



Rep. Eddie Washington

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1 AMENDMENT TO SENATE BILL 678

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 678 by replacing  
3 everything after the enacting clause with the following:

4 "ARTICLE 5.

5 Section 5-1. Short title. This Article may be cited as the  
6 Broadband Access on Passenger Rail Law.

7 Section 5-5. Definitions. As used in this Article:

8 "Department" means the Department of Transportation.

9 "Passenger rail systems" includes all passenger rail  
10 systems maintained by the National Passenger Railroad  
11 Corporation in Illinois and those passenger rail systems under  
12 the jurisdiction of the Commuter Rail Board as established in  
13 Section 3B.08 of the Regional Transportation Authority Act.

14 Section 5-10. Broadband Access on Passenger Rail Plan. The

1 Department shall deliver to the Governor and General Assembly a  
2 plan for ensuring high speed data transmission services on all  
3 passenger rail systems in Illinois at fair and reasonable  
4 prices no later than December 31, 2007. The plan shall include  
5 recommendations for acquiring necessary rights of way,  
6 installation of necessary infrastructure, operation of high  
7 speed data transmission services, and funding sources.

8 ARTICLE 10.

9 Section 10-1. Short title. This Article may be cited as the  
10 High Speed Internet Services and Information Technology Law.

11 Section 10-5. Findings. With respect to high speed Internet  
12 services and information technology, the General Assembly  
13 finds the following:

14 (1) The deployment and adoption of high speed Internet  
15 services and information technology has resulted in  
16 enhanced economic development and public safety for the  
17 State's communities, improved health care and educational  
18 opportunities, and a better quality of life for the State's  
19 residents.

20 (2) Continued progress in the deployment and adoption  
21 of high speed Internet services and information technology  
22 is vital to ensuring that this State remains competitive  
23 and continues to create business and job growth.

1           (3) The State must encourage and support the  
2 partnership of the public and private sectors in the  
3 continued growth of high speed Internet and Information  
4 technology for the State's residents and businesses.

5           (4) Local governmental entities play a role in  
6 assessing the needs of their communities with respect to  
7 high speed Internet services and information technology.

8           Section 10-10. Definitions. In this Article:

9           "Nonprofit organization" means an organization that (i) is  
10 a nonprofit organization as described in Section 501(c)(3) of  
11 the federal Internal Revenue Code of 1986 and exempt from tax  
12 under Section 501(a) of that Code; (ii) has no part of the net  
13 earnings of which inures to the benefit of any member, founder,  
14 contributor, or individual; and (iii) is organized under,  
15 subject to, and has all the powers and duties of a  
16 not-for-profit corporation under the General Not For Profit  
17 Corporation Act of 1986.

18           Section 10-15. Connect IL.

19           (a) Notwithstanding any other statute, the Lieutenant  
20 Governor, with the advice of the Broadband Deployment Council,  
21 shall authorize the creation of a nonprofit corporation called  
22 Connect IL to implement a comprehensive, statewide high speed  
23 Internet deployment strategy and demand creation initiative  
24 with the purpose of:

1           (1) ensuring that all State residents and businesses  
2           have access to affordable and reliable high speed Internet  
3           service;

4           (2) achieving improved technology literacy, increased  
5           computer ownership, and home high speed Internet use among  
6           State residents and businesses;

7           (3) establishing and empowering local technology  
8           planning teams in each county to plan for improved  
9           technology use across multiple community sectors; and

10          (4) establishing and sustaining an environment ripe  
11          for high speed Internet access and technology investment  
12          statewide.

13          (b) Connect IL's governing board shall be appointed by the  
14          Lieutenant Governor, with the advice of the Broadband  
15          Deployment Council, and shall not exceed 11 members, with a  
16          maximum of 6 representing the private sector and a maximum of 5  
17          representing the government and nonprofit sectors. Four of the  
18          private sector members shall be from the largest incumbent  
19          local exchange carriers, one shall be from the cable television  
20          industry, and one shall be from the Internet Service Provider  
21          (ISP) industry. Members representing the public sector shall  
22          include one member from a public Illinois university, one  
23          member that represents Community Technology Centers, one  
24          member from the Department of Commerce and Economic  
25          Opportunity, one member from the Lieutenant Governor's office,  
26          and one member from the Department of Central Management. The

1 board shall select its chairperson to serve a 2-year term.

