



Sen. John J. Cullerton

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LRB098 10097 JLK 60399 a

1 AMENDMENT TO HOUSE BILL 2453

2 AMENDMENT NO. _____. Amend House Bill 2453, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Department of State Police Law of the Civil
6 Administrative Code of Illinois is amended by changing Section
7 2605-25 as follows:

8 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

9 Sec. 2605-25. Department divisions. The Department is
10 divided into the Illinois State Police Academy and 4 divisions:
11 the Division of Operations, the Division of Forensic Services,
12 the Division of Administration, and the Division of Internal
13 Investigation. Beginning on July, 1, 2015, there shall be the
14 Division of the Statewide 9-1-1 Administrator within the
15 Department of State Police to develop, implement, and oversee a
16 uniform statewide 9-1-1 system for all areas of the State

1 outside of municipalities having a population of more than
2 500,000.

3 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00; 91-760,
4 eff. 1-1-01.)

5 Section 10. The Emergency Telephone System Act is amended
6 by changing Section 15.3 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
17 imposing the surcharge at a rate per network connection
18 determined in accordance with subsection (c), however the
19 monthly surcharge shall not apply to a network connection
20 provided for use with pay telephone services. Provided,
21 however, that where multiple voice grade communications
22 channels are connected between the subscriber's premises and a
23 public switched network through private branch exchange (PBX)
24 or centrex type service, a municipality imposing a surcharge at

1 a rate per network connection, as determined in accordance with
2 this Act, shall impose:

3 (i) in a municipality with a population of 500,000 or
4 less or in any county, 5 such surcharges per network
5 connection, as determined in accordance with subsections
6 (a) and (d) of Section 2.12 of this Act, for both regular
7 service and advanced service provisioned trunk lines;

8 (ii) in a municipality with a population, prior to
9 March 1, 2010, of 500,000 or more, 5 surcharges per network
10 connection, as determined in accordance with subsections
11 (a) and (d) of Section 2.12 of this Act, for both regular
12 service and advanced service provisioned trunk lines;

13 (iii) in a municipality with a population, as of March
14 1, 2010, of 500,000 or more, 5 surcharges per network
15 connection, as determined in accordance with subsections
16 (a) and (d) of Section 2.12 of this Act, for regular
17 service provisioned trunk lines, and 12 surcharges per
18 network connection, as determined in accordance with
19 subsections (a) and (d) of Section 2.12 of this Act, for
20 advanced service provisioned trunk lines, except where an
21 advanced service provisioned trunk line supports at least 2
22 but fewer than 23 simultaneous voice grade calls ("VGC's"),
23 a telecommunication carrier may elect to impose fewer than
24 12 surcharges per trunk line as provided in subsection (iv)
25 of this Section; or

26 (iv) for an advanced service provisioned trunk line

1 connected between the subscriber's premises and the public
 2 switched network through a P.B.X., where the advanced
 3 service provisioned trunk line is capable of transporting
 4 at least 2 but fewer than 23 simultaneous VGC's per trunk
 5 line, the telecommunications carrier collecting the
 6 surcharge may elect to impose surcharges in accordance with
 7 the table provided in this Section, without limiting any
 8 telecommunications carrier's obligations to otherwise keep
 9 and maintain records. Any telecommunications carrier
 10 electing to impose fewer than 12 surcharges per an advanced
 11 service provisioned trunk line shall keep and maintain
 12 records adequately to demonstrate the VGC capability of
 13 each advanced service provisioned trunk line with fewer
 14 than 12 surcharges imposed, provided that 12 surcharges
 15 shall be imposed on an advanced service provisioned trunk
 16 line regardless of the VGC capability where a
 17 telecommunications carrier cannot demonstrate the VGC
 18 capability of the advanced service provisioned trunk line.

19	Facility	VGC's	911 Surcharges
20	Advanced service provisioned trunk line	18-23	12
21	Advanced service provisioned trunk line	12-17	10
22	Advanced service provisioned trunk line	2-11	8

23 Subsections (i), (ii), (iii), and (iv) are not intended to
 24 make any change in the meaning of this Section, but are

1 intended to remove possible ambiguity, thereby confirming the
2 intent of paragraph (a) as it existed prior to and following
3 the effective date of this amendatory Act of the 97th General
4 Assembly.

