

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Electric Supplier Act is amended by adding Sections 17, 17.1, 17.2, 17.3, 17.4, 17.5, 17.6, and 17.8 as follows:

(220 ILCS 30/17 new)

Sec. 17. Short title. This Section through Section 17.8 of this Act may be referred to as the Electrical Service Broadband Deployment and Access Law.

(220 ILCS 30/17.1 new)

Sec. 17.1. Purpose. This Law authorizes certain electric cooperatives to deploy broadband infrastructure and to provide broadband service to residential and business locations within an electric cooperative's service territory.

(220 ILCS 30/17.2 new)

Sec. 17.2. Definitions. As used in this Law:

"Broadband grant recipient" means an electric cooperative that has received grant funding pursuant to any State or federal grant program with the purpose of expanding broadband deployment of and access to broadband services.

"Broadband infrastructure" means aboveground or underground wires, cables, fiber optic lines, conduit, pipe, innerduct, or microduct for fiber optic or other cables and facilities, including ancillary equipment such as power supplies, backhaul, and support structures, that are used in the provision of broadband service.

"Broadband service" means broadband Internet access service as defined in 47 CFR 8.1(b).

"Deploy" means, with respect to broadband infrastructure, to install, operate, maintain, access, inspect, upgrade, replace, repair, remove, and perform activities ancillary to those activities.

"Electric easement" means any recorded or unrecorded easement held by any electricity supplier for the siting of electric facilities, regardless of whether the easement is for the exclusive benefit of the electricity supplier or for use in connection with other utility services and regardless of whether the electricity supplier provides other utility services.

"Grant service area" means the defined location in the broadband grant where the broadband grant recipient is to provide broadband service subject to the broadband grant.

"Property owner" does not include a public utility as defined in Section 3-105 of the Public Utilities Act.

Sec. 17.3. Rights granted to electric cooperative broadband grant recipients.

(a) In the grant service area, a broadband grant recipient, subject to the recipient's broadband grant, may access and use (i) any existing electric easement held or controlled by the broadband grant recipient or (ii) any other existing electric easement contingent upon an agreement with the easement holder or controller for the delivery of broadband service by the broadband grant recipient.

(b) If the proper permits are acquired by State and local authorities, no property owner of property located within the grant service area shall forbid or prevent a proposed broadband grant recipient from entering upon the property for purposes of and in connection with the deployment of broadband infrastructure, nor shall any such property owner forbid or prohibit the broadband grant recipient from deploying upon, beneath, or over that property broadband infrastructure utilized by the broadband grant recipient for such broadband service. The property owner may be entitled to the payment of just compensation by that broadband grant recipient as provided in Section 17.4, and the broadband grant recipient shall indemnify the owner of the property for any physical damage caused by deployment of the broadband infrastructure and service.

Sec. 17.4. Notice and compensation.

(a) The broadband grant recipient must notify the property owner in writing by sending notification to the property owner's address specified in the online or publicly available records of the applicable county assessor (i) by the United States Postal Service, certified mail, return receipt requested; (ii) by a designated private delivery service, as defined by the Internal Revenue Service, that provides the same function as certified mail with return receipt; or (iii) by personally serving the notification. The property owner shall be notified at least 14 days, but not more than 60 days, prior to the broadband grant recipient entering upon such property for purposes of or in connection with the deployment of broadband infrastructure. The notice shall include the following information:

(1) the address of the property;

(2) the name of the broadband grant recipient and contact information for notice to the broadband grant recipient;

(3) the anticipated date of the proposed installation, maintenance, repair, or removal of the broadband infrastructure and projected length of time required to complete the installation, maintenance, or repair;

(4) information as to the time within which the owner may give notice and demand just compensation under this Section if the property owner believes that the property

is diminished in value due to the burden on the property from the expanded use of the electric easement or right-of-way;

(5) the manner and method of, and the detailed design and construction plans for, such installation, maintenance, repair, and removal, including the location of the proposed entry and path of broadband facilities proposed to be placed, repaired, maintained, or removed upon the property;

(6) for installation of broadband infrastructure that will occur overhead, the details regarding how the broadband infrastructure installation will conform to applicable National Electric Safety Code standards for overhead clearance; and

(7) for installation of broadband infrastructure that will occur below ground, a statement absolving the property owner or the property owner's tenant from liability for any damages to broadband infrastructure that occur in the event of normal property use, including normal farming operations if the property is used for farming purposes.

(b) If the property owner intends to demand just compensation, the property owner must serve written notice thereof upon the broadband grant recipient within 45 days after the anticipated date of broadband deployment as provided in the notice to the property owner. Unless timely notice as

provided in this subsection is given by the property owner to the broadband grant recipient, it will be conclusively presumed that the property owner does not claim just compensation for the burden on the property from the expanded use of the electric easement or the right-of-way.

