



Rep. John E. Bradley

Filed: 11/6/2015

09900SB0026ham002

LRB099 02701 AWJ 39584 a

1 AMENDMENT TO SENATE BILL 26

2 AMENDMENT NO. _____. Amend Senate Bill 26, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Administrative Procedure Act is
6 amended by changing Section 5-45 as follows:

7 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

8 Sec. 5-45. Emergency rulemaking.

9 (a) "Emergency" means the existence of any situation that
10 any agency finds reasonably constitutes a threat to the public
11 interest, safety, or welfare.

12 (b) If any agency finds that an emergency exists that
13 requires adoption of a rule upon fewer days than is required by
14 Section 5-40 and states in writing its reasons for that
15 finding, the agency may adopt an emergency rule without prior
16 notice or hearing upon filing a notice of emergency rulemaking

1 with the Secretary of State under Section 5-70. The notice
2 shall include the text of the emergency rule and shall be
3 published in the Illinois Register. Consent orders or other
4 court orders adopting settlements negotiated by an agency may
5 be adopted under this Section. Subject to applicable
6 constitutional or statutory provisions, an emergency rule
7 becomes effective immediately upon filing under Section 5-65 or
8 at a stated date less than 10 days thereafter. The agency's
9 finding and a statement of the specific reasons for the finding
10 shall be filed with the rule. The agency shall take reasonable
11 and appropriate measures to make emergency rules known to the
12 persons who may be affected by them.

13 (c) An emergency rule may be effective for a period of not
14 longer than 150 days, but the agency's authority to adopt an
15 identical rule under Section 5-40 is not precluded. No
16 emergency rule may be adopted more than once in any 24 month
17 period, except that this limitation on the number of emergency
18 rules that may be adopted in a 24 month period does not apply
19 to (i) emergency rules that make additions to and deletions
20 from the Drug Manual under Section 5-5.16 of the Illinois
21 Public Aid Code or the generic drug formulary under Section
22 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
23 emergency rules adopted by the Pollution Control Board before
24 July 1, 1997 to implement portions of the Livestock Management
25 Facilities Act, (iii) emergency rules adopted by the Illinois
26 Department of Public Health under subsections (a) through (i)

1 of Section 2 of the Department of Public Health Act when
2 necessary to protect the public's health, (iv) emergency rules
3 adopted pursuant to subsection (n) of this Section, (v)
4 emergency rules adopted pursuant to subsection (o) of this
5 Section, or (vi) emergency rules adopted pursuant to subsection
6 (c-5) of this Section. Two or more emergency rules having
7 substantially the same purpose and effect shall be deemed to be
8 a single rule for purposes of this Section.

9 (c-5) To facilitate the maintenance of the program of group
10 health benefits provided to annuitants, survivors, and retired
11 employees under the State Employees Group Insurance Act of
12 1971, rules to alter the contributions to be paid by the State,
13 annuitants, survivors, retired employees, or any combination
14 of those entities, for that program of group health benefits,
15 shall be adopted as emergency rules. The adoption of those
16 rules shall be considered an emergency and necessary for the
17 public interest, safety, and welfare.

18 (d) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 1999 budget,
20 emergency rules to implement any provision of Public Act 90-587
21 or 90-588 or any other budget initiative for fiscal year 1999
22 may be adopted in accordance with this Section by the agency
23 charged with administering that provision or initiative,
24 except that the 24-month limitation on the adoption of
25 emergency rules and the provisions of Sections 5-115 and 5-125
26 do not apply to rules adopted under this subsection (d). The

1 adoption of emergency rules authorized by this subsection (d)
2 shall be deemed to be necessary for the public interest,
3 safety, and welfare.

4 (e) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2000 budget,
6 emergency rules to implement any provision of Public Act 91-24
7 ~~this amendatory Act of the 91st General Assembly~~ or any other
8 budget initiative for fiscal year 2000 may be adopted in
9 accordance with this Section by the agency charged with
10 administering that provision or initiative, except that the
11 24-month limitation on the adoption of emergency rules and the
12 provisions of Sections 5-115 and 5-125 do not apply to rules
13 adopted under this subsection (e). The adoption of emergency
14 rules authorized by this subsection (e) shall be deemed to be
15 necessary for the public interest, safety, and welfare.

16 (f) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2001 budget,
18 emergency rules to implement any provision of Public Act 91-712
19 ~~this amendatory Act of the 91st General Assembly~~ or any other
20 budget initiative for fiscal year 2001 may be adopted in
21 accordance with this Section by the agency charged with
22 administering that provision or initiative, except that the
23 24-month limitation on the adoption of emergency rules and the
24 provisions of Sections 5-115 and 5-125 do not apply to rules
25 adopted under this subsection (f). The adoption of emergency
26 rules authorized by this subsection (f) shall be deemed to be

1 necessary for the public interest, safety, and welfare.

2 (g) In order to provide for the expeditious and timely
3 implementation of the State's fiscal year 2002 budget,
4 emergency rules to implement any provision of Public Act 92-10
5 ~~this amendatory Act of the 92nd General Assembly~~ or any other
6 budget initiative for fiscal year 2002 may be adopted in
7 accordance with this Section by the agency charged with
8 administering that provision or initiative, except that the
9 24-month limitation on the adoption of emergency rules and the
10 provisions of Sections 5-115 and 5-125 do not apply to rules
11 adopted under this subsection (g). The adoption of emergency
12 rules authorized by this subsection (g) shall be deemed to be
13 necessary for the public interest, safety, and welfare.

14 (h) In order to provide for the expeditious and timely
15 implementation of the State's fiscal year 2003 budget,
16 emergency rules to implement any provision of Public Act 92-597
17 ~~this amendatory Act of the 92nd General Assembly~~ or any other
18 budget initiative for fiscal year 2003 may be adopted in
19 accordance with this Section by the agency charged with
20 administering that provision or initiative, except that the
21 24-month limitation on the adoption of emergency rules and the
22 provisions of Sections 5-115 and 5-125 do not apply to rules
23 adopted under this subsection (h). The adoption of emergency
24 rules authorized by this subsection (h) shall be deemed to be
25 necessary for the public interest, safety, and welfare.

26 (i) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2004 budget,
2 emergency rules to implement any provision of Public Act 93-20
3 ~~this amendatory Act of the 93rd General Assembly~~ or any other
4 budget initiative for fiscal year 2004 may be adopted in
5 accordance with this Section by the agency charged with
6 administering that provision or initiative, except that the
7 24-month limitation on the adoption of emergency rules and the
8 provisions of Sections 5-115 and 5-125 do not apply to rules
9 adopted under this subsection (i). The adoption of emergency
10 rules authorized by this subsection (i) shall be deemed to be
11 necessary for the public interest, safety, and welfare.

12 (j) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2005 budget as provided under the Fiscal Year 2005 Budget
15 Implementation (Human Services) Act, emergency rules to
16 implement any provision of the Fiscal Year 2005 Budget
17 Implementation (Human Services) Act may be adopted in
18 accordance with this Section by the agency charged with
19 administering that provision, except that the 24-month
20 limitation on the adoption of emergency rules and the
21 provisions of Sections 5-115 and 5-125 do not apply to rules
22 adopted under this subsection (j). The Department of Public Aid
23 may also adopt rules under this subsection (j) necessary to
24 administer the Illinois Public Aid Code and the Children's
25 Health Insurance Program Act. The adoption of emergency rules
26 authorized by this subsection (j) shall be deemed to be

1 necessary for the public interest, safety, and welfare.

2 (k) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2006 budget, emergency rules to implement any provision of
5 Public Act 94-48 ~~this amendatory Act of the 94th General~~
6 ~~Assembly~~ or any other budget initiative for fiscal year 2006
7 may be adopted in accordance with this Section by the agency
8 charged with administering that provision or initiative,
9 except that the 24-month limitation on the adoption of
10 emergency rules and the provisions of Sections 5-115 and 5-125
11 do not apply to rules adopted under this subsection (k). The
12 Department of Healthcare and Family Services may also adopt
13 rules under this subsection (k) necessary to administer the
14 Illinois Public Aid Code, the Senior Citizens and Persons with
15 Disabilities Property Tax Relief Act, the Senior Citizens and
16 Disabled Persons Prescription Drug Discount Program Act (now
17 the Illinois Prescription Drug Discount Program Act), and the
18 Children's Health Insurance Program Act. The adoption of
19 emergency rules authorized by this subsection (k) shall be
20 deemed to be necessary for the public interest, safety, and
21 welfare.

22 (l) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2007 budget, the Department of Healthcare and Family Services
25 may adopt emergency rules during fiscal year 2007, including
26 rules effective July 1, 2007, in accordance with this

1 subsection to the extent necessary to administer the
2 Department's responsibilities with respect to amendments to
3 the State plans and Illinois waivers approved by the federal
4 Centers for Medicare and Medicaid Services necessitated by the
5 requirements of Title XIX and Title XXI of the federal Social
6 Security Act. The adoption of emergency rules authorized by
7 this subsection (l) shall be deemed to be necessary for the
8 public interest, safety, and welfare.

9 (m) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2008 budget, the Department of Healthcare and Family Services
12 may adopt emergency rules during fiscal year 2008, including
13 rules effective July 1, 2008, in accordance with this
14 subsection to the extent necessary to administer the
15 Department's responsibilities with respect to amendments to
16 the State plans and Illinois waivers approved by the federal
17 Centers for Medicare and Medicaid Services necessitated by the
18 requirements of Title XIX and Title XXI of the federal Social
19 Security Act. The adoption of emergency rules authorized by
20 this subsection (m) shall be deemed to be necessary for the
21 public interest, safety, and welfare.

22 (n) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2010 budget, emergency rules to implement any provision of
25 Public Act 96-45 ~~this amendatory Act of the 96th General~~
26 ~~Assembly~~ or any other budget initiative authorized by the 96th

1 General Assembly for fiscal year 2010 may be adopted in
2 accordance with this Section by the agency charged with
3 administering that provision or initiative. The adoption of
4 emergency rules authorized by this subsection (n) shall be
5 deemed to be necessary for the public interest, safety, and
6 welfare. The rulemaking authority granted in this subsection
7 (n) shall apply only to rules promulgated during Fiscal Year
8 2010.

