

1 AN ACT concerning local government.

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

4 Section 5. The 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
17 revenues to be deposited into the fund during that fiscal year
18 or (ii) an amount that leaves a remaining fund balance of 25%
19 of the July 1 fund balance of that fiscal year. In fiscal year
20 2005 only, prior to calculating the July 1, 2004 final
21 balances, the Governor may calculate and direct the State
22 Treasurer with the Comptroller to transfer additional amounts
23 determined by applying the formula authorized in Public Act

1 93-839 to the funds balances on July 1, 2003. No transfer may
2 be made from a fund under this Section that would have the
3 effect of reducing the available balance in the fund to an
4 amount less than the amount remaining unexpended and unreserved
5 from the total appropriation from that fund estimated to be
6 expended for that fiscal year. This Section does not apply to
7 any funds that are restricted by federal law to a specific use,
8 to any funds in the Motor Fuel Tax Fund, the Intercity
9 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
10 Provider Relief Fund, the Teacher Health Insurance Security
11 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
12 the Voters' Guide Fund, the Foreign Language Interpreter Fund,
13 the Lawyers' Assistance Program Fund, the Supreme Court Federal
14 Projects Fund, the Supreme Court Special State Projects Fund,
15 the Supplemental Low-Income Energy Assistance Fund, the Good
16 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste
17 Facility Development and Operation Fund, the Horse Racing
18 Equity Trust Fund, or the Hospital Basic Services Preservation
19 Fund, or to any funds to which subsection (f) of Section 20-40
20 of the Nursing and Advanced Practice Nursing Act applies. No
21 transfers may be made under this Section from the Pet
22 Population Control Fund. Notwithstanding any other provision
23 of this Section, for fiscal year 2004, the total transfer under
24 this Section from the Road Fund or the State Construction
25 Account Fund shall not exceed the lesser of (i) 5% of the
26 revenues to be deposited into the fund during that fiscal year

1 or (ii) 25% of the beginning balance in the fund. For fiscal
2 year 2005 through fiscal year 2007, no amounts may be
3 transferred under this Section from the Road Fund, the State
4 Construction Account Fund, the Criminal Justice Information
5 Systems Trust Fund, the Wireless Service Emergency Fund, or the
6 Mandatory Arbitration Fund.

7 In determining the available balance in a fund, the
8 Governor may include receipts, transfers into the fund, and
9 other resources anticipated to be available in the fund in that
10 fiscal year.

11 The State Treasurer and Comptroller shall transfer the
12 amounts designated under this Section as soon as may be
13 practicable after receiving the direction to transfer from the
14 Governor.

15 (a-5) Transfers directed to be made under this Section on
16 or before February 28, 2006 that are still pending on May 19,
17 2006 (the effective date of Public Act 94-774) ~~this amendatory~~
18 ~~Act of the 94th General Assembly~~ shall be redirected as
19 provided in Section 8n of this Act.

20 (b) This Section does not apply to: (i) the Ticket For The
21 Cure Fund; (ii) any fund established under the Community Senior
22 Services and Resources Act; or (iii) on or after January 1,
23 2006 (the effective date of Public Act 94-511), the Child Labor
24 and Day and Temporary Labor Enforcement Fund.

25 (c) This Section does not apply to the Demutualization
26 Trust Fund established under the Uniform Disposition of

1 Unclaimed Property Act.

2 (d) This Section does not apply to moneys set aside in the
3 Illinois State Podiatric Disciplinary Fund for podiatric
4 scholarships and residency programs under the Podiatric
5 Scholarship and Residency Act.

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

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

11 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
12 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
13 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
14 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
15 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
16 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
17 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.
18 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,
19 eff. 6-6-06; revised 6-19-06.)

20 Section 10. The Wireless Emergency Telephone Safety Act is
21 amended by changing Sections 15, 17, and 70 as follows:

22 (50 ILCS 751/15)

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

24 Sec. 15. Wireless emergency 9-1-1 service. The digits

1 "9-1-1" shall be the designated emergency telephone number
2 within the wireless system.

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

17 (b) Wireless public safety answering points. For the
18 purpose of providing wireless 9-1-1 emergency services, an
19 emergency telephone system board or, in the absence of an
20 emergency telephone system board, a qualified governmental
21 entity may declare its intention for one or more of its public
22 safety answering points to serve as a primary wireless 9-1-1
23 public safety answering point for its jurisdiction by notifying
24 the Chief Clerk of the Illinois Commerce Commission and the
25 Director of State Police in writing within 6 months after the
26 effective date of this Act or within 6 months after receiving

1 its authority to operate a 9-1-1 system under the Emergency
2 Telephone System Act, whichever is later. In addition, 2 or
3 more emergency telephone system boards or qualified units of
4 local government may, by virtue of an intergovernmental
5 agreement, provide wireless 9-1-1 service. The Department of
6 State Police shall be the primary wireless 9-1-1 public safety
7 answering point for any jurisdiction not providing notice to
8 the Commission and the Department of State Police. Nothing in
9 this Act shall require the provision of wireless enhanced 9-1-1
10 services.

11 The Illinois Commerce Commission, upon a ~~joint~~ request from
12 ~~the Department of State Police and~~ a qualified governmental
13 entity or an emergency telephone system board, may grant
14 authority to the emergency telephone system board or a
15 qualified governmental entity to provide wireless 9-1-1
16 service in areas for which the Department of State Police has
17 accepted wireless 9-1-1 responsibility. The Illinois Commerce
18 Commission shall maintain a current list of all 9-1-1 systems
19 and qualified governmental entities providing wireless 9-1-1
20 service under this Act.

