



Rep. Donald L. Moffitt

**Filed: 8/4/2007**

09500SB0837ham002

LRB095 05548 HLH 38424 a

1 AMENDMENT TO SENATE BILL 837

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 837, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

8 Sec. 15.3. Surcharge.

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

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

26 (b) For purposes of computing the surcharge imposed by

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

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

1 -----

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

11 -----

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

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

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

1 of the electors of the county voting on the proposition at an  
2 election conducted before the effective date of this amendatory  
3 Act of 1987.

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

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

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

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

1 collecting the surcharge shall also be entitled to deduct 3% of  
2 the gross amount of surcharge collected to reimburse the  
3 telecommunications carrier for the expense of accounting and  
4 collecting the surcharge.

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

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

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

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

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

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

15 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

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

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

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

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

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

25 (3) Receiving moneys ~~monies~~ from the surcharge imposed  
26 under Section 15.3, and from any other source, for deposit



1 into the Emergency Telephone System Fund.

2 (4) Authorizing all disbursements from the fund.

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

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

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

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

20 (3) The repayment of any moneys ~~monies~~ advanced for the  
21 implementation of the system.

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

1 replacement and update thereof to increase operational  
2 efficiency and improve the provision of emergency  
3 services.

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

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

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

24 (8) In the case of a municipality that imposes a  
25 surcharge under subsection (h) of Section 15.3, moneys may  
26 also be used for any anti-terrorism or emergency

1 preparedness measures, including, but not limited to,  
2 preparedness planning, providing local matching funds for  
3 federal or State grants, personnel training, and  
4 specialized equipment, including surveillance cameras as  
5 needed to deal with natural and terrorist-inspired  
6 emergency situations or events.

7 Moneys in the fund may also be transferred to a  
8 participating fire protection district to reimburse volunteer  
9 firefighters who man remote telephone switching facilities  
10 when dedicated 9-1-1 lines are down.

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

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

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

18 (50 ILCS 751/15)

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

20 Sec. 15. Wireless emergency 9-1-1 service. The digits  
21 "9-1-1" shall be the designated emergency telephone number  
22 within the wireless system.

23 (a) Standards. The Illinois Commerce Commission may set  
24 non-discriminatory, uniform technical and operational

1 standards consistent with the rules of the Federal  
2 Communications Commission for directing calls to authorized  
3 public safety answering points. These standards shall not in  
4 any way prescribe the technology or manner a wireless carrier  
5 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls  
6 and these standards shall not exceed the requirements set by  
7 the Federal Communications Commission. However, standards for  
8 directing calls to the authorized public safety answering point  
9 shall be included. The authority given to the Illinois Commerce  
10 Commission in this Section is limited to setting standards as  
11 set forth herein and does not constitute authority to regulate  
12 wireless carriers.

13 (b) Wireless public safety answering points. For the  
14 purpose of providing wireless 9-1-1 emergency services, an  
15 emergency telephone system board or, in the absence of an  
16 emergency telephone system board, a qualified governmental  
17 entity may declare its intention for one or more of its public  
18 safety answering points to serve as a primary wireless 9-1-1  
19 public safety answering point for its jurisdiction by notifying  
20 the Chief Clerk of the Illinois Commerce Commission and the  
21 Director of State Police in writing within 6 months after the  
22 effective date of this Act or within 6 months after receiving  
23 its authority to operate a 9-1-1 system under the Emergency  
24 Telephone System Act, whichever is later. In addition, 2 or  
25 more emergency telephone system boards or qualified units of  
26 local government may, by virtue of an intergovernmental

1 agreement, provide wireless 9-1-1 service. The Department of  
2 State Police shall be the primary wireless 9-1-1 public safety  
3 answering point for any jurisdiction not providing notice to  
4 the Commission and the Department of State Police. Nothing in  
5 this Act shall require the provision of wireless enhanced 9-1-1  
6 services.

