

AN ACT concerning regulation.

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

Section 1. Short title. This Act may be cited as the
Broadband Advisory Council Act.

Section 5. Legislative findings and purpose. The General
Assembly finds as follows:

(1) a goal of the State of Illinois is to make
available to its citizens affordable, reliable, and
state-of-the-art Internet communications through the
expansion, extension, and general availability of
broadband services and technology, and to encourage the
adoption of broadband by all citizens;

(2) that, although broadband access has been extended
to many areas of the State, many rural areas remain
unserved and, although many neighborhoods in urban and
suburban areas have broadband options, some urban
neighborhoods remain unserved;

(3) that fair and equitable access to 21st century
technology is essential to (A) maximize the functionality
of educational resources and educational facilities that
enable our children and adults to receive the best of
future teaching and learning, (B) civic engagement, (C)

economic development, (D) access to state-of-the-art health care, (E) aging in place, (F) participation in a global economy, and (G) the State's farming communities; and

(4) accordingly, it is the purpose of the General Assembly to provide for the development of policies to promote (A) extending broadband access to citizens of Illinois and (B) eliminating barriers to widespread adoption of broadband Internet access.

Section 10. Definitions. As used in this Act:

"Broadband" or "broadband service" means lines (or wireless channels) that terminate at an end-user location and enable the end-user to receive information from or send information to the Internet.

"Council" means the Broadband Advisory Council.

"Downstream data rate" means the transmission speed from the service provider source to the end-user.

"Internet protocol address" or "IP address" means a unique string of numbers separated by periods that identifies each computer using the Internet protocol to communicate over a network.

"Low-income household" means a residential household with annual household income at or below 135% of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

"Upstream data rate" means the transmission speed from the end-user to the service provider source.

"Unserved area" means a community that has no access to broadband service.

Section 15. Broadband Advisory Council; members of Council; administrative support.

(a) The Broadband Advisory Council is hereby established. The Department of Commerce and Economic Opportunity shall house the Council and provide administrative, personnel, and technical support services.

(b) The Council shall consist of the following 21 voting members:

(1) the Director of Commerce and Economic Opportunity or his or her designee, who shall serve as chair of the Council;

(2) the Secretary of Innovation and Technology or his or her designee;

(3) the Director of Aging or his or her designee;

(4) the Attorney General or his or her designee;

(5) the Chairman of the Illinois Commerce Commission or his or her designee;

(6) one member appointed by the Director of Healthcare and Family Services to represent the needs of disabled citizens;

(7) one member appointed by the Director of Commerce

and Economic Opportunity and nominated by the president of a statewide organization representing electric cooperatives;

(8) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the executive director of a statewide organization representing municipalities;

(9) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of a statewide organization representing libraries;

(10) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of a statewide organization representing public housing authorities;

(11) one member appointed by the Chair of the Illinois Community College Board;

(12) one member appointed by the Chair of the Illinois Board of Higher Education; and

(13) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of the State's largest general farm organization;

(14) one member appointed by the Director of Aging and nominated by an organization representing Illinois' senior population with a membership of at least 1,500,000;

(15) seven members to represent broadband providers for 3-year terms appointed by the Governor as follows:

(A) one member representing an incumbent local exchange carrier that serves rural areas;

(B) one member representing an incumbent local exchange carrier that serves urban areas;

(C) one member representing wireless carriers that offer broadband Internet access;

(D) one member representing cable companies that serve Illinois;

(E) one member representing a statewide rural broadband association;

(F) one member representing a telecommunications carrier issued a certificate of public convenience and necessity or a certificate of service authority from the Illinois Commerce Commission, whose principal place of business is located in east central Illinois and who is engaged in providing broadband access in rural areas through the installation of broadband lines that connect telecommunications facilities to other telecommunications facilities or to end-users; and

(G) one member representing satellite providers.

(c) In addition to the 21 voting members of the Council, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint one non-voting member of the Council.