9 (o) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2011 budget, emergency rules to implement any provision of
12 Public Act 96-958 ~~this amendatory Act of the 96th General~~
13 ~~Assembly~~ or any other budget initiative authorized by the 96th
14 General Assembly for fiscal year 2011 may be adopted in
15 accordance with this Section by the agency charged with
16 administering that provision or initiative. The adoption of
17 emergency rules authorized by this subsection (o) is deemed to
18 be necessary for the public interest, safety, and welfare. The
19 rulemaking authority granted in this subsection (o) applies
20 only to rules promulgated on or after the effective date of
21 Public Act 96-958 ~~this amendatory Act of the 96th General~~
22 ~~Assembly~~ through June 30, 2011.

23 (p) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 97-689,
25 emergency rules to implement any provision of Public Act 97-689
26 may be adopted in accordance with this subsection (p) by the

1 agency charged with administering that provision or
2 initiative. The 150-day limitation of the effective period of
3 emergency rules does not apply to rules adopted under this
4 subsection (p), and the effective period may continue through
5 June 30, 2013. The 24-month limitation on the adoption of
6 emergency rules does not apply to rules adopted under this
7 subsection (p). The adoption of emergency rules authorized by
8 this subsection (p) is deemed to be necessary for the public
9 interest, safety, and welfare.

10 (q) In order to provide for the expeditious and timely
11 implementation of the provisions of Articles 7, 8, 9, 11, and
12 12 of Public Act 98-104 ~~this amendatory Act of the 98th General~~
13 ~~Assembly~~, emergency rules to implement any provision of
14 Articles 7, 8, 9, 11, and 12 of Public Act 98-104 ~~this~~
15 ~~amendatory Act of the 98th General Assembly~~ may be adopted in
16 accordance with this subsection (q) by the agency charged with
17 administering that provision or initiative. The 24-month
18 limitation on the adoption of emergency rules does not apply to
19 rules adopted under this subsection (q). The adoption of
20 emergency rules authorized by this subsection (q) is deemed to
21 be necessary for the public interest, safety, and welfare.

22 (r) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 98-651 ~~this~~
24 ~~amendatory Act of the 98th General Assembly~~, emergency rules to
25 implement Public Act 98-651 ~~this amendatory Act of the 98th~~
26 ~~General Assembly~~ may be adopted in accordance with this

1 subsection (r) by the Department of Healthcare and Family
2 Services. The 24-month limitation on the adoption of emergency
3 rules does not apply to rules adopted under this subsection
4 (r). The adoption of emergency rules authorized by this
5 subsection (r) is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (s) In order to provide for the expeditious and timely
8 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
9 the Illinois Public Aid Code, emergency rules to implement any
10 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
11 Public Aid Code may be adopted in accordance with this
12 subsection (s) by the Department of Healthcare and Family
13 Services. The rulemaking authority granted in this subsection
14 (s) shall apply only to those rules adopted prior to July 1,
15 2015. Notwithstanding any other provision of this Section, any
16 emergency rule adopted under this subsection (s) shall only
17 apply to payments made for State fiscal year 2015. The adoption
18 of emergency rules authorized by this subsection (s) is deemed
19 to be necessary for the public interest, safety, and welfare.

20 (t) In order to provide for the expeditious and timely
21 implementation of the provisions of Article II of Public Act
22 99-6 ~~this amendatory Act of the 99th General Assembly,~~
23 emergency rules to implement the changes made by Article II of
24 Public Act 99-6 ~~this amendatory Act of the 99th General~~
25 ~~Assembly~~ to the Emergency Telephone System Act may be adopted
26 in accordance with this subsection (t) by the Department of

1 State Police. The rulemaking authority granted in this
2 subsection (t) shall apply only to those rules adopted prior to
3 July 1, 2016. ~~The 24-month limitation on the adoption of~~
4 ~~emergency rules does not apply to rules adopted under this~~
5 ~~subsection (t).~~ The adoption of emergency rules authorized by
6 this subsection (t) is deemed to be necessary for the public
7 interest, safety, and welfare.

8 (u) ~~(t)~~ In order to provide for the expeditious and timely
9 implementation of the provisions of the Burn Victims Relief
10 Act, emergency rules to implement any provision of the Act may
11 be adopted in accordance with this subsection (u) ~~(t)~~ by the
12 Department of Insurance. The rulemaking authority granted in
13 this subsection (u) ~~(t)~~ shall apply only to those rules adopted
14 prior to December 31, 2015. The adoption of emergency rules
15 authorized by this subsection (u) ~~(t)~~ is deemed to be necessary
16 for the public interest, safety, and welfare.

17 (v) In order to provide for the expeditious and timely
18 implementation of the provisions of the Emergency Telephone
19 System Act, emergency rules to implement the changes made to
20 Section 10 of the Emergency Telephone System Act by this
21 amendatory Act of the 99th General Assembly may be jointly
22 adopted in accordance with this subsection (v) by the
23 Department of State Police and the Illinois Commerce
24 Commission. The rulemaking authority granted in this
25 subsection (v) shall apply only to those rules adopted prior to
26 July 1, 2016. The adoption of emergency rules authorized by

1 this subsection (v) is deemed to be necessary for the public
2 interest, safety, and welfare.

3 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
4 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
5 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; revised 10-15-15.)

6 Section 10. The Department of State Police Law of the Civil
7 Administrative Code of Illinois is amended by changing Sections
8 2605-52 and 2605-475 as follows:

9 (20 ILCS 2605/2605-52)

10 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

11 (a) There shall be established an Office of the Statewide
12 9-1-1 Administrator within the Department. Beginning January
13 1, 2016, the Office of the Statewide 9-1-1 Administrator shall
14 be responsible for developing, implementing, and overseeing a
15 uniform statewide 9-1-1 system for all areas of the State
16 outside of municipalities having a population over 500,000.

17 (b) The Governor shall appoint, with the advice and consent
18 of the Senate, a Statewide 9-1-1 Administrator. The
19 Administrator shall serve for a term of 2 years, and until a
20 successor is appointed and qualified; except that the term of
21 the first 9-1-1 Administrator appointed under this Act shall
22 expire on the third Monday in January, 2017. The Administrator
23 shall not hold any other remunerative public office. The
24 Administrator shall receive an annual salary as set by the

1 Governor.

2 (c) The Department, from appropriations made to it for that
3 purpose, shall make grants to 9-1-1 Authorities for the purpose
4 of defraying costs associated with 9-1-1 system consolidations
5 awarded by the Administrator pursuant to Section 15.4b of the
6 Emergency Telephone System Act.

7 (Source: P.A. 99-6, eff. 6-29-15.)

8 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-475. ~~Wireless~~ Emergency Telephone System Safety
10 Act. The Department and Statewide 9-1-1 Administrator shall ~~To~~
11 exercise the powers and perform the duties specifically
12 assigned to the each ~~Department~~ under the ~~Wireless~~ Emergency
13 Telephone System Safety Act ~~with respect to the development and~~
14 ~~improvement of emergency communications procedures and~~
15 ~~facilities in such a manner as to facilitate a quick response~~
16 ~~to any person calling the number "9-1-1" seeking police, fire,~~
17 ~~medical, or other emergency services through a wireless carrier~~
18 ~~as defined in Section 10 of the Wireless Emergency Telephone~~
19 ~~Safety Act.~~ Nothing in the ~~Wireless~~ Emergency Telephone System
20 ~~Safety~~ Act shall require the Illinois State Police to provide
21 wireless enhanced 9-1-1 services.

22 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

23 Section 15. The Emergency Telephone System Act is amended
24 by changing Sections 2, 10, 15.3, 15.4, 15.4a, 19, 20, 30, 40,

1 45, and 55 and by adding Section 65 as follows:

2 (50 ILCS 750/2) (from Ch. 134, par. 32)

3 (Text of Section before amendment by P.A. 99-6)

4 (Section scheduled to be repealed on July 1, 2017)

5 Sec. 2. As used in this Act, the terms defined in Sections
6 following this Section and preceding Section 3 have the
7 meanings ascribed to them in those Sections.

8 (Source: P.A. 88-497.)

9 (Text of Section after amendment by P.A. 99-6)

10 (Section scheduled to be repealed on July 1, 2017)

11 Sec. 2. Definitions. As used in this Act, unless the
12 context otherwise requires:

13 "9-1-1 system" means the geographic area that has been
14 granted an order of authority by the Commission or the
15 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
16 emergency telephone number.

17 "9-1-1 Authority" includes an Emergency Telephone System
18 Board, Joint Emergency Telephone System Board, and a qualified
19 governmental entity. "9-1-1 Authority" includes the Department
20 of State Police only to the extent it provides 9-1-1 services
21 under this Act.

22 "Administrator" means the Statewide 9-1-1 Administrator.

23 "Advanced service" means any telecommunications service
24 with or without dynamic bandwidth allocation, including, but

1 not limited to, ISDN Primary Rate Interface (PRI), that,
2 through the use of a DS-1, T-1, or other ~~similar~~ un-channelized
3 or multi-channel transmission facility, is capable of
4 transporting either the subscriber's inter-premises voice
5 telecommunications services to the public switched network or
6 the subscriber's 9-1-1 calls to the public agency.

7 "ALI" or "automatic location identification" means, in an
8 E9-1-1 system, the automatic display at the public safety
9 answering point of the caller's telephone number, the address
10 or location of the telephone, and supplementary emergency
11 services information.

12 "ANI" or "automatic number identification" means the
13 automatic display of the 9-1-1 calling party's number on the
14 PSAP monitor.

15 "Automatic alarm" and "automatic alerting device" mean any
16 device that will access the 9-1-1 system for emergency services
17 upon activation.

18 "Board" means an Emergency Telephone System Board or a
19 Joint Emergency Telephone System Board created pursuant to
20 Section 15.4.

21 "Carrier" includes a telecommunications carrier and a
22 wireless carrier.

23 "Commission" means the Illinois Commerce Commission.

24 "Computer aided dispatch" or "CAD" means a database
25 maintained by the public safety agency or public safety
26 answering point used in conjunction with 9-1-1 caller data.

1 "Direct dispatch method" means a 9-1-1 service that
2 provides for the direct dispatch by a PSAP telecommunicator of
3 the appropriate unit upon receipt of an emergency call and the
4 decision as to the proper action to be taken.

5 "Department" means the Department of State Police.

6 "DS-1, T-1, or similar un-channelized or multi-channel
7 transmission facility" means a facility that can transmit and
8 receive a bit rate of at least 1.544 megabits per second
9 (Mbps).

10 "Dynamic bandwidth allocation" means the ability of the
11 facility or customer to drop and add channels, or adjust
12 bandwidth, when needed in real time for voice or data purposes.

