

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 Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-25 as follows:

7 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

8 Sec. 2605-25. Department divisions. The Department is
9 divided into the Illinois State Police Academy and 4 divisions:
10 the Division of Operations, the Division of Forensic Services,
11 the Division of Administration, and the Division of Internal
12 Investigation. Beginning on July 1, 2015, there shall be the
13 Division of the Statewide 9-1-1 Administrator within the
14 Department of State Police to develop, implement, and oversee a
15 uniform statewide 9-1-1 system for all areas of the State
16 outside of municipalities having a population of more than
17 500,000.

18 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00; 91-760,
19 eff. 1-1-01.)

20 Section 10. The Emergency Telephone System Act is amended
21 by changing Section 15.3 as follows:

1 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

2 Sec. 15.3. Surcharge.

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

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

26 (ii) in a municipality with a population, prior to

1 March 1, 2010, of 500,000 or more, 5 surcharges per network
2 connection, as determined in accordance with subsections
3 (a) and (d) of Section 2.12 of this Act, for both regular
4 service and advanced service provisioned trunk lines;

5 (iii) in a municipality with a population, as of March
6 1, 2010, of 500,000 or more, 5 surcharges per network
7 connection, as determined in accordance with subsections
8 (a) and (d) of Section 2.12 of this Act, for regular
9 service provisioned trunk lines, and 12 surcharges per
10 network connection, as determined in accordance with
11 subsections (a) and (d) of Section 2.12 of this Act, for
12 advanced service provisioned trunk lines, except where an
13 advanced service provisioned trunk line supports at least 2
14 but fewer than 23 simultaneous voice grade calls ("VGC's"),
15 a telecommunication carrier may elect to impose fewer than
16 12 surcharges per trunk line as provided in subsection (iv)
17 of this Section; or

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

1 and maintain records. Any telecommunications carrier
 2 electing to impose fewer than 12 surcharges per an advanced
 3 service provisioned trunk line shall keep and maintain
 4 records adequately to demonstrate the VGC capability of
 5 each advanced service provisioned trunk line with fewer
 6 than 12 surcharges imposed, provided that 12 surcharges
 7 shall be imposed on an advanced service provisioned trunk
 8 line regardless of the VGC capability where a
 9 telecommunications carrier cannot demonstrate the VGC
 10 capability of the advanced service provisioned trunk line.

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

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

21 For mobile telecommunications services, if a surcharge is
 22 imposed it shall be imposed based upon the municipality or
 23 county that encompasses the customer's place of primary use as
 24 defined in the Mobile Telecommunications Sourcing Conformity

1 Act. A municipality may enter into an intergovernmental
2 agreement with any county in which it is partially located,
3 when the county has adopted an ordinance to impose a surcharge
4 as provided in subsection (c), to include that portion of the
5 municipality lying outside the county in that county's
6 surcharge referendum. If the county's surcharge referendum is
7 approved, the portion of the municipality identified in the
8 intergovernmental agreement shall automatically be
9 disconnected from the county in which it lies and connected to
10 the county which approved the referendum for purposes of a
11 surcharge on telecommunications carriers.

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

25 (c) Upon the passage of an ordinance to impose a surcharge
26 under this Section the clerk of the municipality or county

1 shall certify the question of whether the surcharge may be
 2 imposed to the proper election authority who shall submit the
 3 public question to the electors of the municipality or county
 4 in accordance with the general election law; provided that such
 5 question shall not be submitted at a consolidated primary
 6 election. The public question shall be in substantially the
 7 following form:

8 -----

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

18 -----

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

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

1 are parties to the intergovernmental agreement.

2 The referendum requirement of this subsection (c) shall not
3 apply to any municipality with a population over 500,000 or to
4 any county in which a proposition as to whether a sophisticated
5 9-1-1 Emergency Telephone System should be installed in the
6 county, at a cost not to exceed a specified monthly amount per
7 network connection, has previously been approved by a majority
8 of the electors of the county voting on the proposition at an
9 election conducted before the effective date of this amendatory
10 Act of 1987.

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

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

23 (f) The surcharge authorized by this Section shall be
24 collected from the subscriber by the telecommunications
25 carrier providing the subscriber the network connection as a
26 separately stated item on the subscriber's bill.

