



Sen. Jeffrey M. Schoenberg

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1 AMENDMENT TO SENATE BILL 766

2 AMENDMENT NO. _____. Amend Senate Bill 766 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. Nonprofit organization defined. 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; (iii) is organized under, subject
17 to, and has all the powers and duties of a not-for-profit
18 corporation under the General Not For Profit Corporation Act of
19 1986; (iv) has statewide representation; and (v) has a board of
20 directors that is not composed of a majority of individuals who
21 are also employed by, or otherwise associated with, any
22 federal, State, or local government or agency.

23 "Department" means the Department of Commerce and Economic
24 Opportunity.

1 Section 15. Enlistment of a nonprofit organization.

2 (a) Notwithstanding any other statute, the Department of
3 Commerce and Economic Opportunity shall enlist a nonprofit
4 organization to implement a comprehensive, statewide high
5 speed Internet deployment strategy and demand creation
6 initiative with the purpose of:

7 (1) ensuring that all State residents and businesses
8 have access to affordable and reliable high speed Internet
9 service;

10 (2) achieving improved technology literacy, increased
11 computer ownership, and home high speed Internet use among
12 State residents and businesses;

13 (3) establishing and empowering local technology
14 planning teams in each county to plan for improved
15 technology use across multiple community sectors; and

16 (4) establishing and sustaining an environment ripe
17 for high speed Internet access and technology investment
18 statewide.

19 (b) The nonprofit organization shall have an established
20 competency and proven record of working with public and private
21 sectors to accomplish wide-scale deployment and adoption of
22 broadband and information technology in Illinois.

23 (c) The Department shall adopt rules regarding the
24 enlistment of a nonprofit organization.

25 Section 20. Duties of the enlisted nonprofit organization.

1 (a) The high speed Internet deployment strategy and demand
2 creation initiative to be performed by the nonprofit
3 organization shall include, but not be limited to, the
4 following actions:

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

8 (A) identify geographic gaps in high speed
9 Internet service through a method of GIS mapping of
10 service availability and GIS analysis at the census
11 block level; and

12 (B) provide a baseline assessment of statewide
13 high speed Internet deployment in terms of percentage
14 of Illinois households with high speed Internet
15 availability.

16 (2) Track and identify, through customer interviews
17 and surveys and other publicly available sources,
18 statewide residential and business adoption of high speed
19 Internet, computers, and related information technology
20 and any barriers to adoption.

21 (3) Build and facilitate in each county or designated
22 region a local technology planning team with members
23 representing a cross section of the community, including,
24 but not limited to, representatives of business, K-12
25 education, health care, libraries, higher education,
26 community-based organizations, local government, tourism,

1 parks and recreation, and agriculture. Each team shall
2 benchmark technology use across relevant community
3 sectors, set goals for improved technology use within each
4 sector, and develop a plan for achieving its goals, with
5 specific recommendations for online application
6 development and demand creation.

7 (4) Collaborate with high speed Internet providers and
8 technology companies to encourage deployment and use,
9 especially in underserved areas, by aggregating local
10 demand, mapping analysis, and creating market intelligence
11 to improve the business case for providers to deploy.

12 (5) Collaborate with the Department in developing a
13 program to increase computer ownership and broadband
14 access for disenfranchised populations across the State.
15 The program may include grants to local community
16 technology centers that provide technology training,
17 promote computer ownership, and increase broadband access.

18 (b) The nonprofit organization may apply for federal grants
19 consistent with the objectives of this Act.

20 (c) The Department of Commerce and Economic Opportunity
21 shall use the funds in the High Speed Internet Services and
22 Information Technology Fund to (1) provide grants to the
23 nonprofit organization enlisted under this Act and (2) for any
24 costs incurred by the Department to administer this Act.

25 (d) The nonprofit organization shall have the power to
26 obtain or to raise funds other than the grants received from

1 the Department under this Act.

2 (e) The nonprofit organization and its Board of Directors
3 shall exist separately and independently from the Department
4 and any other governmental entity, but shall cooperate with
5 other public or private entities it deems appropriate in
6 carrying out its duties.

7 (f) Notwithstanding anything in this Act or any other Act
8 to the contrary, any information that is designated
9 confidential or proprietary by an entity providing the
10 information to the nonprofit organization or any other entity
11 to accomplish the objectives of this Act shall be deemed
12 confidential, proprietary, and a trade secret and treated by
13 the nonprofit organization or anyone else possessing the
14 information as such and shall not be disclosed.

15 (g) The nonprofit organization shall provide a report to
16 the Commission on Government Forecasting and Accountability on
17 an annual basis for the first 3 complete State fiscal years
18 following its enlistment.

19 Section 25. Scope of authority. Nothing in this Act shall
20 be construed as giving the Department of Commerce and Economic
21 Opportunity, the nonprofit organization, or other entities any
22 additional authority, regulatory or otherwise, over providers
23 of telecommunications, broadband, and information technology.

24 Section 30. High Speed Internet Services and Information

1 Technology Fund.

2 (a) There is created in the State treasury a special fund
3 to be known as the High Speed Internet Services and Information
4 Technology Fund, to be used, subject to appropriation, by the
5 Department of Commerce and Economic Development for purposes of
6 providing grants to the nonprofit organization enlisted under
7 this Act.

8 (b) On the effective date of this Act, \$4,000,000 in the
9 Digital Divide Elimination Infrastructure Fund shall be
10 transferred to the High Speed Internet Services and Information
11 Technology Fund. Nothing contained in this subsection (b) shall
12 affect the validity of grants issued with moneys from the
13 Digital Divide Elimination Infrastructure Fund before June 30,
14 2007.

15 Section 35. Local broadband projects. Any municipality or
16 county may undertake local broadband projects and the provision
17 of services in connection therewith; may lease infrastructure
18 that it owns or controls; may aggregate customers or demand for
19 broadband services; may apply for and receive funds or
20 technical assistance to undertake such projects to address the
21 level of broadband access available to its businesses and
22 residents. To the extent that it seeks to serve as a retail
23 provider of telecommunications services, the municipality or
24 county shall be required to obtain appropriate certification
25 from the Illinois Commerce Commission as a telecommunications

1 carrier.

2 Section 90. The State Finance Act is amended by adding
3 Section 5.675 as follows:

4 (30 ILCS 105/5.675 new)

5 Sec. 5.675. The High Speed Internet Services and
6 Information Technology Fund.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".