13 "Enhanced 9-1-1" or "E9-1-1" means an emergency telephone
14 system that includes dedicated network, selective routing,
15 database, ALI, ANI, selective transfer, fixed transfer, and a
16 call back number.

17 "ETSB" means an emergency telephone system board appointed
18 by the corporate authorities of any county or municipality that
19 provides for the management and operation of a 9-1-1 system.

20 "Hearing-impaired individual" means a person with a
21 permanent hearing loss who can regularly and routinely
22 communicate by telephone only through the aid of devices which
23 can send and receive written messages over the telephone
24 network.

25 "Hosted supplemental 9-1-1 service" means a database
26 service that:

1 (1) electronically provides information to 9-1-1 call
2 takers when a call is placed to 9-1-1;

3 (2) allows telephone subscribers to provide
4 information to 9-1-1 to be used in emergency scenarios;

5 (3) collects a variety of formatted data relevant to
6 9-1-1 and first responder needs, which may include, but is
7 not limited to, photographs of the telephone subscribers,
8 physical descriptions, medical information, household
9 data, and emergency contacts;

10 (4) allows for information to be entered by telephone
11 subscribers through a secure website where they can elect
12 to provide as little or as much information as they choose;

13 (5) automatically displays data provided by telephone
14 subscribers to 9-1-1 call takers for all types of
15 telephones when a call is placed to 9-1-1 from a registered
16 and confirmed phone number;

17 (6) supports the delivery of telephone subscriber
18 information through a secure internet connection to all
19 emergency telephone system boards;

20 (7) works across all 9-1-1 call taking equipment and
21 allows for the easy transfer of information into a computer
22 aided dispatch system; and

23 (8) may be used to collect information pursuant to an
24 Illinois Premise Alert Program as defined in the Illinois
25 Premise Alert Program (PAP) Act.

26 "Interconnected voice over Internet protocol provider" or

1 "Interconnected VoIP provider" has the meaning given to that
2 term under Section 13-235 of the Public Utilities Act.

3 "Joint ETSB" means a Joint Emergency Telephone System Board
4 established by intergovernmental agreement of two or more
5 municipalities or counties, or a combination thereof, to
6 provide for the management and operation of a 9-1-1 system.

7 "Local public agency" means any unit of local government or
8 special purpose district located in whole or in part within
9 this State that provides or has authority to provide
10 firefighting, police, ambulance, medical, or other emergency
11 services.

12 "Mechanical dialer" means any device that either manually
13 or remotely triggers a dialing device to access the 9-1-1
14 system.

15 "Master Street Address Guide" means the computerized
16 geographical database that consists of all street and address
17 data within a 9-1-1 system.

18 "Mobile telephone number" or "MTN" means the telephone
19 number assigned to a wireless telephone at the time of initial
20 activation.

21 "Network connections" means the number of voice grade
22 communications channels directly between a subscriber and a
23 telecommunications carrier's public switched network, without
24 the intervention of any other telecommunications carrier's
25 switched network, which would be required to carry the
26 subscriber's inter-premises traffic and which connection

1 either (1) is capable of providing access through the public
2 switched network to a 9-1-1 Emergency Telephone System, if one
3 exists, or (2) if no system exists at the time a surcharge is
4 imposed under Section 15.3, that would be capable of providing
5 access through the public switched network to the local 9-1-1
6 Emergency Telephone System if one existed. Where multiple voice
7 grade communications channels are connected to a
8 telecommunications carrier's public switched network through a
9 private branch exchange (PBX) service, there shall be
10 determined to be one network connection for each trunk line
11 capable of transporting either the subscriber's inter-premises
12 traffic to the public switched network or the subscriber's
13 9-1-1 calls to the public agency. Where multiple voice grade
14 communications channels are connected to a telecommunications
15 carrier's public switched network through centrex type service
16 or other multiple voice grade communication channels facility,
17 the number of network connections shall be equal to the number
18 of PBX trunk equivalents for the subscriber's service, as
19 determined by reference to any generally applicable exchange
20 access service tariff filed by the subscriber's
21 telecommunications carrier with the Commission.

22 "Network costs" means those recurring costs that directly
23 relate to the operation of the 9-1-1 network as determined by
24 the Statewide 9-1-1 Advisory Board, including, but not limited
25 to, costs for interoffice trunks, selective routing charges,
26 transfer lines and toll charges for 9-1-1 services, Automatic

1 Location Information (ALI) database charges, call box trunk
2 circuit (including central office only and not including
3 extensions to fire stations), independent local exchange
4 carrier charges and non-system provider charges, carrier
5 charges for third party database for on-site customer premises
6 equipment, back-up PSAP trunks for non-system providers,
7 periodic database updates as provided by carrier (also known as
8 "ALI data dump"), regional ALI storage charges, circuits for
9 call delivery (fiber or circuit connection), NG9-1-1 costs, and
10 all associated fees, taxes, and surcharges on each invoice.
11 "Network costs" shall not include radio circuits or toll
12 charges that are other than for 9-1-1 services.

13 "Next generation 9-1-1" or "NG9-1-1" means an Internet
14 Protocol-based (IP-based) system comprised of managed ESInets,
15 functional elements and applications, and databases that
16 replicate traditional E9-1-1 features and functions and
17 provide additional capabilities. "NG9-1-1" systems are
18 designed to provide access to emergency services from all
19 connected communications sources, and provide multimedia data
20 capabilities for PSAPs and other emergency services
21 organizations.

22 "NG9-1-1 costs" means those recurring costs that directly
23 relate to the Next Generation 9-1-1 service as determined by
24 the Statewide 9-1-1 Advisory Board, including, but not limited
25 to, costs for Emergency System Routing Proxy (ESRP), Emergency
26 Call Routing Function/Location Validation Function (ECRF/LVF),

1 Spatial Information Function (SIF), the Border Control
2 Function (BCF), and the Emergency Services Internet Protocol
3 networks (ESInets), legacy network gateways, and all
4 associated fees, taxes, and surcharges on each invoice.

5 "Private branch exchange" or "PBX" means a private
6 telephone system and associated equipment located on the user's
7 property that provides communications between internal
8 stations and external networks.

9 "Private business switch service" means a
10 telecommunications service including centrex type service and
11 PBX service, even though key telephone systems or equivalent
12 telephone systems registered with the Federal Communications
13 Commission under 47 C.F.R. Part 68 are directly connected to
14 centrex type and PBX systems providing 9-1-1 services equipped
15 for switched local network connections or 9-1-1 system access
16 to business end users through a private telephone switch.

17 "Private business switch service" does not include key
18 telephone systems or equivalent telephone systems registered
19 with the Federal Communications Commission under 47 C.F.R. Part
20 68 when not used in conjunction with centrex type and PBX
21 systems. "Private business switch service" typically includes,
22 but is not limited to, private businesses, corporations, and
23 industries where the telecommunications service is primarily
24 for conducting business.

25 "Private residential switch service" means a
26 telecommunications service including centrex type service and

1 PBX service, even though key telephone systems or equivalent
2 telephone systems registered with the Federal Communications
3 Commission under 47 C.F.R. Part 68 are directly connected to
4 centrex type and PBX systems providing 9-1-1 services equipped
5 for switched local network connections or 9-1-1 system access
6 to residential end users through a private telephone switch.
7 "Private residential switch service" does not include key
8 telephone systems or equivalent telephone systems registered
9 with the Federal Communications Commission under 47 C.F.R. Part
10 68 when not used in conjunction with centrex type and PBX
11 systems. "Private residential switch service" typically
12 includes, but is not limited to, apartment complexes,
13 condominiums, and campus or university environments where
14 shared tenant service is provided and where the usage of the
15 telecommunications service is primarily residential.

16 "Public agency" means the State, and any unit of local
17 government or special purpose district located in whole or in
18 part within this State, that provides or has authority to
19 provide firefighting, police, ambulance, medical, or other
20 emergency services.

21 "Public safety agency" means a functional division of a
22 public agency that provides firefighting, police, medical, or
23 other emergency services. For the purpose of providing wireless
24 service to users of 9-1-1 emergency services, as expressly
25 provided for in this Act, the Department of State Police may be
26 considered a public safety agency.

1 "Public safety answering point" or "PSAP" means the initial
2 answering location of an emergency call.

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

6 "Referral method" means a 9-1-1 service in which the PSAP
7 telecommunicator provides the calling party with the telephone
8 number of the appropriate public safety agency or other
9 provider of emergency services.

10 "Regular service" means any telecommunications service,
11 other than advanced service, that is capable of transporting
12 either the subscriber's inter-premises voice
13 telecommunications services to the public switched network or
14 the subscriber's 9-1-1 calls to the public agency.

15 "Relay method" means a 9-1-1 service in which the PSAP
16 telecommunicator takes the pertinent information from a caller
17 and relays that information to the appropriate public safety
18 agency or other provider of emergency services.

19 "Remit period" means the billing period, one month in
20 duration, for which a wireless carrier remits a surcharge and
21 provides subscriber information by zip code to the Department,
22 in accordance with Section 20 of this Act.

23 "Statewide wireless emergency 9-1-1 system" means all
24 areas of the State where an emergency telephone system board
25 or, in the absence of an emergency telephone system board, a
26 qualified governmental entity, has not declared its intention

1 for one or more of its public safety answering points to serve
2 as a primary wireless 9-1-1 public safety answering point for
3 its jurisdiction. The operator of the statewide wireless
4 emergency 9-1-1 system shall be the Department of State Police.

5 "System" means the communications equipment and related
6 software applications required to produce a response by the
7 appropriate emergency public safety agency or other provider of
8 emergency services as a result of an emergency call being
9 placed to 9-1-1.

10 "System provider" means the contracted entity providing
11 9-1-1 network and database services.

12 "Telecommunications carrier" means those entities included
13 within the definition specified in Section 13-202 of the Public
14 Utilities Act, and includes those carriers acting as resellers
15 of telecommunications services. "Telecommunications carrier"
16 includes telephone systems operating as mutual concerns.
17 "Telecommunications carrier" does not include a wireless
18 carrier.

19 "Telecommunications technology" means equipment that can
20 send and receive written messages over the telephone network.

21 "Transfer method" means a 9-1-1 service in which the PSAP
22 telecommunicator receiving a call transfers that call to the
23 appropriate public safety agency or other provider of emergency
24 services.

25 "Transmitting messages" shall have the meaning given to
26 that term under Section 8-11-2 of the Illinois Municipal Code.