1 (g) The amount of surcharge collected by the
2 telecommunications carrier shall be paid to the particular
3 municipality or county or Joint Emergency Telephone System
4 Board not later than 30 days after the surcharge is collected,
5 net of any network or other 9-1-1 or sophisticated 9-1-1 system
6 charges then due the particular telecommunications carrier, as
7 shown on an itemized bill. The telecommunications carrier
8 collecting the surcharge shall also be entitled to deduct 3% of
9 the gross amount of surcharge collected to reimburse the
10 telecommunications carrier for the expense of accounting and
11 collecting the surcharge.

12 (h) Except as expressly provided in subsection (a) of this
13 Section, on or after the effective date of this amendatory Act
14 of the 98th General Assembly and until July 1, 2015, a
15 municipality with a population of 500,000 or more shall not
16 impose a monthly surcharge per network connection in excess of
17 the highest monthly surcharge imposed as of January 1, 2014 by
18 any county or municipality under subsection (c) of this
19 Section. On or after July 1, 2015, a municipality with a
20 population over 500,000 may not impose a monthly surcharge in
21 excess of \$2.50 per network connection.

22 (i) Any municipality or county or joint emergency telephone
23 system board that has imposed a surcharge pursuant to this
24 Section prior to the effective date of this amendatory Act of
25 1990 shall hereafter impose the surcharge in accordance with
26 subsection (b) of this Section.

1 (j) The corporate authorities of any municipality or county
2 may issue, in accordance with Illinois law, bonds, notes or
3 other obligations secured in whole or in part by the proceeds
4 of the surcharge described in this Section. Notwithstanding any
5 change in law subsequent to the issuance of any bonds, notes or
6 other obligations secured by the surcharge, every municipality
7 or county issuing such bonds, notes or other obligations shall
8 be authorized to impose the surcharge as though the laws
9 relating to the imposition of the surcharge in effect at the
10 time of issuance of the bonds, notes or other obligations were
11 in full force and effect until the bonds, notes or other
12 obligations are paid in full. The State of Illinois pledges and
13 agrees that it will not limit or alter the rights and powers
14 vested in municipalities and counties by this Section to impose
15 the surcharge so as to impair the terms of or affect the
16 security for bonds, notes or other obligations secured in whole
17 or in part with the proceeds of the surcharge described in this
18 Section.

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

26 (Source: P.A. 97-463, eff. 8-19-11.)

1 Section 15. The Wireless Emergency Telephone Safety Act is
2 amended by changing Sections 17, 35, 45, 70, and 85 and by
3 adding Section 27 as follows:

4 (50 ILCS 751/17)

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

6 Sec. 17. Wireless carrier surcharge.

7 (a) Except as provided in Sections 45 and 80, each wireless
8 carrier shall impose a monthly wireless carrier surcharge per
9 CMRS connection that either has a telephone number within an
10 area code assigned to Illinois by the North American Numbering
11 Plan Administrator or has a billing address in this State. No
12 wireless carrier shall impose the surcharge authorized by this
13 Section upon any subscriber who is subject to the surcharge
14 imposed by a unit of local government pursuant to Section 45.
15 Prior to January 1, 2008 (the effective date of Public Act
16 95-698), the surcharge amount shall be the amount set by the
17 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008
18 (the effective date of Public Act 95-698), the monthly
19 surcharge imposed under this Section shall be \$0.73 per CMRS
20 connection. The wireless carrier that provides wireless
21 service to the subscriber shall collect the surcharge from the
22 subscriber. For mobile telecommunications services provided on
23 and after August 1, 2002, any surcharge imposed under this Act
24 shall be imposed based upon the municipality or county that

1 encompasses the customer's place of primary use as defined in
2 the Mobile Telecommunications Sourcing Conformity Act. The
3 surcharge shall be stated as a separate item on the
4 subscriber's monthly bill. The wireless carrier shall begin
5 collecting the surcharge on bills issued within 90 days after
6 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
7 surcharge. State and local taxes shall not apply to the
8 wireless carrier surcharge.

