



Sen. William R. Haine

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09500HB0828sam004

LRB095 04952 HLH 37204 a

1 AMENDMENT TO HOUSE BILL 828

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 828 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Telephone System Act is amended  
5 by changing Sections 15.3 and 15.4 as follows:

6 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

7 Sec. 15.3. Surcharge.

8 (a) The corporate authorities of any municipality or any  
9 county may, subject to the limitations of subsections (c), (d),  
10 and (h), and in addition to any tax levied pursuant to the  
11 Simplified Municipal Telecommunications Tax Act, impose a  
12 monthly surcharge on billed subscribers of network connection  
13 provided by telecommunication carriers engaged in the business  
14 of transmitting messages by means of electricity originating  
15 within the corporate limits of the municipality or county  
16 imposing the surcharge at a rate per network connection

1 determined in accordance with subsection (c). Provided,  
2 however, that where multiple voice grade communications  
3 channels are connected between the subscriber's premises and a  
4 public switched network through private branch exchange (PBX)  
5 or centrex type service, a municipality imposing a surcharge at  
6 a rate per network connection, as determined in accordance with  
7 this Act, shall impose 5 such surcharges per network  
8 connection, as determined in accordance with subsections (a)  
9 and (d) of Section 2.12 of this Act. For mobile  
10 telecommunications services, if a surcharge is imposed it shall  
11 be imposed based upon the municipality or county that  
12 encompasses the customer's place of primary use as defined in  
13 the Mobile Telecommunications Sourcing Conformity Act. A  
14 municipality may enter into an intergovernmental agreement  
15 with any county in which it is partially located, when the  
16 county has adopted an ordinance to impose a surcharge as  
17 provided in subsection (c), to include that portion of the  
18 municipality lying outside the county in that county's  
19 surcharge referendum. If the county's surcharge referendum is  
20 approved, the portion of the municipality identified in the  
21 intergovernmental agreement shall automatically be  
22 disconnected from the county in which it lies and connected to  
23 the county which approved the referendum for purposes of a  
24 surcharge on telecommunications carriers.

25 (b) For purposes of computing the surcharge imposed by  
26 subsection (a), the network connections to which the surcharge

1 shall apply shall be those in-service network connections,  
2 other than those network connections assigned to the  
3 municipality or county, where the service address for each such  
4 network connection or connections is located within the  
5 corporate limits of the municipality or county levying the  
6 surcharge. Except for mobile telecommunication services, the  
7 "service address" shall mean the location of the primary use of  
8 the network connection or connections. For mobile  
9 telecommunication services, "service address" means the  
10 customer's place of primary use as defined in the Mobile  
11 Telecommunications Sourcing Conformity Act. With respect to  
12 network connections provided for use with pay telephone  
13 services for which there is no billed subscriber, the  
14 telecommunications carrier providing the network connection  
15 shall be deemed to be its own billed subscriber for purposes of  
16 applying the surcharge.

17 (c) Upon the passage of an ordinance to impose a surcharge  
18 under this Section the clerk of the municipality or county  
19 shall certify the question of whether the surcharge may be  
20 imposed to the proper election authority who shall submit the  
21 public question to the electors of the municipality or county  
22 in accordance with the general election law; provided that such  
23 question shall not be submitted at a consolidated primary  
24 election. The public question shall be in substantially the  
25 following form:

26 -----

1            Shall the county (or city, village  
2 or incorporated town) of ..... impose            YES  
3 a surcharge of up to ...¢ per month per  
4 network connection, which surcharge will  
5 be added to the monthly bill you receive -----  
6 for telephone or telecommunications  
7 charges, for the purpose of installing  
8 (or improving) a 9-1-1 Emergency            NO  
9 Telephone System?

10 -----

11            If a majority of the votes cast upon the public question  
12 are in favor thereof, the surcharge shall be imposed.