1 "Trunk line" means a transmission path, or group of
2 transmission paths, connecting a subscriber's PBX to a
3 telecommunications carrier's public switched network. In the
4 case of regular service, each voice grade communications
5 channel or equivalent amount of bandwidth capable of
6 transporting either the subscriber's inter-premises voice
7 telecommunications services to the public switched network or
8 the subscriber's 9-1-1 calls to the public agency shall be
9 considered a trunk line, even if it is bundled with other
10 channels or additional bandwidth. In the case of advanced
11 service, each DS-1, T-1, or other ~~similar~~ un-channelized or
12 multi-channel transmission facility that is capable of
13 transporting either the subscriber's inter-premises voice
14 telecommunications services to the public switched network or
15 the subscriber's 9-1-1 calls to the public agency shall be
16 considered a single trunk line, even if it contains multiple
17 voice grade communications channels or otherwise supports 2 or
18 more voice grade calls at a time; provided, however, that each
19 additional increment of up to 24 voice grade channels ~~1.544~~
20 ~~Mbps~~ of transmission capacity that is capable of transporting
21 either the subscriber's inter-premises voice
22 telecommunications services to the public switched network or
23 the subscriber's 9-1-1 calls to the public agency shall be
24 considered an additional trunk line.

25 "Voice-impaired individual" means a person with a
26 permanent speech disability which precludes oral

1 communication, who can regularly and routinely communicate by
2 telephone only through the aid of devices which can send and
3 receive written messages over the telephone network.

4 "Wireless carrier" means a provider of two-way cellular,
5 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
6 Mobile Radio Service (CMRS), Wireless Communications Service
7 (WCS), or other Commercial Mobile Radio Service (CMRS), as
8 defined by the Federal Communications Commission, offering
9 radio communications that may provide fixed, mobile, radio
10 location, or satellite communication services to individuals
11 or businesses within its assigned spectrum block and
12 geographical area or that offers real-time, two-way voice
13 service that is interconnected with the public switched
14 network, including a reseller of such service.

15 "Wireless enhanced 9-1-1" means the ability to relay the
16 telephone number of the originator of a 9-1-1 call and location
17 information from any mobile handset or text telephone device
18 accessing the wireless system to the designated wireless public
19 safety answering point as set forth in the order of the Federal
20 Communications Commission, FCC Docket No. 94-102, adopted June
21 12, 1996, with an effective date of October 1, 1996, and any
22 subsequent amendment thereto.

23 "Wireless public safety answering point" means the
24 functional division of a 9-1-1 authority accepting wireless
25 9-1-1 calls.

26 "Wireless subscriber" means an individual or entity to whom

1 a wireless service account or number has been assigned by a
2 wireless carrier, other than an account or number associated
3 with prepaid wireless telecommunication service.

4 (Source: P.A. 99-6, eff. 1-1-16.)

5 (50 ILCS 750/10) (from Ch. 134, par. 40)

6 (Section scheduled to be repealed on July 1, 2017)

7 Sec. 10. Uniform standards; rulemaking.

8 (a) The Administrator, with the advice and recommendation
9 of the Statewide 9-1-1 Advisory Board, shall establish uniform
10 technical and operational standards for all 9-1-1 systems in
11 Illinois. All findings, orders, decisions, rules, and
12 regulations issued or promulgated by the Commission under this
13 Act or any other Act establishing or conferring power on the
14 Commission with respect to emergency telecommunications
15 services, shall continue in force. Notwithstanding the
16 provisions of this Section, where applicable, the
17 Administrator shall, with the advice and recommendation of the
18 Statewide 9-1-1 Advisory Board, amend the Commission's
19 findings, orders, decisions, rules, and regulations to conform
20 to the specific provisions of this Act as soon as practicable
21 after January 1, 2016 (the effective date of Public Act 99-6)
22 ~~this amendatory Act of the 99th General Assembly.~~

23 (b) The Department may adopt emergency rules necessary to
24 implement the provisions of Public Act 99-6 ~~this amendatory Act~~
25 ~~of the 99th General Assembly~~ under subsection (t) of Section

1 5-45 of the Illinois Administrative Procedure Act.

2 (c) Nothing in this Act shall deprive the Commission of any
3 authority to regulate the provision by telecommunication
4 carriers or 9-1-1 system providers of telecommunication or
5 other services under the Public Utilities Act.

6 (d) The Department and the Commission may adopt joint rules
7 necessary for implementation of this Act to the extent the
8 rules implicate both the regulation of 9-1-1 Authorities under
9 this Act and the regulation of telecommunication carriers and
10 9-1-1 system providers under the Public Utilities Act. Joint
11 emergency rules for such purpose may be adopted pursuant to
12 subsection (v) of Section 5-45 of the Illinois Administrative
13 Procedure Act.

14 (e) Any findings, orders, or decisions of the Administrator
15 under this Section shall be deemed a final administrative
16 decision and shall be subject to judicial review under the
17 Administrative Review Law.

18 (Source: P.A. 99-6, eff. 1-1-16.)

19 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

20 (Section scheduled to be repealed on July 1, 2017)

21 Sec. 15.3. Local non-wireless surcharge.

22 (a) Except as provided in subsection (l) of this Section,
23 the corporate authorities of any municipality or any county
24 may, subject to the limitations of subsections (c), (d), and
25 (h), and in addition to any tax levied pursuant to the

1 Simplified Municipal Telecommunications Tax Act, impose a
2 monthly surcharge on billed subscribers of network connection
3 provided by telecommunication carriers engaged in the business
4 of transmitting messages by means of electricity originating
5 within the corporate limits of the municipality or county
6 imposing the surcharge at a rate per network connection
7 determined in accordance with subsection (c), however the
8 monthly surcharge shall not apply to a network connection
9 provided for use with pay telephone services. Provided,
10 however, that where multiple voice grade communications
11 channels are connected between the subscriber's premises and a
12 public switched network through private branch exchange (PBX)
13 or centrex type service, a municipality imposing a surcharge at
14 a rate per network connection, as determined in accordance with
15 this Act, shall impose:

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

21 (ii) in a municipality with a population, prior to
22 March 1, 2010, of 500,000 or more, 5 surcharges per network
23 connection, as determined in accordance with Section 2
24 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for
25 both regular service and advanced service provisioned
26 trunk lines;

1 (iii) in a municipality with a population, as of March
2 1, 2010, of 500,000 or more, 5 surcharges per network
3 connection, as determined in accordance with Section 2
4 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for
5 regular service provisioned trunk lines, and 12 surcharges
6 per network connection, as determined in accordance with
7 Section 2 ~~subsections (a) and (d) of Section 2.12~~ of this
8 Act, for advanced service provisioned trunk lines, except
9 where an advanced service provisioned trunk line supports
10 at least 2 but fewer than 23 simultaneous voice grade calls
11 ("VGC's"), a telecommunication carrier may elect to impose
12 fewer than 12 surcharges per trunk line as provided in
13 subsection (iv) of this Section; or

14 (iv) for an advanced service provisioned trunk line
15 connected between the subscriber's premises and the public
16 switched network through a P.B.X., where the advanced
17 service provisioned trunk line is capable of transporting
18 at least 2 but fewer than 23 simultaneous VGC's per trunk
19 line, the telecommunications carrier collecting the
20 surcharge may elect to impose surcharges in accordance with
21 the table provided in this Section, without limiting any
22 telecommunications carrier's obligations to otherwise keep
23 and maintain records. Any telecommunications carrier
24 electing to impose fewer than 12 surcharges per an advanced
25 service provisioned trunk line shall keep and maintain
26 records adequately to demonstrate the VGC capability of

1 each advanced service provisioned trunk line with fewer
 2 than 12 surcharges imposed, provided that 12 surcharges
 3 shall be imposed on an advanced service provisioned trunk
 4 line regardless of the VGC capability where a
 5 telecommunications carrier cannot demonstrate the VGC
 6 capability of the advanced service provisioned trunk line.

7	Facility	VGC's	911 Surcharges
8	Advanced service provisioned trunk line	18-23	12
9	Advanced service provisioned trunk line	12-17	10
10	Advanced service provisioned trunk line	2-11	8

11 Subsections (i), (ii), (iii), and (iv) are not intended to
 12 make any change in the meaning of this Section, but are
 13 intended to remove possible ambiguity, thereby confirming the
 14 intent of paragraph (a) as it existed prior to and following
 15 the effective date of this amendatory Act of the 97th General
 16 Assembly.

17 For mobile telecommunications services, if a surcharge is
 18 imposed it shall be imposed based upon the municipality or
 19 county that encompasses the customer's place of primary use as
 20 defined in the Mobile Telecommunications Sourcing Conformity
 21 Act. A municipality may enter into an intergovernmental
 22 agreement with any county in which it is partially located,
 23 when the county has adopted an ordinance to impose a surcharge
 24 as provided in subsection (c), to include that portion of the

1 municipality lying outside the county in that county's
2 surcharge referendum. If the county's surcharge referendum is
3 approved, the portion of the municipality identified in the
4 intergovernmental agreement shall automatically be
5 disconnected from the county in which it lies and connected to
6 the county which approved the referendum for purposes of a
7 surcharge on telecommunications carriers.

8 (b) For purposes of computing the surcharge imposed by
9 subsection (a), the network connections to which the surcharge
10 shall apply shall be those in-service network connections,
11 other than those network connections assigned to the
12 municipality or county, where the service address for each such
13 network connection or connections is located within the
14 corporate limits of the municipality or county levying the
15 surcharge. Except for mobile telecommunication services, the
16 "service address" shall mean the location of the primary use of
17 the network connection or connections. For mobile
18 telecommunication services, "service address" means the
19 customer's place of primary use as defined in the Mobile
20 Telecommunications Sourcing Conformity Act.

21 (c) Upon the passage of an ordinance to impose a surcharge
22 under this Section the clerk of the municipality or county
23 shall certify the question of whether the surcharge may be
24 imposed to the proper election authority who shall submit the
25 public question to the electors of the municipality or county
26 in accordance with the general election law; provided that such

1 question shall not be submitted at a consolidated primary
2 election. The public question shall be in substantially the
3 following form:

4 -----

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

14 -----

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

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

24 The referendum requirement of this subsection (c) shall not
25 apply to any municipality with a population over 500,000 or to
26 any county in which a proposition as to whether a sophisticated

1 9-1-1 Emergency Telephone System should be installed in the
2 county, at a cost not to exceed a specified monthly amount per
3 network connection, has previously been approved by a majority
4 of the electors of the county voting on the proposition at an
5 election conducted before the effective date of this amendatory
6 Act of 1987.

