



Sen. Don Harmon

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LRB098 17636 JLK 58968 a

1 AMENDMENT TO SENATE BILL 2674

2 AMENDMENT NO. _____. Amend Senate Bill 2674 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.855 as follows:

6 (30 ILCS 105/5.855 new)

7 Sec. 5.855. The Poison Response Fund.

8 Section 10. The Wireless Emergency Telephone Safety Act is
9 amended by changing Sections 5, 10, 17, 20, 35, and 70 and by
10 adding Sections 90 and 95 as follows:

11 (50 ILCS 751/5)

12 (Section scheduled to be repealed on July 1, 2014)

13 Sec. 5. Purpose. The General Assembly finds and declares it
14 is in the public interest to promote the use of wireless 9-1-1

1 and wireless enhanced 9-1-1 (E9-1-1) service in order to save
2 lives and protect the property of the citizens of the State of
3 Illinois.

4 Wireless carriers are required by the Federal
5 Communications Commission (FCC) to provide E9-1-1 service in
6 the form of automatic location identification and automatic
7 number identification pursuant to policies set forth by the
8 FCC.

9 Public safety agencies and wireless carriers are
10 encouraged to work together to provide emergency access to
11 wireless 9-1-1 and wireless E9-1-1 service. Public safety
12 agencies and wireless carriers operating wireless 9-1-1 and
13 wireless E9-1-1 systems require adequate funding to recover the
14 costs of designing, purchasing, installing, testing, and
15 operating enhanced facilities, systems, and services necessary
16 to comply with the wireless E9-1-1 requirements mandated by the
17 Federal Communications Commission and to maximize the
18 availability of wireless E9-1-1 services throughout the State
19 of Illinois.

20 The revenues generated by the wireless carrier surcharge
21 enacted by this Act are required to fund the efforts of the
22 wireless carriers, emergency telephone system boards,
23 qualified governmental entities, human poison control centers,
24 and the Department of State Police to improve the public
25 health, safety, and welfare and to serve a public purpose by
26 providing emergency telephone assistance through wireless

1 communications.

2 It is the intent of the General Assembly to:

3 (1) establish and implement a cohesive statewide
4 emergency telephone number that will provide wireless
5 telephone users with rapid direct access to public safety
6 agencies by dialing the telephone number 9-1-1;

7 (2) encourage wireless carriers and public safety
8 agencies to provide E9-1-1 services that will assist public
9 safety agencies in determining the caller's approximate
10 location and wireless telephone number;

11 (3) grant authority to public safety agencies not
12 already in possession of the authority to finance the cost
13 of installing and operating wireless 9-1-1 systems and
14 reimbursing wireless carriers for costs incurred to
15 provide wireless E9-1-1 services; ~~and~~

16 (3.5) provide rapid direct access to poison-related
17 information and advice from human poison control centers to
18 public safety agencies, health care providers, and the
19 general public; and

20 (4) provide for a reasonable fee on wireless telephone
21 service subscribers to accomplish these purposes and
22 provide for the enforcement and collection of such fees.

23 (Source: P.A. 95-63, eff. 8-13-07.)

24 (50 ILCS 751/10)

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

1 Sec. 10. Definitions. In this Act:

2 "Emergency telephone system board" means a board appointed
3 by the corporate authorities of any county or municipality that
4 provides for the management and operation of a 9-1-1 system
5 within the scope of the duties and powers prescribed by the
6 Emergency Telephone System Act.

7 "Human poison control center" shall have the meaning
8 provided in Section 10 of the Poison Control System Act.
9 Services provided by a human poison control center shall be
10 provided as, and constitute, an enhancement to 9-1-1 services
11 pursuant to 47 U.S.C. 615a-1(f)(1).

12 "Master street address guide" means the computerized
13 geographical database that consists of all street and address
14 data within a 9-1-1 system.

15 "Mobile telephone number" or "MTN" shall mean the telephone
16 number assigned to a wireless telephone at the time of initial
17 activation.

18 "Prepaid wireless telecommunications service" means
19 wireless telecommunications service that allows a caller to
20 dial 9-1-1 to access the 9-1-1 system, which service must be
21 paid for in advance and is sold in predetermined units or
22 dollars which the amount declines with use in a known amount.

23 "Public safety agency" means a functional division of a
24 public agency that provides fire fighting, police, medical, or
25 other emergency services. For the purpose of providing wireless
26 service to users of 9-1-1 emergency services, as expressly

1 provided for in this Act, the Department of State Police may be
2 considered a public safety agency.