(d) All voting and non-voting members must be appointed within 90 days after the effective date of this Act.

(e) The members shall select a vice chair from their number. In the absence of the chair, the vice chair shall serve as chair. The Council shall appoint a secretary-treasurer who need not be a member of the Council and who, among other tasks or functions designated by the Council, shall keep records of its proceedings.

(f) The Council may appoint working groups to investigate and make recommendations to the full Council. Members of these working groups need not be members of the Council.

(g) Seven voting members of the Council constitute a quorum, and the affirmative vote of a simple majority of those members present is necessary for any action taken by vote of the Council.

(h) The Council shall conduct its first meeting within 30 days after all members have been appointed. The Council shall meet quarterly after its first meeting. Additional hearings and public meetings are permitted at the discretion of the members. The Council may meet in person or through video or audio conference.

(i) Members shall serve without compensation and may be reimbursed for reasonable expenses incurred in the performance of their duties from funds appropriated for that purpose.

Section 20. Powers and duties of the Council generally.

(a) The Council shall:

(1) explore any and all ways to expand the availability to end-user customers of broadband services using available technologies, including, but not limited to, wireline, wireless, fixed wireless, and satellite applications;

(2) identify barriers to broadband adoption among the residents and small businesses of Illinois;

(3) research ways to eliminate barriers to adoption through measures such as: digital literacy programs; programs to assist older citizens in using broadband Internet access; programs to facilitate adoption by disabled citizens; and programs to encourage collaborative efforts among public universities, community colleges, libraries, public housing, and other institutions;

(4) assess the availability of broadband for low-income households compared to the availability of broadband for other households;

(5) explore the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation, and alternative career training;

(6) explore the potential for increased use of broadband services to facilitate aging in place;

(7) explore ways for encouraging State and municipal agencies, including public housing authorities, to expand

the use of broadband services for the purpose of better serving the public, including audio and video streaming, voice-over Internet protocol, teleconferencing, and wireless networking;

(8) cooperate and assist in the expansion of electronic instruction and distance education services; and

(9) as the Federal Communications Commission updates the benchmark downstream data rates and upstream data rates, publish the revised data rates in the Illinois Register within 60 days after the federal update.

(b) In addition to the powers set forth elsewhere in this Act, the Council is hereby granted the powers necessary to carry out the purpose and intent of this Act, as enumerated in this Section, including, but not limited to:

(1) promoting awareness of public facilities that have community broadband access that can be used for distance education and workforce development; and

(2) advising on deployment of e-government portals such that all public bodies and political subdivisions have websites and encourage one-stop government access and that all public entities stream audio and video of all public meetings.

(c) The Council shall also:

(1) monitor the broadband-based development efforts of other states in areas such as business, education, aging in place, and health;

(2) receive input provided on a voluntary basis from all Illinois broadband stakeholders and advise the Governor and the General Assembly on policies related to broadband in Illinois, provided that no stakeholders shall be required to publicly disclose competitively sensitive information or information that could compromise network security or undermine the efficacy of reasonable network management practices, and that any such information voluntarily disclosed shall be protected from public disclosure; and

(3) serve as the broadband advocate to State agencies and other State entities to communicate the broadband needs of citizens and organizations that do not have access to broadband service or to broadband service adequate for their needs.

(d) The Council shall exercise its powers and authority to (1) advise and make recommendations to the General Assembly and the Governor on bringing broadband service to unserved rural and urban areas, (2) advise and make recommendations to the General Assembly and the Governor on facilitating broadband adoption by all citizens, and (3) propose statutory changes that may enhance and expand broadband in the State.

(e) The Council shall report to the General Assembly on or before January 1 of each year. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic

Public Act 100-0833

HB5752 Enrolled

LRB100 18622 SMS 33847 b

form only, in the manner that the Clerk and the Secretary shall direct. The report shall include the action that was taken by the Council during the previous year in carrying out the provisions of this Act. The Council shall also make any other reports as may be required by the General Assembly or the Governor.