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

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

24 (c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced  
25 9-1-1 Board is created. The Board consists of 7 members  
26 appointed by the Governor with the advice and consent of the

1 Senate. It is recommended that the Governor appoint members  
2 from the following: the Illinois Chapter of the National  
3 Emergency Numbers Association, the Illinois State Police, law  
4 enforcement agencies, the wireless telecommunications  
5 industry, an emergency telephone system board in Cook County  
6 (outside the City of Chicago), an emergency telephone system  
7 board in the Metro-east area, and an emergency telephone system  
8 board in the collar counties (Lake, McHenry, DuPage, Kane, and  
9 Will counties). Members of the Board may not receive any  
10 compensation but may, however, be reimbursed for any necessary  
11 expenditure in connection with their duties.

12 Except as provided in Section 45, the Wireless Enhanced  
13 9-1-1 Board shall set the amount of the monthly wireless  
14 surcharge required to be imposed under Section 17 on all  
15 wireless subscribers in this State. Prior to the Wireless  
16 Enhanced 9-1-1 Board setting any surcharge, the Board shall  
17 publish the proposed surcharge in the Illinois Register, hold  
18 hearings on the surcharge and the requirements for an efficient  
19 wireless emergency number system, and elicit public comment.  
20 The Board shall determine the minimum cost necessary for  
21 implementation of this system and the amount of revenue  
22 produced based upon the number of wireless telephones in use.  
23 The Board shall set the surcharge at the minimum amount  
24 necessary to achieve the goals of the Act and shall, by July 1,  
25 2000, file this information with the Governor, the Clerk of the  
26 House, and the Secretary of the Senate. The surcharge may not

1 be more than \$0.75 per month per CMRS connection.

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

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

14 (50 ILCS 751/17)

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

16 Sec. 17. Wireless carrier surcharge.

17 (a) Except as provided in Section 45, each wireless carrier  
18 shall impose a monthly wireless carrier surcharge per CMRS  
19 connection that either has a telephone number within an area  
20 code assigned to Illinois by the North American Numbering Plan  
21 Administrator or has a billing address in this State. In the  
22 case of prepaid wireless telephone service, this surcharge  
23 shall be remitted based upon the address associated with the  
24 point of purchase, the customer billing address, or the  
25 location associated with the MTN for each active prepaid

1 wireless telephone that has a sufficient positive balance as of  
2 the last day of each month, if that information is available.  
3 No wireless carrier shall impose the surcharge authorized by  
4 this Section upon any subscriber who is subject to the  
5 surcharge imposed by a unit of local government pursuant to  
6 Section 45. Prior to the effective date of this amendatory Act  
7 of the 95th General Assembly, the surcharge amount shall be the  
8 amount set by the Wireless Enhanced 9-1-1 Board. Beginning on  
9 the effective date of this amendatory Act of the 95th General  
10 Assembly, the monthly surcharge imposed under this Section  
11 shall be \$0.73 per CMRS connection. The wireless carrier that  
12 provides wireless service to the subscriber shall collect the  
13 surcharge ~~set by the Wireless Enhanced 9-1-1 Board~~ from the  
14 subscriber. For mobile telecommunications services provided on  
15 and after August 1, 2002, any surcharge imposed under this Act  
16 shall be imposed based upon the municipality or county that  
17 encompasses the customer's place of primary use as defined in  
18 the Mobile Telecommunications Sourcing Conformity Act. The  
19 surcharge shall be stated as a separate item on the  
20 subscriber's monthly bill. The wireless carrier shall begin  
21 collecting the surcharge on bills issued within 90 days after  
22 the Wireless Enhanced 9-1-1 Board sets the monthly wireless  
23 surcharge. State and local taxes shall not apply to the  
24 wireless carrier surcharge.