3 "Qualified governmental entity" means a unit of local
4 government authorized to provide 9-1-1 services pursuant to the
5 Emergency Telephone System Act where no emergency telephone
6 system board exists.

7 "Remit period" means the billing period, one month in
8 duration, for which a wireless carrier remits a surcharge and
9 provides subscriber information by zip code to the Illinois
10 Commerce Commission, in accordance with Section 17 of this Act.

11 "Statewide wireless emergency 9-1-1 system" means all
12 areas of the State where an emergency telephone system board
13 or, in the absence of an emergency telephone system board, a
14 qualified governmental entity has not declared its intention
15 for one or more of its public safety answering points to serve
16 as a primary wireless 9-1-1 public safety answering point for
17 its jurisdiction. The operator of the statewide wireless
18 emergency 9-1-1 system shall be the Department of State Police.

19 "Wireless carrier" means a provider of two-way cellular,
20 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
21 Mobile Radio Service (CMRS), Wireless Communications Service
22 (WCS), or other Commercial Mobile Radio Service (CMRS), as
23 defined by the Federal Communications Commission, offering
24 radio communications that may provide fixed, mobile, radio
25 location, or satellite communication services to individuals
26 or businesses within its assigned spectrum block and

1 geographical area or that offers real-time, two-way voice
2 service that is interconnected with the public switched
3 network, including a reseller of such service.

4 "Wireless enhanced 9-1-1" means the ability to relay the
5 telephone number of the originator of a 9-1-1 call and location
6 information from any mobile handset or text telephone device
7 accessing the wireless system to the designated wireless public
8 safety answering point as set forth in the order of the Federal
9 Communications Commission, FCC Docket No. 94-102, adopted June
10 12, 1996, with an effective date of October 1, 1996, and any
11 subsequent amendment thereto.

12 "Wireless public safety answering point" means the
13 functional division of an emergency telephone system board,
14 qualified governmental entity, or the Department of State
15 Police accepting wireless 9-1-1 calls.

16 "Wireless subscriber" means an individual or entity to whom
17 a wireless service account or number has been assigned by a
18 wireless carrier, other than an account or number associated
19 with prepaid wireless telecommunication service.

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

21 (50 ILCS 751/17)

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

23 Sec. 17. Wireless carrier surcharge.

24 (a) Except as provided in Sections 45 and 80, each wireless
25 carrier shall impose a monthly wireless carrier surcharge per

1 CMRS connection that either has a telephone number within an
2 area code assigned to Illinois by the North American Numbering
3 Plan Administrator or has a billing address in this State. No
4 wireless carrier shall impose the surcharge authorized by this
5 Section upon any subscriber who is subject to the surcharge
6 imposed by a unit of local government pursuant to Section 45.
7 Prior to January 1, 2008 (the effective date of Public Act
8 95-698), the surcharge amount shall be the amount set by the
9 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008
10 (the effective date of Public Act 95-698), the monthly
11 surcharge imposed under this Section shall be \$0.73 per CMRS
12 connection. The wireless carrier that provides wireless
13 service to the subscriber shall collect the surcharge 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 Sections 45 and 80, a wireless
26 carrier shall, within 45 days of collection, remit, either by

1 check or by electronic funds transfer, to the State Treasurer
2 the amount of the wireless carrier surcharge collected from
3 each subscriber. Of the amounts remitted under this subsection
4 prior to January 1, 2008 (the effective date of Public Act
5 95-698), and for surcharges imposed before January 1, 2008 (the
6 effective date of Public Act 95-698) but remitted after January
7 1, 2008, the State Treasurer shall deposit one-third into the
8 Wireless Carrier Reimbursement Fund and two-thirds into the
9 Wireless Service Emergency Fund. For surcharges collected and
10 remitted on or after January 1, 2008 (the effective date of
11 Public Act 95-698), \$0.1475 per surcharge collected shall be
12 deposited into the Wireless Carrier Reimbursement Fund, and
13 \$0.5825 per surcharge collected shall be deposited into the
14 Wireless Service Emergency Fund. Of the amounts deposited into
15 the Wireless Carrier Reimbursement Fund under this subsection,
16 \$0.01 per surcharge collected may be distributed to the
17 carriers to cover their administrative costs. Of the amounts
18 deposited into the Wireless Service Emergency Fund under this
19 subsection, \$0.01 per surcharge collected may be disbursed to
20 the Illinois Commerce Commission to cover its administrative
21 costs.

