



Sen. William R. Haine

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LRB095 04952 HLH 36877 a

1 AMENDMENT TO HOUSE BILL 828

2 AMENDMENT NO. _____. Amend House Bill 828 on page 4, below
3 line 24, by inserting the following:

4 "Section 10. The Wireless Emergency Telephone Safety Act is
5 amended by changing Sections 15, 17, 25, 35, and 70 as follows:

6 (50 ILCS 751/15)

7 (Section scheduled to be repealed on April 1, 2008)

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

11 (a) Standards. The Illinois Commerce Commission may set
12 non-discriminatory, uniform technical and operational
13 standards consistent with the rules of the Federal
14 Communications Commission for directing calls to authorized
15 public safety answering points. These standards shall not in
16 any way prescribe the technology or manner a wireless carrier

1 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls
2 and these standards shall not exceed the requirements set by
3 the Federal Communications Commission. However, standards for
4 directing calls to the authorized public safety answering point
5 shall be included. The authority given to the Illinois Commerce
6 Commission in this Section is limited to setting standards as
7 set forth herein and does not constitute authority to regulate
8 wireless carriers.

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

1 this Act shall require the provision of wireless enhanced 9-1-1
2 services.

3 The Illinois Commerce Commission, upon a ~~joint~~ request from
4 ~~the Department of State Police and~~ a qualified governmental
5 entity or an emergency telephone system board, may grant
6 authority to the emergency telephone system board or a
7 qualified governmental entity to provide wireless 9-1-1
8 service in areas for which the Department of State Police has
9 accepted wireless 9-1-1 responsibility. The Illinois Commerce
10 Commission shall maintain a current list of all 9-1-1 systems
11 and qualified governmental entities providing wireless 9-1-1
12 service under this Act.

13 Any emergency telephone system board or qualified
14 governmental entity providing wireless 9-1-1 service prior to
15 the effective date of this Act may continue to operate upon
16 notification as previously described in this Section. An
17 emergency telephone system board or a qualified governmental
18 entity shall submit, with its notification, the date upon which
19 it commenced operating.

20 (c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced
21 9-1-1 Board is created. The Board consists of 7 members
22 appointed by the Governor with the advice and consent of the
23 Senate. It is recommended that the Governor appoint members
24 from the following: the Illinois Chapter of the National
25 Emergency Numbers Association, the Illinois State Police, law
26 enforcement agencies, the wireless telecommunications

1 industry, an emergency telephone system board in Cook County
2 (outside the City of Chicago), an emergency telephone system
3 board in the Metro-east area, and an emergency telephone system
4 board in the collar counties (Lake, McHenry, DuPage, Kane, and
5 Will counties). Members of the Board may not receive any
6 compensation but may, however, be reimbursed for any necessary
7 expenditure in connection with their duties.

8 Except as provided in Section 45, the Wireless Enhanced
9 9-1-1 Board shall set the amount of the monthly wireless
10 surcharge required to be imposed under Section 17 on all
11 wireless subscribers in this State. Prior to the Wireless
12 Enhanced 9-1-1 Board setting any surcharge, the Board shall
13 publish the proposed surcharge in the Illinois Register, hold
14 hearings on the surcharge and the requirements for an efficient
15 wireless emergency number system, and elicit public comment.
16 The Board shall determine the minimum cost necessary for
17 implementation of this system and the amount of revenue
18 produced based upon the number of wireless telephones in use.
19 The Board shall set the surcharge at the minimum amount
20 necessary to achieve the goals of the Act and shall, by July 1,
21 2000, file this information with the Governor, the Clerk of the
22 House, and the Secretary of the Senate. The surcharge may not
23 be more than \$0.75 per month per CMRS connection.

24 The Wireless Enhanced 9-1-1 Board shall report to the
25 General Assembly by July 1, 2000 on implementing wireless
26 non-emergency services for the purpose of public safety using

1 the digits 3-1-1. The Board shall consider the delivery of
2 3-1-1 services in a 6 county area, including rural Cook County
3 (outside of the City of Chicago), and DuPage, Lake, McHenry,
4 Will, and Kane Counties, as well as counties outside of this
5 area by an emergency telephone system board, a qualified
6 governmental entity, or private industry. The Board, upon
7 completion of all its duties required under this Act, is
8 dissolved.

