



Sen. William R. Haine

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LRB095 04952 HLH 36403 a

1 AMENDMENT TO HOUSE BILL 828

2 AMENDMENT NO. _____. Amend House Bill 828 immediately
3 below the enacting clause, by inserting the following:

4 "Section 3. The State Finance Act is amended by changing
5 Section 8h as follows:

6 (30 ILCS 105/8h)

7 Sec. 8h. Transfers to General Revenue Fund.

8 (a) Except as otherwise provided in this Section and
9 Section 8n of this Act, and ~~(c), (d), or (e),~~ notwithstanding
10 any other State law to the contrary, the Governor may, through
11 June 30, 2007, from time to time direct the State Treasurer and
12 Comptroller to transfer a specified sum from any fund held by
13 the State Treasurer to the General Revenue Fund in order to
14 help defray the State's operating costs for the fiscal year.
15 The total transfer under this Section from any fund in any
16 fiscal year shall not exceed the lesser of (i) 8% of the

1 revenues to be deposited into the fund during that fiscal year
2 or (ii) an amount that leaves a remaining fund balance of 25%
3 of the July 1 fund balance of that fiscal year. In fiscal year
4 2005 only, prior to calculating the July 1, 2004 final
5 balances, the Governor may calculate and direct the State
6 Treasurer with the Comptroller to transfer additional amounts
7 determined by applying the formula authorized in Public Act
8 93-839 to the funds balances on July 1, 2003. No transfer may
9 be made from a fund under this Section that would have the
10 effect of reducing the available balance in the fund to an
11 amount less than the amount remaining unexpended and unreserved
12 from the total appropriation from that fund estimated to be
13 expended for that fiscal year. This Section does not apply to
14 any funds that are restricted by federal law to a specific use,
15 to any funds in the Motor Fuel Tax Fund, the Intercity
16 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
17 Provider Relief Fund, the Teacher Health Insurance Security
18 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
19 the Voters' Guide Fund, the Foreign Language Interpreter Fund,
20 the Lawyers' Assistance Program Fund, the Supreme Court Federal
21 Projects Fund, the Supreme Court Special State Projects Fund,
22 the Supplemental Low-Income Energy Assistance Fund, the Good
23 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste
24 Facility Development and Operation Fund, the Horse Racing
25 Equity Trust Fund, or the Hospital Basic Services Preservation
26 Fund, or to any funds to which subsection (f) of Section 20-40

1 of the Nursing and Advanced Practice Nursing Act applies. No
2 transfers may be made under this Section from the Pet
3 Population Control Fund. Notwithstanding any other provision
4 of this Section, for fiscal year 2004, the total transfer under
5 this Section from the Road Fund or the State Construction
6 Account Fund shall not exceed the lesser of (i) 5% of the
7 revenues to be deposited into the fund during that fiscal year
8 or (ii) 25% of the beginning balance in the fund. For fiscal
9 year 2005 through fiscal year 2007, no amounts may be
10 transferred under this Section from the Road Fund, the State
11 Construction Account Fund, the Criminal Justice Information
12 Systems Trust Fund, the Wireless Service Emergency Fund, or the
13 Mandatory Arbitration Fund.

14 In determining the available balance in a fund, the
15 Governor may include receipts, transfers into the fund, and
16 other resources anticipated to be available in the fund in that
17 fiscal year.

18 The State Treasurer and Comptroller shall transfer the
19 amounts designated under this Section as soon as may be
20 practicable after receiving the direction to transfer from the
21 Governor.

22 (a-5) Transfers directed to be made under this Section on
23 or before February 28, 2006 that are still pending on May 19,
24 2006 (the effective date of Public Act 94-774) ~~this amendatory~~
25 ~~Act of the 94th General Assembly~~ shall be redirected as
26 provided in Section 8n of this Act.

1 (b) This Section does not apply to: (i) the Ticket For The
2 Cure Fund; (ii) any fund established under the Community Senior
3 Services and Resources Act; or (iii) on or after January 1,
4 2006 (the effective date of Public Act 94-511), the Child Labor
5 and Day and Temporary Labor Enforcement Fund.

