



Rep. Esther Golar

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LRB098 03253 OMW 43573 a

1 AMENDMENT TO HOUSE BILL 434

2 AMENDMENT NO. _____. Amend House Bill 434 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.826 as follows:

6 (30 ILCS 105/5.826 new)

7 Sec. 5.826. The Poison Response Fund.

8 Section 10. The Wireless Emergency Telephone Safety Act is
9 amended by changing Sections 17 and 70 as follows:

10 (50 ILCS 751/17)

11 (Section scheduled to be repealed on July 1, 2013)

12 Sec. 17. Wireless carrier surcharge.

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

1 CMRS connection that either has a telephone number within an
2 area code assigned to Illinois by the North American Numbering
3 Plan Administrator or has a billing address in this State. No
4 wireless carrier shall impose the surcharge authorized by this
5 Section upon any subscriber who is subject to the surcharge
6 imposed by a unit of local government pursuant to Section 45.
7 Prior to January 1, 2008 (the effective date of Public Act
8 95-698), the surcharge amount shall be the amount set by the
9 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008
10 (the effective date of Public Act 95-698), the monthly
11 surcharge imposed under this Section shall be \$0.73 per CMRS
12 connection. The wireless carrier that provides wireless
13 service to the subscriber shall collect the surcharge from the
14 subscriber. For mobile telecommunications services provided on
15 and after August 1, 2002, any surcharge imposed under this Act
16 shall be imposed based upon the municipality or county that
17 encompasses the customer's place of primary use as defined in
18 the Mobile Telecommunications Sourcing Conformity Act. The
19 surcharge shall be stated as a separate item on the
20 subscriber's monthly bill. The wireless carrier shall begin
21 collecting the surcharge on bills issued within 90 days after
22 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
23 surcharge. State and local taxes shall not apply to the
24 wireless carrier surcharge.

25 (b) Except as provided in Sections 45 and 80, a wireless
26 carrier shall, within 45 days of collection, remit, either by

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

22 For surcharges collected and remitted on or after July 1,
23 2013, \$0.68 per surcharge collected shall be deposited into the
24 Wireless Service Emergency Fund for distribution to 9-1-1
25 authorities, \$0.02 per surcharge collected shall be deposited
26 into the Wireless Service Emergency Fund for distribution to

1 County Emergency Telephone System Boards in counties with a
2 population under 250,000, \$0.02 per surcharge shall be
3 deposited in the Poison Response Fund for distribution to a
4 human poison control center as defined in Section 10 of the
5 Poison Control System Act, and \$0.01 per surcharge collected
6 may be disbursed to the Illinois Commerce Commission for
7 administrative costs.

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

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

24 (e) If before midnight on the last day of the third
25 calendar month after the closing date of the remit period a
26 wireless carrier does not remit the surcharge or any portion

1 thereof required under this Section, then the surcharge or
2 portion thereof shall be deemed delinquent until paid in full,
3 and the Illinois Commerce Commission may impose a penalty
4 against the carrier in an amount equal to the greater of:

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

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

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

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

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

3 (2) an amount equal to the product of 1/2¢ and the
4 number of subscribers served by the wireless carrier. On
5 and after July 1, 2013, an amount equal to the product of
6 \$0.01 and the number of subscribers served by the wireless
7 carrier.

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

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

26 (h) Notwithstanding any provision of law to the contrary,

1 nothing shall impair the right of wireless carriers to recover
2 compliance costs for all emergency communications services
3 that are not reimbursed out of the Wireless Carrier
4 Reimbursement Fund directly from their wireless subscribers
5 via line-item charges on the wireless subscriber's bill. Those
6 compliance costs include all costs incurred by wireless
7 carriers in complying with local, State, and federal regulatory
8 or legislative mandates that require the transmission and
9 receipt of emergency communications to and from the general
10 public, including, but not limited to, E-911.

11 (i) The Auditor General shall conduct, on an annual basis,
12 an audit of the Wireless Service Emergency Fund, the Poison
13 Response Fund, and the Wireless Carrier Reimbursement Fund for
14 compliance with the requirements of this Act. The audit shall
15 include, but not be limited to, the following determinations:

16 (1) Whether the Commission is maintaining detailed
17 records of all receipts and disbursements from the Wireless
18 Carrier Emergency Fund, the Poison Response Fund, and the
19 Wireless Carrier Reimbursement Fund.

20 (2) Whether the Commission's administrative costs
21 charged to the funds are adequately documented and are
22 reasonable.

23 (3) Whether the Commission's procedures for making
24 grants and providing reimbursements in accordance with the
25 Act are adequate.

26 (4) The status of the implementation of wireless 9-1-1

1 and E9-1-1 services in Illinois.

2 (5) The status of human poison response services in
3 Illinois.

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

11 (j) The Illinois Commerce Commission may require an annual
12 report of income and expenditures from each emergency telephone
13 systems board or qualified governmental entity providing 9-1-1
14 service, and from each human poison control center as defined
15 in Section 10 of the Poison Control System Act, in a form and
16 manner prescribed by the Commission. The report may require the
17 inclusion of a copy of the audited financial statements of each
18 human poison control center as defined in Section 10 of the
19 Poison Control System Act, and each emergency telephone systems
20 board or qualified governmental entity providing 9-1-1
21 service.

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

23 (50 ILCS 751/70)

24 (Section scheduled to be repealed on July 1, 2013)

25 Sec. 70. Repealer. This Act is repealed on July 1, 2018

1 ~~2013.~~

2 (Source: P.A. 97-1163, eff. 2-4-13.)

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

5 (220 ILCS 5/13-900)

6 (Section scheduled to be repealed on July 1, 2013)

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

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

15 (b) For purposes of this Section:

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

19 "9-1-1 system provider" means any person, corporation,
20 limited liability company, partnership, sole
21 proprietorship, or entity of any description whatever that
22 acts as a system provider within the meaning of Section
23 2.18 of the Emergency Telephone System Act.

24 "Emergency Telephone System Board" has the same

1 meaning as that term is defined in Sections 2.11 and 15.4
2 of the Emergency Telephone System Act.

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

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

1 uninterrupted manner.

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

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

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

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

24 (220 ILCS 5/13-1200)

25 (Section scheduled to be repealed on July 1, 2013)

1 Sec. 13-1200. Repealer. This Article is repealed July 1,
2 2013, except as provided in Section 13-900 of this Article.

3 (Source: P.A. 95-9, eff. 6-30-07; 96-24, eff. 6-30-09; 96-927,
4 eff. 6-15-10.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".