5 For mobile telecommunications services, if a surcharge is
6 imposed it shall be imposed based upon the municipality or
7 county that encompasses the customer's place of primary use as
8 defined in the Mobile Telecommunications Sourcing Conformity
9 Act. A municipality may enter into an intergovernmental
10 agreement with any county in which it is partially located,
11 when the county has adopted an ordinance to impose a surcharge
12 as provided in subsection (c), to include that portion of the
13 municipality lying outside the county in that county's
14 surcharge referendum. If the county's surcharge referendum is
15 approved, the portion of the municipality identified in the
16 intergovernmental agreement shall automatically be
17 disconnected from the county in which it lies and connected to
18 the county which approved the referendum for purposes of a
19 surcharge on telecommunications carriers.

20 (b) For purposes of computing the surcharge imposed by
21 subsection (a), the network connections to which the surcharge
22 shall apply shall be those in-service network connections,
23 other than those network connections assigned to the
24 municipality or county, where the service address for each such
25 network connection or connections is located within the
26 corporate limits of the municipality or county levying the

1 surcharge. Except for mobile telecommunication services, the
 2 "service address" shall mean the location of the primary use of
 3 the network connection or connections. For mobile
 4 telecommunication services, "service address" means the
 5 customer's place of primary use as defined in the Mobile
 6 Telecommunications Sourcing Conformity Act.

7 (c) Upon the passage of an ordinance to impose a surcharge
 8 under this Section the clerk of the municipality or county
 9 shall certify the question of whether the surcharge may be
 10 imposed to the proper election authority who shall submit the
 11 public question to the electors of the municipality or county
 12 in accordance with the general election law; provided that such
 13 question shall not be submitted at a consolidated primary
 14 election. The public question shall be in substantially the
 15 following form:

16 -----
 17 Shall the county (or city, village
 18 or incorporated town) of impose YES
 19 a surcharge of up to ...¢ per month per
 20 network connection, which surcharge will
 21 be added to the monthly bill you receive -----
 22 for telephone or telecommunications
 23 charges, for the purpose of installing
 24 (or improving) a 9-1-1 Emergency NO
 25 Telephone System?
 26 -----

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

3 However, if a Joint Emergency Telephone System Board is to
4 be created pursuant to an intergovernmental agreement under
5 Section 15.4, the ordinance to impose the surcharge shall be
6 subject to the approval of a majority of the total number of
7 votes cast upon the public question by the electors of all of
8 the municipalities or counties, or combination thereof, that
9 are parties to the intergovernmental agreement.

10 The referendum requirement of this subsection (c) shall not
11 apply to any municipality with a population over 500,000 or to
12 any county in which a proposition as to whether a sophisticated
13 9-1-1 Emergency Telephone System should be installed in the
14 county, at a cost not to exceed a specified monthly amount per
15 network connection, has previously been approved by a majority
16 of the electors of the county voting on the proposition at an
17 election conducted before the effective date of this amendatory
18 Act of 1987.

19 (d) A county may not impose a surcharge, unless requested
20 by a municipality, in any incorporated area which has
21 previously approved a surcharge as provided in subsection (c)
22 or in any incorporated area where the corporate authorities of
23 the municipality have previously entered into a binding
24 contract or letter of intent with a telecommunications carrier
25 to provide sophisticated 9-1-1 service through municipal
26 funds.

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

5 (f) The surcharge authorized by this Section shall be
6 collected from the subscriber by the telecommunications
7 carrier providing the subscriber the network connection as a
8 separately stated item on the subscriber's bill.

9 (g) The amount of surcharge collected by the
10 telecommunications carrier shall be paid to the particular
11 municipality or county or Joint Emergency Telephone System
12 Board not later than 30 days after the surcharge is collected,
13 net of any network or other 9-1-1 or sophisticated 9-1-1 system
14 charges then due the particular telecommunications carrier, as
15 shown on an itemized bill. The telecommunications carrier
16 collecting the surcharge shall also be entitled to deduct 3% of
17 the gross amount of surcharge collected to reimburse the
18 telecommunications carrier for the expense of accounting and
19 collecting the surcharge.

20 (h) Except as expressly provided in subsection (a) of this
21 Section, on or after the effective date of this amendatory Act
22 of the 98th General Assembly and until July 1, 2015, a
23 municipality with a population of 500,000 or more shall not
24 impose a monthly surcharge per network connection in excess of
25 the highest monthly surcharge imposed as of January 1, 2014 by
26 any county or municipality under subsection (c) of this

1 Section. On or after July 1, 2015, a municipality with a
2 population over 500,000 may not impose a monthly surcharge in
3 excess of \$2.50 per network connection.

4 (i) Any municipality or county or joint emergency telephone
5 system board that has imposed a surcharge pursuant to this
6 Section prior to the effective date of this amendatory Act of
7 1990 shall hereafter impose the surcharge in accordance with
8 subsection (b) of this Section.