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

10 (50 ILCS 751/17)

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

12 Sec. 17. Wireless carrier surcharge.

13 (a) Except as provided in Section 45, each wireless carrier
14 shall impose a monthly wireless carrier surcharge per CMRS
15 connection that either has a telephone number within an area
16 code assigned to Illinois by the North American Numbering Plan
17 Administrator or has a billing address in this State. In the
18 case of prepaid wireless telephone service, this surcharge
19 shall be remitted based upon the address associated with the
20 point of purchase, the customer billing address, or the
21 location associated with the MTN for each active prepaid
22 wireless telephone that has a sufficient positive balance as of
23 the last day of each month, if that information is available.
24 No wireless carrier shall impose the surcharge authorized by
25 this Section upon any subscriber who is subject to the

1 surcharge imposed by a unit of local government pursuant to
2 Section 45. Prior to the effective date of this amendatory Act
3 of the 95th General Assembly, the surcharge amount shall be the
4 amount set by the Wireless Enhanced 9-1-1 Board. Beginning on
5 the effective date of this amendatory Act of the 95th General
6 Assembly, the monthly surcharge imposed under this Section
7 shall be \$0.73 per CMRS connection. The wireless carrier that
8 provides wireless service to the subscriber shall collect the
9 surcharge ~~set by the Wireless Enhanced 9-1-1 Board~~ from the
10 subscriber. For mobile telecommunications services provided on
11 and after August 1, 2002, any surcharge imposed under this Act
12 shall be imposed based upon the municipality or county that
13 encompasses the customer's place of primary use as defined in
14 the Mobile Telecommunications Sourcing Conformity Act. The
15 surcharge shall be stated as a separate item on the
16 subscriber's monthly bill. The wireless carrier shall begin
17 collecting the surcharge on bills issued within 90 days after
18 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
19 surcharge. State and local taxes shall not apply to the
20 wireless carrier surcharge.

21 (b) Except as provided in Section 45, a wireless carrier
22 shall, within 45 days of collection, remit, either by check or
23 by electronic funds transfer, to the State Treasurer the amount
24 of the wireless carrier surcharge collected from each
25 subscriber. Of the amounts remitted under this subsection prior
26 to the effective date of this amendatory Act of the 95th

1 General Assembly, and for surcharges imposed before the
2 effective date of this amendatory Act of the 95th General
3 Assembly but remitted after its effective date, the State
4 Treasurer shall deposit one-third into the Wireless Carrier
5 Reimbursement Fund and two-thirds into the Wireless Service
6 Emergency Fund. For surcharges collected and remitted on or
7 after the effective date of this amendatory Act of the 95th
8 General Assembly, \$0.1475 per surcharge collected shall be
9 deposited into the Wireless Carrier Reimbursement Fund, and
10 \$0.5825 per surcharge collected shall be deposited into the
11 Wireless Service Emergency Fund. Of the amounts deposited into
12 the Wireless Carrier Reimbursement Fund under this subsection,
13 \$0.01 per surcharge collected may be distributed to the
14 carriers to cover their administrative costs. Of the amounts
15 deposited into the Wireless Service Emergency Fund under this
16 subsection, \$0.01 per surcharge collected may be disbursed to
17 the Illinois Commerce Commission to cover its administrative
18 costs.

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

1 not yet collected.

2 (d) Notwithstanding any provision of law to the contrary,
3 nothing shall impair the right of wireless carriers to recover
4 compliance costs for all emergency communications services
5 directly from their customers via line-item charges on the
6 customer's bill. Those compliance costs include all costs
7 incurred by wireless carriers in complying with local, State,
8 and federal regulatory or legislative mandates that require the
9 transmission and receipt of emergency communications to and
10 from the general public, including, but not limited to, E-911.

11 (e) The Auditor General shall conduct, on an annual basis,
12 an audit of the Wireless Service Emergency Fund and the
13 Wireless Carrier Reimbursement Fund for compliance with the
14 requirements of this Act. The audit shall include, but not be
15 limited to, the following determinations:

16 (1) Whether the Commission is maintaining detailed
17 records of all receipts and disbursements from the Wireless
18 Carrier Emergency Fund and the Wireless Carrier
19 Reimbursement Fund.

20 (2) Whether the Commission's administrative costs
21 charged to the funds are adequately documented and are
22 reasonable.

23 (3) Whether the Commission's procedures for making
24 grants and providing reimbursements in accordance with the
25 Act are adequate.

26 (4) The status of the implementation of wireless 9-1-1

1 and E9-1-1 services in Illinois.

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

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

11 (50 ILCS 751/25)

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

13 Sec. 25. Wireless Service Emergency Fund; distribution of
14 moneys. Within 60 days after the effective date of this Act,
15 wireless carriers shall submit to the Illinois Commerce
16 Commission the number of wireless subscribers by zip code and
17 the 9-digit zip code of the wireless subscribers, if currently
18 being used or later implemented by the carrier.