(c) Any property owner described in subsection (a) who has given timely written notice to the broadband provider, as provided in subsection (b), may assert a claim for just compensation for diminution in value of the property from the expanded use of the electric easement or right-of-way. A property owner may bring suit in an applicable circuit court with jurisdiction to enforce a claim for just compensation and to have the amount of just compensation determined by a jury. Such action must be commenced within 6 months of delivery of the broadband grant recipient's original notice of intent to deploy broadband infrastructure. A property owner who has not given timely notice as provided in subsection (b) is barred from asserting such a claim.

(d) Neither the property owner's notice to demand just compensation, nor the property owner's assertion of a specific claim for just compensation, nor the initiation of any legal action to enforce the claim of just compensation shall delay or impair the right of the broadband grant recipient to deploy broadband infrastructure and provide broadband service within or upon, beneath, or over property described in subsection (a).

(220 ILCS 30/17.5 new)

Sec. 17.5. Rights-of-way. Conditional upon acquiring the proper agreement or permit with the highway right-of-way controller or holder, a broadband grant recipient may install, maintain, and use broadband infrastructure below ground along a highway right-of-way within the grant service area. The broadband grant recipient shall comply with all applicable provisions of Section 9-113 of the Illinois Highway Code and relevant administrative rules. No property owner of property located within the grant service area shall forbid or prevent such proposed broadband grant recipient from entering upon such property for purposes of and in connection with the deployment of broadband infrastructure, nor shall any such property owner forbid or prohibit the covered provider from deploying upon, beneath, or over such property broadband infrastructure utilized by the covered provider for providing broadband service. The property owner may be entitled to payment of just compensation by that broadband grant recipient, as provided in Section 17.4, and the broadband grant recipient shall indemnify the owner of such property for any physical damage caused by the deployment of such broadband infrastructure and service. Nothing in this amendatory Act of the 104th General Assembly shall be construed as reducing the ability of the Department of Transportation from exercising its authority to (1) approve or deny permits for use of its

right-of-way, (2) collect fees and compensation required as part of the Department of Transportation's administrative rules, and (3) manage the use of its right-of-way.

(220 ILCS 30/17.6 new)

Sec. 17.6. Labor standards and protection. Electric cooperative broadband grant recipients under this Law, including any contractors and subcontractors of the broadband grant recipient, performing work subject to this Law shall, when applicable, pay prevailing wages and benefits to workers, comply with the Davis-Bacon Act, and collect any required certified payrolls. A broadband grant recipient shall comply with all requirements set forth in the Prevailing Wage Act, including, but not limited to, inserting into all contracts for construction a stipulation that not less than the prevailing rate of wages, as applicable to the project, shall be paid to all laborers, workers, and mechanics performing work under the contract, and requiring all surety bonds with contractors to include a provision that guarantees the faithful performance of the prevailing wage clause in the contract. The electric cooperative shall report to the Department of Labor on its compliance with the Prevailing Wage Act on a monthly basis. Apprentices performing work subject to this Law shall perform either 10% of the total labor hours actually worked in each prevailing wage classification or 10% of the estimated labor hours in each prevailing wage



classification, whichever is less.

(220 ILCS 30/17.8 new)

Sec. 17.8. Sunset. The rights and obligations of broadband project grant recipients and landowners set forth in this Law do not apply on and after January 1, 2030.

Section 10. The Broadband Infrastructure Advancement Act is amended by changing Section 4-20 as follows:

(220 ILCS 81/4-20)

Sec. 4-20. Use of other broadband funds. The Department of Commerce and Economic Opportunity, the Office of Broadband, or any other State agency, board, office, or commission appropriated funding to provide grants for broadband deployment, broadband expansion, broadband access, broadband affordability, and broadband improvement projects must establish program eligibility and selection criteria by administrative rules.

The Department of Commerce and Economic Opportunity, when evaluating grant applications for the deployment of broadband network, must consider the expediency with which a project can be completed and broadband Internet access service delivered. Projects for which the Department awards grants to deploy broadband service in unserved areas or underserved areas shall include, as a project expense, costs necessarily incurred for

the acquisition of any license, easement, right-of-way, or other property interest, or for the use of or for access to public utility (as defined in Section 3-105 of the Public Utilities Act) owned or State or local government owned infrastructure or assets for such project that are used directly in the provision of broadband service to locations in such unserved or underserved areas.

(Source: P.A. 102-699, eff. 4-19-22.)

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