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

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

8 (Source: P.A. 97-463, eff. 8-19-11.)

9 Section 15. The Wireless Emergency Telephone Safety Act is
10 amended by changing Sections 17, 35, 45, 70, and 85 and by
11 adding Section 27 as follows:

12 (50 ILCS 751/17)

13 (Section scheduled to be repealed on July 1, 2014)

14 Sec. 17. Wireless carrier surcharge.

15 (a) Except as provided in Sections 45 and 80, each wireless
16 carrier shall impose a monthly wireless carrier surcharge per
17 CMRS connection that either has a telephone number within an
18 area code assigned to Illinois by the North American Numbering
19 Plan Administrator or has a billing address in this State. No
20 wireless carrier shall impose the surcharge authorized by this
21 Section upon any subscriber who is subject to the surcharge
22 imposed by a unit of local government pursuant to Section 45.
23 Prior to January 1, 2008 (the effective date of Public Act
24 95-698), the surcharge amount shall be the amount set by the

1 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008
2 (the effective date of Public Act 95-698), the monthly
3 surcharge imposed under this Section shall be \$0.73 per CMRS
4 connection. The wireless carrier that provides wireless
5 service to the subscriber shall collect the surcharge from the
6 subscriber. For mobile telecommunications services provided on
7 and after August 1, 2002, any surcharge imposed under this Act
8 shall be imposed based upon the municipality or county that
9 encompasses the customer's place of primary use as defined in
10 the Mobile Telecommunications Sourcing Conformity Act. The
11 surcharge shall be stated as a separate item on the
12 subscriber's monthly bill. The wireless carrier shall begin
13 collecting the surcharge on bills issued within 90 days after
14 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
15 surcharge. State and local taxes shall not apply to the
16 wireless carrier surcharge.

17 (b) Except as provided in Sections 45 and 80, a wireless
18 carrier shall, within 45 days of collection, remit, either by
19 check or by electronic funds transfer, to the State Treasurer
20 the amount of the wireless carrier surcharge collected from
21 each subscriber. Of the amounts remitted under this subsection
22 prior to January 1, 2008 (the effective date of Public Act
23 95-698), and for surcharges imposed before January 1, 2008 (the
24 effective date of Public Act 95-698) but remitted after January
25 1, 2008, the State Treasurer shall deposit one-third into the
26 Wireless Carrier Reimbursement Fund and two-thirds into the

1 Wireless Service Emergency Fund. For surcharges collected and
2 remitted on or after January 1, 2008 (the effective date of
3 Public Act 95-698), \$0.1475 per surcharge collected shall be
4 deposited into the Wireless Carrier Reimbursement Fund, and
5 \$0.5825 per surcharge collected shall be deposited into the
6 Wireless Service Emergency Fund. For surcharges collected and
7 remitted on or after July 1, 2014, \$0.05 per surcharge
8 collected shall be deposited in the Wireless Carrier
9 Reimbursement Fund, \$0.66 per surcharge shall be deposited in
10 to the Wireless Service Emergency Fund, and \$0.02 per surcharge
11 collected shall be deposited into in the Wireless Service
12 Emergency Fund and distributed in equal amounts to County
13 Emergency System Telephone Boards in counties with a population
14 under 100,000 according to the most recent census data. Of the
15 amounts deposited into the Wireless Carrier Reimbursement Fund
16 under this subsection, \$0.01 per surcharge collected may be
17 distributed to the carriers to cover their administrative
18 costs. Of the amounts deposited into the Wireless Service
19 Emergency Fund under this subsection, \$0.01 per surcharge
20 collected may be disbursed to the Illinois Commerce Commission
21 to cover its administrative costs.

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

1 Wireless Service Emergency Fund. This information shall be
2 updated no less often than every year. Wireless carriers are
3 not required to remit surcharge moneys that are billed to
4 subscribers but not yet collected. Any carrier that fails to
5 provide the zip code information required under this subsection
6 (c) shall be subject to the penalty set forth in subsection (f)
7 of this Section.

8 (d) Any funds collected under the Prepaid Wireless 9-1-1
9 Surcharge Act shall be distributed using a prorated method
10 based upon zip code information collected from post-paid
11 wireless carriers under subsection (c) of this Section.

