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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 442 Session of  
2021

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INTRODUCED BY PHILLIPS-HILL, STEFANO, MARTIN, YAW, BROOKS,  
GORDNER, SCHWANK, HUTCHINSON, PITTMAN, MASTRIANO, AUMENT AND  
BAKER, MARCH 19, 2021

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REFERRED TO COMMUNICATIONS AND TECHNOLOGY, MARCH 19, 2021

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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 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 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 service." An Internet connection provided  
17 through a link to a stationary location.

18 "Mobile broadband service." An Internet connection provided

1 through a link to locations that are not stationary.

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

6 "Underserved area." An area within this Commonwealth that is  
7 demonstrated to have limited access to fixed broadband services  
8 or mobile broadband services.

9 "Unserved area." An area within this Commonwealth that is  
10 demonstrated to not have access to fixed broadband services or  
11 mobile broadband services.

12 Section 3. Inventory of State-owned assets.

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

27 Section 3.1. Inventory of county-owned assets.

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

1 underserved areas and unserved areas.

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

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

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

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

24 Section 5. Broadband Services Restricted Account.

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

30 (b) Funding.--The following shall be deposited into the

1 restricted account established under subsection (a):

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

4 (2) All revenue generated from the contract entered into  
5 between the department and a wireless infrastructure program  
6 manager on August 23, 2019, and identified by the department  
7 as Contract Number 4400021522.

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

12 (i) to analyze and market Commonwealth-owned assets,  
13 a neutral host system, for revenue-generating purposes;

14 (ii) to manage the occupancy, revenues and expenses  
15 associated with each asset;

16 (iii) to construct or, through agreement with a  
17 service provider, facilitate the construction of new  
18 telecommunication equipment on Commonwealth-owned land,  
19 facilities or within rights-of-way;

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

24 (v) to enter into site occupancy agreements for  
25 assets and telecommunication equipment with service  
26 providers that will facilitate the deployment of  
27 broadband services to urban and rural consumers.

28 Section 6. 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 7. Approvals.

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

8 Section 8. 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 9. Applicability.

19 This act shall not apply to:

20 (1) The Pennsylvania State Police.

21 (2) The Pennsylvania Historical and Museum Commission.

22 Section 10. Effective date.

23 This act shall take effect immediately.