



Computer Technology Committee

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LRB095 09235 MJR 33512 a

1 AMENDMENT TO HOUSE BILL 1258

2 AMENDMENT NO. _____. Amend House Bill 1258 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Universal Access to Broadband Services Act.

6 Section 5. Findings and declaration of policy. The General
7 Assembly finds and declares that:

8 (a) The future economic vitality of the State of Illinois
9 depends on continued participation in the growing global
10 information economy, which in turn depends on access to
11 universal, competitive, and affordable broadband services in
12 all areas of the State.

13 (b) All residents throughout the State need access to
14 computers and broadband services to equip themselves with the
15 skills necessary for jobs of the future.

16 (c) The public safety and security of the State require all

1 law enforcement, public safety, homeland security, and public
2 health providers to have access to broadband services to be
3 able to communicate in an efficient, timely, and secure manner,
4 especially during emergencies or disasters.

5 (d) Improved quality of health care throughout the State
6 depends on access to broadband services to enable medical
7 providers to implement and interconnect electronic health
8 records.

9 (e) Local governmental entities play a key role in
10 assessing the needs of their communities and assisting with
11 aggregating demand for broadband services, with particular
12 emphasis on the needs of end-users requiring access to the
13 Internet at higher speeds.

14 (f) Universal, competitive, and affordable broadband
15 services can be achieved only through cooperation and
16 collaboration among local governments and public, private, and
17 non-profit entities.

18 Section 10. Local broadband projects.

19 (a) The Broadband Deployment Council (the "Council"),
20 chaired by the Lieutenant Governor pursuant to Executive Order
21 2005-9, shall conduct a survey of municipalities and counties
22 and may seek the assistance of associations and organizations
23 serving local governments to conduct the survey. The survey
24 shall assess interest in creating a local broadband plan to
25 increase the level of broadband access within the municipality

1 or county or through a regional or multi-jurisdictional entity.

2 (b) For local governmental entities responding to the
3 survey under subsection (a) of this Section, the Council shall
4 provide technical assistance in creating a local broadband
5 plan, which shall take into consideration local needs and
6 priorities related to broadband access, technical
7 specifications and alternatives, public assets, funding
8 sources, public-private partnership opportunities, community
9 interest and involvement, and management models. Any local
10 governmental entity undertaking a local broadband planning
11 process first shall organize a local advisory committee,
12 including, but not limited to, area representatives of the
13 public, business, government, public safety, education, health
14 care, and technology providers.

15 (c) The Council shall compile a report for the General
16 Assembly every 2 years beginning on December 1, 2008, on the
17 status of planning and implementation of local broadband plans,
18 with any recommendations for State policies, funding, and other
19 assistance needed.

20 (d) Notwithstanding any other provisions of this Act, any
21 municipality or county may undertake local broadband projects
22 and the provision of services in connection therewith,
23 including the lease of infrastructure that it owns or controls;
24 aggregate customers or demand for broadband services; apply for
25 and receive funds or technical assistance to undertake such
26 projects; and take such steps as it deems necessary to address

1 the level of broadband access available to its businesses and
2 residents.

3 Section 90. The Illinois Century Network Act is amended by
4 changing Section 10 as follows:

5 (20 ILCS 3921/10)

6 Sec. 10. Illinois Century Network. The Illinois Century
7 Network shall be a service creating and maintaining high speed
8 telecommunications networks that provide reliable
9 communication links to and among Illinois schools,
10 institutions of higher education, libraries, museums, research
11 institutions, health care facilities and health care
12 providers, State agencies, units of local government, and other
13 local entities that provide services to Illinois citizens. The
14 Illinois Century Network shall build on existing investments in
15 networking schools, colleges, and universities, avoid
16 duplication of future efforts, maintain sufficient capacity to
17 meet the requirements of the participating institutions, and
18 stay current with rapid developments in technology. The
19 Illinois Century Network shall be capable of delivering
20 state-of-the-art access to education, training, and electronic
21 information and shall provide access to networking
22 technologies for institutions located in even the most remote
23 areas of this State.

24 (Source: P.A. 91-21, eff. 7-1-99; 92-691, eff. 7-18-02.)