6 (c) This Section does not apply to the Demutualization
7 Trust Fund established under the Uniform Disposition of
8 Unclaimed Property Act.

9 (d) This Section does not apply to moneys set aside in the
10 Illinois State Podiatric Disciplinary Fund for podiatric
11 scholarships and residency programs under the Podiatric
12 Scholarship and Residency Act.

13 (e) Subsection (a) does not apply to, and no transfer may
14 be made under this Section from, the Pension Stabilization
15 Fund.

16 (f) This Section does not apply to the Wireless Service
17 Emergency Fund or the Wireless Carrier Reimbursement Fund.

18 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
19 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
20 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
21 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
22 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
23 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
24 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.
25 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,
26 eff. 6-6-06; revised 6-19-06.)"; and

1 on page 4, below line 24, by inserting the following:

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

4 (50 ILCS 751/15)

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

6 Sec. 15. Wireless emergency 9-1-1 service. The digits
7 "9-1-1" shall be the designated emergency telephone number
8 within the wireless system.

9 (a) Standards. The Illinois Commerce Commission may set
10 non-discriminatory, uniform technical and operational
11 standards consistent with the rules of the Federal
12 Communications Commission for directing calls to authorized
13 public safety answering points. These standards shall not in
14 any way prescribe the technology or manner a wireless carrier
15 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls
16 and these standards shall not exceed the requirements set by
17 the Federal Communications Commission. However, standards for
18 directing calls to the authorized public safety answering point
19 shall be included. The authority given to the Illinois Commerce
20 Commission in this Section is limited to setting standards as
21 set forth herein and does not constitute authority to regulate
22 wireless carriers.

23 (b) Wireless public safety answering points. For the

1 purpose of providing wireless 9-1-1 emergency services, an
2 emergency telephone system board or, in the absence of an
3 emergency telephone system board, a qualified governmental
4 entity may declare its intention for one or more of its public
5 safety answering points to serve as a primary wireless 9-1-1
6 public safety answering point for its jurisdiction by notifying
7 the Chief Clerk of the Illinois Commerce Commission and the
8 Director of State Police in writing within 6 months after the
9 effective date of this Act or within 6 months after receiving
10 its authority to operate a 9-1-1 system under the Emergency
11 Telephone System Act, whichever is later. In addition, 2 or
12 more emergency telephone system boards or qualified units of
13 local government may, by virtue of an intergovernmental
14 agreement, provide wireless 9-1-1 service. The Department of
15 State Police shall be the primary wireless 9-1-1 public safety
16 answering point for any jurisdiction not providing notice to
17 the Commission and the Department of State Police. Nothing in
18 this Act shall require the provision of wireless enhanced 9-1-1
19 services.

20 The Illinois Commerce Commission, upon a ~~joint~~ request from
21 ~~the Department of State Police and~~ a qualified governmental
22 entity or an emergency telephone system board, may grant
23 authority to the emergency telephone system board or a
24 qualified governmental entity to provide wireless 9-1-1
25 service in areas for which the Department of State Police has
26 accepted wireless 9-1-1 responsibility. The Illinois Commerce

1 Commission shall maintain a current list of all 9-1-1 systems
2 and qualified governmental entities providing wireless 9-1-1
3 service under this Act.

4 Any emergency telephone system board or qualified
5 governmental entity providing wireless 9-1-1 service prior to
6 the effective date of this Act may continue to operate upon
7 notification as previously described in this Section. An
8 emergency telephone system board or a qualified governmental
9 entity shall submit, with its notification, the date upon which
10 it commenced operating.

11 (c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced
12 9-1-1 Board is created. The Board consists of 7 members
13 appointed by the Governor with the advice and consent of the
14 Senate. It is recommended that the Governor appoint members
15 from the following: the Illinois Chapter of the National
16 Emergency Numbers Association, the Illinois State Police, law
17 enforcement agencies, the wireless telecommunications
18 industry, an emergency telephone system board in Cook County
19 (outside the City of Chicago), an emergency telephone system
20 board in the Metro-east area, and an emergency telephone system
21 board in the collar counties (Lake, McHenry, DuPage, Kane, and
22 Will counties). Members of the Board may not receive any
23 compensation but may, however, be reimbursed for any necessary
24 expenditure in connection with their duties.

