



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5752

by Rep. Natalie Phelps Finnie - Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

220 ILCS 5/Art. XXIII heading new
220 ILCS 5/23-101 new
220 ILCS 5/23-102 new
220 ILCS 5/23-103 new
220 ILCS 5/23-104 new

Amends the Public Utilities Act. Creates the Broadband Advisory Council Article in the Act. Creates the Broadband Advisory Council to explore ways to expand broadband access throughout the State, including unserved and underserved areas. Provides that the Department of Commerce and Economic Development shall provide administrative, personnel, and technical support. Provides for the voting and nonvoting membership of the Council. Provides for the powers and duties of the Council. Provides that the Council shall report to the General Assembly annually concerning actions the Council took during the previous year.

LRB100 18622 SMS 33847 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Public Utilities Act is amended by adding
5 Article XXIII as follows:

6 (220 ILCS 5/Art. XXIII heading new)

7 ARTICLE XXIII. BROADBAND ADVISORY COUNCIL

8 (220 ILCS 5/23-101 new)

9 Sec. 23-101. Legislative findings and purpose. The General
10 Assembly finds as follows:

11 (1) that the primary goals of the Governor, the General
12 Assembly, and the citizens of this State, are (A) by the
13 year 2020, to make every municipality, community, rural
14 area, and urban neighborhood in this State accessible to
15 affordable, reliable, and state-of-the-art Internet
16 communications through the expansion, extension, and
17 general availability of broadband services and technology,
18 and (B) to encourage the ubiquitous adoption of broadband
19 by all citizens;

20 (2) that, although broadband access has been extended
21 to many areas of the State, many rural areas remain
22 unserved and, although many neighborhoods in urban and

1 suburban areas have broadband options, some urban
2 neighborhoods have been bypassed for broadband deployment
3 or upgrades;

4 (3) that the issues that have hindered providing
5 broadband access to rural areas of the State and to some
6 urban neighborhoods especially disadvantage elderly and
7 low-income households;

8 (4) that fair and equitable access to 21st century
9 technology is essential to (A) maximize the functionality
10 of educational resources and educational facilities that
11 enable our children and adults to receive the best of
12 future teaching and learning, (B) civic engagement, (C)
13 economic development, (D) access to state-of-the-art
14 health care, (E) aging in place, (F) participation in a
15 global economy, and (G) the State's farming communities;
16 and

17 (5) accordingly, it is the purpose of the General
18 Assembly to provide for the development of policies, plans,
19 processes, and procedures to be employed and dedicated to
20 (A) extending broadband access to citizens of Illinois and
21 (B) eliminating barriers to widespread adoption of
22 broadband Internet access.

23 (220 ILCS 5/23-102 new)

24 Sec. 23-102. Definitions. As used in this Article:

25 "Broadband" or "broadband service" means a service

1 providing advanced telecommunications capability with a
2 minimum downstream data rate of 25 megabits per second and a
3 minimum upstream data rate of 3 megabits per second that does
4 not require the end-user to dial up a connection, that has the
5 capacity to always be on, and for which the transmission speeds
6 are based on consistently available bandwidth rates, not
7 sporadic or burstable rates, with latency suitable for
8 real-time applications and services such as voice-over
9 Internet protocol and video conferencing, and with monthly
10 usage allowance included within a fixed price that is
11 reasonably comparable to that of residential terrestrial fixed
12 broadband offerings in urban areas. This definition of
13 "broadband" or "broadband services" shall be reassessed every 2
14 years, beginning 2 years after the effective date of this Act,
15 and modified as deemed appropriate by the Council.

16 "Broadband at benchmark speeds" means broadband service at
17 the upstream and downstream data rates designated by the
18 Federal Communications Commission, as those may change from
19 time to time.

20 "Council" means the Broadband Advisory Council.

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

23 "Internet protocol address" or "IP address" means a unique
24 string of numbers separated by periods that identifies each
25 computer using the Internet protocol to communicate over a
26 network.

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 "Underserved area" means a community that has access to
6 broadband at lower than the benchmark speeds designated by the
7 Federal Communications Commission.

8 (220 ILCS 5/23-103 new)

9 Sec. 23-103. Broadband Advisory Council; members of
10 Council; administrative support.

11 (a) The Broadband Advisory Council is hereby established.
12 The Department of Commerce and Economic Opportunity shall house
13 the Council and provide administrative, personnel, and
14 technical support services.

