



Rep. Eddie Washington

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1 AMENDMENT TO SENATE BILL 678

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 678 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the High  
5 Speed Internet Services and Information Technology Act.

6 Section 5. Findings. With respect to high speed Internet  
7 services and information technology, the General Assembly  
8 finds the following:

9 (1) The deployment and adoption of high speed Internet  
10 services and information technology has resulted in  
11 enhanced economic development and public safety for the  
12 State's communities, improved health care and educational  
13 opportunities, and a better quality of life for the State's  
14 residents.

15 (2) Continued progress in the deployment and adoption  
16 of high speed Internet services and information technology

1 is vital to ensuring that this State remains competitive  
2 and continues to create business and job growth.

3 (3) The State must encourage and support the  
4 partnership of the public and private sectors in the  
5 continued growth of high speed Internet and Information  
6 technology for the State's residents and businesses.

7 (4) Local governmental entities play a role in  
8 assessing the needs of their communities with respect to  
9 high speed Internet services and information technology.

10 Section 10. Definitions. In this Act:

11 "Nonprofit organization" means an organization that (i) is  
12 a nonprofit organization as described in Section 501(c)(3) of  
13 the federal Internal Revenue Code of 1986 and exempt from tax  
14 under Section 501(a) of that Code; (ii) has no part of the net  
15 earnings of which inures to the benefit of any member, founder,  
16 contributor, or individual; and (iii) is organized under,  
17 subject to, and has all the powers and duties of a  
18 not-for-profit corporation under the General Not For Profit  
19 Corporation Act of 1986.

20 Section 15. Connect IL.

21 (a) Notwithstanding any other statute, the Lieutenant  
22 Governor, with the advice of the Broadband Deployment Council,  
23 shall authorize the creation of a nonprofit corporation called  
24 Connect IL to implement a comprehensive, statewide high speed

1 Internet deployment strategy and demand creation initiative  
2 with the purpose of:

3 (1) ensuring that all State residents and businesses  
4 have access to affordable and reliable high speed Internet  
5 service;

6 (2) achieving improved technology literacy, increased  
7 computer ownership, and home high speed Internet use among  
8 State residents and businesses;

9 (3) establishing and empowering local technology  
10 planning teams in each county to plan for improved  
11 technology use across multiple community sectors; and

12 (4) establishing and sustaining an environment ripe  
13 for high speed Internet access and technology investment  
14 statewide.

15 (b) Connect IL's governing board shall be appointed by the  
16 Lieutenant Governor, with the advice of the Broadband  
17 Deployment Council, and shall not exceed 11 members, with a  
18 maximum of 6 representing the private sector and a maximum of 5  
19 representing the government and nonprofit sectors. Four of the  
20 private sector members shall be from the largest incumbent  
21 local exchange carriers, one shall be from the cable television  
22 industry, and one shall be from the Internet Service Provider  
23 (ISP) industry. Members representing the public sector shall  
24 include one member from a public Illinois university, one  
25 member that represents Community Technology Centers, one  
26 member from the Department of Commerce and Economic

1 Opportunity, one member from the Lieutenant Governor's office,  
2 and one member from the Department of Central Management. The  
3 board shall select its chairperson to serve a 2-year term.

4 (c) In lieu of, or in addition to creating a nonprofit, the  
5 Lieutenant Governor, with the Broadband Deployment Council's  
6 advice, shall enlist an existing nonprofit organization that  
7 has an established competency and proven record of working with  
8 public and private sectors to accomplish wide-scale deployment  
9 and adoption of broadband and information technology.

10 Section 20. Duties of Connect IL.

11 (a) The high speed Internet deployment strategy and demand  
12 creation initiative to be performed by the nonprofit  
13 organization shall include, but not be limited to, the  
14 following actions:

15 (1) Create a geographic statewide inventory of high  
16 speed Internet service and other relevant broadband and  
17 information technology services. The inventory shall:

18 (A) identify geographic gaps in high speed  
19 Internet service through a method of GIS mapping of  
20 service availability and GIS analysis at the census  
21 block level; and

22 (B) provide a baseline assessment of statewide  
23 high speed Internet deployment in terms of percentage  
24 of Illinois households with high speed Internet  
25 availability.

