



Rep. Steven A. Andersson

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10000HB2819ham001

LRB100 10451 HLH 24118 a

1 AMENDMENT TO HOUSE BILL 2819

2 AMENDMENT NO. _____. Amend House Bill 2819 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Telecommunications Infrastructure
5 Maintenance Fee Act is amended by changing Section 30 as
6 follows:

7 (35 ILCS 635/30)

8 Sec. 30. Validity of existing franchise fees and
9 agreements.

10 (a) No new franchise fees ~~or other charges~~ for the use of
11 the public rights-of-way, ~~including charges for the recovery of~~
12 ~~reasonable costs of regulating the use of the public~~
13 ~~rights-of-way~~, shall be imposed upon, levied on, or otherwise
14 required of telecommunications retailers by ordinance,
15 resolution, or contract, nor shall any other new charges be
16 required from telecommunications retailers by municipalities

1 from and after the effective date of this Act. This Act does
2 not prohibit a municipality from requiring telecommunications
3 carriers to pay an application fee that provides for the
4 recovery of the direct costs of any expenses related to the
5 engineering review of the application in order to gain access
6 to the public right-of-way. Nothing in this Act shall excuse
7 any person or entity from obligations imposed under any law
8 concerning generally applicable taxes or standards for
9 construction on, over, under, or within, use of or repair of
10 the public rights-of-way, including standards relating to free
11 standing towers and other structures upon the public way, nor
12 shall any person or entity be excused from any liability
13 imposed by any such law for the failure to comply with such
14 generally applicable taxes or standards governing construction
15 on, over, under, or within, use of or repair of the public
16 rights-of-way.

17 (b) Agreements between telecommunications retailers and
18 municipalities entered into before the effective date of this
19 Act regarding use of the public ways shall remain valid
20 according to and for their stated terms, except as to fees or
21 charges waived under Section 5-60 of the Simplified Municipal
22 Telecommunications Tax Act.

23 (c) The regulation of the terms and conditions upon which
24 poles, conduits, and other facilities located in the public way
25 may be shared by or between telecommunications retailers shall
26 be committed exclusively to the jurisdiction of the Illinois

1 Commerce Commission and the Federal Communications Commission,
2 and such regulation shall not be among the home rule powers and
3 functions described in subsection (h) of Section 6 of Article
4 VII of the Illinois Constitution. Moreover, no municipality may
5 enter into any contract or agreement with a telecommunications
6 retailer with respect to the terms and conditions upon which
7 poles, conduits, and other facilities located in the public way
8 may be shared by or between telecommunications retailers.

9 (Source: P.A. 92-526, eff. 1-1-03.)

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