15 (b) The Council shall consist of the following 17 voting
16 members:

17 (1) the Director of Commerce and Economic Opportunity
18 or his or her designee;

19 (2) the Secretary of Innovation and Technology or his
20 or her designee;

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

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

23 (5) the Chairman of the Illinois Commerce Commission or
24 his or her designee;

25 (6) one member appointed by the Director of Healthcare

1 and Family Services to represent the needs of disabled
2 citizens;

3 (7) one member appointed by the Director of Commerce
4 and Economic Opportunity and nominated by the president of
5 a statewide organization representing electric
6 cooperatives;

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

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

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

18 (11) one member appointed by the Chair of the Illinois
19 Community College Board;

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

22 (13) five members to represent broadband providers for
23 3-year terms appointed by the Governor, with the advice and
24 consent of the Senate, as follows:

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

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

3 (C) one member representing wireless carriers that
4 offer broadband internet access;

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

7 (E) one member representing satellite providers.

8 (c) In addition to the 17 voting members of the Council,
9 the President of the Senate, the Minority Leader of the Senate,
10 the Speaker of the House of Representatives, and the Minority
11 Leader of the House of Representatives shall each appoint one
12 nonvoting member of the Council.

13 (d) The members shall select a chair and vice chair from
14 their number. In the absence of the chair, the vice chair shall
15 serve as chair. The Council shall appoint a secretary-treasurer
16 who need not be a member of the Council and who, among other
17 tasks or functions designated by the Council, shall keep
18 records of its proceedings.

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

22 (f) Seven voting members of the Council constitute a
23 quorum, and the affirmative vote of a simple majority of those
24 members present is necessary for any action taken by vote of
25 the Council.

26 (g) Members shall serve without compensation and may be

1 reimbursed for reasonable expenses incurred in the performance
2 of their duties from funds appropriated for that purpose.

3 (220 ILCS 5/23-104 new)

4 Sec. 23-104. Powers and duties of the Council generally.

5 (a) The Council shall:

6 (1) explore any and all ways to expand access to
7 broadband services, including, but not limited to, middle
8 mile, last mile, and wireless and satellite applications;

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

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

18 (4) assess whether, and if so, the degree to which
19 broadband redlining is occurring in urban areas, such that
20 certain neighborhoods within urban areas, relative to
21 adjacent neighborhoods (whether suburban or urban) lack
22 broadband access or have access at lower speeds;

23 (5) gather data regarding the various speeds provided
24 to consumers in comparison to what is advertised;

25 (6) explore the potential for increased use of

1 broadband service for the purposes of education, career
2 readiness, workforce preparation, and alternative career
3 training;

4 (7) explore the potential for increased use of
5 broadband services to facilitate aging in place;

6 (8) explore ways for encouraging State and municipal
7 agencies, including public housing authorities, to expand
8 the development and use of broadband services for the
9 purpose of better serving the public, including audio and
10 video streaming, voice-over Internet protocol,
11 teleconferencing, and wireless networking;

12 (9) cooperate and assist in the expansion of electronic
13 instruction and distance education services; and

14 (10) as the Federal Communications Commission updates
15 the downstream and upstream data rates, publish the revised
16 data rates in the Illinois Register within 60 days of the
17 federal update.

18 (b) In addition to the powers set forth elsewhere in this
19 Article, the Council is hereby granted the powers necessary to
20 carry out the purpose and intent of this Article, as enumerated
21 in this Section, including, but not limited to:

22 (1) subject to appropriation, provide consultation
23 services to project sponsors in connection with the
24 planning, acquisition, improvement, construction, or
25 development of a broadband deployment project;

26 (2) promote awareness of public facilities that have

1 community broadband access that can be used for distance
2 education and workforce development; and

3 (3) advise on deployment of e-government portals such
4 that all public bodies and political subdivisions have
5 websites and encourage one-stop government access and that
6 all public entities stream audio and video of all public
7 meetings.

8 (c) The Council shall also:

9 (1) monitor the broadband-based development efforts of
10 other states and nations in areas such as business,
11 education, aging in place, and health;

12 (2) receive input from all Illinois broadband
13 stakeholders and advise the Governor and the General
14 Assembly on policies related to broadband in Illinois; and

15 (3) serve as the broadband advocate to State agencies
16 and other State entities to communicate the broadband needs
17 of citizens and organizations that do not have access to
18 broadband service or to broadband service adequate for
19 their needs.

20 (d) The Council shall exercise its powers and authority to
21 (i) advise and make recommendations to the General Assembly and
22 the Governor on bringing broadband service to unserved and
23 underserved rural and urban areas, (ii) advise and make
24 recommendations to the General Assembly and the Governor on
25 facilitating broadband adoption by all citizens, and (iii)
26 propose statutory changes that may enhance and expand broadband

1 in the State.

2 (e) The Council shall report to the General Assembly on or
3 before January 1 of each year. The report shall include the
4 action that was taken by the Council during the previous year
5 in carrying out the provisions of this Article. The Council
6 shall also make any other reports as may be required by the
7 General Assembly or the Governor.