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

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

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

23 (g) The amount of surcharge collected by the
24 telecommunications carrier shall be paid to the particular
25 municipality or county or Joint Emergency Telephone System
26 Board not later than 30 days after the surcharge is collected,

1 net of any network or other 9-1-1 or sophisticated 9-1-1 system
2 charges then due the particular telecommunications carrier, as
3 shown on an itemized bill. The telecommunications carrier
4 collecting the surcharge shall also be entitled to deduct 3% of
5 the gross amount of surcharge collected to reimburse the
6 telecommunications carrier for the expense of accounting and
7 collecting the surcharge.

8 (h) Except as expressly provided in subsection (a) of this
9 Section, on or after the effective date of this amendatory Act
10 of the 98th General Assembly and until July 1, 2017, a
11 municipality with a population of 500,000 or more shall not
12 impose a monthly surcharge per network connection in excess of
13 the highest monthly surcharge imposed as of January 1, 2014 by
14 any county or municipality under subsection (c) of this
15 Section. On or after July 1, 2017, a municipality with a
16 population over 500,000 may not impose a monthly surcharge in
17 excess of \$2.50 per network connection.

18 (i) Any municipality or county or joint emergency telephone
19 system board that has imposed a surcharge pursuant to this
20 Section prior to the effective date of this amendatory Act of
21 1990 shall hereafter impose the surcharge in accordance with
22 subsection (b) of this Section.

23 (j) The corporate authorities of any municipality or county
24 may issue, in accordance with Illinois law, bonds, notes or
25 other obligations secured in whole or in part by the proceeds
26 of the surcharge described in this Section. The State of

1 Illinois pledges and agrees that it will not limit or alter the
2 rights and powers vested in municipalities and counties by this
3 Section to impose the surcharge so as to impair the terms of or
4 affect the security for bonds, notes or other obligations
5 secured in whole or in part with the proceeds of the surcharge
6 described in this Section. The pledge and agreement set forth
7 in this Section survive the termination of the surcharge under
8 subsection (l) by virtue of the replacement of the surcharge
9 monies guaranteed under Section 20; the State of Illinois
10 pledges and agrees that it will not limit or alter the rights
11 vested in municipalities and counties to the surcharge
12 replacement funds guaranteed under Section 20 so as to impair
13 the terms of or affect the security for bonds, notes or other
14 obligations secured in whole or in part with the proceeds of
15 the surcharge described in this Section.

16 (k) Any surcharge collected by or imposed on a
17 telecommunications carrier pursuant to this Section shall be
18 held to be a special fund in trust for the municipality, county
19 or Joint Emergency Telephone Board imposing the surcharge.
20 Except for the 3% deduction provided in subsection (g) above,
21 the special fund shall not be subject to the claims of
22 creditors of the telecommunication carrier.

23 (l) On and after the effective date of this amendatory Act
24 of the 99th General Assembly, no county or municipality, other
25 than a municipality with a population over 500,000, may impose
26 a monthly surcharge under this Section in excess of the amount

1 imposed by it on the effective date of this Act. Any surcharge
2 imposed pursuant to this Section by a county or municipality,
3 other than a municipality with a population in excess of
4 500,000, shall cease to be imposed on January 1, 2016.

5 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

6 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

7 (Text of Section before amendment by P.A. 99-6)

8 (Section scheduled to be repealed on July 1, 2017)

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

10 (a) The corporate authorities of any county or municipality
11 that imposes a surcharge under Section 15.3 shall establish an
12 Emergency Telephone System Board. The corporate authorities
13 shall provide for the manner of appointment and the number of
14 members of the Board, provided that the board shall consist of
15 not fewer than 5 members, one of whom must be a public member
16 who is a resident of the local exchange service territory
17 included in the 9-1-1 coverage area, one of whom (in counties
18 with a population less than 100,000) must be a member of the
19 county board, and at least 3 of whom shall be representative of
20 the 9-1-1 public safety agencies, including but not limited to
21 police departments, fire departments, emergency medical
22 services providers, and emergency services and disaster
23 agencies, and appointed on the basis of their ability or
24 experience. In counties with a population of more than 100,000
25 but less than 2,000,000, a member of the county board may serve

1 on the Emergency Telephone System Board. Elected officials,
2 including members of a county board, are also eligible to serve
3 on the board. Members of the board shall serve without
4 compensation but shall be reimbursed for their actual and
5 necessary expenses. Any 2 or more municipalities, counties, or
6 combination thereof, that impose a surcharge under Section 15.3
7 may, instead of establishing individual boards, establish by
8 intergovernmental agreement a Joint Emergency Telephone System
9 Board pursuant to this Section. The manner of appointment of
10 such a joint board shall be prescribed in the agreement.

11 Upon the effective date of this amendatory Act of the 98th
12 General Assembly, appointed members of the Emergency Telephone
13 System Board shall serve staggered 3-year terms if: (1) the
14 Board serves a county with a population of 100,000 or less; and
15 (2) appointments, on the effective date of this amendatory Act
16 of the 98th General Assembly, are not for a stated term. The
17 corporate authorities of the county or municipality shall
18 assign terms to the board members serving on the effective date
19 of this amendatory Act of the 98th General Assembly in the
20 following manner: (1) one-third of board members' terms shall
21 expire on January 1, 2015; (2) one-third of board members'
22 terms shall expire on January 1, 2016; and (3) remaining board
23 members' terms shall expire on January 1, 2017. Board members
24 may be re-appointed upon the expiration of their terms by the
25 corporate authorities of the county or municipality.

26 The corporate authorities of a county or municipality may,

1 by a vote of the majority of the members elected, remove an
2 Emergency Telephone System Board member for misconduct,
3 official misconduct, or neglect of office.

4 (b) The powers and duties of the board shall be defined by
5 ordinance of the municipality or county, or by
6 intergovernmental agreement in the case of a joint board. The
7 powers and duties shall include, but need not be limited to the
8 following:

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

10 (2) Coordinating and supervising the implementation,
11 upgrading, or maintenance of the system, including the
12 establishment of equipment specifications and coding
13 systems.

14 (3) Receiving moneys from the surcharge imposed under
15 Section 15.3, and from any other source, for deposit into
16 the Emergency Telephone System Fund.

17 (4) Authorizing all disbursements from the fund.

18 (5) Hiring any staff necessary for the implementation
19 or upgrade of the system.

20 (6) Participating in a Regional Pilot Project to
21 implement next generation 9-1-1, as defined in this Act,
22 subject to the conditions set forth in this Act.

23 (c) All moneys received by a board pursuant to a surcharge
24 imposed under Section 15.3 shall be deposited into a separate
25 interest-bearing Emergency Telephone System Fund account. The
26 treasurer of the municipality or county that has established

1 the board or, in the case of a joint board, any municipal or
2 county treasurer designated in the intergovernmental
3 agreement, shall be custodian of the fund. All interest
4 accruing on the fund shall remain in the fund. No expenditures
5 may be made from such fund except upon the direction of the
6 board by resolution passed by a majority of all members of the
7 board. Expenditures may be made only to pay for the costs
8 associated with the following:

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

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

12 (3) The repayment of any moneys advanced for the
13 implementation of the system.

14 (4) The charges for Automatic Number Identification
15 and Automatic Location Identification equipment, a
16 computer aided dispatch system that records, maintains,
17 and integrates information, mobile data transmitters
18 equipped with automatic vehicle locators, and maintenance,
19 replacement and update thereof to increase operational
20 efficiency and improve the provision of emergency
21 services.

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

25 (6) The acquisition and installation, or the
26 reimbursement of costs therefor to other governmental

1 bodies that have incurred those costs, of road or street
2 signs that are essential to the implementation of the
3 emergency telephone system and that are not duplicative of
4 signs that are the responsibility of the jurisdiction
5 charged with maintaining road and street signs.

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

16 (7.5) The purchase of real property if the purchase is
17 made before March 16, 2006.

18 (8) In the case of a municipality that imposes a
19 surcharge under subsection (h) of Section 15.3, moneys may
20 also be used for any anti-terrorism or emergency
21 preparedness measures, including, but not limited to,
22 preparedness planning, providing local matching funds for
23 federal or State grants, personnel training, and
24 specialized equipment, including surveillance cameras as
25 needed to deal with natural and terrorist-inspired
26 emergency situations or events.

1 (9) The defraying of expenses incurred in
2 participation in a Regional Pilot Project to implement next
3 generation 9-1-1, subject to the conditions set forth in
4 this Act.

5 (10) The implementation of a computer aided dispatch
6 system or hosted supplemental 9-1-1 services.

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

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

14 (Source: P.A. 97-517, eff. 8-23-11; 97-1018, eff. 8-17-12;
15 98-481, eff. 8-16-13.)

16 (Text of Section after amendment by P.A. 99-6)

17 (Section scheduled to be repealed on July 1, 2017)

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

19 (a) Except as provided in subsection (e) of this Section,
20 the corporate authorities of any county or municipality may
21 establish an Emergency Telephone System Board. The corporate
22 authorities shall provide for the manner of appointment and the
23 number of members of the Board, provided that the board shall
24 consist of not fewer than 5 members, one of whom must be a
25 public member who is a resident of the local exchange service

1 territory included in the 9-1-1 coverage area, one of whom (in
2 counties with a population less than 100,000) may be a member
3 of the county board, and at least 3 of whom shall be
4 representative of the 9-1-1 public safety agencies, including
5 but not limited to police departments, fire departments,
6 emergency medical services providers, and emergency services
7 and disaster agencies, and appointed on the basis of their
8 ability or experience. In counties with a population of more
9 than 100,000 but less than 2,000,000, a member of the county
10 board may serve on the Emergency Telephone System Board.
11 Elected officials, including members of a county board, are
12 also eligible to serve on the board. Members of the board shall
13 serve without compensation but shall be reimbursed for their
14 actual and necessary expenses. Any 2 or more municipalities,
15 counties, or combination thereof, may, instead of establishing
16 individual boards, establish by intergovernmental agreement a
17 Joint Emergency Telephone System Board pursuant to this
18 Section. The manner of appointment of such a joint board shall
19 be prescribed in the agreement.

20 Upon the effective date of this amendatory Act of the 98th
21 General Assembly, appointed members of the Emergency Telephone
22 System Board shall serve staggered 3-year terms if: (1) the
23 Board serves a county with a population of 100,000 or less; and
24 (2) appointments, on the effective date of this amendatory Act
25 of the 98th General Assembly, are not for a stated term. The
26 corporate authorities of the county or municipality shall

1 assign terms to the board members serving on the effective date
2 of this amendatory Act of the 98th General Assembly in the
3 following manner: (1) one-third of board members' terms shall
4 expire on January 1, 2015; (2) one-third of board members'
5 terms shall expire on January 1, 2016; and (3) remaining board
6 members' terms shall expire on January 1, 2017. Board members
7 may be re-appointed upon the expiration of their terms by the
8 corporate authorities of the county or municipality.

