

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 adding
5 Section 5.855 as follows:

6 (30 ILCS 105/5.855 new)

7 Sec. 5.855. The Poison Response Fund.

8 Section 10. The Wireless Emergency Telephone Safety Act is
9 amended by changing Sections 5, 10, 17, 20, 35, and 70 and by
10 adding Sections 90 and 95 as follows:

11 (50 ILCS 751/5)

12 (Section scheduled to be repealed on July 1, 2014)

13 Sec. 5. Purpose. The General Assembly finds and declares it
14 is in the public interest to promote the use of wireless 9-1-1
15 and wireless enhanced 9-1-1 (E9-1-1) service in order to save
16 lives and protect the property of the citizens of the State of
17 Illinois.

18 Wireless carriers are required by the Federal
19 Communications Commission (FCC) to provide E9-1-1 service in
20 the form of automatic location identification and automatic
21 number identification pursuant to policies set forth by the

1 FCC.

2 Public safety agencies and wireless carriers are
3 encouraged to work together to provide emergency access to
4 wireless 9-1-1 and wireless E9-1-1 service. Public safety
5 agencies and wireless carriers operating wireless 9-1-1 and
6 wireless E9-1-1 systems require adequate funding to recover the
7 costs of designing, purchasing, installing, testing, and
8 operating enhanced facilities, systems, and services necessary
9 to comply with the wireless E9-1-1 requirements mandated by the
10 Federal Communications Commission and to maximize the
11 availability of wireless E9-1-1 services throughout the State
12 of Illinois.

13 The revenues generated by the wireless carrier surcharge
14 enacted by this Act are required to fund the efforts of the
15 wireless carriers, emergency telephone system boards,
16 qualified governmental entities, human poison control centers,
17 and the Department of State Police to improve the public
18 health, safety, and welfare and to serve a public purpose by
19 providing emergency telephone assistance through wireless
20 communications.

21 It is the intent of the General Assembly to:

22 (1) establish and implement a cohesive statewide
23 emergency telephone number that will provide wireless
24 telephone users with rapid direct access to public safety
25 agencies by dialing the telephone number 9-1-1;

26 (2) encourage wireless carriers and public safety

1 agencies to provide E9-1-1 services that will assist public
2 safety agencies in determining the caller's approximate
3 location and wireless telephone number;

4 (3) grant authority to public safety agencies not
5 already in possession of the authority to finance the cost
6 of installing and operating wireless 9-1-1 systems and
7 reimbursing wireless carriers for costs incurred to
8 provide wireless E9-1-1 services; ~~and~~

9 (3.5) provide rapid direct access to poison-related
10 information and advice from human poison control centers to
11 public safety agencies, health care providers, and the
12 general public; and

13 (4) provide for a reasonable fee on wireless telephone
14 service subscribers to accomplish these purposes and
15 provide for the enforcement and collection of such fees.

16 (Source: P.A. 95-63, eff. 8-13-07.)

17 (50 ILCS 751/10)

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

19 Sec. 10. Definitions. In this Act:

20 "Emergency telephone system board" means a board appointed
21 by the corporate authorities of any county or municipality that
22 provides for the management and operation of a 9-1-1 system
23 within the scope of the duties and powers prescribed by the
24 Emergency Telephone System Act.

25 "Human poison control center" shall have the meaning

1 provided in Section 10 of the Poison Control System Act.
2 Services provided by a human poison control center shall be
3 provided as, and constitute, an enhancement to 9-1-1 services
4 pursuant to 47 U.S.C. 615a-1(f)(1).

5 "Master street address guide" means the computerized
6 geographical database that consists of all street and address
7 data within a 9-1-1 system.

8 "Mobile telephone number" or "MTN" shall mean the telephone
9 number assigned to a wireless telephone at the time of initial
10 activation.

11 "Prepaid wireless telecommunications service" means
12 wireless telecommunications service that allows a caller to
13 dial 9-1-1 to access the 9-1-1 system, which service must be
14 paid for in advance and is sold in predetermined units or
15 dollars which the amount declines with use in a known amount.

