



Sen. Jeffrey M. Schoenberg

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LRB095 05415 MJR 37585 a

1 AMENDMENT TO SENATE BILL 766

2 AMENDMENT NO. _____. Amend Senate Bill 766 by replacing
3 everything after the enacting clause with the following:

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

1 is vital to ensuring that this State remains competitive
2 and continues to create business and job growth.

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

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

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

11 "Nonprofit organization" means an organization that (i) is
12 a nonprofit organization as described in Section 501(c)(3) of
13 the federal Internal Revenue Code of 1986 and exempt from tax
14 under Section 501(a) of that Code; (ii) has no part of the net
15 earnings of which inures to the benefit of any member, founder,
16 contributor, or individual; (iii) is organized under, subject
17 to, and has all the powers and duties of a not-for-profit
18 corporation under the General Not For Profit Corporation Act of
19 1986; and (iv) is not created specifically for enlistment under
20 this Act.

21 "Department" means the Department of Commerce and Economic
22 Opportunity.

23 Section 15. Enlistment of a nonprofit organization.

24 (a) Notwithstanding any other statute, the Department of

1 Commerce and Economic Opportunity shall enlist a nonprofit
2 organization to implement a comprehensive, statewide high
3 speed Internet deployment strategy and demand creation
4 initiative with the purpose of:

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

8 (2) achieving improved technology literacy, increased
9 computer ownership, and home high speed Internet use among
10 State residents and businesses;

11 (3) establishing and empowering local technology
12 planning teams in each county to plan for improved
13 technology use across multiple community sectors; and

14 (4) establishing and sustaining an environment ripe
15 for high speed Internet access and technology investment
16 statewide.

17 (b) The existing nonprofit organization shall have an
18 established competency and proven record of working with public
19 and private sectors to accomplish wide-scale deployment and
20 adoption of broadband and information technology in Illinois.

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

23 Section 20. Duties of the enlisted nonprofit organization.

24 (a) The high speed Internet deployment strategy and demand
25 creation initiative to be performed by the nonprofit

1 organization shall include, but not be limited to, the
2 following actions:

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

6 (A) identify geographic gaps in high speed
7 Internet service through a method of GIS mapping of
8 service availability and GIS analysis at the census
9 block level; and

10 (B) provide a baseline assessment of statewide
11 high speed Internet deployment in terms of percentage
12 of Illinois households with high speed Internet
13 availability.

14 (2) Track and identify, through customer interviews
15 and surveys and other publicly available sources,
16 statewide residential and business adoption of high speed
17 Internet, computers, and related information technology
18 and any barriers to adoption.

19 (3) Build and facilitate in each county or designated
20 region a local technology planning team with members
21 representing a cross section of the community, including,
22 but not limited to, representatives of business, K-12
23 education, health care, libraries, higher education,
24 community-based organizations, local government, tourism,
25 parks and recreation, and agriculture. Each team shall
26 benchmark technology use across relevant community

1 sectors, set goals for improved technology use within each
2 sector, and develop a plan for achieving its goals, with
3 specific recommendations for online application
4 development and demand creation.

5 (4) Collaborate with high speed Internet providers and
6 technology companies to encourage deployment and use,
7 especially in underserved areas, by aggregating local
8 demand, mapping analysis, and creating market intelligence
9 to improve the business case for providers to deploy.

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

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

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

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

26 (e) The nonprofit organization and its Board of Directors

1 shall exist separately and independently from the Department
2 and any other governmental entity, but shall cooperate with
3 other public or private entities it deems appropriate in
4 carrying out its duties.

5 (f) Notwithstanding anything in this Act or any other Act
6 to the contrary, any information that is designated
7 confidential or proprietary by an entity providing the
8 information to the nonprofit organization or any other entity
9 to accomplish the objectives of this Act shall be deemed
10 confidential, proprietary, and a trade secret and treated by
11 the nonprofit organization or anyone else possessing the
12 information as such and shall not be disclosed.

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

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

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

1 this Act.

2 (b) On the effective date of this Act, \$4,000,000 in the
3 Digital Divide Elimination Infrastructure Fund shall be
4 transferred to the High Speed Internet Services and Information
5 Technology Fund. Nothing contained in this subsection (b) shall
6 affect the validity of grants issued with moneys from the
7 Digital Divide Elimination Infrastructure Fund before June 30,
8 2007.

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

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

23 (30 ILCS 105/5.675 new)

1 Sec. 5.675. The High Speed Internet Services and
2 Information Technology Fund.

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