12 (e) If before midnight on the last day of the third
13 calendar month after the closing date of the remit period a
14 wireless carrier does not remit the surcharge or any portion
15 thereof required under this Section, then the surcharge or
16 portion thereof shall be deemed delinquent until paid in full,
17 and the Illinois Commerce Commission may impose a penalty
18 against the carrier in an amount equal to the greater of:

19 (1) \$25 for each month or portion of a month from the
20 time an amount becomes delinquent until the amount is paid
21 in full; or

22 (2) an amount equal to the product of 1% and the sum of
23 all delinquent amounts for each month or portion of a month
24 that the delinquent amounts remain unpaid.

25 A penalty imposed in accordance with this subsection (e)
26 for a portion of a month during which the carrier provides the

1 number of subscribers by zip code as required under subsection
2 (c) of this Section shall be prorated for each day of that
3 month during which the carrier had not provided the number of
4 subscribers by zip code as required under subsection (c) of
5 this Section. Any penalty imposed under this subsection (e) is
6 in addition to the amount of the delinquency and is in addition
7 to any other penalty imposed under this Section.

8 (f) If, before midnight on the last day of the third
9 calendar month after the closing date of the remit period, a
10 wireless carrier does not provide the number of subscribers by
11 zip code as required under subsection (c) of this Section, then
12 the report is deemed delinquent and the Illinois Commerce
13 Commission may impose a penalty against the carrier in an
14 amount equal to the greater of:

15 (1) \$25 for each month or portion of a month that the
16 report is delinquent; or

17 (2) an amount equal to the product of 1/2¢ and the
18 number of subscribers served by the wireless carrier. On
19 and after July 1, 2014, an amount equal to the product of
20 \$0.01 and the number of subscribers served by the wireless
21 carrier.

22 A penalty imposed in accordance with this subsection (f)
23 for a portion of a month during which the carrier pays the
24 delinquent amount in full shall be prorated for each day of
25 that month that the delinquent amount was paid in full. A
26 penalty imposed and collected in accordance with subsection (e)

1 or this subsection (f) shall be deposited into the Wireless
2 Service Emergency Fund for distribution according to Section 25
3 of this Act. Any penalty imposed under this subsection (f) is
4 in addition to any other penalty imposed under this Section.

5 (g) The Illinois Commerce Commission may enforce the
6 collection of any delinquent amount and any penalty due and
7 unpaid under this Section by legal action or in any other
8 manner by which the collection of debts due the State of
9 Illinois may be enforced under the laws of this State. The
10 Executive Director of the Illinois Commerce Commission, or his
11 or her designee, may excuse the payment of any penalty imposed
12 under this Section if the Executive Director, or his or her
13 designee, determines that the enforcement of this penalty is
14 unjust.

15 (h) Notwithstanding any provision of law to the contrary,
16 nothing shall impair the right of wireless carriers to recover
17 compliance costs for all emergency communications services
18 that are not reimbursed out of the Wireless Carrier
19 Reimbursement Fund directly from their wireless subscribers
20 via line-item charges on the wireless subscriber's bill. Those
21 compliance costs include all costs incurred by wireless
22 carriers in complying with local, State, and federal regulatory
23 or legislative mandates that require the transmission and
24 receipt of emergency communications to and from the general
25 public, including, but not limited to, E-911.

26 (i) The Auditor General shall conduct, on an annual basis,

1 an audit of the Wireless Service Emergency Fund and the
2 Wireless Carrier Reimbursement Fund for compliance with the
3 requirements of this Act. The audit shall include, but not be
4 limited to, the following determinations:

5 (1) Whether the Commission is maintaining detailed
6 records of all receipts and disbursements from the Wireless
7 Carrier Emergency Fund and the Wireless Carrier
8 Reimbursement Fund.

9 (2) Whether the Commission's administrative costs
10 charged to the funds are adequately documented and are
11 reasonable.

12 (3) Whether the Commission's procedures for making
13 grants and providing reimbursements in accordance with the
14 Act are adequate.

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

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

24 (Source: P.A. 97-463, eff. 1-1-12.)

1 Sec. 27. Financial reports.

2 (a) The Illinois Commerce Commission shall create uniform
3 accounting procedures, with such modification as may be
4 required to give effect to statutory provisions applicable only
5 to municipalities with a population in excess of 500,000, that
6 any emergency telephone system board, qualified governmental
7 entity, or unit of local government described in Section 15 of
8 this Act and Section 15.4 of the Emergency Telephone System Act
9 or any entity imposing a wireless surcharge pursuant to Section
10 45 of this Act must follow.