22 For surcharges collected and remitted from July 1, 2014
23 through June 30, 2016, \$0.07 per surcharge collected shall be
24 deposited into the Wireless Carrier Reimbursement Fund, \$0.615
25 per surcharge collected shall be deposited into the Wireless
26 Service Emergency Fund, \$0.02 per surcharge collected shall be

1 deposited into the Wireless Service Emergency Fund and
2 distributed on a pro-rata basis based on number of wireless
3 subscribers to County Emergency Telephone System Boards in
4 counties with a population under 100,000 according to the most
5 recent census data, \$0.015 per surcharge collected shall be
6 deposited in the Poison Response Fund for distribution monthly
7 to a human poison control center as defined in Section 10 of
8 the Poison Control System Act, and \$0.01 per surcharge
9 collected shall be deposited into the Public Utility Fund to
10 defray expenses incurred by the Illinois Commerce Commission
11 related to the oversight and coordination of 9-1-1 systems,
12 oversight of the Poison Response Fund, and public safety. Of
13 the amounts deposited into the Wireless Carrier Reimbursement
14 Fund under this subsection, \$0.01 per surcharge collected may
15 be distributed to the carriers to cover their administrative
16 costs.

17 For surcharges collected and remitted from July 1, 2016
18 through June 30, 2018, \$0.03 per surcharge collected shall be
19 deposited into the Wireless Carrier Reimbursement Fund,
20 \$0.6375 per surcharge collected shall be deposited into the
21 Wireless Service Emergency Fund, \$0.03 per surcharge collected
22 shall be deposited into the Wireless Service Emergency Fund and
23 distributed on a on a pro-rata basis based on number of
24 wireless subscribers to County Emergency Telephone System
25 Boards in counties with a population under 100,000 according to
26 the most recent census data, and \$0.0175 per surcharge

1 collected shall be deposited in the Poison Response Fund for
2 distribution monthly to a human poison control center as
3 defined in Section 10 of the Poison Control System Act, and
4 \$0.015 per surcharge collected shall be deposited into the
5 Public Utility Fund to defray expenses incurred by the Illinois
6 Commerce Commission related to the oversight and coordination
7 of 9-1-1 systems, oversight of the Poison Response Fund, and
8 public safety. Of the amounts deposited into the Wireless
9 Carrier Reimbursement Fund under this subsection, \$0.01 per
10 surcharge collected may be distributed to the carriers to cover
11 their administrative costs.

12 For surcharges collected and remitted on and after July 1,
13 2018, \$0.01 per surcharge collected shall be deposited into the
14 Wireless Carrier Reimbursement Fund to reimburse wireless
15 carriers with fewer than 50,000 customers in Illinois,
16 including all customers of carriers under common ownership,
17 \$0.655 per surcharge collected shall be deposited into the
18 Wireless Service Emergency Fund, \$0.03 per surcharge collected
19 shall be deposited into the Wireless Service Emergency Fund and
20 distributed on a pro-rata basis based on number of wireless
21 subscribers to County Emergency Telephone System Boards in
22 counties with a population under 100,000 according to the most
23 recent census data, \$0.02 per surcharge collected shall be
24 deposited in the Poison Response Fund for distribution monthly
25 to a human poison control center as defined in Section 10 of
26 the Poison Control System Act, and \$0.015 per surcharge

1 collected shall be deposited into the Public Utility Fund to
2 defray expenses incurred by the Illinois Commerce Commission
3 related to the oversight and coordination of 9-1-1 systems,
4 oversight of the Poison Response Fund, and other expenses
5 related to public safety.

6 (c) The first such remittance by wireless carriers shall
7 include the number of wireless subscribers by zip code, and the
8 9-digit zip code if currently being used or later implemented
9 by the carrier, that shall be the means by which the Illinois
10 Commerce Commission shall determine distributions from the
11 Wireless Service Emergency Fund. This information shall be
12 updated no less often than every year. Wireless carriers are
13 not required to remit surcharge moneys that are billed to
14 subscribers but not yet collected. Any carrier that fails to
15 provide the zip code information required under this subsection
16 (c) shall be subject to the penalty set forth in subsection (f)
17 of this Section.