16 "Public safety agency" means a functional division of a
17 public agency that provides fire fighting, police, medical, or
18 other emergency services. For the purpose of providing wireless
19 service to users of 9-1-1 emergency services, as expressly
20 provided for in this Act, the Department of State Police may be
21 considered a public safety agency.

22 "Qualified governmental entity" means a unit of local
23 government authorized to provide 9-1-1 services pursuant to the
24 Emergency Telephone System Act where no emergency telephone
25 system board exists.

26 "Remit period" means the billing period, one month in

1 duration, for which a wireless carrier remits a surcharge and
2 provides subscriber information by zip code to the Illinois
3 Commerce Commission, in accordance with Section 17 of this Act.

4 "Statewide wireless emergency 9-1-1 system" means all
5 areas of the State where an emergency telephone system board
6 or, in the absence of an emergency telephone system board, a
7 qualified governmental entity has not declared its intention
8 for one or more of its public safety answering points to serve
9 as a primary wireless 9-1-1 public safety answering point for
10 its jurisdiction. The operator of the statewide wireless
11 emergency 9-1-1 system shall be the Department of State Police.

12 "Wireless carrier" means a provider of two-way cellular,
13 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
14 Mobile Radio Service (CMRS), Wireless Communications Service
15 (WCS), or other Commercial Mobile Radio Service (CMRS), as
16 defined by the Federal Communications Commission, offering
17 radio communications that may provide fixed, mobile, radio
18 location, or satellite communication services to individuals
19 or businesses within its assigned spectrum block and
20 geographical area or that offers real-time, two-way voice
21 service that is interconnected with the public switched
22 network, including a reseller of such service.

23 "Wireless enhanced 9-1-1" means the ability to relay the
24 telephone number of the originator of a 9-1-1 call and location
25 information from any mobile handset or text telephone device
26 accessing the wireless system to the designated wireless public

1 safety answering point as set forth in the order of the Federal
2 Communications Commission, FCC Docket No. 94-102, adopted June
3 12, 1996, with an effective date of October 1, 1996, and any
4 subsequent amendment thereto.

5 "Wireless public safety answering point" means the
6 functional division of an emergency telephone system board,
7 qualified governmental entity, or the Department of State
8 Police accepting wireless 9-1-1 calls.

9 "Wireless subscriber" means an individual or entity to whom
10 a wireless service account or number has been assigned by a
11 wireless carrier, other than an account or number associated
12 with prepaid wireless telecommunication service.

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

14 (50 ILCS 751/17)

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

16 Sec. 17. Wireless carrier surcharge.

17 (a) Except as provided in Sections 45 and 80, each wireless
18 carrier shall impose a monthly wireless carrier surcharge per
19 CMRS connection that either has a telephone number within an
20 area code assigned to Illinois by the North American Numbering
21 Plan Administrator or has a billing address in this State. No
22 wireless carrier shall impose the surcharge authorized by this
23 Section upon any subscriber who is subject to the surcharge
24 imposed by a unit of local government pursuant to Section 45.
25 Prior to January 1, 2008 (the effective date of Public Act

1 95-698), the surcharge amount shall be the amount set by the
2 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008
3 (the effective date of Public Act 95-698), the monthly
4 surcharge imposed under this Section shall be \$0.73 per CMRS
5 connection. The wireless carrier that provides wireless
6 service to the subscriber shall collect the surcharge from the
7 subscriber. For mobile telecommunications services provided on
8 and after August 1, 2002, any surcharge imposed under this Act
9 shall be imposed based upon the municipality or county that
10 encompasses the customer's place of primary use as defined in
11 the Mobile Telecommunications Sourcing Conformity Act. The
12 surcharge shall be stated as a separate item on the
13 subscriber's monthly bill. The wireless carrier shall begin
14 collecting the surcharge on bills issued within 90 days after
15 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
16 surcharge. State and local taxes shall not apply to the
17 wireless carrier surcharge.