19 The Illinois Commerce Commission shall, subject to
20 appropriation, make monthly proportional grants to the
21 appropriate emergency telephone system board or qualified
22 governmental entity based upon the United States Postal Zip
23 Code of the wireless subscriber's billing address. No matching
24 funds shall be required from grant recipients.

25 If the Illinois Commerce Commission is notified of an area

1 of overlapping jurisdiction, grants for that area shall be made
2 based upon reference to an official Master Street Address Guide
3 to the emergency telephone system board or qualified
4 governmental entity whose public service answering points
5 provide wireless 9-1-1 service in that area. The emergency
6 telephone system board or qualified governmental entity shall
7 provide the Illinois Commerce Commission with a valid copy of
8 the appropriate Master Street Address Guide. The Illinois
9 Commerce Commission does not have a duty to verify
10 jurisdictional responsibility.

11 In the event of a subscriber billing address being matched
12 to an incorrect jurisdiction by the Illinois Commerce
13 Commission, the recipient, upon notification from the Illinois
14 Commerce Commission, shall redirect the funds to the correct
15 jurisdiction. The Illinois Commerce Commission shall not be
16 held liable for any damages relating to an act or omission
17 under this Act, unless the act or omission constitutes gross
18 negligence, recklessness, or intentional misconduct.

19 In the event of a dispute between emergency telephone
20 system boards or qualified governmental entities concerning a
21 subscriber billing address, the Illinois Commerce Commission
22 shall resolve the dispute.

23 The Illinois Commerce Commission shall maintain detailed
24 records of all receipts and disbursements and shall provide an
25 annual accounting of all receipts and disbursements to the
26 Auditor General.

1 The Illinois Commerce Commission shall adopt rules to
2 govern the grant process.

3 The Illinois Commerce Commission may also use moneys in the
4 Wireless Service Emergency Fund to make grants to the Illinois
5 National Emergency Number Association for the purpose of
6 conducting a study to determine the future technological and
7 financial needs of the wireless 9-1-1 systems. The study shall
8 include input from the telecommunications industry and the
9 public safety community.

10 (Source: P.A. 93-839, eff. 7-30-04.)

11 (50 ILCS 751/35)

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

13 Sec. 35. Wireless Carrier Reimbursement Fund;
14 reimbursement. To recover costs from the Wireless Carrier
15 Reimbursement Fund, the wireless carrier shall submit sworn
16 invoices to the Illinois Commerce Commission. In no event may
17 any invoice for payment be approved for (i) costs that are not
18 related to compliance with the requirements established by the
19 wireless enhanced 9-1-1 mandates of the Federal Communications
20 Commission, (ii) costs with respect to any wireless enhanced
21 9-1-1 service that is not operable at the time the invoice is
22 submitted, or (iii) costs of any wireless carrier exceeding
23 100% of the wireless emergency services charges remitted to the
24 Wireless Carrier Reimbursement Fund by the wireless carrier
25 under Section 17(b) unless the wireless carrier received prior

1 approval for the expenditures from the Illinois Commerce
2 Commission.

3 If in any month the total amount of invoices submitted to
4 the Illinois Commerce Commission and approved for payment
5 exceeds the amount available in the Wireless Carrier
6 Reimbursement Fund, wireless carriers that have invoices
7 approved for payment shall receive a pro-rata share of the
8 amount available in the Wireless Carrier Reimbursement Fund
9 based on the relative amount of their approved invoices
10 available that month, and the balance of the payments shall be
11 carried into the following months until all of the approved
12 payments are made.

13 A wireless carrier may not receive payment from the
14 Wireless Carrier Reimbursement Fund for its costs of providing
15 wireless enhanced 9-1-1 services in an area when a unit of
16 local government or emergency telephone system board provides
17 wireless 9-1-1 services in that area and was imposing and
18 collecting a wireless carrier surcharge prior to July 1, 1998.

19 The Illinois Commerce Commission shall maintain detailed
20 records of all receipts and disbursements and shall provide an
21 annual accounting of all receipts and disbursements to the
22 Auditor General.

23 The Illinois Commerce Commission shall adopt rules to
24 govern the reimbursement process.

25 Upon the effective date of this amendatory Act of the 95th
26 General Assembly, or as soon thereafter as practical, the State

1 Comptroller shall order transferred and the State Treasurer
2 shall transfer the sum of \$8,000,000 from the Wireless Carrier
3 Reimbursement Fund to the Wireless Service Emergency Fund. That
4 amount shall be used by the Illinois Commerce Commission to
5 make grants in the manner described in Section 25 of this Act.

6 (Source: P.A. 93-507, eff. 1-1-04; 93-839, eff. 7-30-04.)

7 (50 ILCS 751/70)

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

9 Sec. 70. Repealer. This Act is repealed on April 1, 2013
10 ~~2008~~.

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