13            However, if a Joint Emergency Telephone System Board is to  
14 be created pursuant to an intergovernmental agreement under  
15 Section 15.4, the ordinance to impose the surcharge shall be  
16 subject to the approval of a majority of the total number of  
17 votes cast upon the public question by the electors of all of  
18 the municipalities or counties, or combination thereof, that  
19 are parties to the intergovernmental agreement.

20            The referendum requirement of this subsection (c) shall not  
21 apply to any municipality with a population over 500,000 or to  
22 any county in which a proposition as to whether a sophisticated  
23 9-1-1 Emergency Telephone System should be installed in the  
24 county, at a cost not to exceed a specified monthly amount per  
25 network connection, has previously been approved by a majority  
26 of the electors of the county voting on the proposition at an

1 election conducted before the effective date of this amendatory  
2 Act of 1987.

3 (d) A county may not impose a surcharge, unless requested  
4 by a municipality, in any incorporated area which has  
5 previously approved a surcharge as provided in subsection (c)  
6 or in any incorporated area where the corporate authorities of  
7 the municipality have previously entered into a binding  
8 contract or letter of intent with a telecommunications carrier  
9 to provide sophisticated 9-1-1 service through municipal  
10 funds.

11 (e) A municipality or county may at any time by ordinance  
12 change the rate of the surcharge imposed under this Section if  
13 the new rate does not exceed the rate specified in the  
14 referendum held pursuant to subsection (c).

15 (f) The surcharge authorized by this Section shall be  
16 collected from the subscriber by the telecommunications  
17 carrier providing the subscriber the network connection as a  
18 separately stated item on the subscriber's bill.

19 (g) The amount of surcharge collected by the  
20 telecommunications carrier shall be paid to the particular  
21 municipality or county or Joint Emergency Telephone System  
22 Board not later than 30 days after the surcharge is collected,  
23 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
24 charges then due the particular telecommunications carrier, as  
25 shown on an itemized bill. The telecommunications carrier  
26 collecting the surcharge shall also be entitled to deduct 3% of

1 the gross amount of surcharge collected to reimburse the  
2 telecommunications carrier for the expense of accounting and  
3 collecting the surcharge.

4 (h) Except as expressly provided in subsection (a) of this  
5 Section, a municipality with a population over 500,000 may not  
6 impose a monthly surcharge in excess of \$2.50 ~~\$1.25~~ per network  
7 connection.

8 (i) Any municipality or county or joint emergency telephone  
9 system board that has imposed a surcharge pursuant to this  
10 Section prior to the effective date of this amendatory Act of  
11 1990 shall hereafter impose the surcharge in accordance with  
12 subsection (b) of this Section.

13 (j) The corporate authorities of any municipality or county  
14 may issue, in accordance with Illinois law, bonds, notes or  
15 other obligations secured in whole or in part by the proceeds  
16 of the surcharge described in this Section. Notwithstanding any  
17 change in law subsequent to the issuance of any bonds, notes or  
18 other obligations secured by the surcharge, every municipality  
19 or county issuing such bonds, notes or other obligations shall  
20 be authorized to impose the surcharge as though the laws  
21 relating to the imposition of the surcharge in effect at the  
22 time of issuance of the bonds, notes or other obligations were  
23 in full force and effect until the bonds, notes or other  
24 obligations are paid in full. The State of Illinois pledges and  
25 agrees that it will not limit or alter the rights and powers  
26 vested in municipalities and counties by this Section to impose

1 the surcharge so as to impair the terms of or affect the  
2 security for bonds, notes or other obligations secured in whole  
3 or in part with the proceeds of the surcharge described in this  
4 Section.

5 (k) Any surcharge collected by or imposed on a  
6 telecommunications carrier pursuant to this Section shall be  
7 held to be a special fund in trust for the municipality, county  
8 or Joint Emergency Telephone Board imposing the surcharge.  
9 Except for the 3% deduction provided in subsection (g) above,  
10 the special fund shall not be subject to the claims of  
11 creditors of the telecommunication carrier.