9 (b) Except as provided in Sections 45 and 80, a wireless
10 carrier shall, within 45 days of collection, remit, either by
11 check or by electronic funds transfer, to the State Treasurer
12 the amount of the wireless carrier surcharge collected from
13 each subscriber. Of the amounts remitted under this subsection
14 prior to January 1, 2008 (the effective date of Public Act
15 95-698), and for surcharges imposed before January 1, 2008 (the
16 effective date of Public Act 95-698) but remitted after January
17 1, 2008, the State Treasurer shall deposit one-third into the
18 Wireless Carrier Reimbursement Fund and two-thirds into the
19 Wireless Service Emergency Fund. For surcharges collected and
20 remitted on or after January 1, 2008 (the effective date of
21 Public Act 95-698), \$0.1475 per surcharge collected shall be
22 deposited into the Wireless Carrier Reimbursement Fund, and
23 \$0.5825 per surcharge collected shall be deposited into the
24 Wireless Service Emergency Fund. For surcharges collected and
25 remitted on or after July 1, 2014, \$0.05 per surcharge
26 collected shall be deposited into the Wireless Carrier

1 Reimbursement Fund, \$0.66 per surcharge shall be deposited into
2 the Wireless Service Emergency Fund, and \$0.02 per surcharge
3 collected shall be deposited into the Wireless Service
4 Emergency Fund and distributed in equal amounts to County
5 Emergency System Telephone Boards in counties with a population
6 under 100,000 according to the most recent census data. Of the
7 amounts deposited into the Wireless Carrier Reimbursement Fund
8 under this subsection, \$0.01 per surcharge collected may be
9 distributed to the carriers to cover their administrative
10 costs. Of the amounts deposited into the Wireless Service
11 Emergency Fund under this subsection, \$0.01 per surcharge
12 collected may be disbursed to the Illinois Commerce Commission
13 to cover its administrative costs.

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

26 (d) Any funds collected under the Prepaid Wireless 9-1-1

1 Surcharge Act shall be distributed using a prorated method
2 based upon zip code information collected from post-paid
3 wireless carriers under subsection (c) of this Section.

4 (e) If before midnight on the last day of the third
5 calendar month after the closing date of the remit period a
6 wireless carrier does not remit the surcharge or any portion
7 thereof required under this Section, then the surcharge or
8 portion thereof shall be deemed delinquent until paid in full,
9 and the Illinois Commerce Commission may impose a penalty
10 against the carrier in an amount equal to the greater of:

11 (1) \$25 for each month or portion of a month from the
12 time an amount becomes delinquent until the amount is paid
13 in full; or

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

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

26 (f) If, before midnight on the last day of the third

1 calendar month after the closing date of the remit period, a
2 wireless carrier does not provide the number of subscribers by
3 zip code as required under subsection (c) of this Section, then
4 the report is deemed delinquent and the Illinois Commerce
5 Commission may impose a penalty against the carrier in an
6 amount equal to the greater of:

7 (1) \$25 for each month or portion of a month that the
8 report is delinquent; or

9 (2) an amount equal to the product of 1/2¢ and the
10 number of subscribers served by the wireless carrier. On
11 and after July 1, 2014, an amount equal to the product of
12 \$0.01 and the number of subscribers served by the wireless
13 carrier.

14 A penalty imposed in accordance with this subsection (f)
15 for a portion of a month during which the carrier pays the
16 delinquent amount in full shall be prorated for each day of
17 that month that the delinquent amount was paid in full. A
18 penalty imposed and collected in accordance with subsection (e)
19 or this subsection (f) shall be deposited into the Wireless
20 Service Emergency Fund for distribution according to Section 25
21 of this Act. Any penalty imposed under this subsection (f) is
22 in addition to any other penalty imposed under this Section.

23 (g) The Illinois Commerce Commission may enforce the
24 collection of any delinquent amount and any penalty due and
25 unpaid under this Section by legal action or in any other
26 manner by which the collection of debts due the State of

1 Illinois may be enforced under the laws of this State. The
2 Executive Director of the Illinois Commerce Commission, or his
3 or her designee, may excuse the payment of any penalty imposed
4 under this Section if the Executive Director, or his or her
5 designee, determines that the enforcement of this penalty is
6 unjust.

