
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 566 Session of
2023

INTRODUCED BY PHILLIPS-HILL, BROOKS, BARTOLOTTA, SCHWANK,
MARTIN, STEFANO, COSTA, DUSH, J. WARD, HUTCHINSON, BAKER AND
YAW, MARCH 28, 2023

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, MARCH 28, 2023

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 4. 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 5. Lease or conveyance of State-owned assets.

8 (a) General rule.--Notwithstanding any other provision of
9 law and subject to the guidelines adopted by the department
10 under section 7, the State agency having responsibility for a
11 State-owned asset for fixed broadband services or mobile
12 broadband services in an unserved area or underserved area may
13 lease or convey a license or other interest in the asset to a
14 qualified provider in order to permit the use of the asset by
15 the qualified provider in its deployment of fixed broadband
16 services or mobile broadband services within the unserved area
17 or underserved area or portion of that unserved area or
18 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 7, which shall be
23 reviewed by the department or its designee.

24 Section 6. 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 7. 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 8. 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 9. 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 10. Applicability.

19 This act shall not apply to:

20 (1) The Pennsylvania State Police.

21 (2) The Pennsylvania Historical and Museum Commission.

22 Section 11. Effective date.

23 This act shall take effect immediately.