

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, who shall serve as chair of the
15 Council;

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

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

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

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

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

25 (7) one member appointed by the Director of Commerce

1 and Economic Opportunity and nominated by the president of
2 a statewide organization representing electric
3 cooperatives;

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

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

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

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

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

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

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

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

1 (A) one member representing an incumbent local
2 exchange carrier that serves rural areas;

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

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

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

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

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

21 (G) one member representing satellite providers.

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

1 (d) All voting and non-voting members must be appointed
2 within 90 days after the effective date of this Act.

3 (e) The members shall select a vice chair from their
4 number. In the absence of the chair, the vice chair shall serve
5 as chair. The Council shall appoint a secretary-treasurer who
6 need not be a member of the Council and who, among other tasks
7 or functions designated by the Council, shall keep records of
8 its proceedings.

9 (f) The Council may appoint working groups to investigate
10 and make recommendations to the full Council. Members of these
11 working groups need not be members of the Council.

12 (g) Seven voting members of the Council constitute a
13 quorum, and the affirmative vote of a simple majority of those
14 members present is necessary for any action taken by vote of
15 the Council.

16 (h) The Council shall conduct its first meeting within 30
17 days after all members have been appointed. The Council shall
18 meet quarterly after its first meeting. Additional hearings and
19 public meetings are permitted at the discretion of the members.
20 The Council may meet in person or through video or audio
21 conference.

22 (i) Members shall serve without compensation and may be
23 reimbursed for reasonable expenses incurred in the performance
24 of their duties from funds appropriated for that purpose.

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

1 (a) The Council shall:

2 (1) explore any and all ways to expand the availability
3 to end-user customers of broadband services using
4 available technologies, including, but not limited to,
5 wireline, wireless, fixed wireless, and satellite
6 applications;

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

9 (3) research ways to eliminate barriers to adoption
10 through measures such as: digital literacy programs;
11 programs to assist older citizens in using broadband
12 Internet access; programs to facilitate adoption by
13 disabled citizens; and programs to encourage collaborative
14 efforts among public universities, community colleges,
15 libraries, public housing, and other institutions;

16 (4) assess the availability of broadband for
17 low-income households compared to the availability of
18 broadband for other households;

19 (5) explore the potential for increased use of
20 broadband service for the purposes of education, career
21 readiness, workforce preparation, and alternative career
22 training;

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

25 (7) explore ways for encouraging State and municipal
26 agencies, including public housing authorities, to expand

1 the use of broadband services for the purpose of better
2 serving the public, including audio and video streaming,
3 voice-over Internet protocol, teleconferencing, and
4 wireless networking;

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

7 (9) as the Federal Communications Commission updates
8 the benchmark downstream data rates and upstream data
9 rates, publish the revised data rates in the Illinois
10 Register within 60 days after the federal update.

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

15 (1) promoting awareness of public facilities that have
16 community broadband access that can be used for distance
17 education and workforce development; and

18 (2) advising on deployment of e-government portals
19 such that all public bodies and political subdivisions have
20 websites and encourage one-stop government access and that
21 all public entities stream audio and video of all public
22 meetings.

23 (c) The Council shall also:

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

1 (2) receive input provided on a voluntary basis from all
2 Illinois broadband stakeholders and advise the Governor
3 and the General Assembly on policies related to broadband
4 in Illinois, provided that no stakeholders shall be
5 required to publicly disclose competitively sensitive
6 information or information that could compromise network
7 security or undermine the efficacy of reasonable network
8 management practices, and that any such information
9 voluntarily disclosed shall be protected from public
10 disclosure; and

11 (3) serve as the broadband advocate to State agencies
12 and other State entities to communicate the broadband needs
13 of citizens and organizations that do not have access to
14 broadband service or to broadband service adequate for
15 their needs.

16 (d) The Council shall exercise its powers and authority to
17 (1) advise and make recommendations to the General Assembly and
18 the Governor on bringing broadband service to unserved rural
19 and urban areas, (2) advise and make recommendations to the
20 General Assembly and the Governor on facilitating broadband
21 adoption by all citizens, and (3) propose statutory changes
22 that may enhance and expand broadband in the State.

23 (e) The Council shall report to the General Assembly on or
24 before January 1 of each year. The report to the General
25 Assembly shall be filed with the Clerk of the House of
26 Representatives and the Secretary of the Senate in electronic

1 form only, in the manner that the Clerk and the Secretary shall
2 direct. The report shall include the action that was taken by
3 the Council during the previous year in carrying out the
4 provisions of this Act. The Council shall also make any other
5 reports as may be required by the General Assembly or the
6 Governor.