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

22 (e) If before midnight on the last day of the third
23 calendar month after the closing date of the remit period a
24 wireless carrier does not remit the surcharge or any portion
25 thereof required under this Section, then the surcharge or
26 portion thereof shall be deemed delinquent until paid in full,

1 and the Illinois Commerce Commission may impose a penalty
2 against the carrier in an amount equal to the greater of:

3 (1) \$25 for each month or portion of a month from the
4 time an amount becomes delinquent until the amount is paid
5 in full; or

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

9 A penalty imposed in accordance with this subsection (e)
10 for a portion of a month during which the carrier provides the
11 number of subscribers by zip code as required under subsection
12 (c) of this Section shall be prorated for each day of that
13 month during which the carrier had not provided the number of
14 subscribers by zip code as required under subsection (c) of
15 this Section. Any penalty imposed under this subsection (e) is
16 in addition to the amount of the delinquency and is in addition
17 to any other penalty imposed under this Section.

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

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

1 (2) an amount equal to the product of 1/2¢ and the
2 number of subscribers served by the wireless carrier. On
3 and after July 1, 2014, an amount equal to the product of
4 \$0.01 and the number of subscribers served by the wireless
5 carrier.

6 A penalty imposed in accordance with this subsection (f)
7 for a portion of a month during which the carrier pays the
8 delinquent amount in full shall be prorated for each day of
9 that month that the delinquent amount was paid in full. A
10 penalty imposed and collected in accordance with this
11 subsection (f) shall be deposited into the Wireless Service
12 Emergency Fund. Any penalty imposed under this subsection (f)
13 is in addition to any other penalty imposed under this Section.

14 (g) The Illinois Commerce Commission may enforce the
15 collection of any delinquent amount and any penalty due and
16 unpaid under this Section by legal action or in any other
17 manner by which the collection of debts due the State of
18 Illinois may be enforced under the laws of this State. The
19 Executive Director of the Illinois Commerce Commission, or his
20 or her designee, may excuse the payment of any penalty imposed
21 under this Section if the Executive Director, or his or her
22 designee, determines that the enforcement of this penalty is
23 unjust.

24 (h) Notwithstanding any provision of law to the contrary,
25 nothing shall impair the right of wireless carriers to recover
26 compliance costs for all emergency communications services

1 that are not reimbursed out of the Wireless Carrier
2 Reimbursement Fund directly from their wireless subscribers
3 via line-item charges on the wireless subscriber's bill. Those
4 compliance costs include all costs incurred by wireless
5 carriers in complying with local, State, and federal regulatory
6 or legislative mandates that require the transmission and
7 receipt of emergency communications to and from the general
8 public, including, but not limited to, E-911.

9 (i) The Auditor General shall conduct and present to the
10 General Assembly, on an annual basis, an audit of the Wireless
11 Service Emergency Fund, the Poison Response 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, the Poison Response Fund, and the
18 Wireless Carrier 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 (5) The status of human poison response services in
2 Illinois.

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

10 (j) The Illinois Commerce Commission shall create uniform
11 accounting procedures that any entity that receives funds from
12 the Wireless Service Emergency Fund must follow as a condition
13 of receiving funds from the Wireless Service Emergency Fund.
14 The Illinois Commerce Commission shall require an annual audit
15 of total income and expenditures from any entity that receives
16 funds from the Wireless Service Emergency Fund. An entity that
17 receives funds from the Wireless Service Emergency Fund is
18 responsible for any costs associated with the annual audit. The
19 audit report shall require the inclusion of a copy of detailed
20 financial statements of all revenue received by the entity,
21 including but not limited to, local, State, federal, and
22 private revenues, and any other funds received, and detailed
23 expenditure reports for capital, operating, personnel, travel,
24 technology, and any other expenditures related, directly or
25 indirectly, to the operations of the entity. The Illinois
26 Commerce Commission shall make the annual audit information

1 available to the public and publish the individual audit
2 reports online. Within 12 months of the effective date of this
3 amendatory Act of the 98th General Assembly, the Illinois
4 Commerce Commission shall issue guidelines for the collection
5 and reporting of financial statements for all entities
6 receiving funds from the Wireless Service Emergency Fund and
7 make recommendations to the General Assembly.

