

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Electric Supplier Act is amended by adding  
5 Sections 17, 17.1, 17.2, 17.3, 17.4, 17.5, 17.6, and 17.8 as  
6 follows:

7 (220 ILCS 30/17 new)

8 Sec. 17. Short title. This Section through Section 17.8 of  
9 this Act may be referred to as the Electrical Service  
10 Broadband Deployment and Access Law.

11 (220 ILCS 30/17.1 new)

12 Sec. 17.1. Purpose. This Law authorizes certain electric  
13 cooperatives to deploy broadband infrastructure and to provide  
14 broadband service to residential and business locations within  
15 an electric cooperative's service territory.

16 (220 ILCS 30/17.2 new)

17 Sec. 17.2. Definitions. As used in this Law:

18 "Broadband grant recipient" means an electric cooperative  
19 that has received grant funding pursuant to any State or  
20 federal grant program with the purpose of expanding broadband  
21 deployment of and access to broadband services.

1       "Broadband infrastructure" means aboveground or  
2 underground wires, cables, fiber optic lines, conduit, pipe,  
3 innerduct, or microduct for fiber optic or other cables and  
4 facilities, including ancillary equipment such as power  
5 supplies, backhaul, and support structures, that are used in  
6 the provision of broadband service.

7       "Broadband service" means broadband Internet access  
8 service as defined in 47 CFR 8.1(b).

9       "Deploy" means, with respect to broadband infrastructure,  
10 to install, operate, maintain, access, inspect, upgrade,  
11 replace, repair, remove, and perform activities ancillary to  
12 those activities.

13       "Electric easement" means any recorded or unrecorded  
14 easement held by any electricity supplier for the siting of  
15 electric facilities, regardless of whether the easement is for  
16 the exclusive benefit of the electricity supplier or for use  
17 in connection with other utility services and regardless of  
18 whether the electricity supplier provides other utility  
19 services.

20       "Grant service area" means the defined location in the  
21 broadband grant where the broadband grant recipient is to  
22 provide broadband service subject to the broadband grant.

23       "Property owner" does not include a public utility as  
24 defined in Section 3-105 of the Public Utilities Act.

1       Sec. 17.3. Rights granted to electric cooperative  
2 broadband grant recipients.

3       (a) In the grant service area, a broadband grant  
4 recipient, subject to the recipient's broadband grant, may  
5 access and use (i) any existing electric easement held or  
6 controlled by the broadband grant recipient or (ii) any other  
7 existing electric easement contingent upon an agreement with  
8 the easement holder or controller for the delivery of  
9 broadband service by the broadband grant recipient.

10       (b) If the proper permits are acquired by State and local  
11 authorities, no property owner of property located within the  
12 grant service area shall forbid or prevent a proposed  
13 broadband grant recipient from entering upon the property for  
14 purposes of and in connection with the deployment of broadband  
15 infrastructure, nor shall any such property owner forbid or  
16 prohibit the broadband grant recipient from deploying upon,  
17 beneath, or over that property broadband infrastructure  
18 utilized by the broadband grant recipient for such broadband  
19 service. The property owner may be entitled to the payment of  
20 just compensation by that broadband grant recipient as  
21 provided in Section 17.4, and the broadband grant recipient  
22 shall indemnify the owner of the property for any physical  
23 damage caused by deployment of the broadband infrastructure  
24 and service.

25       (220 ILCS 30/17.4 new)

1       Sec. 17.4. Notice and compensation.

2       (a) The broadband grant recipient must notify the property  
3 owner in writing by sending notification to the property  
4 owner's address specified in the online or publicly available  
5 records of the applicable county assessor (i) by the United  
6 States Postal Service, certified mail, return receipt  
7 requested; (ii) by a designated private delivery service, as  
8 defined by the Internal Revenue Service, that provides the  
9 same function as certified mail with return receipt; or (iii)  
10 by personally serving the notification. The property owner  
11 shall be notified at least 14 days, but not more than 60 days,  
12 prior to the broadband grant recipient entering upon such  
13 property for purposes of or in connection with the deployment  
14 of broadband infrastructure. The notice shall include the  
15 following information:

16           (1) the address of the property;

17           (2) the name of the broadband grant recipient and  
18 contact information for notice to the broadband grant  
19 recipient;

20           (3) the anticipated date of the proposed installation,  
21 maintenance, repair, or removal of the broadband  
22 infrastructure and projected length of time required to  
23 complete the installation, maintenance, or repair;

24           (4) information as to the time within which the owner  
25 may give notice and demand just compensation under this  
26 Section if the property owner believes that the property

1 is diminished in value due to the burden on the property  
2 from the expanded use of the electric easement or  
3 right-of-way;

4 (5) the manner and method of, and the detailed design  
5 and construction plans for, such installation,  
6 maintenance, repair, and removal, including the location  
7 of the proposed entry and path of broadband facilities  
8 proposed to be placed, repaired, maintained, or removed  
9 upon the property;

10 (6) for installation of broadband infrastructure that  
11 will occur overhead, the details regarding how the  
12 broadband infrastructure installation will conform to  
13 applicable National Electric Safety Code standards for  
14 overhead clearance; and

15 (7) for installation of broadband infrastructure that  
16 will occur below ground, a statement absolving the  
17 property owner or the property owner's tenant from  
18 liability for any damages to broadband infrastructure that  
19 occur in the event of normal property use, including  
20 normal farming operations if the property is used for  
21 farming purposes.

