



Rep. Donald L. Moffitt

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LRB095 05109 HLH 35599 a

1 AMENDMENT TO HOUSE BILL 827

2 AMENDMENT NO. _____. Amend House Bill 827, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The State Finance Act is amended by changing
6 Section 8h as follows:

7 (30 ILCS 105/8h)

8 Sec. 8h. Transfers to General Revenue Fund.

9 (a) Except as otherwise provided in this Section and
10 Section 8n of this Act, and ~~(c), (d), or (e)~~, notwithstanding
11 any other State law to the contrary, the Governor may, through
12 June 30, 2007, from time to time direct the State Treasurer and
13 Comptroller to transfer a specified sum from any fund held by
14 the State Treasurer to the General Revenue Fund in order to
15 help defray the State's operating costs for the fiscal year.

1 The total transfer under this Section from any fund in any
2 fiscal year shall not exceed the lesser of (i) 8% of the
3 revenues to be deposited into the fund during that fiscal year
4 or (ii) an amount that leaves a remaining fund balance of 25%
5 of the July 1 fund balance of that fiscal year. In fiscal year
6 2005 only, prior to calculating the July 1, 2004 final
7 balances, the Governor may calculate and direct the State
8 Treasurer with the Comptroller to transfer additional amounts
9 determined by applying the formula authorized in Public Act
10 93-839 to the funds balances on July 1, 2003. No transfer may
11 be made from a fund under this Section that would have the
12 effect of reducing the available balance in the fund to an
13 amount less than the amount remaining unexpended and unreserved
14 from the total appropriation from that fund estimated to be
15 expended for that fiscal year. This Section does not apply to
16 any funds that are restricted by federal law to a specific use,
17 to any funds in the Motor Fuel Tax Fund, the Intercity
18 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
19 Provider Relief Fund, the Teacher Health Insurance Security
20 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
21 the Voters' Guide Fund, the Foreign Language Interpreter Fund,
22 the Lawyers' Assistance Program Fund, the Supreme Court Federal
23 Projects Fund, the Supreme Court Special State Projects Fund,
24 the Supplemental Low-Income Energy Assistance Fund, the Good
25 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste
26 Facility Development and Operation Fund, the Horse Racing

1 Equity Trust Fund, or the Hospital Basic Services Preservation
2 Fund, or to any funds to which subsection (f) of Section 20-40
3 of the Nursing and Advanced Practice Nursing Act applies. No
4 transfers may be made under this Section from the Pet
5 Population Control Fund. Notwithstanding any other provision
6 of this Section, for fiscal year 2004, the total transfer under
7 this Section from the Road Fund or the State Construction
8 Account Fund shall not exceed the lesser of (i) 5% of the
9 revenues to be deposited into the fund during that fiscal year
10 or (ii) 25% of the beginning balance in the fund. For fiscal
11 year 2005 through fiscal year 2007, no amounts may be
12 transferred under this Section from the Road Fund, the State
13 Construction Account Fund, the Criminal Justice Information
14 Systems Trust Fund, the Wireless Service Emergency Fund, or the
15 Mandatory Arbitration Fund.

16 In determining the available balance in a fund, the
17 Governor may include receipts, transfers into the fund, and
18 other resources anticipated to be available in the fund in that
19 fiscal year.

20 The State Treasurer and Comptroller shall transfer the
21 amounts designated under this Section as soon as may be
22 practicable after receiving the direction to transfer from the
23 Governor.

24 (a-5) Transfers directed to be made under this Section on
25 or before February 28, 2006 that are still pending on May 19,
26 2006 (the effective date of Public Act 94-774) ~~this amendatory~~

1 ~~Act of the 94th General Assembly~~ shall be redirected as
2 provided in Section 8n of this Act.

3 (b) This Section does not apply to: (i) the Ticket For The
4 Cure Fund; (ii) any fund established under the Community Senior
5 Services and Resources Act; or (iii) on or after January 1,
6 2006 (the effective date of Public Act 94-511), the Child Labor
7 and Day and Temporary Labor Enforcement Fund.

8 (c) This Section does not apply to the Demutualization
9 Trust Fund established under the Uniform Disposition of
10 Unclaimed Property Act.

11 (d) This Section does not apply to moneys set aside in the
12 Illinois State Podiatric Disciplinary Fund for podiatric
13 scholarships and residency programs under the Podiatric
14 Scholarship and Residency Act.

15 (e) Subsection (a) does not apply to, and no transfer may
16 be made under this Section from, the Pension Stabilization
17 Fund.

18 (f) This Section does not apply to the Wireless Service
19 Emergency Fund or the Wireless Carrier Reimbursement Fund.