12 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,  
13 eff. 1-1-03; revised 10-2-02.)

14 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

15 Sec. 15.4. Emergency Telephone System Board; powers.

16 (a) The corporate authorities of any county or municipality  
17 that imposes a surcharge under Section 15.3 shall establish an  
18 Emergency Telephone System Board. The corporate authorities  
19 shall provide for the manner of appointment and the number of  
20 members of the Board, provided that the board shall consist of  
21 not fewer than 5 members, one of whom must be a public member  
22 who is a resident of the local exchange service territory  
23 included in the 9-1-1 coverage area, one of whom (in counties  
24 with a population less than 100,000) must be a member of the  
25 county board, and at least 3 of whom shall be representative of

1 the 9-1-1 public safety agencies, including but not limited to  
2 police departments, fire departments, emergency medical  
3 services providers, and emergency services and disaster  
4 agencies, and appointed on the basis of their ability or  
5 experience. Elected officials are also eligible to serve on the  
6 board. Members of the board shall serve without compensation  
7 but shall be reimbursed for their actual and necessary  
8 expenses. Any 2 or more municipalities, counties, or  
9 combination thereof, that impose a surcharge under Section 15.3  
10 may, instead of establishing individual boards, establish by  
11 intergovernmental agreement a Joint Emergency Telephone System  
12 Board pursuant to this Section. The manner of appointment of  
13 such a joint board shall be prescribed in the agreement.

14 (b) The powers and duties of the board shall be defined by  
15 ordinance of the municipality or county, or by  
16 intergovernmental agreement in the case of a joint board. The  
17 powers and duties shall include, but need not be limited to the  
18 following:

19 (1) Planning a 9-1-1 system.

20 (2) Coordinating and supervising the implementation,  
21 upgrading, or maintenance of the system, including the  
22 establishment of equipment specifications and coding  
23 systems.

24 (3) Receiving monies from the surcharge imposed under  
25 Section 15.3, and from any other source, for deposit into  
26 the Emergency Telephone System Fund.



1           (4) Authorizing all disbursements from the fund.

2           (5) Hiring any staff necessary for the implementation  
3           or upgrade of the system.

4           (c) All monies received by a board pursuant to a surcharge  
5           imposed under Section 15.3 shall be deposited into a separate  
6           interest-bearing Emergency Telephone System Fund account. The  
7           treasurer of the municipality or county that has established  
8           the board or, in the case of a joint board, any municipal or  
9           county treasurer designated in the intergovernmental  
10          agreement, shall be custodian of the fund. All interest  
11          accruing on the fund shall remain in the fund. No expenditures  
12          may be made from such fund except upon the direction of the  
13          board by resolution passed by a majority of all members of the  
14          board. Expenditures may be made only to pay for the costs  
15          associated with the following:

16                (1) The design of the Emergency Telephone System.

17                (2) The coding of an initial Master Street Address  
18                Guide data base, and update and maintenance thereof.

19                (3) The repayment of any monies advanced for the  
20                implementation of the system.

21                (4) The charges for Automatic Number Identification  
22                and Automatic Location Identification equipment, a  
23                computer aided dispatch system that records, maintains,  
24                and integrates information, mobile data transmitters  
25                equipped with automatic vehicle locators, and maintenance,  
26                replacement and update thereof to increase operational

1 efficiency and improve the provision of emergency  
2 services.

3 (5) The non-recurring charges related to installation  
4 of the Emergency Telephone System and the ongoing network  
5 charges.

6 (6) The acquisition and installation, or the  
7 reimbursement of costs therefor to other governmental  
8 bodies that have incurred those costs, of road or street  
9 signs that are essential to the implementation of the  
10 emergency telephone system and that are not duplicative of  
11 signs that are the responsibility of the jurisdiction  
12 charged with maintaining road and street signs.