11 (b) By October 1, 2014, each emergency telephone system
12 board, qualified governmental entity, or unit of local
13 government described in Section 15 of this Act and Section 15.4
14 of the Emergency Telephone System Act or any entity imposing a
15 wireless surcharge pursuant to Section 45 of this Act shall
16 report to the Illinois Commerce Commission audited financial
17 statements showing total revenue and expenditures for each of
18 the last two of its fiscal years in a form and manner as
19 prescribed by the Illinois Commerce Commission's Manager of
20 Accounting. Such financial information shall include:

21 (1) a detailed summary of revenue from all sources
22 including, but not limited to, local, State, federal, and
23 private revenues, and any other funds received;

24 (2) operating expenses, capital expenditures, and cash
25 balances; and

26 (3) such other financial information that is relevant

1 to the provision of 9-1-1 services as determined by the
2 Illinois Commerce Commission's Manager of Accounting.

3 The emergency telephone system board, qualified
4 governmental entity, or unit of local government is responsible
5 for any costs associated with auditing such financial
6 statements. The Illinois Commerce Commission shall post the
7 audited financial statements on the Commission's website.

8 (c) By January 31, 2016 and each year thereafter, each
9 emergency telephone system board, qualified governmental
10 entity, or unit of local government described in Section 15 of
11 this Act and Section 15.4 of the Emergency Telephone System Act
12 or any entity imposing a wireless surcharge pursuant to Section
13 45 of this Act shall report to the Illinois Commerce Commission
14 audited annual financial statements showing total revenue and
15 expenditures in a form and manner as prescribed by the Illinois
16 Commerce Commission's Manager of Accounting.

17 The emergency telephone system board, qualified
18 governmental entity, or unit of local government is responsible
19 for any costs associated with auditing such financial
20 statements.

21 The Illinois Commerce Commission shall post each entity's
22 individual audited annual financial statements on the
23 Commission's website.

24 (d) If an emergency telephone system board or qualified
25 governmental entity that receives funds from the Wireless
26 Service Emergency Fund fails to file the 9-1-1 system financial

1 reports as required under this Section, the Illinois Commerce
2 Commission shall suspend and withhold monthly grants otherwise
3 due to the emergency telephone system board or qualified
4 governmental entity under Section 25 of this Act until the
5 report is filed.

6 Any monthly grants that have been withheld for 12 months or
7 more shall be forfeited by the emergency telephone system board
8 or qualified governmental entity and shall be distributed
9 proportionally by the Illinois Commerce Commission to
10 compliant emergency telephone system boards and qualified
11 governmental entities that receive funds from the Wireless
12 Service Emergency Fund.

13 (e) The Illinois Commerce Commission may adopt emergency
14 rules necessary to carry out the provisions of this Section.

15 (50 ILCS 751/35)

16 (Section scheduled to be repealed on July 1, 2014)

17 Sec. 35. Wireless Carrier Reimbursement Fund;
18 reimbursement.

19 (a) To recover costs from the Wireless Carrier
20 Reimbursement Fund, the wireless carrier shall submit sworn
21 invoices to the Illinois Commerce Commission. In no event may
22 any invoice for payment be approved for (i) costs that are not
23 related to compliance with the requirements established by the
24 wireless enhanced 9-1-1 mandates of the Federal Communications
25 Commission, or (ii) costs with respect to any wireless enhanced

1 9-1-1 service that is not operable at the time the invoice is
2 submitted, ~~or (iii) costs in excess of the sum of (A) the~~
3 ~~carrier's balance, as determined under subsection (c) of this~~
4 ~~Section, plus (B) 100% of the surcharge remitted to the~~
5 ~~Wireless Carrier Reimbursement Fund by the wireless carrier~~
6 ~~under Section 17(b) since the last annual review of the balance~~
7 ~~in the Wireless Carrier Reimbursement Fund under subsection (c)~~
8 ~~of this Section, less reimbursements paid to the carrier out of~~
9 ~~the Wireless Carrier Reimbursement Fund since the last annual~~
10 ~~review of the balance under subsection (c) of this Section,~~
11 ~~unless the wireless carrier received prior approval for the~~
12 ~~expenditures from the Illinois Commerce Commission.~~

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

23 (c) A wireless carrier may not receive payment from the
24 Wireless Carrier Reimbursement Fund for its costs of providing
25 wireless enhanced 9-1-1 services in an area when a unit of
26 local government or emergency telephone system board provides

1 wireless 9-1-1 services in that area and was imposing and
2 collecting a wireless carrier surcharge prior to July 1, 1998.

3 (d) The Illinois Commerce Commission shall maintain
4 detailed records of all receipts and disbursements and shall
5 provide an annual accounting of all receipts and disbursements
6 to the Auditor General.

