



Sen. Jason A. Barickman

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09800SB2599sam001

LRB098 13497 JWD 56014 a

1 AMENDMENT TO SENATE BILL 2599

2 AMENDMENT NO. _____. Amend Senate Bill 2599 is amended by
3 replacing lines 4 through 12 on page 1 with the following:

4 "(50 ILCS 751/35)

5 (Section scheduled to be repealed on July 1, 2014)

6 Sec. 35. Wireless Carrier Reimbursement Fund;
7 reimbursement.

8 (a) To recover costs from the Wireless Carrier
9 Reimbursement Fund, the wireless carrier shall submit sworn
10 invoices to the Illinois Commerce Commission. In no event may
11 any invoice for payment be approved for (i) costs that are not
12 related to compliance with the requirements established by the
13 wireless enhanced 9-1-1 mandates of the Federal Communications
14 Commission, (ii) costs with respect to any wireless enhanced
15 9-1-1 service that is not operable at the time the invoice is
16 submitted, or (iii) costs in excess of the sum of (A) the
17 carrier's balance, as determined under subsection (e) of this

1 Section, plus (B) 100% of the surcharge remitted to the
2 Wireless Carrier Reimbursement Fund by the wireless carrier
3 under Section 17(b) since the last annual review of the balance
4 in the Wireless Carrier Reimbursement Fund under subsection (e)
5 of this Section, less reimbursements paid to the carrier out of
6 the Wireless Carrier Reimbursement Fund since the last annual
7 review of the balance under subsection (e) of this Section,
8 unless the wireless carrier received prior approval for the
9 expenditures from the Illinois Commerce Commission.

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

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

26 (d) The Illinois Commerce Commission shall maintain

1 detailed records of all receipts and disbursements and shall
2 provide an annual accounting of all receipts and disbursements
3 to the Auditor General.

4 (e) The Illinois Commerce Commission must annually review
5 the balance in the Wireless Carrier Reimbursement Fund as of
6 June 30 of each year and shall direct the Comptroller to
7 transfer into the Wireless Services Emergency Fund for
8 distribution in accordance with Section 25 of this Act any
9 amount in excess of the amount of deposits into the Fund for
10 the 24 months prior to June 30 less:

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

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

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

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

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

23 (g) On January 1, 2008 (the effective date of Public Act
24 95-698), or as soon thereafter as practical, the State
25 Comptroller shall order transferred and the State Treasurer
26 shall transfer the sum of \$8,000,000 from the Wireless Carrier

1 Reimbursement Fund to the Wireless Service Emergency Fund. That
2 amount shall be used by the Illinois Commerce Commission to
3 make grants in the manner described in Section 25 of this Act.

4 (h) Notwithstanding any provision of law to the contrary,
5 the Wireless Carrier Reimbursement Fund shall not be subject to
6 sweeps, administrative charge-backs, or any other fiscal or
7 budgetary maneuver that would in any way transfer any amount
8 from that Fund into any other fund of the State, except as
9 provided under this Section.

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