13 (7) Other products and services necessary for the  
14 implementation, upgrade, and maintenance of the system and  
15 any other purpose related to the operation of the system,  
16 including costs attributable directly to the construction,  
17 leasing, or maintenance of any buildings or facilities or  
18 costs of personnel attributable directly to the operation  
19 of the system. Costs attributable directly to the operation  
20 of an emergency telephone system do not include the costs  
21 of public safety agency personnel who are and equipment  
22 that is dispatched in response to an emergency call.

23 (8) In the case of a municipality that imposes a  
24 surcharge under subsection (h) of Section 15.3, moneys may  
25 also be used for any anti-terrorism or emergency  
26 preparedness measures, including, but not limited to,

1       preparedness planning, providing local matching funds for  
2       federal or State grants, personnel training, and  
3       specialized equipment, including surveillance cameras as  
4       needed to deal with natural and terrorist-inspired  
5       emergency situations or events.

6       (d) The board shall complete the data base before  
7       implementation of the 9-1-1 system. The error ratio of the data  
8       base shall not at any time exceed 1% of the total data base.

9       (Source: P.A. 92-202, eff. 1-1-02.)

10       Section 10. The Wireless Emergency Telephone Safety Act is  
11       amended by changing Sections 15, 17, 25, 35, 45, and 70 as  
12       follows:

13       (50 ILCS 751/15)

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

15       Sec. 15. Wireless emergency 9-1-1 service. The digits  
16       "9-1-1" shall be the designated emergency telephone number  
17       within the wireless system.

18       (a) Standards. The Illinois Commerce Commission may set  
19       non-discriminatory, uniform technical and operational  
20       standards consistent with the rules of the Federal  
21       Communications Commission for directing calls to authorized  
22       public safety answering points. These standards shall not in  
23       any way prescribe the technology or manner a wireless carrier  
24       shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls

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

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

1 services.

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

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

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

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

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

23 The Wireless Enhanced 9-1-1 Board shall report to the  
24 General Assembly by July 1, 2000 on implementing wireless  
25 non-emergency services for the purpose of public safety using  
26 the digits 3-1-1. The Board shall consider the delivery of

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

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

9 (50 ILCS 751/17)

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

11 Sec. 17. Wireless carrier surcharge.

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

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

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



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

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

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

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

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

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

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

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

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

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

10       (50 ILCS 751/25)

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

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

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

24       If the Illinois Commerce Commission is notified of an area  
25 of overlapping jurisdiction, grants for that area shall be made

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

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

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

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

26 The Illinois Commerce Commission shall adopt rules to

1 govern the grant process.

2 The Illinois Commerce Commission may also use moneys in the  
3 Wireless Service Emergency Fund for the purpose of conducting a  
4 study to determine the future technological and financial needs  
5 of the wireless 9-1-1 systems. A study shall include input from  
6 the telecommunications industry, the Illinois National  
7 Emergency Number Association, and the public safety community.  
8 (Source: P.A. 93-839, eff. 7-30-04.)

9 (50 ILCS 751/35)

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

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

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

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

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

21           The Illinois Commerce Commission shall adopt rules to  
22 govern the reimbursement process.

23           Upon the effective date of this amendatory Act of the 95th  
24 General Assembly, or as soon thereafter as practical, the State  
25 Comptroller shall order transferred and the State Treasurer  
26 shall transfer the sum of \$8,000,000 from the Wireless Carrier

1 Reimbursement Fund to the Wireless Service Emergency Fund. That  
2 amount shall be used by the Illinois Commerce Commission to  
3 make grants in the manner described in Section 25 of this Act.

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

5 (50 ILCS 751/45)

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

7 Sec. 45. Continuation of current practices.  
8 Notwithstanding any other provision of this Act, a unit of  
9 local government or emergency telephone system board providing  
10 wireless 9-1-1 service and imposing and collecting a wireless  
11 carrier surcharge prior to July 1, 1998 may continue its  
12 practices of imposing and collecting its wireless carrier  
13 surcharge, but in no event shall that monthly surcharge exceed  
14 \$2.50 ~~\$1.25~~ per commercial mobile radio service (CMRS)  
15 connection or in-service telephone number billed on a monthly  
16 basis. For mobile telecommunications services provided on and  
17 after August 1, 2002, any surcharge imposed shall be imposed  
18 based upon the municipality or county that encompasses the  
19 customer's place of primary use as defined in the Mobile  
20 Telecommunications Sourcing Conformity Act.