8 The Illinois Commerce Commission shall create uniform
9 accounting procedures that any entity that receives funds from
10 the Poison Response Fund must follow as a condition of
11 receiving funds from the Poison Response Fund. The Illinois
12 Commerce Commission shall require an annual audit of total
13 income and expenditures related directly, or indirectly, to the
14 operation of the human poison control center, from any entity
15 that receives funds from the Poison Response Fund. The audit
16 report shall require the inclusion of a copy of detailed
17 financial statements of all revenue received for the operation
18 of the human poison control center by an entity seeking funds
19 from the Poison Response Fund, including, but not limited to,
20 local, State, federal, and private revenues, and any other
21 funds received, and detailed expenditure reports for capital,
22 operating, personnel, travel, technology and any other
23 expenditures related, directly or indirectly, to the
24 operations of the human poison control center. The Illinois
25 Commerce Commission shall make the annual audit information
26 available to the public and publish the individual audit

1 reports online. Within 12 months of the effective date of this
2 amendatory Act of the 98th General Assembly, the Illinois
3 Commerce Commission shall issue guidelines for the collection
4 and reporting of financial statements for any entity receiving
5 funds from the Poison Response Fund and make recommendations to
6 the General Assembly.

7 Monthly proportional grants of funds to an authorized
8 entity under Section 25 of this Act will be made only in
9 accordance with this Section and Section 25 of this Act.

10 (1) Failure by an emergency telephone system board or
11 qualified governmental entity to file the 9-1-1 system
12 financial report as required under this Section will result in
13 the suspension of payment and withholding by the Commission of
14 monthly proportional grants otherwise due the emergency
15 telephone system board or qualified governmental entity under
16 Section 25 of this Act until the report is filed by the
17 emergency telephone system board or qualified governmental
18 entity.

19 (2) Any monthly proportional grants that have been withheld
20 for 12 months or more shall be forfeited by the emergency
21 telephone system board or qualified governmental entity and may
22 be distributed proportionally to compliant emergency telephone
23 system boards and qualified governmental entities.

24 (3) The Commission, acting through its Executive Director
25 or his or her designee, may in his discretion waive any
26 requirement of this Section for good cause shown.

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

2 (50 ILCS 751/20)

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

4 Sec. 20. Wireless Service Emergency Fund; uses. The
5 Wireless Service Emergency Fund is created as a special fund in
6 the State treasury. Subject to appropriation, moneys in the
7 Wireless Service Emergency Fund may only be used for grants for
8 emergency telephone system boards, qualified government
9 entities, or the Department of State Police. These grants may
10 be used only for the design, implementation, operation,
11 maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency
12 services and public safety answering points, and for no other
13 purposes.

14 The moneys received by the Department of State Police from
15 the Wireless Service Emergency Fund, in any year, may be used
16 for any costs relating to the leasing, modification, or
17 maintenance of any building or facility used to house personnel
18 or equipment associated with the operation of wireless 9-1-1 or
19 wireless E9-1-1 emergency services, to ensure service in those
20 areas where service is not otherwise provided.

21 Moneys received by a emergency telephone system board or
22 qualified governmental entity under this Act shall pay for the
23 costs directly attributable to 9-1-1 call delivery, 9-1-1 call
24 taking, and 9-1-1 call dispatch. Such moneys may not be used to
25 pay for any of the following purposes:

1 (1) Personnel costs of law enforcement, fire,
2 emergency medical services and emergency responders,
3 emergency management staff, or shared support or technical
4 staff, except for portions of time of 9-1-1 staff directly
5 attributable to 9-1-1 call delivery, 9-1-1 call taking, or
6 9-1-1 call dispatch.

7 (2) Facility and capital costs of law enforcement,
8 fire, emergency medical services, emergency management, or
9 other municipal facilities, except for that portion of such
10 facilities housing a 9-1-1 call center.

11 (3) Training for staff not directly involved in 9-1-1
12 call delivery, 9-1-1 call taking, or 9-1-1 call dispatch,
13 or for any staff training on courses not directly
14 attributable to 9-1-1 call delivery, 9-1-1 call taking, or
15 9-1-1 call dispatch.

16 (4) Memberships for staff not involved directly in
17 9-1-1-call delivery, 9-1-1 call taking, or 9-1-1 call
18 dispatch, or for associations with a primary purpose other
19 than public safety communications.

20 (5) Hardware, software, connectivity, and
21 non-emergency N-1-1 systems or outbound notifications
22 systems not attributable to 9-1-1 call delivery, 9-1-1 call
23 taking, or 9-1-1 call dispatch. For purposes of this
24 paragraph (5), "N-1-1 systems" means a telephone number
25 ending in "1-1", other than 9-1-1, used to designate a
26 non-emergency information or access telephone system.

