

1 AN ACT concerning State government.

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 High
5 Speed Internet Services and Information Technology Act.

6 Section 5. Findings. With respect to high speed Internet
7 services and information technology, the General Assembly
8 finds the following:

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

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

19 (3) The State must encourage and support the
20 partnership of the public and private sectors in the
21 continued growth of high speed Internet and information
22 technology for the State's residents and businesses.

23 (4) Local governmental entities play a role in

1 assessing the needs of their communities with respect to
2 high speed Internet services and information technology.

3 Section 10. Nonprofit organization defined. In this Act:

4 "Nonprofit organization" means an organization that (i) is
5 a nonprofit organization as described in Section 501(c)(3) of
6 the federal Internal Revenue Code of 1986 and exempt from tax
7 under Section 501(a) of that Code; (ii) has no part of the net
8 earnings of which inures to the benefit of any member, founder,
9 contributor, or individual; (iii) is organized under, subject
10 to, and has all the powers and duties of a not-for-profit
11 corporation under the General Not For Profit Corporation Act of
12 1986; (iv) has statewide representation; and (v) has a board of
13 directors that is not composed of a majority of individuals who
14 are also employed by, or otherwise associated with, any
15 federal, State, or local government or agency.

16 "Department" means the Department of Commerce and Economic
17 Opportunity.

18 Section 15. Enlistment of a nonprofit organization.

19 (a) Notwithstanding any other statute, the Department of
20 Commerce and Economic Opportunity shall enlist a nonprofit
21 organization to implement a comprehensive, statewide high
22 speed Internet deployment strategy and demand creation
23 initiative with the purpose of:

24 (1) ensuring that all State residents and businesses

1 have access to affordable and reliable high speed Internet
2 service;

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

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

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

12 (b) The nonprofit organization shall have an established
13 competency and proven record of working with public and private
14 sectors to accomplish wide-scale deployment and adoption of
15 broadband and information technology in Illinois.

16 (c) The Department shall adopt rules regarding the
17 enlistment of a nonprofit organization.

18 Section 20. Duties of the enlisted nonprofit organization.

19 (a) The high speed Internet deployment strategy and demand
20 creation initiative to be performed by the nonprofit
21 organization shall include, but not be limited to, the
22 following actions:

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

1 (A) identify geographic gaps in high speed
2 Internet service through a method of GIS mapping of
3 service availability and GIS analysis at the census
4 block level; and

5 (B) provide a baseline assessment of statewide
6 high speed Internet deployment in terms of percentage
7 of Illinois households with high speed Internet
8 availability.

9 (2) Track and identify, through customer interviews
10 and surveys and other publicly available sources,
11 statewide residential and business adoption of high speed
12 Internet, computers, and related information technology
13 and any barriers to adoption.

14 (3) Build and facilitate in each county or designated
15 region a local technology planning team with members
16 representing a cross section of the community, including,
17 but not limited to, representatives of business, K-12
18 education, health care, libraries, higher education,
19 community-based organizations, local government, tourism,
20 parks and recreation, and agriculture. Each team shall
21 benchmark technology use across relevant community
22 sectors, set goals for improved technology use within each
23 sector, and develop a plan for achieving its goals, with
24 specific recommendations for online application
25 development and demand creation.

26 (4) Collaborate with high speed Internet providers and

1 technology companies to encourage deployment and use,
2 especially in underserved areas, by aggregating local
3 demand, mapping analysis, and creating market intelligence
4 to improve the business case for providers to deploy.

5 (5) Collaborate with the Department in developing a
6 program to increase computer ownership and broadband
7 access for disenfranchised populations across the State.
8 The program may include grants to local community
9 technology centers that provide technology training,
10 promote computer ownership, and increase broadband access.

11 (b) The nonprofit organization may apply for federal grants
12 consistent with the objectives of this Act.

13 (c) The Department of Commerce and Economic Opportunity
14 shall use the funds in the High Speed Internet Services and
15 Information Technology Fund to (1) provide grants to the
16 nonprofit organization enlisted under this Act and (2) for any
17 costs incurred by the Department to administer this Act.

18 (d) The nonprofit organization shall have the power to
19 obtain or to raise funds other than the grants received from
20 the Department under this Act.

21 (e) The nonprofit organization and its Board of Directors
22 shall exist separately and independently from the Department
23 and any other governmental entity, but shall cooperate with
24 other public or private entities it deems appropriate in
25 carrying out its duties.

26 (f) Notwithstanding anything in this Act or any other Act

1 to the contrary, any information that is designated
2 confidential or proprietary by an entity providing the
3 information to the nonprofit organization or any other entity
4 to accomplish the objectives of this Act shall be deemed
5 confidential, proprietary, and a trade secret and treated by
6 the nonprofit organization or anyone else possessing the
7 information as such and shall not be disclosed.

8 (g) The nonprofit organization shall provide a report to
9 the Commission on Government Forecasting and Accountability on
10 an annual basis for the first 3 complete State fiscal years
11 following its enlistment.

12 Section 25. Scope of authority. Nothing in this Act shall
13 be construed as giving the Department of Commerce and Economic
14 Opportunity, the nonprofit organization, or other entities any
15 additional authority, regulatory or otherwise, over providers
16 of telecommunications, broadband, and information technology.

17 Section 30. High Speed Internet Services and Information
18 Technology Fund.

19 (a) There is created in the State treasury a special fund
20 to be known as the High Speed Internet Services and Information
21 Technology Fund, to be used, subject to appropriation, by the
22 Department of Commerce and Economic Development for purposes of
23 providing grants to the nonprofit organization enlisted under
24 this Act.

1 (b) On the effective date of this Act, \$4,000,000 in the
2 Digital Divide Elimination Infrastructure Fund shall be
3 transferred to the High Speed Internet Services and Information
4 Technology Fund. Nothing contained in this subsection (b) shall
5 affect the validity of grants issued with moneys from the
6 Digital Divide Elimination Infrastructure Fund before June 30,
7 2007.

8 Section 35. Local broadband projects. Any municipality or
9 county may undertake local broadband projects and the provision
10 of services in connection therewith; may lease infrastructure
11 that it owns or controls; may aggregate customers or demand for
12 broadband services; may apply for and receive funds or
13 technical assistance to undertake such projects to address the
14 level of broadband access available to its businesses and
15 residents. To the extent that it seeks to serve as a retail
16 provider of telecommunications services, the municipality or
17 county shall be required to obtain appropriate certification
18 from the Illinois Commerce Commission as a telecommunications
19 carrier.

20 Section 90. The State Finance Act is amended by adding
21 Section 5.675 as follows:

22 (30 ILCS 105/5.675 new)

23 Sec. 5.675. The High Speed Internet Services and

1 Information Technology Fund.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.