25 Except as provided in Section 45, the Wireless Enhanced
26 9-1-1 Board shall set the amount of the monthly wireless

1 surcharge required to be imposed under Section 17 on all
2 wireless subscribers in this State. Prior to the Wireless
3 Enhanced 9-1-1 Board setting any surcharge, the Board shall
4 publish the proposed surcharge in the Illinois Register, hold
5 hearings on the surcharge and the requirements for an efficient
6 wireless emergency number system, and elicit public comment.
7 The Board shall determine the minimum cost necessary for
8 implementation of this system and the amount of revenue
9 produced based upon the number of wireless telephones in use.
10 The Board shall set the surcharge at the minimum amount
11 necessary to achieve the goals of the Act and shall, by July 1,
12 2000, file this information with the Governor, the Clerk of the
13 House, and the Secretary of the Senate. The surcharge may not
14 be more than \$0.75 per month per CMRS connection.

15 The Wireless Enhanced 9-1-1 Board shall report to the
16 General Assembly by July 1, 2000 on implementing wireless
17 non-emergency services for the purpose of public safety using
18 the digits 3-1-1. The Board shall consider the delivery of
19 3-1-1 services in a 6 county area, including rural Cook County
20 (outside of the City of Chicago), and DuPage, Lake, McHenry,
21 Will, and Kane Counties, as well as counties outside of this
22 area by an emergency telephone system board, a qualified
23 governmental entity, or private industry. The Board, upon
24 completion of all its duties required under this Act, is
25 dissolved.

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

1 (50 ILCS 751/17)

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

3 Sec. 17. Wireless carrier surcharge.

4 (a) Except as provided in Section 45, each wireless carrier
5 shall impose a monthly wireless carrier surcharge per CMRS
6 connection that either has a telephone number within an area
7 code assigned to Illinois by the North American Numbering Plan
8 Administrator or has a billing address in this State. In the
9 case of prepaid wireless telephone service, this surcharge
10 shall be remitted based upon the address associated with the
11 point of purchase, the customer billing address, or the
12 location associated with the MTN for each active prepaid
13 wireless telephone that has a sufficient positive balance as of
14 the last day of each month, if that information is available.
15 No wireless carrier shall impose the surcharge authorized by
16 this Section upon any subscriber who is subject to the
17 surcharge imposed by a unit of local government pursuant to
18 Section 45. Prior to the effective date of this amendatory Act
19 of the 95th General Assembly, the surcharge amount shall be the
20 amount set by the Wireless Enhanced 9-1-1 Board. Beginning on
21 the effective date of this amendatory Act of the 95th General
22 Assembly, the monthly surcharge imposed under this Section
23 shall be \$0.73 per CMRS connection. The wireless carrier that
24 provides wireless service to the subscriber shall collect the
25 surcharge ~~set by the Wireless Enhanced 9-1-1 Board~~ from the

1 subscriber. For mobile telecommunications services provided on
2 and after August 1, 2002, any surcharge imposed under this Act
3 shall be imposed based upon the municipality or county that
4 encompasses the customer's place of primary use as defined in
5 the Mobile Telecommunications Sourcing Conformity Act. The
6 surcharge shall be stated as a separate item on the
7 subscriber's monthly bill. The wireless carrier shall begin
8 collecting the surcharge on bills issued within 90 days after
9 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
10 surcharge. State and local taxes shall not apply to the
11 wireless carrier surcharge.