7 (e) The Illinois Commerce Commission must annually review
8 the balance in the Wireless Carrier Reimbursement Fund as of
9 June 30 of each year and shall direct the Comptroller to
10 transfer into the Wireless Services Emergency Fund for
11 distribution in accordance with Section 25 of this Act any
12 amount in excess of the amount of deposits into the Fund for
13 the 24 months prior to June 30 less:

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

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

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

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

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

26 (g) On January 1, 2008 (the effective date of Public Act

1 95-698), or as soon thereafter as practical, the State
2 Comptroller shall order transferred and the State Treasurer
3 shall transfer the sum of \$8,000,000 from the Wireless Carrier
4 Reimbursement Fund to the Wireless Service Emergency Fund. That
5 amount shall be used by the Illinois Commerce Commission to
6 make grants in the manner described in Section 25 of this Act.

7 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; 95-876,
8 eff. 8-21-08.)

9 (50 ILCS 751/45)

10 (Section scheduled to be repealed on July 1, 2014)

11 Sec. 45. Continuation of current practices.

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

1 (b) On or after the effective date of this amendatory Act
2 of the 98th General Assembly and until July 1, 2015, the
3 corporate authorities of a municipality with a population in
4 excess of 500,000 on the effective date of this amendatory Act
5 may by ordinance impose and collect a monthly surcharge per
6 commercial mobile radio service (CMRS) connection or
7 in-service telephone number billed on a monthly basis that does
8 not exceed the highest monthly surcharge imposed as of January
9 1, 2014 by any county or municipality under subsection (c) of
10 Section 15.3 of the Emergency Telephone System Act. On or after
11 July 1, 2015, the municipality may continue imposing and
12 collecting its wireless carrier surcharge as provided in and
13 subject to the limitations of subsection (a) of this Section.

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

23 (Source: P.A. 95-698, eff. 1-1-08.)

24 (50 ILCS 751/70)

25 (Section scheduled to be repealed on July 1, 2014)

1 Sec. 70. Repealer. This Act is repealed on July 1, 2015
2 ~~2014~~.

3 (Source: P.A. 97-1163, eff. 2-4-13; 98-45, eff. 6-28-13.)

4 (50 ILCS 751/85)

5 (Section scheduled to be repealed on July 1, 2014)

6 Sec. 85. 9-1-1 Services Advisory Board.

7 (a) There is hereby created the 9-1-1 Services Advisory
8 Board. ~~The Board shall work with the Commission to determine~~
9 ~~the 9-1-1 costs necessary for every 9-1-1 system to adequately~~
10 ~~function and shall submit, by May 1, 2014, recommendations on~~
11 ~~whether there is a need to consolidate 9-1-1 functions to the~~
12 ~~General Assembly.~~ The Board shall consist of 16 ~~11~~ members with
13 one member each appointed by the Speaker of the House of
14 Representatives, the Minority Leader of the House of
15 Representatives, the President of the Senate, and the Minority
16 Leader of the Senate, and with the remainder appointed by the
17 Governor as follows:

18 (1) the Executive Director of the Illinois Commerce
19 Commission, or his or her designee;

20 (2) one member representing the Illinois chapter of the
21 National Emergency Number Association;

22 (3) one member representing the Illinois chapter of the
23 Association of Public-Safety Communications Officials;

24 (4) one member representing a county 9-1-1 system from
25 a county with a population of 50,000 or less;

1 (5) one member representing a county 9-1-1 system from
2 a county with a population between 50,000 and 250,000;

3 (6) one member representing a county 9-1-1 system from
4 a county with a population of 250,000 or more;

5 (7) one member representing an incumbent local
6 exchange 9-1-1 system provider;

7 (8) one member representing a non-incumbent local
8 exchange 9-1-1 system provider;

9 (9) one member representing a large wireless carrier;

10 (10) one member representing a small wireless carrier;

11 ~~and~~

12 (11) one member representing the Illinois
13 Telecommunications Association.

14 (12) the Director of State Police, or his or her
15 designee.

16 (b) The Board shall work with the Illinois Commerce
17 Commission to submit, by April 1, 2015, to the General Assembly
18 a plan for a statewide shared 9-1-1 network ("Statewide Next
19 Generation 9-1-1") for all areas of the State outside of
20 municipalities having a population of more than 500,000 to be
21 governed by the Statewide 9-1-1 Administrator within the
22 Department of State Police. The plan shall include, but not be
23 limited to, recommendations as to the following:

24 (1) the structure of the statewide network;

25 (2) a plan and timeline for the transition to a
26 statewide network;

1 (3) consolidation of 9-1-1 systems and services;

2 (4) a plan for the implementation of the Statewide Next
3 Generation 9-1-1;