22 (b) If the property owner intends to demand just  
23 compensation, the property owner must serve written notice  
24 thereof upon the broadband grant recipient within 45 days  
25 after the anticipated date of broadband deployment as provided  
26 in the notice to the property owner. Unless timely notice as

1 provided in this subsection is given by the property owner to  
2 the broadband grant recipient, it will be conclusively  
3 presumed that the property owner does not claim just  
4 compensation for the burden on the property from the expanded  
5 use of the electric easement or the right-of-way.

6 (c) Any property owner described in subsection (a) who has  
7 given timely written notice to the broadband provider, as  
8 provided in subsection (b), may assert a claim for just  
9 compensation for diminution in value of the property from the  
10 expanded use of the electric easement or right-of-way. A  
11 property owner may bring suit in an applicable circuit court  
12 with jurisdiction to enforce a claim for just compensation and  
13 to have the amount of just compensation determined by a jury.  
14 Such action must be commenced within 6 months of delivery of  
15 the broadband grant recipient's original notice of intent to  
16 deploy broadband infrastructure. A property owner who has not  
17 given timely notice as provided in subsection (b) is barred  
18 from asserting such a claim.

19 (d) Neither the property owner's notice to demand just  
20 compensation, nor the property owner's assertion of a specific  
21 claim for just compensation, nor the initiation of any legal  
22 action to enforce the claim of just compensation shall delay  
23 or impair the right of the broadband grant recipient to deploy  
24 broadband infrastructure and provide broadband service within  
25 or upon, beneath, or over property described in subsection  
26 (a).

1 (220 ILCS 30/17.5 new)

2 Sec. 17.5. Rights-of-way. Conditional upon acquiring the  
3 proper agreement or permit with the highway right-of-way  
4 controller or holder, a broadband grant recipient may install,  
5 maintain, and use broadband infrastructure below ground along  
6 a highway right-of-way within the grant service area. The  
7 broadband grant recipient shall comply with all applicable  
8 provisions of Section 9-113 of the Illinois Highway Code and  
9 relevant administrative rules. No property owner of property  
10 located within the grant service area shall forbid or prevent  
11 such proposed broadband grant recipient from entering upon  
12 such property for purposes of and in connection with the  
13 deployment of broadband infrastructure, nor shall any such  
14 property owner forbid or prohibit the covered provider from  
15 deploying upon, beneath, or over such property broadband  
16 infrastructure utilized by the covered provider for providing  
17 broadband service. The property owner may be entitled to  
18 payment of just compensation by that broadband grant  
19 recipient, as provided in Section 17.4, and the broadband  
20 grant recipient shall indemnify the owner of such property for  
21 any physical damage caused by the deployment of such broadband  
22 infrastructure and service. Nothing in this amendatory Act of  
23 the 104th General Assembly shall be construed as reducing the  
24 ability of the Department of Transportation from exercising  
25 its authority to (1) approve or deny permits for use of its

1 right-of-way, (2) collect fees and compensation required as  
2 part of the Department of Transportation's administrative  
3 rules, and (3) manage the use of its right-of-way.

4 (220 ILCS 30/17.6 new)

5 Sec. 17.6. Labor standards and protection. Electric  
6 cooperative broadband grant recipients under this Law,  
7 including any contractors and subcontractors of the broadband  
8 grant recipient, performing work subject to this Law shall,  
9 when applicable, pay prevailing wages and benefits to workers,  
10 comply with the Davis-Bacon Act, and collect any required  
11 certified payrolls. A broadband grant recipient shall comply  
12 with all requirements set forth in the Prevailing Wage Act,  
13 including, but not limited to, inserting into all contracts  
14 for construction a stipulation that not less than the  
15 prevailing rate of wages, as applicable to the project, shall  
16 be paid to all laborers, workers, and mechanics performing  
17 work under the contract, and requiring all surety bonds with  
18 contractors to include a provision that guarantees the  
19 faithful performance of the prevailing wage clause in the  
20 contract. The electric cooperative shall report to the  
21 Department of Labor on its compliance with the Prevailing Wage  
22 Act on a monthly basis. Apprentices performing work subject to  
23 this Law shall perform either 10% of the total labor hours  
24 actually worked in each prevailing wage classification or 10%  
25 of the estimated labor hours in each prevailing wage

1 classification, whichever is less.

2 (220 ILCS 30/17.8 new)

3 Sec. 17.8. Sunset. The rights and obligations of broadband  
4 project grant recipients and landowners set forth in this Law  
5 do not apply on and after January 1, 2030.

6 Section 10. The Broadband Infrastructure Advancement Act  
7 is amended by changing Section 4-20 as follows:

8 (220 ILCS 81/4-20)

9 Sec. 4-20. Use of other broadband funds. The Department of  
10 Commerce and Economic Opportunity, the Office of Broadband, or  
11 any other State agency, board, office, or commission  
12 appropriated funding to provide grants for broadband  
13 deployment, broadband expansion, broadband access, broadband  
14 affordability, and broadband improvement projects must  
15 establish program eligibility and selection criteria by  
16 administrative rules.

17 The Department of Commerce and Economic Opportunity, when  
18 evaluating grant applications for the deployment of broadband  
19 network, must consider the expediency with which a project can  
20 be completed and broadband Internet access service delivered.  
21 Projects for which the Department awards grants to deploy  
22 broadband service in unserved areas or underserved areas shall  
23 include, as a project expense, costs necessarily incurred for

1 the acquisition of any license, easement, right-of-way, or  
2 other property interest, or for the use of or for access to  
3 public utility (as defined in Section 3-105 of the Public  
4 Utilities Act) owned or State or local government owned  
5 infrastructure or assets for such project that are used  
6 directly in the provision of broadband service to locations in  
7 such unserved or underserved areas.

8 (Source: P.A. 102-699, eff. 4-19-22.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.