1 (6) Vehicle costs, including, but not limited to, costs
2 for fleet vehicles, pool cars, mileage reimbursement, and
3 for vehicle costs for law enforcement, fire or emergency
4 medical service responders, such as patrol cars, fire
5 apparatus, and ambulances.

6 (7) Professional services not directly attributable to
7 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call
8 dispatch.

9 (8) Public information and education expenses not
10 directly attributable to 9-1-1 call delivery, 9-1-1 call
11 taking, or 9-1-1 call dispatch.

12 (9) Any other costs the Illinois Commerce Commission
13 deems by rule unallowable.

14 Moneys from the Wireless Service Emergency Fund may not be
15 used to pay for or recover any costs associated with public
16 safety agency equipment or personnel dispatched in response to
17 wireless 9-1-1 or wireless E9-1-1 emergency calls.

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

19 (50 ILCS 751/35)

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

21 Sec. 35. Wireless Carrier Reimbursement Fund;
22 reimbursement.

23 (a) To recover costs from the Wireless Carrier
24 Reimbursement Fund, the wireless carrier shall submit sworn
25 invoices to the Illinois Commerce Commission. In no event may

1 any invoice for payment be approved for (i) costs that are not
2 related to compliance with the requirements established by the
3 wireless enhanced 9-1-1 mandates of the Federal Communications
4 Commission, or (ii) costs with respect to any wireless enhanced
5 9-1-1 service that is not operable at the time the invoice is
6 submitted, ~~or (iii) costs in excess of the sum of (A) the~~
7 ~~carrier's balance, as determined under subsection (c) of this~~
8 ~~Section, plus (B) 100% of the surcharge remitted to the~~
9 ~~Wireless Carrier Reimbursement Fund by the wireless carrier~~
10 ~~under Section 17(b) since the last annual review of the balance~~
11 ~~in the Wireless Carrier Reimbursement Fund under subsection (c)~~
12 ~~of this Section, less reimbursements paid to the carrier out of~~
13 ~~the Wireless Carrier Reimbursement Fund since the last annual~~
14 ~~review of the balance under subsection (c) of this Section,~~
15 ~~unless the wireless carrier received prior approval for the~~
16 ~~expenditures from the Illinois Commerce Commission.~~

17 (a-1) Invoices submitted by wireless carriers before
18 January 1, 2014 in accordance with subsection (a) of this
19 Section that have not been previously approved for payment and
20 paid in full by the Illinois Commerce Commission per the
21 Commission's approval, shall be paid quarterly commencing on
22 the fifteenth day of the calendar month which is 90 days after
23 the effective date of this amendatory Act of the 98th General
24 Assembly, using funds then in the Wireless Carrier
25 Reimbursement Fund, to the extent available. If, in any
26 quarter, the total amount of invoices submitted to the Illinois

1 Commerce Commission in accordance with this subsection and
2 approved for payment exceeds the amount available in the
3 Wireless Carrier Reimbursement Fund, wireless carriers that
4 have any such invoices approved for payment shall receive a
5 pro-rata share of the amount available in the Wireless Carrier
6 Reimbursement Fund based on the relative amount of their
7 approved invoices available that quarter, and the balance of
8 the payments shall be carried forward into the following
9 quarters until all of the approved payments are made. Within 90
10 days from the effective date of this amendatory Act of the 98th
11 General Assembly, the Illinois Commerce Commission shall
12 submit a voucher or vouchers to the Illinois State Comptroller
13 in accordance with the requirements of this subsection.

14 (a-2) In addition to the requirements in subsection (a) of
15 this Section, in no event may any invoice for payment submitted
16 on and after January 1, 2014 be approved for costs in excess of
17 the sum of: (1) the carrier's balance, as determined under
18 subsection (e) of this Section, plus (2) 100% of the surcharge
19 remitted to the Wireless Carrier Reimbursement Fund by the
20 wireless carrier under Section 17(b) of this Act since the last
21 annual review of the balance in the Wireless Carrier
22 Reimbursement Fund under subsection (e) of this Section, less
23 (3) reimbursements paid to the carrier out of the Wireless
24 Carrier Reimbursement Fund since the last annual review of the
25 balance under subsection (e) of this Section. On and after July
26 1, 2018, wireless carriers with less than 50,000 customers,

1 including all customers of companies under common ownership,
2 are eligible for full reimbursement subject to the limitations
3 of subsection (a-1) of this Section.