25 (b) Except as provided in Section 45, a wireless carrier  
26 shall, within 45 days of collection, remit, either by check or



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

23 (c) The first such remittance by wireless carriers shall  
24 include the number of customers by zip code, and the 9-digit  
25 zip code if currently being used or later implemented by the  
26 carrier, that shall be the means by which the Illinois Commerce

1 Commission shall determine distributions from the Wireless  
2 Service Emergency Fund. This information shall be updated no  
3 less often than every year. Wireless carriers are not required  
4 to remit surcharge moneys that are billed to subscribers but  
5 not yet collected.

6 (d) The Auditor General shall conduct, on an annual basis,  
7 an audit of the Wireless Service Emergency Fund and the  
8 Wireless Carrier Reimbursement Fund for compliance with the  
9 requirements of this Act. The audit shall include, but not be  
10 limited to, the following determinations:

11 (1) Whether the Commission is maintaining detailed  
12 records of all receipts and disbursements from the Wireless  
13 Carrier Emergency Fund and the Wireless Carrier  
14 Reimbursement Fund.

15 (2) Whether the Commission's administrative costs  
16 charged to the funds are adequately documented and are  
17 reasonable.

18 (3) Whether the Commission's procedures for making  
19 grants and providing reimbursements in accordance with the  
20 Act are adequate.

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

23 The Commission, the Department of State Police, and any  
24 other entity or person that may have information relevant to  
25 the audit shall cooperate fully and promptly with the Office of  
26 the Auditor General in conducting the audit. The Auditor

1 General shall commence the audit as soon as possible and  
2 distribute the report upon completion in accordance with  
3 Section 3-14 of the Illinois State Auditing Act.

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

6 (50 ILCS 751/25)

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

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

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

20 If the Illinois Commerce Commission is notified of an area  
21 of overlapping jurisdiction, grants for that area shall be made  
22 based upon reference to an official Master Street Address Guide  
23 to the emergency telephone system board or qualified  
24 governmental entity whose public service answering points  
25 provide wireless 9-1-1 service in that area. The emergency

1 telephone system board or qualified governmental entity shall  
2 provide the Illinois Commerce Commission with a valid copy of  
3 the appropriate Master Street Address Guide. The Illinois  
4 Commerce Commission does not have a duty to verify  
5 jurisdictional responsibility.

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

14 In the event of a dispute between emergency telephone  
15 system boards or qualified governmental entities concerning a  
16 subscriber billing address, the Illinois Commerce Commission  
17 shall resolve the dispute.

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

22 The Illinois Commerce Commission shall adopt rules to  
23 govern the grant process.

24 The Illinois Commerce Commission may also use moneys in the  
25 Wireless Service Emergency Fund for the purpose of conducting a  
26 study to determine the future technological and financial needs

1 of the wireless 9-1-1 systems. A study shall include input from  
2 the telecommunications industry, the Illinois National  
3 Emergency Number Association, and the public safety community.

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

5 (50 ILCS 751/35)

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

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

22 If in any month the total amount of invoices submitted to  
23 the Illinois Commerce Commission and approved for payment  
24 exceeds the amount available in the Wireless Carrier  
25 Reimbursement Fund, wireless carriers that have invoices

1 approved for payment shall receive a pro-rata share of the  
2 amount available in the Wireless Carrier Reimbursement Fund  
3 based on the relative amount of their approved invoices  
4 available that month, and the balance of the payments shall be  
5 carried into the following months until all of the approved  
6 payments are made.

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

13 The Illinois Commerce Commission shall maintain detailed  
14 records of all receipts and disbursements and shall provide an  
15 annual accounting of all receipts and disbursements to the  
16 Auditor General.

17 The Illinois Commerce Commission shall adopt rules to  
18 govern the reimbursement process.

19 Upon the effective date of this amendatory Act of the 95th  
20 General Assembly, or as soon thereafter as practical, the State  
21 Comptroller shall order transferred and the State Treasurer  
22 shall transfer the sum of \$8,000,000 from the Wireless Carrier  
23 Reimbursement Fund to the Wireless Service Emergency Fund. That  
24 amount shall be used by the Illinois Commerce Commission to  
25 make grants in the manner described in Section 25 of this Act.

