

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 1. Short title. This Act may be cited as the
5 Broadband Advisory Council Act.

6 Section 5. Legislative findings and purpose. The General
7 Assembly finds as follows:

8 (1) a goal of the State of Illinois is to make
9 available to its citizens affordable, reliable, and
10 state-of-the-art Internet communications through the
11 expansion, extension, and general availability of
12 broadband services and technology, and to encourage the
13 adoption of broadband by all citizens;

14 (2) that, although broadband access has been extended
15 to many areas of the State, many rural areas remain
16 unserved and, although many neighborhoods in urban and
17 suburban areas have broadband options, some urban
18 neighborhoods remain unserved;

19 (3) that fair and equitable access to 21st century
20 technology is essential to (A) maximize the functionality
21 of educational resources and educational facilities that
22 enable our children and adults to receive the best of
23 future teaching and learning, (B) civic engagement, (C)

1 economic development, (D) access to state-of-the-art health
2 care, (E) aging in place, (F) participation in a global
3 economy, and (G) the State's farming communities; and

4 (4) accordingly, it is the purpose of the General
5 Assembly to provide for the development of policies to
6 promote (A) extending broadband access to citizens of
7 Illinois and (B) eliminating barriers to widespread
8 adoption of broadband Internet access.

9 Section 10. Definitions. As used in this Act:

10 "Broadband" or "broadband service" means lines (or
11 wireless channels) that terminate at an end-user location and
12 enable the end-user to receive information from or send
13 information to the Internet.

14 "Council" means the Broadband Advisory Council.

15 "Downstream data rate" means the transmission speed from
16 the service provider source to the end-user.

17 "Internet protocol address" or "IP address" means a unique
18 string of numbers separated by periods that identifies each
19 computer using the Internet protocol to communicate over a
20 network.

21 "Low-income household" means a residential household with
22 annual household income at or below 135% of the poverty
23 guidelines updated periodically in the Federal Register by the
24 U.S. Department of Health and Human Services under the
25 authority of 42 U.S.C. 9902(2).

1 "Upstream data rate" means the transmission speed from the
2 end-user to the service provider source.

3 "Unserved area" means a community that has no access to
4 broadband service.

5 Section 15. Broadband Advisory Council; members of
6 Council; administrative support.

7 (a) The Broadband Advisory Council is hereby established.
8 The Department of Commerce and Economic Opportunity shall house
9 the Council and provide administrative, personnel, and
10 technical support services.

11 (b) The Council shall consist of the following 21 voting
12 members:

13 (1) the Director of Commerce and Economic Opportunity
14 or his or her designee;

15 (2) the Secretary of Innovation and Technology or his
16 or her designee;

17 (3) the Director of Aging or his or her designee;

18 (4) the Attorney General or his or her designee;

19 (5) the Chairman of the Illinois Commerce Commission or
20 his or her designee;

21 (6) one member appointed by the Director of Healthcare
22 and Family Services to represent the needs of disabled
23 citizens;

24 (7) one member appointed by the Director of Commerce
25 and Economic Opportunity and nominated by the president of

1 a statewide organization representing electric
2 cooperatives;

3 (8) one member appointed by the Director of Commerce
4 and Economic Opportunity and nominated by the executive
5 director of a statewide organization representing
6 municipalities;

7 (9) one member appointed by the Director of Commerce
8 and Economic Opportunity and nominated by the president of
9 a statewide organization representing libraries;

10 (10) one member appointed by the Director of Commerce
11 and Economic Opportunity and nominated by the president of
12 a statewide organization representing public housing
13 authorities;

14 (11) one member appointed by the Chair of the Illinois
15 Community College Board;

16 (12) one member appointed by the Chair of the Illinois
17 Board of Higher Education; and

18 (13) one member appointed by the Director of Commerce
19 and Economic Opportunity and nominated by the president of
20 the State's largest general farm organization;

21 (14) one member appointed by the Director of Aging and
22 nominated by an organization representing Illinois' senior
23 population with a membership of at least 1,500,000;

24 (15) seven members to represent broadband providers
25 for 3-year terms appointed by the Governor as follows:

26 (A) one member representing an incumbent local

1 exchange carrier that serves rural areas;

2 (B) one member representing an incumbent local
3 exchange carrier that serves urban areas;

4 (C) one member representing wireless carriers that
5 offer broadband Internet access;

6 (D) one member representing cable companies that
7 serve Illinois;

8 (E) one member representing a statewide rural
9 broadband association;

10 (F) one member representing a telecommunications
11 carrier issued a certificate of public convenience and
12 necessity or a certificate of service authority from
13 the Illinois Commerce Commission, whose principal
14 place of business is located in east central Illinois
15 and who is engaged in providing broadband access in
16 rural areas through the installation of broadband
17 lines that connect telecommunications facilities to
18 other telecommunications facilities or to end-users;
19 and

20 (G) one member representing satellite providers.