9 The corporate authorities of a county or municipality may,
10 by a vote of the majority of the members elected, remove an
11 Emergency Telephone System Board member for misconduct,
12 official misconduct, or neglect of office.

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

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

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

23 (3) Receiving moneys from the surcharge imposed under
24 Section 15.3, or disbursed to it under Section 30, and from
25 any other source, for deposit into the Emergency Telephone
26 System Fund.

1 (4) Authorizing all disbursements from the fund.

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

4 (6) (Blank).

5 (c) All moneys received by a board pursuant to a surcharge
6 imposed under Section 15.3, or disbursed to it under Section
7 30, shall be deposited into a separate interest-bearing
8 Emergency Telephone System Fund account. The treasurer of the
9 municipality or county that has established the board or, in
10 the case of a joint board, any municipal or county treasurer
11 designated in the intergovernmental agreement, shall be
12 custodian of the fund. All interest accruing on the fund shall
13 remain in the fund. No expenditures may be made from such fund
14 except upon the direction of the board by resolution passed by
15 a majority of all members of the board.

16 (d) The board shall complete a Master Street Address Guide
17 database before implementation of the 9-1-1 system. The error
18 ratio of the database shall not at any time exceed 1% of the
19 total database.

20 (e) On and after January 1, 2016 and except as provided in
21 subsection (f) of this Section, no municipality or county may
22 create an Emergency Telephone System Board unless the board is
23 a Joint Emergency Telephone System Board. The corporate
24 authorities of any county or municipality entering into an
25 intergovernmental agreement to create or join a Joint Emergency
26 Telephone System Board shall rescind the ordinance or

1 ordinances creating the original Emergency Telephone System
2 Board and shall eliminate the Emergency Telephone System Board,
3 effective upon the creation, with regulatory approval by the
4 Administrator, or joining of the Joint Emergency Telephone
5 System Board.

6 (f) Prior to July 1, 2017, any municipality with a
7 population over 175,000 that serves as its own PSAP and, as of
8 January 1, 2016, is under the jurisdiction of an Emergency
9 Telephone System Board established by a county may separate
10 from the Emergency Telephone System Board and enter an
11 intergovernmental agreement to establish a Joint Emergency
12 Telephone System Board with a county or municipality that has
13 an existing Emergency Telephone System Board. The
14 intergovernmental agreement and a plan modification shall be
15 filed with the Division of 9-1-1, and the creation of the Joint
16 Emergency Telephone System Board shall be subject to the
17 approval of the Administrator. In the event an
18 intergovernmental agreement is not entered into by July 1,
19 2017, the separating municipality may establish its own
20 Emergency Telephone System Board upon approval of the
21 Administrator. The municipality shall file a plan for the
22 creation of its own board with the Division of 9-1-1. Within 60
23 calendar days of receiving the plan and agreement for the
24 creation of the Joint Emergency Telephone System Board or the
25 plan to create an individual board under this subsection, the
26 Statewide 9-1-1 Advisory Board shall hold at least one public

1 hearing on the creation of the board and provide a
2 recommendation to the Administrator. Notice of the hearing
3 shall be provided to each respective entity to which the plan
4 applies. Within 90 calendar days of receiving the plan and
5 agreement for the creation of the Joint Emergency Telephone
6 System Board or the plan to create an individual board under
7 this subsection, the Administrator shall approve the creation
8 of the board if it finds that the creation is economically
9 reasonable, is technically feasible, and does not create a
10 substantial threat to public safety. In making his or her
11 decision, the Administrator shall consider any recommendation
12 from the Statewide 9-1-1 Advisory Board. If the Administrator
13 does not follow the recommendation of the Board, the
14 Administrator shall provide a written explanation for the
15 deviation in his or her decision. The deadlines provided in
16 this paragraph may be extended upon agreement between the
17 Administrator and entity which submitted the plan.

18 (Source: P.A. 98-481, eff. 8-16-13; 99-6, eff. 1-1-16.)

19 (50 ILCS 750/15.4a)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

22 (Section scheduled to be repealed on July 1, 2017)

23 Sec. 15.4a. Consolidation.

24 (a) By July 1, 2017, and except as otherwise provided in
25 this Section, Emergency Telephone System Boards, Joint

1 Emergency Telephone System Boards, qualified governmental
2 entities, and PSAPs shall be consolidated as follows, subject
3 to subsections (b) and (c) of this Section:

4 (1) In any county with a population of at least 250,000
5 that has a single Emergency Telephone System Board, or
6 qualified governmental entity and more than 2 PSAPs, ~~shall~~
7 ~~reduce~~ the number of PSAPs shall be reduced by at least 50%
8 or to 2 PSAPs, whichever is greater. Nothing in this
9 paragraph shall preclude consolidation resulting in one
10 PSAP in the county.

11 (2) In any county with a population of at least 250,000
12 that has more than one Emergency Telephone System Board,
13 Joint Emergency Telephone System Board, or qualified
14 governmental entity, any 9-1-1 Authority serving a
15 population of less than 25,000 shall be consolidated such
16 that no 9-1-1 Authority in the county serves a population
17 of less than 25,000.

18 (3) In any county with a population of at least 250,000
19 but less than 1,000,000 that has more than one Emergency
20 Telephone System Board, Joint Emergency Telephone System
21 Board, or qualified governmental entity, each 9-1-1
22 Authority shall reduce the number of PSAPs by at least 50%
23 or to 2 PSAPs, whichever is greater. Nothing in this
24 paragraph shall preclude consolidation of a 9-1-1
25 Authority into a Joint Emergency Telephone System Board,
26 and nothing in this paragraph shall preclude consolidation

1 resulting in one PSAP in the county.

2 (4) In any county with a population of less than
3 250,000 that has a single Emergency Telephone System Board
4 or qualified governmental entity and more than 2 PSAPs, the
5 9-1-1 Authority shall reduce the number of PSAPs by at
6 least 50% or to 2 PSAPs, whichever is greater. Nothing in
7 this paragraph shall preclude consolidation resulting in
8 one PSAP in the county.

9 (5) In any county with a population of less than
10 250,000 that has more than one Emergency Telephone System
11 Board, Joint Emergency Telephone System Board, or
12 qualified governmental entity and more than 2 PSAPs, the
13 9-1-1 Authorities shall be consolidated into a single joint
14 board, and the number of PSAPs shall be reduced by at least
15 50% or to 2 PSAPs, whichever is greater. Nothing in this
16 paragraph shall preclude consolidation resulting in one
17 PSAP in the county.

18 (6) Any 9-1-1 Authority that does not have a PSAP
19 within its jurisdiction shall be consolidated through an
20 intergovernmental agreement with an existing 9-1-1
21 Authority that has a PSAP to create a Joint Emergency
22 Telephone Board.

23 (7) The corporate authorities of each county that has
24 no 9-1-1 service as of January 1, 2016 shall provide
25 enhanced 9-1-1 wireline and wireless enhanced 9-1-1
26 service for that county by either (i) entering into an

1 intergovernmental agreement with an existing Emergency
2 Telephone System Board to create a new Joint Emergency
3 Telephone System Board, or (ii) entering into an
4 intergovernmental agreement with the corporate authorities
5 that have created an existing Joint Emergency Telephone
6 System Board.

7 (b) By July 1, 2016, each county required to consolidate
8 pursuant to paragraph (7) of subsection (a) of this Section and
9 each 9-1-1 Authority required to consolidate pursuant to
10 paragraphs (1) through (6) of subsection (a) of this Section
11 shall file a plan for consolidation or a request for a waiver
12 pursuant to subsection (c) of this Section with the Division of
13 9-1-1. Within 60 calendar days of receiving a consolidation
14 plan, the Statewide 9-1-1 Advisory Board shall hold at least
15 one public hearing on the plan and provide a recommendation to
16 the Administrator. Notice of the hearing shall be provided to
17 the respective entity to which the plan applies. Within 90
18 calendar days of receiving a consolidation plan, the
19 Administrator shall approve the plan, approve the plan as
20 modified, or grant a waiver pursuant to subsection (c) of this
21 Section. In making his or her decision, the Administrator shall
22 consider any recommendation from the Statewide 9-1-1 Advisory
23 Board regarding the plan. If the Administrator does not follow
24 the recommendation of the Board, the Administrator shall
25 provide a written explanation for the deviation in his or her
26 decision. The deadlines provided in this subsection may be

1 extended upon agreement between the Administrator and entity
2 which submitted the plan.

3 (c) A waiver from a consolidation required under subsection
4 (a) of this Section may be granted if the Administrator finds
5 that the consolidation will result in a substantial threat to
6 public safety, is economically unreasonable, or is technically
7 infeasible.

8 (d) Any decision of the Administrator under this Section
9 shall be deemed a final administrative decision and shall be
10 subject to judicial review under the Administrative Review Law.

11 (e) Any county or 9-1-1 Authority not in compliance with
12 this Section shall be ineligible to receive any (i)
13 consolidation grant funds issued under Section 15.4b of this
14 Act or (ii) monthly disbursements otherwise due under Section
15 30 of this Act until the county or 9-1-1 Authority is in
16 compliance.

17 (Source: P.A. 99-6, eff. 1-1-16.)

18 (50 ILCS 750/19)

19 (Section scheduled to be repealed on July 1, 2017)

20 Sec. 19. Statewide 9-1-1 Advisory Board.

21 (a) Beginning July 1, 2015, there is created the Statewide
22 9-1-1 Advisory Board within the Department of State Police. The
23 Board shall consist of the following 11 voting members:

24 (1) The Director of the State Police, or his or her
25 designee, who shall serve as chairman.

1 (2) The Executive Director of the Commission, or his or
2 her designee.

3 (3) Nine members appointed by the Governor as follows:

4 (A) one member representing the Illinois chapter
5 of the National Emergency Number Association, or his or
6 her designee;

7 (B) one member representing the Illinois chapter
8 of the Association of Public-Safety Communications
9 Officials, or his or her designee;

10 (C) one member representing a county 9-1-1 system
11 from a county with a population of less than 50,000;

12 (D) one member representing a county 9-1-1 system
13 from a county with a population between 50,000 and
14 250,000;

15 (E) one member representing a county 9-1-1 system
16 from a county with a population of more than 250,000;

17 (F) one member representing a municipality with a
18 population of less than 500,000 in a county with a
19 population in excess of 2,000,000;

20 (G) one member representing the Illinois
21 Association of Chiefs of Police;

22 (H) one member representing the Illinois Sheriffs'
23 Association; and

24 (I) one member representing the Illinois Fire
25 Chiefs Association.