2 (c) In lieu of, or in addition to creating a nonprofit, the  
3 Lieutenant Governor, with the Broadband Deployment Council's  
4 advice, shall enlist an existing nonprofit organization that  
5 has an established competency and proven record of working with  
6 public and private sectors to accomplish wide-scale deployment  
7 and adoption of broadband and information technology.

8 Section 10-20. Duties of Connect IL.

9 (a) The high speed Internet deployment strategy and demand  
10 creation initiative to be performed by the nonprofit  
11 organization shall include, but not be limited to, the  
12 following actions:

13 (1) Create a geographic statewide inventory of high  
14 speed Internet service and other relevant broadband and  
15 information technology services. The inventory shall:

16 (A) identify geographic gaps in high speed  
17 Internet service through a method of GIS mapping of  
18 service availability and GIS analysis at the census  
19 block level; and

20 (B) provide a baseline assessment of statewide  
21 high speed Internet deployment in terms of percentage  
22 of Illinois households with high speed Internet  
23 availability.

24 (2) Track and identify, through customer interviews  
25 and surveys and other publicly available sources,

1 statewide residential and business adoption of high speed  
2 Internet, computers, and related information technology  
3 and any barriers to adoption.

4 (3) Build and facilitate in each county or designated  
5 region a local technology planning team with members  
6 representing a cross section of the community, including,  
7 but not limited to, representatives of business, K-12  
8 education, health care, libraries, higher education,  
9 community-based organizations, local government, tourism,  
10 parks and recreation, and agriculture. Each team shall  
11 benchmark technology use across relevant community  
12 sectors, set goals for improved technology use within each  
13 sector, and develop a plan for achieving its goals, with  
14 specific recommendations for online application  
15 development and demand creation.

16 (4) Collaborate with high speed Internet providers and  
17 technology companies to encourage deployment and use,  
18 especially in underserved areas, by aggregating local  
19 demand, mapping analysis, and creating market intelligence  
20 to improve the business case for providers to deploy.

21 (5) Establish a program to increase computer ownership  
22 and Internet access for disenfranchised populations across  
23 the State.

24 (b) The nonprofit organization may apply for federal grants  
25 consistent with the objectives of this Article.

26 (c) The Lieutenant Governor shall use the funds in the High

1 Speed Internet Services and Information Technology Fund to  
2 provide grants to the nonprofit organization created or  
3 enlisted under this Article.

4 (d) The nonprofit organization shall have the power to  
5 obtain or to raise funds other than the grants receive from the  
6 Lieutenant Governor under this Article.

7 (e) The nonprofit organization and its Board of Directors  
8 shall exist separately and independently from the Office of the  
9 Lieutenant Governor and any other governmental entity, but  
10 shall cooperate with the Office of the Lieutenant Governor, the  
11 Broadband Deployment Council, and other public or private  
12 entities it deems appropriate in carrying out its duties.

13 (f) Notwithstanding anything in this Article or any other  
14 Act to the contrary, any information that is designated  
15 confidential or proprietary by an entity providing the  
16 information to the nonprofit organization or any other entity  
17 to accomplish the objectives of this Article shall be deemed  
18 confidential, proprietary, and a trade secret and treated by  
19 the nonprofit organization, Connect IL's governing board, or  
20 anyone else possessing the information as such and shall not be  
21 disclosed.

22 Section 10-25. Scope of authority. Nothing in this Article  
23 shall be construed as giving the Lieutenant Governor, the  
24 Broadband Deployment Council, the nonprofit organization, or  
25 other entities any additional authority, regulatory or

1 otherwise, over providers of telecommunications, broadband,  
2 and information technology.

3 Section 10-30. High Speed Internet Services and  
4 Information Technology Fund.

5 (a) There is created in the State treasury a special fund  
6 to be known as the High Speed Internet Services and Information  
7 Technology Fund, to be used, subject to appropriation, by the  
8 Lieutenant Governor for purposes of providing grants to the  
9 nonprofit organization enlisted under this Article.

10 (b) On the effective date of this Article, all moneys in  
11 the Digital Divide Elimination Infrastructure Fund which have  
12 not already been distributed or ordered distributed by the  
13 Illinois Commerce Commission shall be transferred to the High  
14 Speed Internet Services and Information Technology Fund.  
15 Nothing contained in this subsection (b) shall affect the  
16 validity of grants issued under this Article before June 30,  
17 2007.