20 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
21 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
22 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
23 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
24 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
25 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
26 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.

1 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,
2 eff. 6-6-06; revised 6-19-06.)

3 Section 10. The Wireless Emergency Telephone Safety Act is
4 amended by changing Sections 15, 17, and 70 as follows:

5 (50 ILCS 751/15)

6 (Section scheduled to be repealed on April 1, 2008)

7 Sec. 15. Wireless emergency 9-1-1 service. The digits
8 "9-1-1" shall be the designated emergency telephone number
9 within the wireless system.

10 (a) Standards. The Illinois Commerce Commission may set
11 non-discriminatory, uniform technical and operational
12 standards consistent with the rules of the Federal
13 Communications Commission for directing calls to authorized
14 public safety answering points. These standards shall not in
15 any way prescribe the technology or manner a wireless carrier
16 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls
17 and these standards shall not exceed the requirements set by
18 the Federal Communications Commission. However, standards for
19 directing calls to the authorized public safety answering point
20 shall be included. The authority given to the Illinois Commerce
21 Commission in this Section is limited to setting standards as
22 set forth herein and does not constitute authority to regulate
23 wireless carriers.

24 (b) Wireless public safety answering points. For the

1 purpose of providing wireless 9-1-1 emergency services, an
2 emergency telephone system board or, in the absence of an
3 emergency telephone system board, a qualified governmental
4 entity may declare its intention for one or more of its public
5 safety answering points to serve as a primary wireless 9-1-1
6 public safety answering point for its jurisdiction by notifying
7 the Chief Clerk of the Illinois Commerce Commission and the
8 Director of State Police in writing within 6 months after the
9 effective date of this Act or within 6 months after receiving
10 its authority to operate a 9-1-1 system under the Emergency
11 Telephone System Act, whichever is later. In addition, 2 or
12 more emergency telephone system boards or qualified units of
13 local government may, by virtue of an intergovernmental
14 agreement, provide wireless 9-1-1 service. The Department of
15 State Police shall be the primary wireless 9-1-1 public safety
16 answering point for any jurisdiction not providing notice to
17 the Commission and the Department of State Police. Nothing in
18 this Act shall require the provision of wireless enhanced 9-1-1
19 services.

20 The Illinois Commerce Commission, upon a ~~joint~~ request from
21 ~~the Department of State Police and~~ a qualified governmental
22 entity or an emergency telephone system board, may grant
23 authority to the emergency telephone system board or a
24 qualified governmental entity to provide wireless 9-1-1
25 service in areas for which the Department of State Police has
26 accepted wireless 9-1-1 responsibility. The Illinois Commerce

1 Commission shall maintain a current list of all 9-1-1 systems
2 and qualified governmental entities providing wireless 9-1-1
3 service under this Act.

4 Any emergency telephone system board or qualified
5 governmental entity providing wireless 9-1-1 service prior to
6 the effective date of this Act may continue to operate upon
7 notification as previously described in this Section. An
8 emergency telephone system board or a qualified governmental
9 entity shall submit, with its notification, the date upon which
10 it commenced operating.

11 (c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced
12 9-1-1 Board is created. The Board consists of 7 members
13 appointed by the Governor with the advice and consent of the
14 Senate. It is recommended that the Governor appoint members
15 from the following: the Illinois Chapter of the National
16 Emergency Numbers Association, the Illinois State Police, law
17 enforcement agencies, the wireless telecommunications
18 industry, an emergency telephone system board in Cook County
19 (outside the City of Chicago), an emergency telephone system
20 board in the Metro-east area, and an emergency telephone system
21 board in the collar counties (Lake, McHenry, DuPage, Kane, and
22 Will counties). Members of the Board may not receive any
23 compensation but may, however, be reimbursed for any necessary
24 expenditure in connection with their duties.

25 Except as provided in Section 45, the Wireless Enhanced
26 9-1-1 Board shall set the amount of the monthly wireless

1 surcharge required to be imposed under Section 17 on all
2 wireless subscribers in this State. Prior to the Wireless
3 Enhanced 9-1-1 Board setting any surcharge, the Board shall
4 publish the proposed surcharge in the Illinois Register, hold
5 hearings on the surcharge and the requirements for an efficient
6 wireless emergency number system, and elicit public comment.
7 The Board shall determine the minimum cost necessary for
8 implementation of this system and the amount of revenue
9 produced based upon the number of wireless telephones in use.
10 The Board shall set the surcharge at the minimum amount
11 necessary to achieve the goals of the Act and shall, by July 1,
12 2000, file this information with the Governor, the Clerk of the
13 House, and the Secretary of the Senate. The surcharge may not
14 be more than \$0.75 per month per CMRS connection.