21 In addition to any other lawful purpose, a municipality  
22 with a population over 500,000 may use the moneys collected  
23 under this Section for any anti-terrorism or emergency  
24 preparedness measures, including, but not limited to,  
25 preparedness planning, providing local matching funds for

1 federal or State grants, personnel training, and specialized  
2 equipment, including surveillance cameras as needed to deal  
3 with natural and terrorist-inspired emergency situations or  
4 events.

5 (Source: P.A. 91-660, eff. 12-22-99; 92-526, eff. 7-1-02.)".

6 (50 ILCS 751/70)

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

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

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

11 Section 15. The Public Utilities Act is amended by changing  
12 Section 13-203 as follows:

13 (220 ILCS 5/13-203) (from Ch. 111 2/3, par. 13-203)

14 (Section scheduled to be repealed on July 1, 2007)

15 Sec. 13-203. Telecommunications service.

16 "Telecommunications service" means the provision or  
17 offering for rent, sale or lease, or in exchange for other  
18 value received, of the transmittal of information, by means of  
19 electromagnetic, including light, transmission with or without  
20 benefit of any closed transmission medium, including all  
21 instrumentalities, facilities, apparatus, and services  
22 (including the collection, storage, forwarding, switching, and  
23 delivery of such information) used to provide such transmission



1 and also includes access and interconnection arrangements and  
2 services.

3 "Telecommunications service" does not include, however:

4 (a) the rent, sale, or lease, or exchange for other  
5 value received, of customer premises equipment except for  
6 customer premises equipment owned or provided by a  
7 telecommunications carrier and used for answering 911  
8 calls, and except for customer premises equipment provided  
9 under Section 13-703;

10 (b) telephone or telecommunications answering  
11 services, paging services, and physical pickup and  
12 delivery incidental to the provision of information  
13 transmitted through electromagnetic, including light,  
14 transmission; or

15 (c) community antenna television service which is  
16 operated to perform for hire the service of receiving and  
17 distributing video and audio program signals by wire, cable  
18 or other means to members of the public who subscribe to  
19 such service, to the extent that such service is utilized  
20 solely for the one-way distribution of such entertainment  
21 services with no more than incidental subscriber  
22 interaction required for the selection of such  
23 entertainment service.

24 For the purposes of this Act only, "telecommunications  
25 service" does not include public mobile service, as defined  
26 under Section 13-214 of this Act, or commercial mobile service,

1 as defined under 47 U.S.C. 332.

2       The Commission may, by rulemaking, exclude (1) private line  
3 service which is not directly or indirectly used for the  
4 origination or termination of switched telecommunications  
5 service, (2) cellular radio service, (3) high-speed  
6 point-to-point data transmission at or above 9.6 kilobits, or  
7 (4) the provision of telecommunications service by a company or  
8 person otherwise subject to Section 13-202 (c) to a  
9 telecommunications carrier, which is incidental to the  
10 provision of service subject to Section 13-202 (c), from active  
11 regulatory oversight to the extent it finds, after notice,  
12 hearing and comment that such exclusion is consistent with the  
13 public interest and the purposes and policies of this Article.  
14 To the extent that the Commission has excluded cellular radio  
15 service from active regulatory oversight for any provider of  
16 cellular radio service in this State pursuant to this Section,  
17 the Commission shall exclude all other providers of cellular  
18 radio service in the State from active regulatory oversight  
19 without an additional rulemaking proceeding where there are 2  
20 or more certified providers of cellular radio service in a  
21 geographic area.

22 (Source: P.A. 90-185, eff. 7-23-97.)".