4 (b) If in any quarter ~~month~~ the total amount of invoices
5 submitted to the Illinois Commerce Commission in accordance
6 with subsection (a-2) and approved for payment exceeds the
7 amount available in the Wireless Carrier Reimbursement Fund,
8 wireless carriers that have invoices approved for payment shall
9 receive a pro-rata share of the amount available in the
10 Wireless Carrier Reimbursement Fund based on the relative
11 amount of their approved invoices available that quarter ~~month~~,
12 and the balance of the payments shall be carried forward into
13 the following quarters ~~months~~ until all of the approved
14 payments are made.

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

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

25 (e) The Illinois Commerce Commission must annually review
26 the balance in the Wireless Carrier Reimbursement Fund as of

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

6 (1) the amount of paid and payables received by June 30
7 for the 24 months prior to June 30 as determined eligible
8 under subsection (a) and, as applicable, subsection (a-2)
9 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,

1 eff. 8-21-08.)

2 (50 ILCS 751/70)

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

4 Sec. 70. Repealer. This Act is repealed on July 1, 2018
5 2014.

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

7 (50 ILCS 751/90 new)

8 Sec. 90. Poison Response Fund. The Poison Response Fund is
9 created as a special fund in the State treasury. Subject to
10 appropriation, moneys in the Poison Response Fund may only be
11 used as described in subsection (b) of Section 17 of this Act.

12 (50 ILCS 751/95 new)

13 Sec. 95. Fund sweeps. Notwithstanding any provision of law
14 to the contrary, the Wireless Carrier Reimbursement Fund is not
15 subject to sweeps, administrative charge-backs, or any other
16 fiscal or budgetary maneuver that would in any way transfer any
17 amount from that Fund into any other fund of the State with the
18 exception of the Wireless Services Emergency Fund. The Illinois
19 Commerce Commission shall remain obligated to comply with the
20 requirements of subsection (b) of Section 35 of the Wireless
21 Emergency Telephone Safety Act, and transfers to the Wireless
22 Services Emergency Fund pursuant thereto shall not be deemed to
23 be sweeps, administrative charge-backs, or other fiscal or

1 budgetary maneuvers as otherwise prohibited by this Section.

2 Section 15. The Public Utilities Act is amended by changing
3 Sections 13-900, 13-900.1, 13-900.3, and 13-1200 as follows:

4 (220 ILCS 5/13-900)

5 (Section scheduled to be repealed on July 1, 2015)

6 Sec. 13-900. Authority to serve as 9-1-1 system provider;
7 rules.

8 (a) The General Assembly finds that it is necessary to
9 require the certification of 9-1-1 system providers to ensure
10 the safety of the lives and property of Illinoisans and
11 Illinois businesses, and to otherwise protect and promote the
12 public safety, health, and welfare of the citizens of this
13 State and their property.

14 (b) For purposes of this Section:

15 "9-1-1 system" has the same meaning as that term is
16 defined in Section 2.19 of the Emergency Telephone System
17 Act.

18 "9-1-1 system provider" means any person, corporation,
19 limited liability company, partnership, sole
20 proprietorship, or entity of any description whatever that
21 acts as a system provider within the meaning of Section
22 2.18 of the Emergency Telephone System Act.

23 "Emergency Telephone System Board" has the same
24 meaning as that term is defined in Sections 2.11 and 15.4

1 of the Emergency Telephone System Act.

2 "Public safety agency personnel" means personnel
3 employed by a public safety agency, as that term is defined
4 in Section 2.02 of the Emergency Telephone System Act,
5 whose responsibilities include responding to requests for
6 emergency services.

7 (c) Except as otherwise provided in this Section, beginning
8 July 1, 2010, it is unlawful for any 9-1-1 system provider to
9 offer or provide or seek to offer or provide to any emergency
10 telephone system board or 9-1-1 system, or agent,
11 representative, or designee thereof, any network and database
12 service used or intended to be used by any emergency telephone
13 system board or 9-1-1 system for the purpose of answering,
14 transferring, or relaying requests for emergency services, or
15 dispatching public safety agency personnel in response to
16 requests for emergency services, unless the 9-1-1 system
17 provider has applied for and received a Certificate of 9-1-1
18 System Provider Authority from the Commission. The Commission
19 shall approve an application for a Certificate of 9-1-1 System
20 Provider Authority upon a showing by the applicant, and a
21 finding by the Commission, after notice and hearing, that the
22 applicant possesses sufficient technical, financial, and
23 managerial resources and abilities to provide network service
24 and database services that it seeks authority to provide in its
25 application for service authority, in a safe, continuous, and
26 uninterrupted manner.