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

1 (50 ILCS 751/45)

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

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

17 In addition to any other lawful purpose, a municipality  
18 with a population over 500,000 may use the moneys collected  
19 under this Section for any anti-terrorism or emergency  
20 preparedness measures, including, but not limited to,  
21 preparedness planning, providing local matching funds for  
22 federal or State grants, personnel training, and specialized  
23 equipment, including surveillance cameras as needed to deal  
24 with natural and terrorist-inspired emergency situations or  
25 events.

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

2 (50 ILCS 751/70)

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

4 Sec. 70. Repealer. This Act is repealed on April 1, 2013  
5 ~~2008~~.

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

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

9 (220 ILCS 5/13-203) (from Ch. 111 2/3, par. 13-203)

10 (Section scheduled to be repealed on July 1, 2009)

11 Sec. 13-203. Telecommunications service.

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

22 "Telecommunications service" does not include, however:

23 (a) the rent, sale, or lease, or exchange for other



1 value received, of customer premises equipment except for  
2 customer premises equipment owned or provided by a  
3 telecommunications carrier and used for answering 911  
4 calls, and except for customer premises equipment provided  
5 under Section 13-703;

6 (b) telephone or telecommunications answering  
7 services, paging services, and physical pickup and  
8 delivery incidental to the provision of information  
9 transmitted through electromagnetic, including light,  
10 transmission;

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

20 (d) for the purpose of this Act only, public mobile  
21 service, as defined under Section 13-214 of this Act, or  
22 commercial mobile service, as defined under Section 13-214  
23 of this Act, if there are 2 or more certified providers of  
24 such service, except that the Commission retains  
25 authority:

26 (1) over those services provided by Eligible

1           Telecommunications Carriers, as designated by the  
2           Commission pursuant to subsection (e) of Section  
3           13-301 of this Act and in accordance with subsection  
4           (e) (2) of Section 214 of the federal Communications Act  
5           of 1934;

6           (2) over interconnection agreements pursuant to  
7           subsections (a) (1) and (e) of Section 252 of the  
8           federal Telecommunications Act of 1996, 47 U.S.C. 252;

9           (3) over area code relief, as set forth in Section  
10          52.19 of the Code of Federal Regulations, 47 CFR 52.19;

11          (4) over issues related to the Wireless Emergency  
12          Telephone Safety Act, 50 ILCS 551/, and related to  
13          other emergency services;

14          (5) over Certificates of Service Authority to  
15          offer public mobile service or commercial mobile  
16          service; and

17          (6) to the extent permissible under 47 U.S.C.  
18          332(c) (3).

19           The Commission may, by rulemaking, exclude (1) private line  
20           service which is not directly or indirectly used for the  
21           origination or termination of switched telecommunications  
22           service, (2) cellular radio service, (3) high-speed  
23           point-to-point data transmission at or above 9.6 kilobits, or  
24           (4) the provision of telecommunications service by a company or  
25           person otherwise subject to Section 13-202 (c) to a  
26           telecommunications carrier, which is incidental to the

1 provision of service subject to Section 13-202 (c), from active  
2 regulatory oversight to the extent it finds, after notice,  
3 hearing and comment that such exclusion is consistent with the  
4 public interest and the purposes and policies of this Article.  
5 To the extent that the Commission has excluded cellular radio  
6 service from active regulatory oversight for any provider of  
7 cellular radio service in this State pursuant to this Section,  
8 the Commission shall exclude all other providers of cellular  
9 radio service in the State from active regulatory oversight  
10 without an additional rulemaking proceeding where there are 2  
11 or more certified providers of cellular radio service in a  
12 geographic area.

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

14 Section 99. Effective date. This Act takes effect January  
15 1, 2008."