12 (b) Except as provided in Section 45, a wireless carrier
13 shall, within 45 days of collection, remit, either by check or
14 by electronic funds transfer, to the State Treasurer the amount
15 of the wireless carrier surcharge collected from each
16 subscriber. Of the amounts remitted under this subsection prior
17 to the effective date of this amendatory Act of the 95th
18 General Assembly, and for surcharges imposed before the
19 effective date of this amendatory Act of the 95th General
20 Assembly but remitted after its effective date, the State
21 Treasurer shall deposit one-third into the Wireless Carrier
22 Reimbursement Fund and two-thirds into the Wireless Service
23 Emergency Fund. For surcharges collected and remitted on or
24 after the effective date of this amendatory Act of the 95th
25 General Assembly, \$0.1475 per surcharge collected shall be
26 deposited into the Wireless Carrier Reimbursement Fund, and

1 \$0.5825 per surcharge collected shall be deposited into the
2 Wireless Service Emergency Fund. Of the amounts deposited into
3 the Wireless Carrier Reimbursement Fund under this subsection,
4 \$0.01 per surcharge collected may be distributed to the
5 carriers to cover their administrative costs. Of the amounts
6 deposited into the Wireless Service Emergency Fund under this
7 subsection, \$0.01 per surcharge collected may be disbursed to
8 the Illinois Commerce Commission to cover its administrative
9 costs.

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

19 (d) Notwithstanding any provision of law to the contrary,
20 nothing shall impair the right of wireless carriers to recover
21 compliance costs for all emergency communications services
22 directly from their customers via line-item charges on the
23 customer's bill. Those compliance costs include all costs
24 incurred by wireless carriers in complying with local, State,
25 and federal regulatory or legislative mandates that require the
26 transmission and receipt of emergency communications to and

1 from the general public, including, but not limited to, E-911.

2 (e) The Auditor General shall conduct, on an annual basis,
3 an audit of the Wireless Service Emergency Fund and the
4 Wireless Carrier Reimbursement Fund for compliance with the
5 requirements of this Act. The audit shall include, but not be
6 limited to, the following determinations:

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

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

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

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

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

26 (Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839,

1 eff. 7-30-04.)

2 (50 ILCS 751/25)

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

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

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

16 If the Illinois Commerce Commission is notified of an area
17 of overlapping jurisdiction, grants for that area shall be made
18 based upon reference to an official Master Street Address Guide
19 to the emergency telephone system board or qualified
20 governmental entity whose public service answering points
21 provide wireless 9-1-1 service in that area. The emergency
22 telephone system board or qualified governmental entity shall
23 provide the Illinois Commerce Commission with a valid copy of
24 the appropriate Master Street Address Guide. The Illinois
25 Commerce Commission does not have a duty to verify

1 jurisdictional responsibility.

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

10 In the event of a dispute between emergency telephone
11 system boards or qualified governmental entities concerning a
12 subscriber billing address, the Illinois Commerce Commission
13 shall resolve the dispute.

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

18 The Illinois Commerce Commission shall adopt rules to
19 govern the grant process.

20 The Illinois Commerce Commission may also use moneys in the
21 Wireless Service Emergency Fund to make grants to the Illinois
22 National Emergency Number Association for the purpose of
23 conducting a study to determine the future technological and
24 financial needs of the wireless 9-1-1 systems. The study shall
25 include input from the telecommunications industry and the
26 public safety community.

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

2 (50 ILCS 751/35)

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

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

19 If in any month the total amount of invoices submitted to
20 the Illinois Commerce Commission and approved for payment
21 exceeds the amount available in the Wireless Carrier
22 Reimbursement Fund, wireless carriers that have invoices
23 approved for payment shall receive a pro-rata share of the
24 amount available in the Wireless Carrier Reimbursement Fund
25 based on the relative amount of their approved invoices

1 available that month, and the balance of the payments shall be
2 carried into the following months until all of the approved
3 payments are made.

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

10 The Illinois Commerce Commission shall maintain detailed
11 records of all receipts and disbursements and shall provide an
12 annual accounting of all receipts and disbursements to the
13 Auditor General.

14 The Illinois Commerce Commission shall adopt rules to
15 govern the reimbursement process.

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

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

24 (50 ILCS 751/70)

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

1 Sec. 70. Repealer. This Act is repealed on April 1, 2013
2 ~~2008~~.
3 (Source: P.A. 93-507, eff. 1-1-04.)"