26 The Governor shall appoint the following non-voting

1 members: (i) one member representing an incumbent local
2 exchange 9-1-1 system provider; (ii) one member representing a
3 non-incumbent local exchange 9-1-1 system provider; (iii) one
4 member representing a large wireless carrier; (iv) one member
5 representing a small wireless carrier; ~~and~~ (v) one member
6 representing the Illinois Telecommunications Association; (vi)
7 one member representing the Cable Television and
8 Communications Association of Illinois; and (vii) one member
9 representing the Illinois State Ambulance Association.

10 (b) The Governor shall make initial appointments to the
11 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the
12 voting members appointed by the Governor shall serve an initial
13 term of 2 years, and the remaining voting members appointed by
14 the Governor shall serve an initial term of 3 years.
15 Thereafter, each appointment by the Governor shall be for a
16 term of 3 years. Non-voting members shall serve for a term of 3
17 years. Vacancies shall be filled in the same manner as the
18 original appointment. Persons appointed to fill a vacancy shall
19 serve for the balance of the unexpired term.

20 Members of the Statewide 9-1-1 Advisory Board shall serve
21 without compensation.

22 (c) The 9-1-1 Services Advisory Board, as constituted on
23 June 1, 2015 without the legislative members, shall serve in
24 the role of the Statewide 9-1-1 Advisory Board until all
25 appointments of voting members have been made by the Governor
26 under subsection (a) of this Section.

1 (d) The Statewide 9-1-1 Advisory Board shall:

2 (1) advise the Department of State Police and the
3 Statewide 9-1-1 Administrator on the oversight of 9-1-1
4 systems and the development and implementation of a uniform
5 statewide 9-1-1 system;

6 (2) make recommendations to the Governor and the
7 General Assembly regarding improvements to 9-1-1 services
8 throughout the State; and

9 (3) exercise all other powers and duties provided in
10 this Act.

11 (e) The Statewide 9-1-1 Advisory Board shall submit to the
12 General Assembly a report by March 1 of each year providing an
13 update on the transition to a statewide 9-1-1 system and
14 recommending any legislative action.

15 (f) The Department of State Police shall provide
16 administrative support to the Statewide 9-1-1 Advisory Board.

17 (Source: P.A. 99-6, eff. 6-29-15.)

18 (50 ILCS 750/20)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 (Section scheduled to be repealed on July 1, 2017)

22 Sec. 20. Statewide surcharge.

23 (a) On and after January 1, 2016, and except with respect
24 to those customers who are subject to surcharges as provided in
25 Sections 15.3 and 15.3a of this Act, a monthly surcharge shall

1 be imposed on all customers of telecommunications carriers and
2 wireless carriers as follows:

3 (1) Each telecommunications carrier shall impose a
4 monthly surcharge of \$0.87 per network connection;
5 provided, however, the monthly surcharge shall not apply to
6 a network connection provided for use with pay telephone
7 services. Where multiple voice grade communications
8 channels are connected between the subscriber's premises
9 and a public switched network through private branch
10 exchange (PBX), ~~or~~ centrex type service, or other multiple
11 voice grade communication channels facility there shall be
12 imposed 5 such surcharges per network connection for both
13 regular service and advanced service provisioned trunk
14 lines.

15 (2) Each wireless carrier shall impose and collect a
16 monthly surcharge of \$0.87 per CMRS connection that either
17 has a telephone number within an area code assigned to
18 Illinois by the North American Numbering Plan
19 Administrator or has a billing address in this State.

20 (b) State and local taxes shall not apply to the surcharges
21 imposed under this Section.

22 (c) The surcharges imposed by this Section shall be stated
23 as a separately stated item on subscriber bills.

24 (d) The telecommunications carrier collecting the
25 surcharge shall also be entitled to deduct 3% of the gross
26 amount of surcharge collected to reimburse the

1 telecommunications carrier for the expense of accounting and
2 collecting the surcharge. On and after July 1, 2022, the
3 wireless carrier collecting a surcharge under this Section
4 shall be entitled to deduct up to 3% of the gross amount of the
5 surcharge collected to reimburse the wireless carrier for the
6 expense of accounting and collecting the surcharge.

7 (e) Surcharges imposed under this Section shall be
8 collected by the carriers and, within 30 days of collection,
9 remitted, either by check or electronic funds transfer, to the
10 Department for deposit into the Statewide 9-1-1 Fund. Carriers
11 are not required to remit surcharge moneys that are billed to
12 subscribers but not yet collected.

13 The first remittance by wireless carriers shall include the
14 number of subscribers by zip code, and the 9-digit zip code if
15 currently being used or later implemented by the carrier, that
16 shall be the means by which the Department shall determine
17 distributions from the Statewide 9-1-1 Fund. This information
18 shall be updated at least once each year. Any carrier that
19 fails to provide the zip code information required under this
20 subsection (e) shall be subject to the penalty set forth in
21 subsection (g) of this Section.

22 (f) If, within 5 business days after it is due under
23 subsection (e) of this Section, a carrier does not remit the
24 surcharge or any portion thereof required under this Section,
25 then the surcharge or portion thereof shall be deemed
26 delinquent until paid in full, and the Department may impose a

1 penalty against the carrier in an amount equal to the greater
2 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 (f)
10 for a portion of a month during which the carrier pays the
11 delinquent amount in full shall be prorated for each day of
12 that month that the delinquent amount was paid in full. Any
13 penalty imposed under this subsection (f) is in addition to the
14 amount of the delinquency and is in addition to any other
15 penalty imposed under this Section.

16 (g) If, within 5 business days after it is due, a wireless
17 carrier does not provide the number of subscribers by zip code
18 as required under subsection (e) of this Section, then the
19 report is deemed delinquent and the Department may impose a
20 penalty against the carrier in an amount equal to the greater
21 of:

22 (1) \$25 for each month or portion of a month that the
23 report is delinquent; or

24 (2) an amount equal to the product of \$0.01 and the
25 number of subscribers served by the carrier.

26 A penalty imposed in accordance with this subsection (g)

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

8 (h) A penalty imposed and collected in accordance with
9 subsection (f) or (g) of this Section shall be deposited into
10 the Statewide 9-1-1 Fund for distribution according to Section
11 30 of this Act.

12 (i) The Department may enforce the collection of any
13 delinquent amount and any penalty due and unpaid under this
14 Section by legal action or in any other manner by which the
15 collection of debts due the State of Illinois may be enforced
16 under the laws of this State. The Department may excuse the
17 payment of any penalty imposed under this Section if the
18 Administrator determines that the enforcement of this penalty
19 is unjust.

20 (j) Notwithstanding any provision of law to the contrary,
21 nothing shall impair the right of wireless carriers to recover
22 compliance costs for all emergency communications services
23 that are not reimbursed out of the Wireless Carrier
24 Reimbursement Fund directly from their wireless subscribers by
25 line-item charges on the wireless subscriber's bill. Those
26 compliance costs include all costs incurred by wireless

1 carriers in complying with local, State, and federal regulatory
2 or legislative mandates that require the transmission and
3 receipt of emergency communications to and from the general
4 public, including, but not limited to, E9-1-1.

5 (Source: P.A. 99-6, eff. 1-1-16.)

6 (50 ILCS 750/30)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 (Section scheduled to be repealed on July 1, 2017)

10 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

11 (a) A special fund in the State treasury known as the
12 Wireless Service Emergency Fund shall be renamed the Statewide
13 9-1-1 Fund. Any appropriations made from the Wireless Service
14 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
15 The Fund shall consist of the following:

16 (1) 9-1-1 wireless surcharges assessed under the
17 Wireless Emergency Telephone Safety Act.

18 (2) 9-1-1 surcharges assessed under Section 20 of this
19 Act.

20 (3) Prepaid wireless 9-1-1 surcharges assessed under
21 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

22 (4) Any appropriations, grants, or gifts made to the
23 Fund.

24 (5) Any income from interest, premiums, gains, or other
25 earnings on moneys in the Fund.

1 (6) Money from any other source that is deposited in or
2 transferred to the Fund.

3 (b) Subject to appropriation, the Department shall
4 distribute the 9-1-1 surcharges monthly as follows:

5 (1) From each surcharge collected and remitted under
6 Section 20 of this Act:

7 (A) \$0.013 shall be distributed monthly in equal
8 amounts to each County Emergency Telephone System
9 Board or qualified governmental entity in counties
10 with a population under 100,000 according to the most
11 recent census data which is authorized to serve as a
12 primary wireless 9-1-1 public safety answering point
13 for the county and to provide wireless 9-1-1 service as
14 prescribed by subsection (b) of Section 15.6a of this
15 Act, and which does provide such service.

16 (B) \$0.033 shall be transferred by the Comptroller
17 at the direction of the Department to the Wireless
18 Carrier Reimbursement Fund until June 30, 2017; from
19 July 1, 2017 through June 30, 2018, \$0.026 shall be
20 transferred; from July 1, 2018 through June 30, 2019,
21 \$0.020 shall be transferred; from July 1, 2019, through
22 June 30, 2020, \$0.013 shall be transferred; from July
23 1, 2020 through June 30, 2021, \$0.007 will be
24 transferred; and after June 30, 2021, no transfer shall
25 be made to the Wireless Carrier Reimbursement Fund.

26 (C) \$0.007 shall be used to cover the Department's

1 administrative costs.

