

High Speed Internet Services and Information Technology

Access to high speed Internet services is vital to America's economy. Developing a comprehensive strategy to provide access statewide is a goal in most, if not all, states. Illinois and Minnesota are two states which are using a nonprofit organization to plan or manage the process to make it happen.

Section 30 of Minnesota S.F. No. 3337, an omnibus energy bill that became law in 2008, "Directs the Commissioner of Commerce to contract with a nonprofit organization to develop geographical information system maps that display levels of broadband service by connection speed and technology and integrated maps with demographic information. The maps will be used to produce a comprehensive statewide inventory and map of existing broadband service and capability."

This SSL draft is based on Illinois law. This Act directs the state department of commerce and economic opportunity to enlist a nonprofit corporation to implement a comprehensive, statewide high speed Internet deployment strategy. It also creates a High Speed Internet Services and Information Technology Fund to provide grants to the nonprofit organization to implement the Act.

Interested readers can get information about other state programs to establish high speed Internet connections statewide at Connected Nation (<http://www.connectednation.org>), an organization that "facilitates public-private partnerships to increase access to and use of broadband and related technology." Illinois used language from a model bill by Connected Nation to develop Public Act 095-0684.

Submitted as:

Illinois

Public Act 095-0684

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as the "High Speed Internet Services and
2 Information Technology Act."

3
4 Section 2. [*Findings.*] With respect to high speed Internet services and information
5 technology, the [General Assembly] finds the following:

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

10 (2) Continued progress in the deployment and adoption of high speed Internet services
11 and information technology is vital to ensuring that this state remains competitive and continues
12 to create business and job growth.

13 (3) The state must encourage and support the partnership of the public and private sectors
14 in the continued growth of high speed Internet and information technology for the State's
15 residents and businesses.

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

18
19 Section 3. *[Definitions.]* In this Act:

20 (1) "Nonprofit organization" means an organization that (i) is a nonprofit organization as
21 described in Section 501(c)(3) of the federal Internal Revenue Code of 1986 and exempt from
22 tax under Section 501(a) of that Code; (ii) has no part of the net earnings of which inures to the
23 benefit of any member, founder, contributor, or individual; (iii) is organized under, subject to,
24 and has all the powers and duties of a not-for-profit corporation under the [state General Not For
25 Profit Corporation Act of 1986]; (iv) has statewide representation; and (v) has a board of
26 directors that is not composed of a majority of individuals who are also employed by, or
27 otherwise associated with, any federal, state, or local government or agency.

28 (2) "Department" means the [Department of Commerce and Economic Opportunity]."

29
30 Section 4. *[Enlistment of a Nonprofit Organization.]*

31 (a) Notwithstanding any other statute, the [Department of Commerce and Economic
32 Opportunity] shall enlist a nonprofit organization to implement a comprehensive, statewide high
33 speed Internet deployment strategy and demand creation initiative with the purpose of:

34 (1) ensuring that all state residents and businesses have access to affordable and
35 reliable high speed Internet service;

36 (2) achieving improved technology literacy, increased computer ownership, and
37 home high speed Internet use among state residents and businesses;

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

40 (4) establishing and sustaining an environment ripe for high speed Internet access
41 and technology investment statewide.

42 (b) The nonprofit organization shall have an established competency and proven record
43 of working with public and private sectors to accomplish wide-scale deployment and adoption of
44 broadband and information technology in this state.

45 (c) The [Department] shall adopt rules regarding the enlistment of a nonprofit
46 organization.

47
48 Section 5. *[Duties of the Enlisted Nonprofit Organization.]*

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

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

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

56 (B) provide a baseline assessment of statewide high speed Internet
57 deployment in terms of percentage of households in this state with high speed Internet
58 availability.

59 (2) Track and identify, through customer interviews and surveys and other
60 publicly available sources, statewide residential and business adoption of high speed Internet,
61 computers, and related information technology and any barriers to adoption.

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

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

73 (5) Collaborate with the [Department] in developing a program to increase
74 computer ownership and broadband access for disenfranchised populations across the state. The
75 program may include grants to local community technology centers that provide technology
76 training, promote computer ownership, and increase broadband access.

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

79 (c) The [Department of Commerce and Economic Opportunity] shall use the funds in the
80 High Speed Internet Services and Information Technology Fund to provide grants to the
81 nonprofit organization enlisted under this Act and for any costs incurred by the [Department] to
82 administer this Act.

83 (d) The nonprofit organization shall have the power to obtain or to raise funds other than
84 the grants received from the [Department] under this Act.

85 (e) The nonprofit organization and its Board of Directors shall exist separately and
86 independently from the [Department] and any other governmental entity, but shall cooperate
87 with other public or private entities it deems appropriate in carrying out its duties.

88 (f) Notwithstanding anything in this Act or any other Act to the contrary, any information
89 that is designated confidential or proprietary by an entity providing the information to the
90 nonprofit organization or any other entity to accomplish the objectives of this Act shall be
91 deemed confidential, proprietary, and a trade secret and treated by the nonprofit organization or
92 anyone else possessing the information as such and shall not be disclosed.

93 (g) The nonprofit organization shall provide a report to the [Commission on Government
94 Forecasting and Accountability] on an [annual] basis for the first [3] complete state fiscal years
95 following its enlistment.

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97 Section 6. [*Scope of Authority.*] Nothing in this Act shall be construed as giving the
98 [Department of Commerce and Economic Opportunity], the nonprofit organization, or other
99 entities any additional authority, regulatory or otherwise, over providers of telecommunications,
100 broadband, and information technology.

101
102 Section 7. [*High Speed Internet Services and Information Technology Fund.*]

103 (a) There is created in the state treasury a special fund to be known as the [High Speed
104 Internet Services and Information Technology Fund], to be used, subject to appropriation, by the
105 [Department of Commerce and Economic Development] for purposes of providing grants to the
106 nonprofit organization enlisted under this Act.

107 (b) On the effective date of this Act, [\$4,000,000] in the [Digital Divide Elimination
108 Infrastructure Fund] shall be transferred to the [High Speed Internet Services and Information
109 Technology Fund]. Nothing contained in this subsection (b) shall affect the validity of grants
110 issued with moneys from the [Digital Divide Elimination Infrastructure Fund] before [June 30,
111 2007].
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113 Section 8. [*Local Broadband Projects.*] Any municipality or county may undertake local
114 broadband projects and the provision of services in connection therewith; may lease
115 infrastructure that it owns or controls; may aggregate customers or demand for broadband
116 services; may apply for and receive funds or technical assistance to undertake such projects to
117 address the level of broadband access available to its businesses and residents. To the extent that
118 it seeks to serve as a retail provider of telecommunications services, the municipality or county
119 shall be required to obtain appropriate certification from the [state Commerce Commission] as a
120 telecommunications carrier.
121

122 Section 9. [*Severability.*] [Insert severability clause.]
123

124 Section 10. [*Repealer.*] [Insert repealer clause.]
125

126 Section 11. [*Effective Date.*] [Insert effective date.]