30 association, and corporation required to pay, assess, or
31 collect taxes, or to make returns or reports under the laws
32 imposing taxes for State purposes, or to pay license fees or
33 other moneys to the Commonwealth, or any agency thereof,
34 every State depository and every debtor or creditor of the

1 Commonwealth," in emergency COVID-19 response, establishing
2 the County Block Grant - Broadband Deployment and Development
3 Program.

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

6 Section 1. The act of April 9, 1929 (P.L.343, No.176), known
7 as The Fiscal Code, is amended by adding a section to read:

8 Section 135-C. Broadband Deployment and Development Program.

9 (a) County block grants.--From money appropriated by the
10 General Assembly for the distribution of grants under this
11 section, each county shall receive an amount equal to the amount
12 determined under paragraph (2). The following shall apply:

13 (1) The department shall distribute funding to counties
14 in accordance with this subsection no later than 21 days
15 after the starting date.

16 (2) Each county shall receive an allocation for
17 distribution under subsection (b) equal to the amount
18 available for allocation under this section multiplied by the
19 quotient of the following:

20 (i) The county's broadband coverage weighted
21 population, which shall be calculated as follows:

22 (A) The county's population as determined under
23 paragraph (3); multiplied by

24 (B) The broadband coverage weighting factor for
25 the county as determined under paragraph (4) (iv);
26 divided by

27 (ii) The sum of each county's broadband coverage
28 weighted population as determined under subparagraph (i).

29 (3) For purposes of this subsection, a county's
30 population shall be equal to the published estimate by the
31 United States Census Bureau Population Estimates Program for

1 calendar year 2019.

2 (4) The following shall apply:

3 (i) No later than 10 days after the effective date
4 of this section, the department shall, in consultation
5 with an extension of a land-grant university, identify
6 the amount of broadband coverage available in each
7 county. The identification under this subparagraph shall
8 use data made available by the Federal Communications
9 Commission.

10 (ii) Each county shall be identified under
11 subparagraph (i) as follows:

12 (A) A county with sparse availability of high-
13 speed broadband coverage shall be identified as
14 having low broadband coverage.

15 (B) A county with a moderate availability of
16 high-speed broadband coverage or with a high degree
17 of variability of high-speed broadband coverage
18 within the county shall be identified as having
19 moderate broadband coverage.

20 (C) A county with a high availability of high-
21 speed broadband coverage shall be identified as
22 having high broadband coverage.

23 (iii) The following shall apply to the
24 identifications under subparagraph (ii):

25 (A) No fewer than 20 counties shall be
26 identified as having low broadband coverage under
27 subparagraph (ii) (A).

28 (B) No more than five counties shall be
29 identified as having high broadband coverage under
30 subparagraph (ii) (C).

1 (iv) Each county shall be assigned a broadband
2 coverage weighting factor as follows:

3 (A) A county identified as having low broadband
4 coverage under subparagraph (ii) (A) shall have a
5 broadband coverage weighting factor of 1.5.

6 (B) A county identified as having moderate
7 broadband coverage under subparagraph (ii) (B) shall
8 have a broadband coverage weighting factor of 1.

9 (C) A county identified as having high broadband
10 coverage under subparagraph (ii) (C) shall have a
11 broadband coverage weighting factor of 0.5.

12 (b) Broadband Deployment and Development Program.--The
13 County Block Grant - Broadband Deployment and Development
14 Program is established within the department for the purpose of
15 awarding grants under this section. The following shall apply to
16 the program:

17 (1) No later than 22 days after the starting date, each
18 county that receives a grant under this section may contract
19 with a contracting entity to award grants under this section
20 on behalf of the county.

21 (2) A county which does not enter into a contract under
22 paragraph (1) shall award grants under this section.

23 (3) Grants under this section shall be awarded to
24 eligible applicants for the purpose of paying for eligible
25 expenses.

26 (4) A grant awarded to an eligible applicant may not
27 exceed \$1,000.

28 (5) The following shall apply to applications to receive
29 grants under this section:

30 (i) Applications shall be in a form determined by a

1 county or its contracting entity.

2 (ii) Applications shall contain documentation as
3 required by the county.

4 (iii) Applications shall be available
5 electronically.

6 (iv) No later than 45 days after the starting date,
7 a county or its contracting entity shall receive and
8 consider applications on a rolling basis until funding
9 for grants received by the county under subsection (a)
10 has been completely expended, or 130 days after the
11 starting date, whichever occurs first. Upon completely
12 expending the funds available for grants, the county or
13 its contracting entity shall notify the department.