1           (2) Track and identify, through customer interviews  
2 and surveys and other publicly available sources,  
3 statewide residential and business adoption of high speed  
4 Internet, computers, and related information technology  
5 and any barriers to adoption.

6           (3) Build and facilitate in each county or designated  
7 region a local technology planning team with members  
8 representing a cross section of the community, including,  
9 but not limited to, representatives of business, K-12  
10 education, health care, libraries, higher education,  
11 community-based organizations, local government, tourism,  
12 parks and recreation, and agriculture. Each team shall  
13 benchmark technology use across relevant community  
14 sectors, set goals for improved technology use within each  
15 sector, and develop a plan for achieving its goals, with  
16 specific recommendations for online application  
17 development and demand creation.

18           (4) Collaborate with high speed Internet providers and  
19 technology companies to encourage deployment and use,  
20 especially in underserved areas, by aggregating local  
21 demand, mapping analysis, and creating market intelligence  
22 to improve the business case for providers to deploy.

23           (5) Establish a program to increase computer ownership  
24 and Internet access for disenfranchised populations across  
25 the State.

26           (b) The nonprofit organization may apply for federal grants

1 consistent with the objectives of this Act.

2 (c) The Lieutenant Governor shall use the funds in the High  
3 Speed Internet Services and Information Technology Fund to  
4 provide grants to the nonprofit organization created or  
5 enlisted under this Act.

6 (d) The nonprofit organization shall have the power to  
7 obtain or to raise funds other than the grants receive from the  
8 Lieutenant Governor under this Act.

9 (e) The nonprofit organization and its Board of Directors  
10 shall exist separately and independently from the Office of the  
11 Lieutenant Governor and any other governmental entity, but  
12 shall cooperate with the Office of the Lieutenant Governor, the  
13 Broadband Deployment Council, and other public or private  
14 entities it deems appropriate in carrying out its duties.

15 (f) Notwithstanding anything in this Act or any other Act  
16 to the contrary, any information that is designated  
17 confidential or proprietary by an entity providing the  
18 information to the nonprofit organization or any other entity  
19 to accomplish the objectives of this Act shall be deemed  
20 confidential, proprietary, and a trade secret and treated by  
21 the nonprofit organization, Connect IL's governing board, or  
22 anyone else possessing the information as such and shall not be  
23 disclosed.

24 Section 25. Scope of authority. Nothing in this Act shall  
25 be construed as giving the Lieutenant Governor, the Broadband

1 Deployment Council, the nonprofit organization, or other  
2 entities any additional authority, regulatory or otherwise,  
3 over providers of telecommunications, broadband, and  
4 information technology.

5 Section 30. High Speed Internet Services and Information  
6 Technology Fund.

7 (a) There is created in the State treasury a special fund  
8 to be known as the High Speed Internet Services and Information  
9 Technology Fund, to be used, subject to appropriation, by the  
10 Lieutenant Governor for purposes of providing grants to the  
11 nonprofit organization enlisted under this Act.

12 (b) On the effective date of this Act, all moneys in the  
13 Digital Divide Elimination Infrastructure Fund which have not  
14 already been distributed or ordered distributed by the Illinois  
15 Commerce Commission shall be transferred to the High Speed  
16 Internet Services and Information Technology Fund. Nothing  
17 contained in this subsection (b) shall affect the validity of  
18 grants issued under this Act before June 30, 2007.

19 Section 35. Local broadband projects. Any municipality or  
20 county may undertake local broadband projects and the provision  
21 of services in connection therewith; may lease infrastructure  
22 that it owns or controls; may aggregate customers or demand for  
23 broadband services; may apply for and receive funds or  
24 technical assistance to undertake such projects to address the

1 level of broadband access available to its businesses and  
2 residents. To the extent that it seeks to serve as a retail  
3 provider of telecommunications services, the municipality or  
4 county shall be required to obtain appropriate certification  
5 from the Illinois Commerce Commission as a telecommunications  
6 carrier.

