

# HB2161



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

**HB2161**

by Rep. Tom Cross - Donald L. Moffitt

### SYNOPSIS AS INTRODUCED:

50 ILCS 751/35

Amends the Wireless Emergency Telephone Safety Act. Makes a technical change in a Section regarding the Wireless Carrier Reimbursement Fund.

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A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Wireless Emergency Telephone Safety Act is  
5 amended by changing Section 35 as follows:

6 (50 ILCS 751/35)

7 (Section scheduled to be repealed on April 1, 2013)

8 Sec. 35. Wireless Carrier Reimbursement Fund;  
9 reimbursement.

10 (a) To recover costs from the ~~the~~ Wireless Carrier  
11 Reimbursement Fund, the wireless carrier shall submit sworn  
12 invoices to the Illinois Commerce Commission. In no event may  
13 any invoice for payment be approved for (i) costs that are not  
14 related to compliance with the requirements established by the  
15 wireless enhanced 9-1-1 mandates of the Federal Communications  
16 Commission, (ii) costs with respect to any wireless enhanced  
17 9-1-1 service that is not operable at the time the invoice is  
18 submitted, or (iii) costs in excess of the sum of (A) the  
19 carrier's balance, as determined under subsection (e) of this  
20 Section, plus (B) 100% of the surcharge remitted to the  
21 Wireless Carrier Reimbursement Fund by the wireless carrier  
22 under Section 17(b) since the last annual review of the balance  
23 in the Wireless Carrier Reimbursement Fund under subsection (e)

1 of this Section, less reimbursements paid to the carrier out of  
2 the Wireless Carrier Reimbursement Fund since the last annual  
3 review of the balance under subsection (e) of this Section,  
4 unless the wireless carrier received prior approval for the  
5 expenditures from the Illinois Commerce Commission.

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

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

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

26 (e) The Illinois Commerce Commission must annually review

1 the balance in the Wireless Carrier Reimbursement Fund as of  
2 June 30 of each year and shall direct the Comptroller to  
3 transfer into the Wireless Services Emergency Fund for  
4 distribution in accordance with Section 25 of this Act any  
5 amount in excess of the amount of deposits into the Fund for  
6 the 24 months prior to June 30 less:

7 (1) the amount of paid and payables received by June 30  
8 for the 24 months prior to June 30 as determined eligible  
9 under subsection (a) of this Section;

10 (2) the administrative costs associated with the Fund  
11 for the 24 months prior to June 30; and

12 (3) the prorated portion of any other adjustments made  
13 to the Fund in the 24 months prior to June 30.

14 After making the calculation required under this  
15 subsection (e), each carrier's available balance for purposes  
16 of reimbursements must be adjusted using the same calculation.

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

19 (g) On January 1, 2008 (the effective date of Public Act  
20 95-698), 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. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; 95-876,

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1 eff. 8-21-08.)