15 The Wireless Enhanced 9-1-1 Board shall report to the
16 General Assembly by July 1, 2000 on implementing wireless
17 non-emergency services for the purpose of public safety using
18 the digits 3-1-1. The Board shall consider the delivery of
19 3-1-1 services in a 6 county area, including rural Cook County
20 (outside of the City of Chicago), and DuPage, Lake, McHenry,
21 Will, and Kane Counties, as well as counties outside of this
22 area by an emergency telephone system board, a qualified
23 governmental entity, or private industry. The Board, upon
24 completion of all its duties required under this Act, is
25 dissolved.

26 (Source: P.A. 91-660, eff. 12-22-99.)

1 (50 ILCS 751/17)

2 (Section scheduled to be repealed on April 1, 2008)

3 Sec. 17. Wireless carrier surcharge.

4 (a) Except as provided in Section 45, each wireless carrier
5 shall impose a monthly wireless carrier surcharge per CMRS
6 connection that either has a telephone number within an area
7 code assigned to Illinois by the North American Numbering Plan
8 Administrator or has a billing address in this State. In the
9 case of prepaid wireless telephone service, this surcharge
10 shall be remitted based upon the address associated with the
11 point of purchase, the customer billing address, or the
12 location associated with the MTN for each active prepaid
13 wireless telephone that has a sufficient positive balance as of
14 the last day of each month, if that information is available.
15 No wireless carrier shall impose the surcharge authorized by
16 this Section upon any subscriber who is subject to the
17 surcharge imposed by a unit of local government pursuant to
18 Section 45. The wireless carrier that provides wireless service
19 to the subscriber shall collect the surcharge set by the
20 Wireless Enhanced 9-1-1 Board from the subscriber. For mobile
21 telecommunications services provided on and after August 1,
22 2002, any surcharge imposed under this Act shall be imposed
23 based upon the municipality or county that encompasses the
24 customer's place of primary use as defined in the Mobile
25 Telecommunications Sourcing Conformity Act. The surcharge

1 shall be stated as a separate item on the subscriber's monthly
2 bill. The wireless carrier shall begin collecting the surcharge
3 on bills issued within 90 days after the Wireless Enhanced
4 9-1-1 Board sets the monthly wireless surcharge. State and
5 local taxes shall not apply to the wireless carrier surcharge.

6 (b) Except as provided in Section 45, a wireless carrier
7 shall, within 45 days of collection, remit, either by check or
8 by electronic funds transfer, to the State Treasurer the amount
9 of the wireless carrier surcharge collected from each
10 subscriber. Of the amounts remitted under this subsection, the
11 State Treasurer shall deposit one-third into the Wireless
12 Carrier Reimbursement Fund and two-thirds into the Wireless
13 Service Emergency Fund.

14 (c) The first such remittance by wireless carriers shall
15 include the number of customers by zip code, and the 9-digit
16 zip code if currently being used or later implemented by the
17 carrier, that shall be the means by which the Illinois Commerce
18 Commission shall determine distributions from the Wireless
19 Service Emergency Fund. This information shall be updated no
20 less often than every year. Wireless carriers are not required
21 to remit surcharge moneys that are billed to subscribers but
22 not yet collected.

23 (d) The Auditor General shall conduct an audit of the
24 Wireless Service Emergency Fund and the Wireless Carrier
25 Reimbursement Fund for compliance with the requirements of this
26 Act. The audit shall include, but not be limited to, the

1 following determinations:

2 (1) Whether the Commission is maintaining detailed
3 records of all receipts and disbursements from the Wireless
4 Carrier Emergency Fund and the Wireless Carrier
5 Reimbursement Fund.

6 (2) Whether the Commission's administrative costs
7 charged to the funds are adequately documented and are
8 reasonable.

9 (3) Whether the Commission's procedures for making
10 grants and providing reimbursements in accordance with the
11 Act are adequate.

12 (4) The status of the implementation of wireless 9-1-1
13 and E9-1-1 services in Illinois.

14 The Commission, the Department of State Police, and any
15 other entity or person that may have information relevant to
16 the audit shall cooperate fully and promptly with the Office of
17 the Auditor General in conducting the audit. The Auditor
18 General shall commence the audit as soon as possible and
19 distribute the report upon completion in accordance with
20 Section 3-14 of the Illinois State Auditing Act.

21 (Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839,
22 eff. 7-30-04.)

23 (50 ILCS 751/70)

24 (Section scheduled to be repealed on April 1, 2008)

25 Sec. 70. Repealer. This Act is repealed on April 1, 2013

1 ~~2008~~.

2 (Source: P.A. 93-507, eff. 1-1-04.)".