1 Section 95. The Public Utilities Act is amended by changing
2 Section 13-301.3 as follows:

3 (220 ILCS 5/13-301.3)

4 (Section scheduled to be repealed on July 1, 2007)

5 Sec. 13-301.3. Digital Divide Elimination Infrastructure
6 Program.

7 (a) The Digital Divide Elimination Infrastructure Fund is
8 created as a special fund in the State treasury. ~~All moneys in~~
9 ~~the Fund shall be used, subject to appropriation, by the~~
10 ~~Commission to fund (i) the construction of facilities specified~~
11 ~~in Commission rules adopted under this Section and (ii) the~~
12 ~~accessible electronic information program, as provided in~~
13 ~~Section 20 of the Accessible Electronic Information Act. The~~
14 ~~Commission may accept private and public funds, including~~
15 ~~federal funds, for deposit into the Fund. Earnings attributable~~
16 ~~to moneys in the Fund shall be deposited into the Fund.~~

17 (b) (Blank). ~~The Commission shall adopt rules under which~~
18 ~~it will make grants out of funds appropriated from the Digital~~
19 ~~Divide Elimination Infrastructure Fund to eligible entities as~~
20 ~~specified in the rules for the construction of high-speed data~~
21 ~~transmission facilities in eligible areas of the State. For~~
22 ~~purposes of determining whether an area is an eligible area,~~
23 ~~the Commission shall consider, among other things, whether (i)~~
24 ~~in such area, advanced telecommunications services, as defined~~

1 ~~in subsection (c) of Section 13-517 of this Act, are~~
2 ~~under provided to residential or small business end users,~~
3 ~~either directly or indirectly through an Internet Service~~
4 ~~Provider, (ii) such area has a low population density, and~~
5 ~~(iii) such area has not yet developed a competitive market for~~
6 ~~advanced services. In addition, if an entity seeking a grant of~~
7 ~~funds from the Digital Divide Elimination Infrastructure Fund~~
8 ~~is an incumbent local exchange carrier having the duty to serve~~
9 ~~such area, and the obligation to provide advanced services to~~
10 ~~such area pursuant to Section 13-517 of this Act, the entity~~
11 ~~shall demonstrate that it has sought and obtained an exemption~~
12 ~~from such obligation pursuant to subsection (b) of Section~~
13 ~~13-517. Any entity seeking a grant of funds from the Digital~~
14 ~~Divide Elimination Infrastructure Fund shall demonstrate to~~
15 ~~the Commission that the grant shall be used for the~~
16 ~~construction of high speed data transmission facilities in an~~
17 ~~eligible area and demonstrate that it satisfies all other~~
18 ~~requirements of the Commission's rules. The Commission shall~~
19 ~~determine the information that it deems necessary to award~~
20 ~~grants pursuant to this Section.~~

21 (c) (Blank.) ~~The rules of the Commission shall provide for~~
22 ~~the competitive selection of recipients of grant funds~~
23 ~~available from the Digital Divide Elimination Infrastructure~~
24 ~~Fund pursuant to the Illinois Procurement Code. Grants shall be~~
25 ~~awarded to bidders chosen on the basis of the criteria~~
26 ~~established in such rules.~~

1 (d) (Blank.) ~~All entities awarded grant moneys under this~~
2 ~~Section shall maintain all records required by Commission rule~~
3 ~~for the period of time specified in the rules. Such records~~
4 ~~shall be subject to audit by the Commission, by any auditor~~
5 ~~appointed by the State, or by any State officer authorized to~~
6 ~~conduct audits.~~

7 (e) On the effective date of this amendatory Act of the
8 95th General Assembly, the Illinois Commerce Commission shall
9 transfer to the Lieutenant Governor, and the Lieutenant
10 Governor shall receive, all funds possessed by the Commission
11 related to the Digital Divide Elimination Infrastructure
12 Program. Nothing in this subsection (e) shall affect the
13 validity of grants issued under this Section before the
14 effective date of this amendatory Act of the 95th General
15 Assembly.

16 (f) On the effective date of this amendatory Act of the
17 95th General Assembly, the Lieutenant Governor shall be
18 responsible for administration and disbursement of any
19 remaining funds previously administered by the Illinois
20 Commerce Commission for the Digital Divide Elimination
21 Infrastructure Program. The Lieutenant Governor, through the
22 Broadband Deployment Council established under Executive Order
23 2005-9, shall establish criteria for future grants from the
24 Digital Divide Elimination Infrastructure Fund based on the
25 purposes set forth in the Universal Access to Broadband
26 Services Act, and shall provide for the competitive selection

1 of recipients of grant funds available that is similar to the
2 competitive selections process under the Illinois Procurement
3 Code.

4 (Source: P.A. 92-22, eff. 6-30-01; 93-306, eff. 7-23-03;
5 93-797, eff. 7-22-04.)

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