7 (h) Notwithstanding any provision of law to the contrary,
8 nothing shall impair the right of wireless carriers to recover
9 compliance costs for all emergency communications services
10 that are not reimbursed out of the Wireless Carrier
11 Reimbursement Fund directly from their wireless subscribers
12 via line-item charges on the wireless subscriber's bill. Those
13 compliance costs include all costs incurred by wireless
14 carriers in complying with local, State, and federal regulatory
15 or legislative mandates that require the transmission and
16 receipt of emergency communications to and from the general
17 public, including, but not limited to, E-911.

18 (i) The Auditor General shall conduct, on an annual basis,
19 an audit of the Wireless Service Emergency Fund and the
20 Wireless Carrier Reimbursement Fund for compliance with the
21 requirements of this Act. The audit shall include, but not be
22 limited to, the following determinations:

23 (1) Whether the Commission is maintaining detailed
24 records of all receipts and disbursements from the Wireless
25 Carrier Emergency Fund and the Wireless Carrier
26 Reimbursement Fund.

1 (2) Whether the Commission's administrative costs
2 charged to the funds are adequately documented and are
3 reasonable.

4 (3) Whether the Commission's procedures for making
5 grants and providing reimbursements in accordance with the
6 Act are adequate.

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

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

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

17 (50 ILCS 751/27 new)

18 Sec. 27. Financial reports.

19 (a) The Illinois Commerce Commission shall create uniform
20 accounting procedures, with such modification as may be
21 required to give effect to statutory provisions applicable only
22 to municipalities with a population in excess of 500,000, that
23 any emergency telephone system board, qualified governmental
24 entity, or unit of local government described in Section 15 of
25 this Act and Section 15.4 of the Emergency Telephone System Act

1 or any entity imposing a wireless surcharge pursuant to Section
2 45 of this Act must follow.

3 (b) By October 1, 2014, each emergency telephone system
4 board, qualified governmental entity, or unit of local
5 government described in Section 15 of this Act and Section 15.4
6 of the Emergency Telephone System Act or any entity imposing a
7 wireless surcharge pursuant to Section 45 of this Act shall
8 report to the Illinois Commerce Commission audited financial
9 statements showing total revenue and expenditures for each of
10 the last two of its fiscal years in a form and manner as
11 prescribed by the Illinois Commerce Commission's Manager of
12 Accounting. Such financial information shall include:

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

16 (2) operating expenses, capital expenditures, and cash
17 balances; and

18 (3) such other financial information that is relevant
19 to the provision of 9-1-1 services as determined by the
20 Illinois Commerce Commission's Manager of Accounting.

21 The emergency telephone system board, qualified
22 governmental entity, or unit of local government is responsible
23 for any costs associated with auditing such financial
24 statements. The Illinois Commerce Commission shall post the
25 audited financial statements on the Commission's website.

26 (c) By January 31, 2016 and each year thereafter, each

1 emergency telephone system board, qualified governmental
2 entity, or unit of local government described in Section 15 of
3 this Act and Section 15.4 of the Emergency Telephone System Act
4 or any entity imposing a wireless surcharge pursuant to Section
5 45 of this Act shall report to the Illinois Commerce Commission
6 audited annual financial statements showing total revenue and
7 expenditures in a form and manner as prescribed by the Illinois
8 Commerce Commission's Manager of Accounting.

9 The emergency telephone system board, qualified
10 governmental entity, or unit of local government is responsible
11 for any costs associated with auditing such financial
12 statements.

13 The Illinois Commerce Commission shall post each entity's
14 individual audited annual financial statements on the
15 Commission's website.

16 (d) If an emergency telephone system board or qualified
17 governmental entity that receives funds from the Wireless
18 Service Emergency Fund fails to file the 9-1-1 system financial
19 reports as required under this Section, the Illinois Commerce
20 Commission shall suspend and withhold monthly grants otherwise
21 due to the emergency telephone system board or qualified
22 governmental entity under Section 25 of this Act until the
23 report is filed.

24 Any monthly grants that have been withheld for 12 months or
25 more shall be forfeited by the emergency telephone system board
26 or qualified governmental entity and shall be distributed

1 proportionally by the Illinois Commerce Commission to
2 compliant emergency telephone system boards and qualified
3 governmental entities that receive funds from the Wireless
4 Service Emergency Fund.