7 Section 80. The State Finance Act is amended by adding  
8 Section 5.675 as follows:

9 (30 ILCS 105/5.675 new)

10 Sec. 5.675. The High Speed Internet Services and  
11 Information Technology Fund.

12 Section 90. The Public Utilities Act is amended by changing  
13 Sections 13-505.4, 13-701, and 13-1200 as follows:

14 (220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4)

15 (Section scheduled to be repealed on July 1, 2007)

16 Sec. 13-505.4. Provision of noncompetitive services.

17 (a) A telecommunications carrier that offers or provides a  
18 noncompetitive service, service element, feature, or  
19 functionality on a separate, stand-alone basis to any customer  
20 shall provide that service, service element, feature, or  
21 functionality pursuant to tariff to all persons, including all  
22 telecommunications carriers and competitors, in accordance

1 with the provisions of this Article.

2 (b) A telecommunications carrier that offers or provides a  
3 noncompetitive service, service element, feature, or  
4 functionality to any customer as part of an offering of  
5 competitive services pursuant to tariff or contract shall  
6 publicly disclose the offering or provisioning of the  
7 noncompetitive service, service element, feature, or  
8 functionality by filing with the Commission information that  
9 generally describes the offering or provisioning and that shows  
10 the rates, terms, and conditions of the noncompetitive service,  
11 service element, feature, or functionality. The information  
12 shall be filed with the Commission concurrently with the filing  
13 of the tariff or not more than 10 days following the customer's  
14 acceptance of the offering in a contract.

15 (c) A telecommunications carrier that is not subject to  
16 regulation under an alternative regulation plan pursuant to  
17 Section 13-506.1 of this Act may reduce the rate or charge for  
18 a noncompetitive service, service element, feature, or  
19 functionality offered to customers on a separate, stand-alone  
20 basis or as part of a bundled service offering by filing with  
21 the Commission a tariff that shows the reduced rate or charge  
22 and all applicable terms and conditions of the noncompetitive  
23 service, service element, feature, or functionality or bundled  
24 offering. The reduction of rates or charges shall be permitted  
25 upon the filing of the proposed rate, charge, classification,  
26 tariff, or bundled offering. The total price of a bundled

1 offering shall not attribute any portion of the charge to  
2 services subject to the jurisdiction of the Commission and  
3 shall not be binding on the Commission in any proceeding under  
4 Article IX of this Act to set the revenue requirement or to set  
5 just and reasonable rates for services subject to the  
6 jurisdiction of the Commission. Prices for bundles shall not be  
7 subject to Section 13-505.1 of this Act. For purposes of this  
8 subsection (c), a bundle is a group of services offered  
9 together for a fixed price where at least one of the services  
10 is an interLATA service as that term is defined in 47 U.S.C.  
11 153(21), a cable service or a video service, a community  
12 antenna television service, a satellite broadcast service, a  
13 public mobile service as defined in Section 13-214 of this Act,  
14 or an advanced telecommunications service as "advanced  
15 telecommunications services" is defined in Section 13-517 of  
16 this Act.

17 (Source: P.A. 87-856.)

18 (220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)

19 (Section scheduled to be repealed on July 1, 2007)

20 Sec. 13-701. (a) Notwithstanding any other provision of  
21 this Act to the contrary, the Commission has no power to  
22 supervise or control any telephone cooperative as respects  
23 assessment schedules or local service rates made or charged by  
24 such a cooperative on a nondiscriminatory basis. In addition,  
25 the Commission has no power to inquire into, or require the

1 submission of, the terms, conditions or agreements by or under  
2 which telephone cooperatives are financed. A telephone  
3 cooperative shall file with the Commission either a copy of the  
4 annual financial report required by the Rural Electrification  
5 Administration, or the annual financial report required of  
6 other public utilities.

7 Sections 13-712 and 13-713 of this Act do not apply to  
8 telephone cooperatives.

9 (Source: P.A. 84-1063.)

10 (220 ILCS 5/13-1200)

11 (Section scheduled to be repealed on July 1, 2007)

12 Sec. 13-1200. Repealer. This Article is repealed July 1,  
13 2009 ~~2007~~.

14 (Source: P.A. 94-76, eff. 6-24-05.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."