4 (5) a list of costs for which the moneys from the
5 Wireless Service Emergency Fund should not be used;

6 (6) the costs necessary for the 9-1-1 systems to
7 adequately function;

8 (7) the adequate amount of the wireless surcharge in
9 order to support sufficient 9-1-1 services throughout the
10 State;

11 (8) a plan and timeline for the payment of past due
12 Wireless Carrier Reimbursement Fund invoices to wireless
13 carriers; and

14 (9) the proper division of responsibilities between
15 the Statewide 9-1-1 Administrator and the Illinois
16 Commerce Commission for the oversight of funding
17 distribution, technological standards, and system plan
18 authorizations, modifications and consolidations going
19 forward.

20 (c) The Board is abolished on July 1, ~~2015~~ 2014.

21 (Source: P.A. 98-45, eff. 6-28-13; 98-602, eff. 12-6-13.)

22 Section 20. The Prepaid Wireless 9-1-1 Surcharge Act is
23 amended by changing Section 15 as follows:

24 (50 ILCS 753/15)

1 Sec. 15. Prepaid wireless 9-1-1 surcharge.

2 (a) There is hereby imposed on consumers a prepaid wireless
3 9-1-1 surcharge of 1.5% per retail transaction. The surcharge
4 authorized by this subsection (a) does not apply in a home rule
5 municipality having a population in excess of 500,000. The
6 amount of the surcharge may be reduced or increased pursuant to
7 subsection (e).

8 (a-5) On or after the effective date of this amendatory Act
9 of the 98th General Assembly and until July 1, 2015, a home
10 rule municipality having a population in excess of 500,000 on
11 the effective date of this amendatory Act may impose a prepaid
12 wireless 9-1-1 surcharge not to exceed 9% per retail
13 transaction sourced to that jurisdiction and collected and
14 remitted in accordance with the provisions of subsection (b-5)
15 of this Section. On or after July 1, 2015, a ~~A~~ home rule
16 municipality having a population in excess of 500,000 on the
17 effective date of this Act may only impose a prepaid wireless
18 9-1-1 surcharge not to exceed 7% per retail transaction sourced
19 to that jurisdiction and collected and remitted in accordance
20 with the provisions of subsection (b-5).

21 (b) The prepaid wireless 9-1-1 surcharge shall be collected
22 by the seller from the consumer with respect to each retail
23 transaction occurring in this State and shall be remitted to
24 the Department by the seller as provided in this Act. The
25 amount of the prepaid wireless 9-1-1 surcharge shall be
26 separately stated as a distinct item apart from the charge for

1 the prepaid wireless telecommunications service on an invoice,
2 receipt, or other similar document that is provided to the
3 consumer by the seller or shall be otherwise disclosed to the
4 consumer. If the seller does not separately state the surcharge
5 as a distinct item to the consumer as provided in this Section,
6 then the seller shall maintain books and records as required by
7 this Act which clearly identify the amount of the 9-1-1
8 surcharge for retail transactions.

9 For purposes of this subsection (b), a retail transaction
10 occurs in this State if (i) the retail transaction is made in
11 person by a consumer at the seller's business location and the
12 business is located within the State; (ii) the seller is a
13 provider and sells prepaid wireless telecommunications service
14 to a consumer located in Illinois; (iii) the retail transaction
15 is treated as occurring in this State for purposes of the
16 Retailers' Occupation Tax Act; or (iv) a seller that is
17 included within the definition of a "retailer maintaining a
18 place of business in this State" under Section 2 of the Use Tax
19 Act makes a sale of prepaid wireless telecommunications service
20 to a consumer located in Illinois. In the case of a retail
21 transaction which does not occur in person at a seller's
22 business location, if a consumer uses a credit card to purchase
23 prepaid wireless telecommunications service on-line or over
24 the telephone, and no product is shipped to the consumer, the
25 transaction occurs in this State if the billing address for the
26 consumer's credit card is in this State.

1 (b-5) The prepaid wireless 9-1-1 surcharge imposed under
2 subsection (a-5) of this Section shall be collected by the
3 seller from the consumer with respect to each retail
4 transaction occurring in the municipality imposing the
5 surcharge. The amount of the prepaid wireless 9-1-1 surcharge
6 shall be separately stated on an invoice, receipt, or other
7 similar document that is provided to the consumer by the seller
8 or shall be otherwise disclosed to the consumer. If the seller
9 does not separately state the surcharge as a distinct item to
10 the consumer as provided in this Section, then the seller shall
11 maintain books and records as required by this Act which
12 clearly identify the amount of the 9-1-1 surcharge for retail
13 transactions.