21 (c) In addition to the 21 voting members of the Council,
22 the President of the Senate, the Minority Leader of the Senate,
23 the Speaker of the House of Representatives, and the Minority
24 Leader of the House of Representatives shall each appoint one
25 non-voting member of the Council.

26 (d) The members shall select a chair and vice chair from

1 their number. In the absence of the chair, the vice chair shall
2 serve as chair. The Council shall appoint a secretary-treasurer
3 who need not be a member of the Council and who, among other
4 tasks or functions designated by the Council, shall keep
5 records of its proceedings.

6 (e) The Council may appoint working groups to investigate
7 and make recommendations to the full Council. Members of these
8 working groups need not be members of the Council.

9 (f) Seven voting members of the Council constitute a
10 quorum, and the affirmative vote of a simple majority of those
11 members present is necessary for any action taken by vote of
12 the Council.

13 (g) Members shall serve without compensation and may be
14 reimbursed for reasonable expenses incurred in the performance
15 of their duties from funds appropriated for that purpose.

16 Section 20. Powers and duties of the Council generally.

17 (a) The Council shall:

18 (1) explore any and all ways to expand the availability
19 to end-user customers of broadband services using
20 available technologies, including, but not limited to,
21 wireline, wireless, fixed wireless, and satellite
22 applications;

23 (2) identify barriers to broadband adoption among the
24 residents and small businesses of Illinois;

25 (3) research ways to eliminate barriers to adoption

1 through measures such as: digital literacy programs;
2 programs to assist older citizens in using broadband
3 Internet access; programs to facilitate adoption by
4 disabled citizens; and programs to encourage collaborative
5 efforts among public universities, community colleges,
6 libraries, public housing, and other institutions;

7 (4) assess the availability of broadband for
8 low-income households compared to the availability of
9 broadband for other households;

10 (5) explore the potential for increased use of
11 broadband service for the purposes of education, career
12 readiness, workforce preparation, and alternative career
13 training;

14 (6) explore the potential for increased use of
15 broadband services to facilitate aging in place;

16 (7) explore ways for encouraging State and municipal
17 agencies, including public housing authorities, to expand
18 the use of broadband services for the purpose of better
19 serving the public, including audio and video streaming,
20 voice-over Internet protocol, teleconferencing, and
21 wireless networking;

22 (8) cooperate and assist in the expansion of electronic
23 instruction and distance education services; and

24 (9) as the Federal Communications Commission updates
25 the benchmark downstream data rates and upstream data
26 rates, publish the revised data rates in the Illinois

1 Register within 60 days after the federal update.

2 (b) In addition to the powers set forth elsewhere in this
3 Act, the Council is hereby granted the powers necessary to
4 carry out the purpose and intent of this Act, as enumerated in
5 this Section, including, but not limited to:

6 (1) promoting awareness of public facilities that have
7 community broadband access that can be used for distance
8 education and workforce development; and

9 (2) advising on deployment of e-government portals
10 such that all public bodies and political subdivisions have
11 websites and encourage one-stop government access and that
12 all public entities stream audio and video of all public
13 meetings.

14 (c) The Council shall also:

15 (1) monitor the broadband-based development efforts of
16 other states in areas such as business, education, aging in
17 place, and health;

18 (2) receive input provided on a voluntary basis from all
19 Illinois broadband stakeholders and advise the Governor
20 and the General Assembly on policies related to broadband
21 in Illinois, provided that no stakeholders shall be
22 required to publicly disclose competitively sensitive
23 information or information that could compromise network
24 security or undermine the efficacy of reasonable network
25 management practices, and that any such information
26 voluntarily disclosed shall be protected from public

1 disclosure; and

2 (3) serve as the broadband advocate to State agencies
3 and other State entities to communicate the broadband needs
4 of citizens and organizations that do not have access to
5 broadband service or to broadband service adequate for
6 their needs.

7 (d) The Council shall exercise its powers and authority to
8 (1) advise and make recommendations to the General Assembly and
9 the Governor on bringing broadband service to unserved rural
10 and urban areas, (2) advise and make recommendations to the
11 General Assembly and the Governor on facilitating broadband
12 adoption by all citizens, and (3) propose statutory changes
13 that may enhance and expand broadband in the State.

14 (e) The Council shall report to the General Assembly on or
15 before January 1 of each year. The report to the General
16 Assembly shall be filed with the Clerk of the House of
17 Representatives and the Secretary of the Senate in electronic
18 form only, in the manner that the Clerk and the Secretary shall
19 direct. The report shall include the action that was taken by
20 the Council during the previous year in carrying out the
21 provisions of this Act. The Council shall also make any other
22 reports as may be required by the General Assembly or the
23 Governor.