18 Section 10-35. Local broadband projects. Any municipality  
19 or county may undertake local broadband projects and the  
20 provision of services in connection therewith; may lease  
21 infrastructure that it owns or controls; may aggregate  
22 customers or demand for broadband services; may apply for and  
23 receive funds or technical assistance to undertake such  
24 projects to address the level of broadband access available to



1 its businesses and residents. To the extent that it seeks to  
2 serve as a retail provider of telecommunications services, the  
3 municipality or county shall be required to obtain appropriate  
4 certification from the Illinois Commerce Commission as a  
5 telecommunications carrier.

6 Section 10-80. The State Finance Act is amended by adding  
7 Section 5.675 as follows:

8 (30 ILCS 105/5.675 new)

9 Sec. 5.675. The High Speed Internet Services and  
10 Information Technology Fund.

11 Section 10-90. The Public Utilities Act is amended by  
12 changing Sections 13-505.4, 13-701, and 13-1200 as follows:

13 (220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4)

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

15 Sec. 13-505.4. Provision of noncompetitive services.

16 (a) A telecommunications carrier that offers or provides a  
17 noncompetitive service, service element, feature, or  
18 functionality on a separate, stand-alone basis to any customer  
19 shall provide that service, service element, feature, or  
20 functionality pursuant to tariff to all persons, including all  
21 telecommunications carriers and competitors, in accordance  
22 with the provisions of this Article.

1 (b) A telecommunications carrier that offers or provides a  
2 noncompetitive service, service element, feature, or  
3 functionality to any customer as part of an offering of  
4 competitive services pursuant to tariff or contract shall  
5 publicly disclose the offering or provisioning of the  
6 noncompetitive service, service element, feature, or  
7 functionality by filing with the Commission information that  
8 generally describes the offering or provisioning and that shows  
9 the rates, terms, and conditions of the noncompetitive service,  
10 service element, feature, or functionality. The information  
11 shall be filed with the Commission concurrently with the filing  
12 of the tariff or not more than 10 days following the customer's  
13 acceptance of the offering in a contract.

14 (c) A telecommunications carrier that is not subject to  
15 regulation under an alternative regulation plan pursuant to  
16 Section 13-506.1 of this Act may reduce the rate or charge for  
17 a noncompetitive service, service element, feature, or  
18 functionality offered to customers on a separate, stand-alone  
19 basis or as part of a bundled service offering by filing with  
20 the Commission a tariff that shows the reduced rate or charge  
21 and all applicable terms and conditions of the noncompetitive  
22 service, service element, feature, or functionality or bundled  
23 offering. The reduction of rates or charges shall be permitted  
24 upon the filing of the proposed rate, charge, classification,  
25 tariff, or bundled offering. The total price of a bundled  
26 offering shall not attribute any portion of the charge to

1 services subject to the jurisdiction of the Commission and  
2 shall not be binding on the Commission in any proceeding under  
3 Article IX of this Act to set the revenue requirement or to set  
4 just and reasonable rates for services subject to the  
5 jurisdiction of the Commission. Prices for bundles shall not be  
6 subject to Section 13-505.1 of this Act. For purposes of this  
7 subsection (c), a bundle is a group of services offered  
8 together for a fixed price where at least one of the services  
9 is an interLATA service as that term is defined in 47 U.S.C.  
10 153(21), a cable service or a video service, a community  
11 antenna television service, a satellite broadcast service, a  
12 public mobile service as defined in Section 13-214 of this Act,  
13 or an advanced telecommunications service as "advanced  
14 telecommunications services" is defined in Section 13-517 of  
15 this Act.

16 (Source: P.A. 87-856.)

17 (220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)

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

19 Sec. 13-701. (a) Notwithstanding any other provision of  
20 this Act to the contrary, the Commission has no power to  
21 supervise or control any telephone cooperative as respects  
22 assessment schedules or local service rates made or charged by  
23 such a cooperative on a nondiscriminatory basis. In addition,  
24 the Commission has no power to inquire into, or require the  
25 submission of, the terms, conditions or agreements by or under

1 which telephone cooperatives are financed. A telephone  
2 cooperative shall file with the Commission either a copy of the  
3 annual financial report required by the Rural Electrification  
4 Administration, or the annual financial report required of  
5 other public utilities.

6 Sections 13-712 and 13-713 of this Act do not apply to  
7 telephone cooperatives.

8 (Source: P.A. 84-1063.)

9 (220 ILCS 5/13-1200)

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

11 Sec. 13-1200. Repealer. This Article is repealed July 1,  
12 2009 ~~2007~~.

13 (Source: P.A. 94-76, eff. 6-24-05.)

14 ARTICLE 99.

15 Section 99-999. Effective date. This Act takes effect upon  
16 becoming law."