



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1258

Introduced 2/15/2007, by Rep. Julie Hamos

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 3921/10
220 ILCS 5/13-301.3

Creates the Universal Access to Broadband Services Act. Contains provisions regarding access to publicly-held broadband infrastructure for local community broadband projects. Provides for the development of local community broadband projects. Provides guidelines for the future deployment of publicly-held infrastructure. Amends the Illinois Century Network Act. Provides that the Illinois Century Network shall be available for lease, on a non-discriminatory basis, to any public, private, or non-profit entity pursuant to the Universal Access to Broadband Services Act. Amends the Public Utilities Act. Requires the Illinois Commerce Commission to transfer to the Lieutenant Governor, and requires the Lieutenant Governor to receive, all funds possessed by the Commission related to the Digital Divide Elimination Infrastructure Program. Provides that the Lieutenant Governor shall be responsible for administration and disbursement of any remaining funds, previously administered by the Illinois Commerce Commission, for the Digital Divide Elimination Infrastructure Program. Provides that the Lieutenant Governor, through the Broadband Deployment Council established under Executive Order 2005-9, shall establish criteria for future grants from the Digital Divide Elimination Infrastructure Fund and shall provide for the competitive selection of recipients of grant funds available. Effective immediately.

LRB095 09235 MJR 29428 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 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
17 law enforcement, public safety, homeland security, and public
18 health providers to have access to broadband services to be
19 able to communicate in an efficient, timely, and secure manner,
20 especially during emergencies or disasters.

21 (d) Improved quality of health care throughout the State
22 depends on access to broadband services to enable medical
23 providers to implement and interconnect electronic health

1 records.

2 (e) Universal, competitive, and affordable broadband
3 services can be achieved only through cooperation and
4 collaboration among public, private, and non-profit entities.

5 Section 10. Access to publicly-held broadband
6 infrastructure for local community broadband projects.

7 (a) By September 1, 2009, the Broadband Deployment Council,
8 chaired by the Lieutenant Governor pursuant to Executive Order
9 2005-9 (the "Council") shall identify all "publicly-held
10 broadband infrastructure" in the State, defined as all
11 properties, facilities, towers, equipment, hardware, software,
12 and other intellectual property necessary to provide broadband
13 services that are owned or controlled by the Illinois Century
14 Network, Central Management Services, the Department of
15 Transportation, the State Toll Highway Authority, public
16 universities or colleges, community colleges, or any other
17 agency funded by the State.

18 (b) Publicly-held broadband infrastructure, not otherwise
19 in use or with specific plans for use, shall be available for
20 lease on a non-discriminatory basis to any public, private, or
21 non-profit entity, under terms, conditions, procedures, and
22 pricing to be jointly established by the State agencies and
23 entities that own or control such infrastructure, convened by
24 the Council. Consideration shall be given to sliding fee
25 schedules based on the income and financial resources available

1 to end users and the existence of other community benefits.

2 (c) Any public, private, or non-profit entities seeking to
3 lease publicly-held broadband infrastructure may aggregate
4 customers or demand for broadband services, and may create
5 regional and multi-jurisdictional entities that aggregate
6 customers or demand for broadband services.

7 Section 15. Development of local community broadband
8 projects.

9 (a) Any municipality or county may apply for and receive
10 funds or technical assistance to undertake broadband projects,
11 including the lease of publicly-held broadband infrastructure,
12 and may take steps as it may deem appropriate to address the
13 level of broadband access available to its businesses and
14 residents.

15 (b) The Council shall conduct a survey of municipalities
16 and counties, and may seek the assistance of associations and
17 organizations serving local governments to conduct the survey.
18 The survey shall assess interest in creating a local community
19 broadband plan to increase the level of broadband access within
20 the municipality or county or through a regional or
21 multi-jurisdictional entity.