1 (d) No incumbent local exchange carrier that provides, as
2 of the effective date of this amendatory Act of the 96th
3 General Assembly, any 9-1-1 network and 9-1-1 database service
4 used or intended to be used by any Emergency Telephone System
5 Board or 9-1-1 system, shall be required to obtain a
6 Certificate of 9-1-1 System Provider Authority under this
7 Section. No entity that possesses, as of the effective date of
8 this amendatory Act of the 96th General Assembly, a Certificate
9 of Service Authority and provides 9-1-1 network and 9-1-1
10 database services to any incumbent local exchange carrier as of
11 the effective date of this amendatory Act of the 96th General
12 Assembly shall be required to obtain a Certificate of 9-1-1
13 System Provider Authority under this Section.

14 (e) Any and all enforcement authority granted to the
15 Commission under this Section shall apply exclusively to 9-1-1
16 system providers granted a Certificate of Service Authority
17 under this Section and shall not apply to incumbent local
18 exchange carriers that are providing 9-1-1 service as of the
19 effective date of this amendatory Act of the 96th General
20 Assembly.

21 (f) This Section is repealed on July 1, 2016.

22 (Source: P.A. 96-25, eff. 6-30-09.)

23 (220 ILCS 5/13-900.1)

24 (Section scheduled to be repealed on July 1, 2015)

25 Sec. 13-900.1. Authority over 9-1-1 rates and terms of

1 service. Notwithstanding any other provision of this Article,
2 the Commission retains its full authority over the rates and
3 service quality as they apply to 9-1-1 system providers,
4 including the Commission's existing authority over
5 interconnection with 9-1-1 system providers and 9-1-1 systems.
6 The rates, terms, and conditions for 9-1-1 service shall be
7 tariffed and shall be provided in the manner prescribed by this
8 Act and shall be subject to the applicable laws, including
9 rules or regulations adopted and orders issued by the
10 Commission or the Federal Communications Commission. The
11 Commission retains this full authority regardless of the
12 technologies utilized or deployed by 9-1-1 system providers.

13 This Section is repealed on July 1, 2016.

14 (Source: P.A. 96-927, eff. 6-15-10; 97-333, eff. 8-12-11.)

15 (220 ILCS 5/13-900.3)

16 (Section scheduled to be repealed on July 1, 2015)

17 Sec. 13-900.3. Regulatory flexibility for 9-1-1 system
18 providers.

19 (a) For purposes of this Section, "Regional Pilot Project"
20 to implement next generation 9-1-1 has the same meaning as that
21 term is defined in Section 2.22 of the Emergency Telephone
22 System Act.

23 (b) For the limited purpose of a Regional Pilot Project to
24 implement next generation 9-1-1, as defined in Section 13-900
25 of this Article, the Commission may forbear from applying any

1 rule or provision of Section 13-900 as it applies to
2 implementation of the Regional Pilot Project to implement next
3 generation 9-1-1 if the Commission determines, after notice and
4 hearing, that: (1) enforcement of the rule is not necessary to
5 ensure the development and improvement of emergency
6 communication procedures and facilities in such a manner as to
7 be able to quickly respond to any person requesting 9-1-1
8 services from police, fire, medical, rescue, and other
9 emergency services; (2) enforcement of the rule or provision is
10 not necessary for the protection of consumers; and (3)
11 forbearance from applying such provisions or rules is
12 consistent with the public interest. The Commission may
13 exercise such forbearance with respect to one, and only one,
14 Regional Pilot Project as authorized by Sections 10 and 11 of
15 the Emergency Telephone Systems Act to implement next
16 generation 9-1-1.

17 (c) This Section is repealed on July 1, 2016.

18 (Source: P.A. 96-1443, eff. 8-20-10; 97-333, eff. 8-12-11.)

19 (220 ILCS 5/13-1200)

20 (Section scheduled to be repealed on July 1, 2015)

21 Sec. 13-1200. Repealer. This Article, except for Sections
22 13-900, 13-900.1, and 13-900.3, is repealed July 1, 2015.

23 (Source: P.A. 98-45, eff. 6-28-13.)

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".