21 Any emergency telephone system board or qualified
22 governmental entity providing wireless 9-1-1 service prior to
23 the effective date of this Act may continue to operate upon
24 notification as previously described in this Section. An
25 emergency telephone system board or a qualified governmental
26 entity shall submit, with its notification, the date upon which

1 it commenced operating.

2 (c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced
3 9-1-1 Board is created. The Board consists of 7 members
4 appointed by the Governor with the advice and consent of the
5 Senate. It is recommended that the Governor appoint members
6 from the following: the Illinois Chapter of the National
7 Emergency Numbers Association, the Illinois State Police, law
8 enforcement agencies, the wireless telecommunications
9 industry, an emergency telephone system board in Cook County
10 (outside the City of Chicago), an emergency telephone system
11 board in the Metro-east area, and an emergency telephone system
12 board in the collar counties (Lake, McHenry, DuPage, Kane, and
13 Will counties). Members of the Board may not receive any
14 compensation but may, however, be reimbursed for any necessary
15 expenditure in connection with their duties.

16 Except as provided in Section 45, the Wireless Enhanced
17 9-1-1 Board shall set the amount of the monthly wireless
18 surcharge required to be imposed under Section 17 on all
19 wireless subscribers in this State. Prior to the Wireless
20 Enhanced 9-1-1 Board setting any surcharge, the Board shall
21 publish the proposed surcharge in the Illinois Register, hold
22 hearings on the surcharge and the requirements for an efficient
23 wireless emergency number system, and elicit public comment.
24 The Board shall determine the minimum cost necessary for
25 implementation of this system and the amount of revenue
26 produced based upon the number of wireless telephones in use.

1 The Board shall set the surcharge at the minimum amount
2 necessary to achieve the goals of the Act and shall, by July 1,
3 2000, file this information with the Governor, the Clerk of the
4 House, and the Secretary of the Senate. The surcharge may not
5 be more than \$0.75 per month per CMRS connection.

6 The Wireless Enhanced 9-1-1 Board shall report to the
7 General Assembly by July 1, 2000 on implementing wireless
8 non-emergency services for the purpose of public safety using
9 the digits 3-1-1. The Board shall consider the delivery of
10 3-1-1 services in a 6 county area, including rural Cook County
11 (outside of the City of Chicago), and DuPage, Lake, McHenry,
12 Will, and Kane Counties, as well as counties outside of this
13 area by an emergency telephone system board, a qualified
14 governmental entity, or private industry. The Board, upon
15 completion of all its duties required under this Act, is
16 dissolved.

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

18 (50 ILCS 751/17)

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

20 Sec. 17. Wireless carrier surcharge.

21 (a) Except as provided in Section 45, each wireless carrier
22 shall impose a monthly wireless carrier surcharge per CMRS
23 connection that either has a telephone number within an area
24 code assigned to Illinois by the North American Numbering Plan
25 Administrator or has a billing address in this State. In the

1 case of prepaid wireless telephone service, this surcharge
2 shall be remitted based upon the address associated with the
3 point of purchase, the customer billing address, or the
4 location associated with the MTN for each active prepaid
5 wireless telephone that has a sufficient positive balance as of
6 the last day of each month, if that information is available.
7 No wireless carrier shall impose the surcharge authorized by
8 this Section upon any subscriber who is subject to the
9 surcharge imposed by a unit of local government pursuant to
10 Section 45. The wireless carrier that provides wireless service
11 to the subscriber shall collect the surcharge set by the
12 Wireless Enhanced 9-1-1 Board from the subscriber. For mobile
13 telecommunications services provided on and after August 1,
14 2002, any surcharge imposed under this Act shall be imposed
15 based upon the municipality or county that encompasses the
16 customer's place of primary use as defined in the Mobile
17 Telecommunications Sourcing Conformity Act. The surcharge
18 shall be stated as a separate item on the subscriber's monthly
19 bill. The wireless carrier shall begin collecting the surcharge
20 on bills issued within 90 days after the Wireless Enhanced
21 9-1-1 Board sets the monthly wireless surcharge. State and
22 local taxes shall not apply to the wireless carrier surcharge.

23 (b) Except as provided in Section 45, a wireless carrier
24 shall, within 45 days of collection, remit, either by check or
25 by electronic funds transfer, to the State Treasurer the amount
26 of the wireless carrier surcharge collected from each

1 subscriber. Of the amounts remitted under this subsection, the
2 State Treasurer shall deposit one-third into the Wireless
3 Carrier Reimbursement Fund and two-thirds into the Wireless
4 Service Emergency Fund.

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

14 (d) The Auditor General shall conduct an audit of the
15 Wireless Service Emergency Fund and the Wireless Carrier
16 Reimbursement Fund for compliance with the requirements of this
17 Act. The audit shall include, but not be limited to, the
18 following determinations:

19 (1) Whether the Commission is maintaining detailed
20 records of all receipts and disbursements from the Wireless
21 Carrier Emergency Fund and the Wireless Carrier
22 Reimbursement Fund.

23 (2) Whether the Commission's administrative costs
24 charged to the funds are adequately documented and are
25 reasonable.

26 (3) Whether the Commission's procedures for making

1 grants and providing reimbursements in accordance with the
2 Act are adequate.

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

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

12 (Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839,
13 eff. 7-30-04.)

14 (50 ILCS 751/70)

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

16 Sec. 70. Repealer. This Act is repealed on April 1, 2013
17 2008.

18 (Source: P.A. 93-507, eff. 1-1-04.)