14 (6) The following shall apply to reviewing applications
15 for grants under this section:

16 (i) No later than 160 days after the starting date,
17 a county or its contracting entity shall approve or
18 disapprove applications for grants.

19 (ii) Upon approving an application under
20 subparagraph (i), a county or its contracting entity
21 shall enter into a grant agreement with the eligible
22 applicant in order to award the grant.

23 (iii) The grant agreement under subparagraph (ii)
24 shall explain the terms and conditions of the grant,
25 including the applicable laws of this Commonwealth and
26 reporting requirements.

27 (iv) The grant agreement under subparagraph (ii) may
28 be electronically signed and returned to the county or
29 its contracting entity that approved the application.

30 (7) An eligible applicant that submits an application

1 for a grant under this section shall certify in good faith to
2 all of the following:

3 (i) That the eligible applicant lacks reliable
4 access to high-speed broadband service.

5 (ii) That COVID-19 had an adverse impact on the
6 eligible applicant, which makes the grant request
7 necessary to support the ongoing operations of the
8 eligible applicant.

9 (iii) That the grant will be used to pay for
10 eligible expenses.

11 (iv) That the information provided in the
12 application and all supporting documents and forms is
13 true and accurate in all material respects. An eligible
14 applicant that knowingly makes a false statement to
15 obtain a grant shall be subject to 18 Pa.C.S. § 4904
16 (relating to unsworn falsification to authorities).

17 (8) The following shall apply to the awarding of grants
18 under this section:

19 (i) A county or its contracting entity may award
20 grants in increments of \$100, not to exceed the
21 limitation under paragraph (4).

22 (ii) A fully executed grant agreement under
23 paragraph (6)(ii) shall be required before the
24 disbursement of grant funds.

25 (iii) The aggregate amount of all grants awarded may
26 not exceed the amount of money received by the county
27 under subsection (a).

28 (9) A county or its contracting entity may charge a fee
29 not to exceed 2% of the amount available to the county for
30 grants under this section. Fees charged under this paragraph

1 shall be deducted from the total amount of money distributed
2 to the county under subsection (a) and may not reduce the
3 amount of the grant awarded to an eligible applicant.

4 (10) A grant awarded under this section shall be paid to
5 an eligible applicant no later than 175 days after the
6 starting date.

7 (11) A county that provides grants under this section
8 shall compile a report, which shall include all of the
9 following:

10 (i) A list of each grant awarded.

11 (ii) The name and address of each grant recipient.

12 (iii) The amount of the grant and a description of
13 the financial impact to the grant recipient.

14 (iv) Whether the county entered into an agreement
15 with a contracting entity and, if so, the name of the
16 contracting entity that processed the grant.

17 (12) A county shall submit the report under paragraph
18 (11) to the department no later than 200 days after the
19 starting date.

20 (13) The department shall prepare a consolidated report
21 with information under paragraph (12) from all counties and
22 submit the consolidated report to the chair and minority
23 chair of the Appropriations Committee of the Senate and the
24 chair and minority chair of the Appropriations Committee of
25 the House of Representatives no later than 235 days after the
26 starting date.

27 (14) The county shall post and maintain the report under
28 paragraph (11) on the county's publicly accessible Internet
29 website.

30 (15) The department shall post and maintain the

1 consolidated report under paragraph (14) on the department's
2 publicly accessible Internet website.

3 (16) A county awarding grants and a contracting entity
4 processing grants on behalf of a county under this section
5 shall provide documentation to the Department of the Auditor
6 General or the department, upon request, for purposes of an
7 audit review.

8 (17) The department may not impose additional
9 requirements on counties that are not specified in this
10 section.

11 (18) A county may establish income eligibility
12 requirements for the program.

13 (c) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Contracting entity." An entity which a county enters into a
17 contract with to administer the program under this section on
18 behalf of the county.

19 "Department." The Department of Community and Economic
20 Development of the Commonwealth.

21 "Eligible applicant." An individual who lacks reliable
22 access to high-speed broadband service and meets income
23 eligibility requirements determined by a county.

24 "Eligible expenses." The costs of acquiring high-speed
25 broadband service, including the up-front cost of equipment and
26 monthly subscription services.

27 "High-speed broadband service." As defined in section 3 of
28 the act of November 25, 2020 (P.L.1253, No.132), known as the
29 Unserved High-Speed Broadband Funding Program Act.

30 "Program." The County Block Grant - Broadband Deployment and

1 Development Program established under subsection (b).

2 "Starting date." The effective date of this section or the
3 effective date of an appropriation for distribution of grants
4 under this section, whichever is later.

5 Section 2. This act shall take effect immediately.