22 (c) For local government entities responding to the survey
23 under subsection (b) of this Section, the Council shall provide
24 technical assistance in creating a local community broadband
25 plan, which shall take into consideration local needs and

1 priorities related to broadband access, technical
2 specifications and alternatives, public assets, funding
3 sources, public-private partnership opportunities, community
4 interest and involvement, and management models. Any local
5 government entity undertaking a local community broadband
6 planning process first shall organize a local advisory
7 committee including, but not limited to, area representatives
8 of the public, business, government, public safety, education,
9 health care, and technology providers.

10 (d) The Council shall compile a report for the General
11 Assembly every 2 years beginning on December 1, 2008, on the
12 status of planning and implementation of local community
13 broadband plans, with any recommendations for state policies,
14 funding, and other assistance needed.

15 Section 20. Future deployment of publicly-held
16 infrastructure. Any infrastructure improvement that requires
17 the digging of a trench or building of a tower or wireless
18 facility, paid for in whole or in part by State funds, whether
19 undertaken by a State, county, municipal, or other public
20 agency, shall include, wherever possible and appropriate to
21 promote the objective of broadband access, the following:

22 (1) installation of underground conduit and optical
23 fiber;

24 (2) provision of space for wireless equipment; and

25 (3) installation of conduit to towers or wireless

1 facility locations, all of which can be made available on a
2 non-discriminatory basis to public, private, and
3 non-profit entities for the installation of fiber optic
4 lines, wireless facilities and equipment for
5 communications, or information services via the conduit,
6 tower, or facility.

7 Section 25. The Illinois Century Network Act is amended by
8 changing Section 10 as follows:

9 (20 ILCS 3921/10)

10 Sec. 10. Illinois Century Network. The Illinois Century
11 Network shall be a service creating and maintaining high speed
12 telecommunications networks that provide reliable
13 communication links to and among Illinois schools,
14 institutions of higher education, libraries, museums, research
15 institutions, State agencies, units of local government, and
16 other local entities that provide services to Illinois
17 citizens. The Illinois Century Network shall build on existing
18 investments in networking schools, colleges, and universities,
19 avoid duplication of future efforts, maintain sufficient
20 capacity to meet the requirements of the participating
21 institutions, ~~and~~ stay current with rapid developments in
22 technology, and be available for lease, on a non-discriminatory
23 basis, to any public, private, or non-profit entity pursuant to
24 the Universal Access to Broadband Services Act. The Illinois

1 Century Network shall be capable of delivering
2 state-of-the-art access to education, training, and electronic
3 information and shall provide access to networking
4 technologies for institutions located in even the most remote
5 areas of this State.

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

7 Section 30. The Public Utilities Act is amended by changing
8 Section 13-301.3 as follows:

9 (220 ILCS 5/13-301.3)

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

11 Sec. 13-301.3. Digital Divide Elimination Infrastructure
12 Program.

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

23 (b) The Commission shall adopt rules under which it will
24 make grants out of funds appropriated from the Digital Divide

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

1 (c) The rules of the Commission shall provide for the
2 competitive selection of recipients of grant funds available
3 from the Digital Divide Elimination Infrastructure Fund
4 pursuant to the Illinois Procurement Code. Grants shall be
5 awarded to bidders chosen on the basis of the criteria
6 established in such rules.

7 (d) All entities awarded grant moneys under this Section
8 shall maintain all records required by Commission rule for the
9 period of time specified in the rules. Such records shall be
10 subject to audit by the Commission, by any auditor appointed by
11 the State, or by any State officer authorized to conduct
12 audits.

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

22 (f) On the effective date of this amendatory Act of the
23 95th General Assembly, the Lieutenant Governor shall be
24 responsible for administration and disbursement of any
25 remaining funds previously administered by the Illinois
26 Commerce Commission for the Digital Divide Elimination

1 Infrastructure Program. The Lieutenant Governor, through the
2 Broadband Deployment Council established under Executive Order
3 2005-9, shall establish criteria for future grants from the
4 Digital Divide Elimination Infrastructure Fund and shall
5 provide for the competitive selection of recipients of grant
6 funds available that is similar to the competitive selections
7 process under the Illinois Procurement Code.

8 (Source: P.A. 92-22, eff. 6-30-01; 93-306, eff. 7-23-03;
9 93-797, eff. 7-22-04.)

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