5 (e) The Illinois Commerce Commission may adopt emergency
6 rules necessary to carry out the provisions of this Section.

7 (50 ILCS 751/35)

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

9 Sec. 35. Wireless Carrier Reimbursement Fund;
10 reimbursement.

11 (a) To recover costs from the Wireless Carrier
12 Reimbursement Fund, the wireless carrier shall submit sworn
13 invoices to the Illinois Commerce Commission. In no event may
14 any invoice for payment be approved for (i) costs that are not
15 related to compliance with the requirements established by the
16 wireless enhanced 9-1-1 mandates of the Federal Communications
17 Commission, or (ii) costs with respect to any wireless enhanced
18 9-1-1 service that is not operable at the time the invoice is
19 submitted, ~~or (iii) costs in excess of the sum of (A) the~~
20 ~~carrier's balance, as determined under subsection (c) of this~~
21 ~~Section, plus (B) 100% of the surcharge remitted to the~~
22 ~~Wireless Carrier Reimbursement Fund by the wireless carrier~~
23 ~~under Section 17(b) since the last annual review of the balance~~
24 ~~in the Wireless Carrier Reimbursement Fund under subsection (c)~~
25 ~~of this Section, less reimbursements paid to the carrier out of~~

1 ~~the Wireless Carrier Reimbursement Fund since the last annual~~
2 ~~review of the balance under subsection (c) of this Section,~~
3 ~~unless the wireless carrier received prior approval for the~~
4 ~~expenditures from the Illinois Commerce Commission.~~

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

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

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

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

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

6 (1) the amount of paid and payables received by June 30
7 for the 24 months prior to June 30 as determined eligible
8 under subsection (a) of this Section;

9 (2) the administrative costs associated with the Fund
10 for the 24 months prior to June 30; and

11 (3) the prorated portion of any other adjustments made
12 to the Fund in the 24 months prior to June 30.

13 After making the calculation required under this
14 subsection (e), each carrier's available balance for purposes
15 of reimbursements must be adjusted using the same calculation.

16 (f) The Illinois Commerce Commission shall adopt rules to
17 govern the reimbursement process.

18 (g) On January 1, 2008 (the effective date of Public Act
19 95-698), or as soon thereafter as practical, the State
20 Comptroller shall order transferred and the State Treasurer
21 shall transfer the sum of \$8,000,000 from the Wireless Carrier
22 Reimbursement Fund to the Wireless Service Emergency Fund. That
23 amount shall be used by the Illinois Commerce Commission to
24 make grants in the manner described in Section 25 of this Act.

25 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; 95-876,
26 eff. 8-21-08.)

1 (50 ILCS 751/45)

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

3 Sec. 45. Continuation of current practices.

4 (a) Notwithstanding any other provision of this Act, a unit
5 of local government or emergency telephone system board
6 providing wireless 9-1-1 service and imposing and collecting a
7 wireless carrier surcharge prior to July 1, 1998 may continue
8 its practices of imposing and collecting its wireless carrier
9 surcharge, but, except as provided in subsection (b) of this
10 Section, in no event shall that monthly surcharge exceed \$2.50
11 per commercial mobile radio service (CMRS) connection or
12 in-service telephone number billed on a monthly basis. For
13 mobile telecommunications services provided on and after
14 August 1, 2002, any surcharge imposed shall be imposed based
15 upon the municipality or county that encompasses the customer's
16 place of primary use as defined in the Mobile
17 Telecommunications Sourcing Conformity Act.

18 (b) On or after the effective date of this amendatory Act
19 of the 98th General Assembly and until July 1, 2015, the
20 corporate authorities of a municipality with a population in
21 excess of 500,000 on the effective date of this amendatory Act
22 may by ordinance impose and collect a monthly surcharge per
23 commercial mobile radio service (CMRS) connection or
24 in-service telephone number billed on a monthly basis that does
25 not exceed the highest monthly surcharge imposed as of January

1 1, 2014 by any county or municipality under subsection (c) of
2 Section 15.3 of the Emergency Telephone System Act. On or after
3 July 1, 2015, the municipality may continue imposing and
4 collecting its wireless carrier surcharge as provided in and
5 subject to the limitations of subsection (a) of this Section.