14 For purposes of this subsection (b-5), a retail transaction
15 occurs in the municipality if (i) the retail transaction is
16 made in person by a consumer at the seller's business location
17 and the business is located within the municipality; (ii) the
18 seller is a provider and sells prepaid wireless
19 telecommunications service to a consumer located in the
20 municipality; (iii) the retail transaction is treated as
21 occurring in the municipality for purposes of the Retailers'
22 Occupation Tax Act; or (iv) a seller that is included within
23 the definition of a "retailer maintaining a place of business
24 in this State" under Section 2 of the Use Tax Act makes a sale
25 of prepaid wireless telecommunications service to a consumer
26 located in the municipality. In the case of a retail

1 transaction which does not occur in person at a seller's
2 business location, if a consumer uses a credit card to purchase
3 prepaid wireless telecommunications service on-line or over
4 the telephone, and no product is shipped to the consumer, the
5 transaction occurs in the municipality if the billing address
6 for the consumer's credit card is in the municipality.

7 (c) The prepaid wireless 9-1-1 surcharge is imposed on the
8 consumer and not on any provider. The seller shall be liable to
9 remit all prepaid wireless 9-1-1 surcharges that the seller
10 collects from consumers as provided in Section 20, including
11 all such surcharges that the seller is deemed to collect where
12 the amount of the surcharge has not been separately stated on
13 an invoice, receipt, or other similar document provided to the
14 consumer by the seller. The surcharge collected or deemed
15 collected by a seller shall constitute a debt owed by the
16 seller to this State, and any such surcharge actually collected
17 shall be held in trust for the benefit of the Department.

18 For purposes of this subsection (c), the surcharge shall
19 not be imposed or collected from entities that have an active
20 tax exemption identification number issued by the Department
21 under Section 1g of the Retailers' Occupation Tax Act.

22 (d) The amount of the prepaid wireless 9-1-1 surcharge that
23 is collected by a seller from a consumer, if such amount is
24 separately stated on an invoice, receipt, or other similar
25 document provided to the consumer by the seller, shall not be
26 included in the base for measuring any tax, fee, surcharge, or

1 other charge that is imposed by this State, any political
2 subdivision of this State, or any intergovernmental agency.

3 (e) The prepaid wireless 9-1-1 charge imposed under
4 subsection (a) of this Section shall be proportionately
5 increased or reduced, as applicable, upon any change to the
6 surcharge imposed under Section 17 of the Wireless Emergency
7 Telephone Safety Act. The adjusted rate shall be determined by
8 dividing the amount of the surcharge imposed under Section 17
9 of the Wireless Emergency Telephone Safety Act by \$50. Such
10 increase or reduction shall be effective on the first day of
11 the first calendar month to occur at least 60 days after the
12 enactment of the change to the surcharge imposed under Section
13 17 of the Wireless Emergency Telephone Safety Act. The
14 Department shall provide not less than 30 days' notice of an
15 increase or reduction in the amount of the surcharge on the
16 Department's website.

17 (e-5) Any changes in the rate of the surcharge imposed by a
18 municipality under the authority granted in subsection (a-5) of
19 this Section shall be effective on the first day of the first
20 calendar month to occur at least 60 days after the enactment of
21 the change. The Department shall provide not less than 30 days'
22 notice of the increase or reduction in the rate of such
23 surcharge on the Department's website.

24 (f) When prepaid wireless telecommunications service is
25 sold with one or more other products or services for a single,
26 non-itemized price, then the percentage specified in

1 subsection (a) or (a-5) of this Section 15 shall be applied to
2 the entire non-itemized price unless the seller elects to apply
3 the percentage to (i) the dollar amount of the prepaid wireless
4 telecommunications service if that dollar amount is disclosed
5 to the consumer or (ii) the portion of the price that is
6 attributable to the prepaid wireless telecommunications
7 service if the retailer can identify that portion by reasonable
8 and verifiable standards from its books and records that are
9 kept in the regular course of business for other purposes,
10 including, but not limited to, books and records that are kept
11 for non-tax purposes. However, if a minimal amount of prepaid
12 wireless telecommunications service is sold with a prepaid
13 wireless device for a single, non-itemized price, then the
14 seller may elect not to apply the percentage specified in
15 subsection (a) or (a-5) of this Section 15 to such transaction.
16 For purposes of this subsection, an amount of service
17 denominated as 10 minutes or less or \$5 or less is considered
18 minimal.

19 (Source: P.A. 97-463, eff. 1-1-12; 97-748, eff. 7-6-12.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."