2 (2) After disbursements under paragraph (1) of this
3 subsection (b), all remaining funds in the Statewide 9-1-1
4 Fund shall be disbursed in the following priority order:

5 (A) The Department shall ~~Fund will~~ pay monthly to:

6 (i) the 9-1-1 Authorities that imposed
7 surcharges under Section 15.3 of this Act and were
8 required to report to the Illinois Commerce
9 Commission under Section 27 of the Wireless
10 Emergency Telephone Safety Act on October 1, 2014,
11 except a 9-1-1 Authority in a municipality with a
12 population in excess of 500,000, an amount equal to
13 the average monthly wireline and VoIP surcharge
14 revenue attributable to the most recent 12-month
15 period reported to the Department under that
16 Section for the October 1, 2014 filing, subject to
17 the power of the Department to investigate the
18 amount reported and adjust the number by final
19 order, which shall be subject to judicial review
20 under the Administrative Review Law ~~under Article~~
21 ~~X of the Public Utilities Act~~, so that the monthly
22 amount paid under this item accurately reflects
23 one-twelfth of the aggregate wireline and VoIP
24 surcharge revenue properly attributable to the
25 most recent 12-month period reported to the
26 Commission; or

1 (ii) county qualified governmental entities
2 that did not impose a surcharge under Section 15.3
3 as of December 31, 2015, and counties that did not
4 impose a surcharge as of June 30, 2015, an amount
5 equivalent to their population multiplied by .37
6 multiplied by the rate of \$0.69; counties that are
7 not county qualified governmental entities and
8 that did not impose a surcharge as of December 31,
9 2015, shall not begin to receive the payment
10 provided for in this subsection until E9-1-1 and
11 wireless E9-1-1 services are provided within their
12 counties; or

13 (iii) counties without 9-1-1 service that had
14 a surcharge in place by December 31, 2015, an
15 amount equivalent to their population multiplied
16 by .37 multiplied by their surcharge rate as
17 established by the referendum.

18 (B) All 9-1-1 network costs for systems outside of
19 municipalities with a population of at least 500,000
20 shall be paid by the Department directly to the
21 vendors.

22 (C) All expenses incurred by the Administrator and
23 the Statewide 9-1-1 Advisory Board and costs
24 associated with procurement under Section 15.6b
25 including requests for information and requests for
26 proposals.

1 (D) Funds may be held in reserve by the Statewide
2 9-1-1 Advisory Board and disbursed by the Department
3 for grants under Sections 15.4a, 15.4b, and for NG9-1-1
4 expenses up to \$12.5 million per year in State fiscal
5 years 2016 and 2017; up to \$13.5 million in State
6 fiscal year 2018; up to \$14.4 million in State fiscal
7 year 2019; up to \$15.3 million in State fiscal year
8 2020; up to \$16.2 million in State fiscal year 2021; up
9 to \$23.1 million in State fiscal year 2022; and up to
10 \$17.0 million per year for State fiscal year 2023 and
11 each year thereafter.

12 (E) All remaining funds per remit month shall be
13 used to make monthly proportional grants to the
14 appropriate 9-1-1 Authority currently taking wireless
15 9-1-1 based upon the United States Postal Zip Code of
16 the billing addresses of subscribers of wireless
17 carriers.

18 (c) The moneys deposited into the Statewide 9-1-1 Fund
19 under this Section shall not be subject to administrative
20 charges or chargebacks unless otherwise authorized by this Act.

21 (d) Whenever two or more 9-1-1 Authorities consolidate, the
22 resulting Joint Emergency Telephone System Board shall be
23 entitled to the monthly payments that had theretofore been made
24 to each consolidating 9-1-1 Authority. Any reserves held by any
25 consolidating 9-1-1 Authority shall be transferred to the
26 resulting Joint Emergency Telephone System Board. Whenever a

1 county that has no 9-1-1 service as of January 1, 2016 enters
2 into an agreement to consolidate to create or join a Joint
3 Emergency Telephone System Board, the Joint Emergency
4 Telephone System Board shall be entitled to the monthly
5 payments that would have otherwise been paid to the county if
6 it had provided 9-1-1 service.

7 (Source: P.A. 99-6, eff. 1-1-16.)

8 (50 ILCS 750/40)

9 (This Section may contain text from a Public Act with a
10 delayed effective date)

11 (Section scheduled to be repealed on July 1, 2017)

12 Sec. 40. Financial reports.

13 (a) The Department shall create uniform accounting
14 procedures, with such modification as may be required to give
15 effect to statutory provisions applicable only to
16 municipalities with a population in excess of 500,000, that any
17 emergency telephone system board, qualified governmental
18 entity, or unit of local government receiving surcharge money
19 pursuant to Section 15.3, 15.3a, or 30 of this Act must follow.

20 (b) By October 1, 2016, and every October 1 thereafter,
21 each emergency telephone system board, qualified governmental
22 entity, or unit of local government receiving surcharge money
23 pursuant to Section 15.3, 15.3a, or 30 shall report to the
24 Department audited financial statements showing total revenue
25 and expenditures for the previous fiscal year in a form and

1 manner as prescribed by the Department. Such financial
2 information shall include:

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

6 (2) operating expenses, capital expenditures, and cash
7 balances; and

8 (3) such other financial information that is relevant
9 to the provision of 9-1-1 services as determined by the
10 Department.

11 The emergency telephone system board, qualified
12 governmental entity, or unit of local government is responsible
13 for any costs associated with auditing such financial
14 statements. The Department shall post the audited financial
15 statements on the Department's website.

16 (c) Along with its audited financial statement, each
17 emergency telephone system board, qualified governmental
18 entity, or unit of local government receiving a grant under
19 Section 15.4b of this Act shall include a report of the amount
20 of grant moneys received and how the grant moneys were used. In
21 case of a conflict between this requirement and the Grant
22 Accountability and Transparency Act, or with the rules of the
23 Governor's Office of Management and Budget adopted thereunder,
24 that Act and those rules shall control.

25 (d) If an emergency telephone system board or qualified
26 governmental entity that receives funds from the Statewide

1 9-1-1 Fund fails to file the 9-1-1 system financial reports as
2 required under this Section, the Department shall suspend and
3 withhold monthly disbursements otherwise due to the emergency
4 telephone system board or qualified governmental entity under
5 Section 30 of this Act until the report is filed.

6 Any monthly disbursements that have been withheld for 12
7 months or more shall be forfeited by the emergency telephone
8 system board or qualified governmental entity and shall be
9 distributed proportionally by the Department to compliant
10 emergency telephone system boards and qualified governmental
11 entities that receive funds from the Statewide 9-1-1 Fund.

12 Any emergency telephone system board or qualified
13 governmental entity not in compliance with this Section shall
14 be ineligible to receive any consolidation grant or
15 infrastructure grant issued under this Act.

16 (e) The Department may adopt emergency rules necessary to
17 implement the provisions of this Section.

18 (f) Any findings or decisions of the Department under this
19 Section shall be deemed a final administrative decision and
20 shall be subject to judicial review under the Administrative
21 Review Law.

22 (Source: P.A. 99-6, eff. 1-1-16.)

23 (50 ILCS 750/45)

24 (This Section may contain text from a Public Act with a
25 delayed effective date)

1 (Section scheduled to be repealed on July 1, 2017)

2 Sec. 45. Wireless Carrier Reimbursement Fund.

3 (a) A special fund in the State treasury known as the
4 Wireless Carrier Reimbursement Fund, which was created
5 previously under Section 30 of the Wireless Emergency Telephone
6 Safety Act, shall continue in existence without interruption
7 notwithstanding the repeal of that Act. Moneys in the Wireless
8 Carrier Reimbursement Fund may be used, subject to
9 appropriation, only (i) to reimburse wireless carriers for all
10 of their costs incurred in complying with the applicable
11 provisions of Federal Communications Commission wireless
12 enhanced 9-1-1 service mandates, and (ii) to pay the reasonable
13 and necessary costs of the Department ~~Illinois Commerce~~
14 ~~Commission~~ in exercising its rights, duties, powers, and
15 functions under this Act. This reimbursement to wireless
16 carriers may include, but need not be limited to, the cost of
17 designing, upgrading, purchasing, leasing, programming,
18 installing, testing, and maintaining necessary data, hardware,
19 and software and associated operating and administrative costs
20 and overhead.

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

1 Federal Communications Commission, or (ii) costs with respect
2 to any wireless enhanced 9-1-1 service that is not operable at
3 the time the invoice is submitted.

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

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

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

24 (f) The Department ~~Illinois Commerce Commission~~ must
25 annually review the balance in the Wireless Carrier
26 Reimbursement Fund as of June 30 of each year and shall direct

1 the Comptroller to transfer into the Statewide 9-1-1 Fund for
2 distribution in accordance with subsection (b) of Section 30 of
3 this Act any amount in excess of outstanding invoices as of
4 June 30 of each year.

5 (g) The Department ~~Illinois Commerce Commission~~ shall
6 adopt rules to govern the reimbursement process. Any rules
7 adopted by the Commission governing reimbursements from the
8 Wireless Carrier Reimbursement Fund shall become the rules of
9 the Department, and shall continue in effect until amended or
10 repealed by the Department.

11 (Source: P.A. 99-6, eff. 1-1-16.)

12 (50 ILCS 750/55)

13 (This Section may contain text from a Public Act with a
14 delayed effective date)

15 (Section scheduled to be repealed on July 1, 2017)

16 Sec. 55. Public disclosure. Because of the highly
17 competitive nature of the ~~wireless~~ telephone industry, public
18 disclosure of information about surcharge moneys paid by
19 ~~wireless~~ carriers could have the effect of stifling competition
20 to the detriment of the public and the delivery of ~~wireless~~
21 9-1-1 services. Therefore, the Illinois Commerce Commission,
22 the Department of State Police, governmental agencies, and
23 individuals with access to that information shall take
24 appropriate steps to prevent public disclosure of this
25 information. Information and data supporting the amount and

1 distribution of surcharge moneys collected and remitted by an
2 individual ~~wireless~~ carrier shall be deemed exempt information
3 for purposes of the Freedom of Information Act and shall not be
4 publicly disclosed. The gross amount paid by all carriers shall
5 not be deemed exempt and may be publicly disclosed.

6 (Source: P.A. 99-6, eff. 1-1-16.)

7 (50 ILCS 750/65 new)

8 Sec. 65. Home rule.

9 (a) A home rule unit shall not impose a separate 9-1-1
10 surcharge on subscribers of telecommunications carriers and
11 wireless carriers in addition to the 9-1-1 surcharges provided
12 for under this Act. This subsection is a limitation under
13 subsection (g) of Section 6 of Article VII of the Illinois
14 Constitution on the powers and functions of home rule units not
15 exercised or performed by the State.

16 (b) A home rule unit may not regulate emergency telephone
17 services or provide emergency telephone services in any way
18 that conflicts with this Act and any rules adopted pursuant to
19 this Act. All units of local government must comply with the
20 provisions of this Act and all rules adopted pursuant to this
21 Act as applicable. This Section is a denial and limitation of
22 home rule powers and functions under subsection (h) of Section
23 6 of Article VII of the Illinois Constitution.

24 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 99. Effective date. This Act takes effect January
8 1, 2016, except that this Section and the changes to Section 19
9 of the Emergency Telephone System Act take effect upon becoming
10 law.".