6 (c) In addition to any other lawful purpose, a municipality
7 with a population over 500,000 may use the moneys collected
8 under this Section for any anti-terrorism or emergency
9 preparedness measures, including, but not limited to,
10 preparedness planning, providing local matching funds for
11 federal or State grants, personnel training, and specialized
12 equipment, including surveillance cameras as needed to deal
13 with natural and terrorist-inspired emergency situations or
14 events.

15 (Source: P.A. 95-698, eff. 1-1-08.)

16 (50 ILCS 751/70)

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

18 Sec. 70. Repealer. This Act is repealed on July 1, 2015
19 ~~2014~~.

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

21 (50 ILCS 751/85)

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

23 Sec. 85. 9-1-1 Services Advisory Board.

24 (a) There is hereby created the 9-1-1 Services Advisory

1 Board. ~~The Board shall work with the Commission to determine~~
2 ~~the 9-1-1 costs necessary for every 9-1-1 system to adequately~~
3 ~~function and shall submit, by May 1, 2014, recommendations on~~
4 ~~whether there is a need to consolidate 9-1-1 functions to the~~
5 ~~General Assembly.~~ The Board shall consist of 18 ~~11~~ members with
6 one member each appointed by the Speaker of the House of
7 Representatives, the Minority Leader of the House of
8 Representatives, the President of the Senate, and the Minority
9 Leader of the Senate, and with the remainder appointed by the
10 Governor as follows:

11 (1) the Executive Director of the Illinois Commerce
12 Commission, or his or her designee;

13 (2) one member representing the Illinois chapter of the
14 National Emergency Number Association;

15 (3) one member representing the Illinois chapter of the
16 Association of Public-Safety Communications Officials;

17 (4) one member representing a county 9-1-1 system from
18 a county with a population of 50,000 or less;

19 (5) one member representing a county 9-1-1 system from
20 a county with a population between 50,000 and 250,000;

21 (6) one member representing a county 9-1-1 system from
22 a county with a population of 250,000 or more;

23 (7) one member representing an incumbent local
24 exchange 9-1-1 system provider;

25 (8) one member representing a non-incumbent local
26 exchange 9-1-1 system provider;

1 (9) one member representing a large wireless carrier;

2 (10) one member representing a small wireless carrier;

3 ~~and~~

4 (11) one member representing the Illinois
5 Telecommunications Association; ~~-~~

6 (12) the Director of State Police, or his or her
7 designee;

8 (13) one member representing the Illinois Association
9 of Chiefs of Police; and

10 (14) one member representing the Illinois Sheriffs'
11 Association.

12 (b) The Board shall work with the Illinois Commerce
13 Commission to submit, by April 1, 2015, to the General Assembly
14 a plan for a statewide shared 9-1-1 network ("Statewide Next
15 Generation 9-1-1") for all areas of the State outside of
16 municipalities having a population of more than 500,000 to be
17 governed by the Statewide 9-1-1 Administrator within the
18 Department of State Police. The plan shall include, but not be
19 limited to, recommendations as to the following:

20 (1) the structure of the statewide network;

21 (2) a plan and timeline for the transition to a
22 statewide network;

23 (3) consolidation of 9-1-1 systems and services;

24 (4) a plan for the implementation of the Statewide Next
25 Generation 9-1-1;

26 (5) a list of costs for which the moneys from the

1 Wireless Service Emergency Fund should not be used;

2 (6) the costs necessary for the 9-1-1 systems to
3 adequately function;

4 (7) the adequate amount of the wireless surcharge in
5 order to support sufficient 9-1-1 services throughout the
6 State;

7 (8) a plan and timeline for the payment of past due
8 Wireless Carrier Reimbursement Fund invoices to wireless
9 carriers; and

10 (9) the proper division of responsibilities between
11 the Statewide 9-1-1 Administrator and the Illinois
12 Commerce Commission for the oversight of funding
13 distribution, technological standards, and system plan
14 authorizations, modifications and consolidations going
15 forward.

16 (c) The Board is abolished on July 1, ~~2015~~ 2014.

17 (Source: P.A. 98-45, eff. 6-28-13; 98-602, eff. 12-6-13.)

18 Section 20. The Prepaid Wireless 9-1-1 Surcharge Act is
19 amended by changing Section 15 as follows:

20 (50 ILCS 753/15)

21 Sec. 15. Prepaid wireless 9-1-1 surcharge.

22 (a) There is hereby imposed on consumers a prepaid wireless
23 9-1-1 surcharge of 1.5% per retail transaction. The surcharge
24 authorized by this subsection (a) does not apply in a home rule

1 municipality having a population in excess of 500,000. The
2 amount of the surcharge may be reduced or increased pursuant to
3 subsection (e).

4 (a-5) On or after the effective date of this amendatory Act
5 of the 98th General Assembly and until July 1, 2015, a home
6 rule municipality having a population in excess of 500,000 on
7 the effective date of this amendatory Act may impose a prepaid
8 wireless 9-1-1 surcharge not to exceed 9% per retail
9 transaction sourced to that jurisdiction and collected and
10 remitted in accordance with the provisions of subsection (b-5)
11 of this Section. On or after July 1, 2015, a ~~A~~ home rule
12 municipality having a population in excess of 500,000 on the
13 effective date of this Act may only impose a prepaid wireless
14 9-1-1 surcharge not to exceed 7% per retail transaction sourced
15 to that jurisdiction and collected and remitted in accordance
16 with the provisions of subsection (b-5).

17 (b) The prepaid wireless 9-1-1 surcharge shall be collected
18 by the seller from the consumer with respect to each retail
19 transaction occurring in this State and shall be remitted to
20 the Department by the seller as provided in this Act. The
21 amount of the prepaid wireless 9-1-1 surcharge shall be
22 separately stated as a distinct item apart from the charge for
23 the prepaid wireless telecommunications service on an invoice,
24 receipt, or other similar document that is provided to the
25 consumer by the seller or shall be otherwise disclosed to the
26 consumer. If the seller does not separately state the surcharge

1 as a distinct item to the consumer as provided in this Section,
2 then the seller shall maintain books and records as required by
3 this Act which clearly identify the amount of the 9-1-1
4 surcharge for retail transactions.

5 For purposes of this subsection (b), a retail transaction
6 occurs in this State if (i) the retail transaction is made in
7 person by a consumer at the seller's business location and the
8 business is located within the State; (ii) the seller is a
9 provider and sells prepaid wireless telecommunications service
10 to a consumer located in Illinois; (iii) the retail transaction
11 is treated as occurring in this State for purposes of the
12 Retailers' Occupation Tax Act; or (iv) a seller that is
13 included within the definition of a "retailer maintaining a
14 place of business in this State" under Section 2 of the Use Tax
15 Act makes a sale of prepaid wireless telecommunications service
16 to a consumer located in Illinois. In the case of a retail
17 transaction which does not occur in person at a seller's
18 business location, if a consumer uses a credit card to purchase
19 prepaid wireless telecommunications service on-line or over
20 the telephone, and no product is shipped to the consumer, the
21 transaction occurs in this State if the billing address for the
22 consumer's credit card is in this State.

23 (b-5) The prepaid wireless 9-1-1 surcharge imposed under
24 subsection (a-5) of this Section shall be collected by the
25 seller from the consumer with respect to each retail
26 transaction occurring in the municipality imposing the

1 surcharge. The amount of the prepaid wireless 9-1-1 surcharge
2 shall be separately stated on an invoice, receipt, or other
3 similar document that is provided to the consumer by the seller
4 or shall be otherwise disclosed to the consumer. If the seller
5 does not separately state the surcharge as a distinct item to
6 the consumer as provided in this Section, then the seller shall
7 maintain books and records as required by this Act which
8 clearly identify the amount of the 9-1-1 surcharge for retail
9 transactions.

10 For purposes of this subsection (b-5), a retail transaction
11 occurs in the municipality if (i) the retail transaction is
12 made in person by a consumer at the seller's business location
13 and the business is located within the municipality; (ii) the
14 seller is a provider and sells prepaid wireless
15 telecommunications service to a consumer located in the
16 municipality; (iii) the retail transaction is treated as
17 occurring in the municipality for purposes of the Retailers'
18 Occupation Tax Act; or (iv) a seller that is included within
19 the definition of a "retailer maintaining a place of business
20 in this State" under Section 2 of the Use Tax Act makes a sale
21 of prepaid wireless telecommunications service to a consumer
22 located in the municipality. In the case of a retail
23 transaction which does not occur in person at a seller's
24 business location, if a consumer uses a credit card to purchase
25 prepaid wireless telecommunications service on-line or over
26 the telephone, and no product is shipped to the consumer, the

1 transaction occurs in the municipality if the billing address
2 for the consumer's credit card is in the municipality.

3 (c) The prepaid wireless 9-1-1 surcharge is imposed on the
4 consumer and not on any provider. The seller shall be liable to
5 remit all prepaid wireless 9-1-1 surcharges that the seller
6 collects from consumers as provided in Section 20, including
7 all such surcharges that the seller is deemed to collect where
8 the amount of the surcharge has not been separately stated on
9 an invoice, receipt, or other similar document provided to the
10 consumer by the seller. The surcharge collected or deemed
11 collected by a seller shall constitute a debt owed by the
12 seller to this State, and any such surcharge actually collected
13 shall be held in trust for the benefit of the Department.

14 For purposes of this subsection (c), the surcharge shall
15 not be imposed or collected from entities that have an active
16 tax exemption identification number issued by the Department
17 under Section 1g of the Retailers' Occupation Tax Act.

18 (d) The amount of the prepaid wireless 9-1-1 surcharge that
19 is collected by a seller from a consumer, if such amount is
20 separately stated on an invoice, receipt, or other similar
21 document provided to the consumer by the seller, shall not be
22 included in the base for measuring any tax, fee, surcharge, or
23 other charge that is imposed by this State, any political
24 subdivision of this State, or any intergovernmental agency.

25 (e) The prepaid wireless 9-1-1 charge imposed under
26 subsection (a) of this Section shall be proportionately

1 increased or reduced, as applicable, upon any change to the
2 surcharge imposed under Section 17 of the Wireless Emergency
3 Telephone Safety Act. The adjusted rate shall be determined by
4 dividing the amount of the surcharge imposed under Section 17
5 of the Wireless Emergency Telephone Safety Act by \$50. Such
6 increase or reduction shall be effective on the first day of
7 the first calendar month to occur at least 60 days after the
8 enactment of the change to the surcharge imposed under Section
9 17 of the Wireless Emergency Telephone Safety Act. The
10 Department shall provide not less than 30 days' notice of an
11 increase or reduction in the amount of the surcharge on the
12 Department's website.

13 (e-5) Any changes in the rate of the surcharge imposed by a
14 municipality under the authority granted in subsection (a-5) of
15 this Section shall be effective on the first day of the first
16 calendar month to occur at least 60 days after the enactment of
17 the change. The Department shall provide not less than 30 days'
18 notice of the increase or reduction in the rate of such
19 surcharge on the Department's website.

20 (f) When prepaid wireless telecommunications service is
21 sold with one or more other products or services for a single,
22 non-itemized price, then the percentage specified in
23 subsection (a) or (a-5) of this Section 15 shall be applied to
24 the entire non-itemized price unless the seller elects to apply
25 the percentage to (i) the dollar amount of the prepaid wireless
26 telecommunications service if that dollar amount is disclosed

1 to the consumer or (ii) the portion of the price that is
2 attributable to the prepaid wireless telecommunications
3 service if the retailer can identify that portion by reasonable
4 and verifiable standards from its books and records that are
5 kept in the regular course of business for other purposes,
6 including, but not limited to, books and records that are kept
7 for non-tax purposes. However, if a minimal amount of prepaid
8 wireless telecommunications service is sold with a prepaid
9 wireless device for a single, non-itemized price, then the
10 seller may elect not to apply the percentage specified in
11 subsection (a) or (a-5) of this Section 15 to such transaction.
12 For purposes of this subsection, an amount of service
13 denominated as 10 minutes or less or \$5 or less is considered
14 minimal.

15 (Source: P.A. 97-463, eff. 1-1-12; 97-748, eff. 7-6-12.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.