18 (b) Except as provided in Sections 45 and 80, a wireless
19 carrier shall, within 45 days of collection, remit, either by
20 check or by electronic funds transfer, to the State Treasurer
21 the amount of the wireless carrier surcharge collected from
22 each subscriber. Of the amounts remitted under this subsection
23 prior to January 1, 2008 (the effective date of Public Act
24 95-698), and for surcharges imposed before January 1, 2008 (the
25 effective date of Public Act 95-698) but remitted after January
26 1, 2008, the State Treasurer shall deposit one-third into the

1 Wireless Carrier Reimbursement Fund and two-thirds into the
2 Wireless Service Emergency Fund. For surcharges collected and
3 remitted on or after January 1, 2008 (the effective date of
4 Public Act 95-698), \$0.1475 per surcharge collected shall be
5 deposited into the Wireless Carrier Reimbursement Fund, and
6 \$0.5825 per surcharge collected shall be deposited into the
7 Wireless Service Emergency Fund. Of the amounts deposited into
8 the Wireless Carrier Reimbursement Fund under this subsection,
9 \$0.01 per surcharge collected may be distributed to the
10 carriers to cover their administrative costs. Of the amounts
11 deposited into the Wireless Service Emergency Fund under this
12 subsection, \$0.01 per surcharge collected may be disbursed to
13 the Illinois Commerce Commission to cover its administrative
14 costs.

15 For surcharges collected and remitted from July 1, 2014
16 through June 30, 2016, \$0.07 per surcharge collected shall be
17 deposited into the Wireless Carrier Reimbursement Fund, \$0.615
18 per surcharge collected shall be deposited into the Wireless
19 Service Emergency Fund, \$0.02 per surcharge collected shall be
20 deposited into the Wireless Service Emergency Fund and
21 distributed on a pro-rata basis based on number of wireless
22 subscribers to County Emergency Telephone System Boards in
23 counties with a population under 100,000 according to the most
24 recent census data, \$0.015 per surcharge collected shall be
25 deposited into the Poison Response Fund for distribution
26 monthly to a human poison control center as defined in Section

1 10 of the Poison Control System Act, and \$0.01 per surcharge
2 collected shall be deposited into the Public Utility Fund to
3 defray expenses incurred by the Illinois Commerce Commission
4 related to the oversight and coordination of 9-1-1 systems,
5 oversight of the Poison Response Fund, and public safety. Of
6 the amounts deposited into the Wireless Carrier Reimbursement
7 Fund under this subsection, \$0.01 per surcharge collected may
8 be distributed to the carriers to cover their administrative
9 costs.

10 For surcharges collected and remitted from July 1, 2016
11 through June 30, 2018, \$0.03 per surcharge collected shall be
12 deposited into the Wireless Carrier Reimbursement Fund,
13 \$0.6375 per surcharge collected shall be deposited into the
14 Wireless Service Emergency Fund, \$0.03 per surcharge collected
15 shall be deposited into the Wireless Service Emergency Fund and
16 distributed on a pro-rata basis based on number of wireless
17 subscribers to County Emergency Telephone System Boards in
18 counties with a population under 100,000 according to the most
19 recent census data, and \$0.0175 per surcharge collected shall
20 be deposited into the Poison Response Fund for distribution
21 monthly to a human poison control center as defined in Section
22 10 of the Poison Control System Act, and \$0.015 per surcharge
23 collected shall be deposited into the Public Utility Fund to
24 defray expenses incurred by the Illinois Commerce Commission
25 related to the oversight and coordination of 9-1-1 systems,
26 oversight of the Poison Response Fund, and public safety. Of

1 the amounts deposited into the Wireless Carrier Reimbursement
2 Fund under this subsection, \$0.01 per surcharge collected may
3 be distributed to the carriers to cover their administrative
4 costs.

5 For surcharges collected and remitted on and after July 1,
6 2018, \$0.01 per surcharge collected shall be deposited into the
7 Wireless Carrier Reimbursement Fund to reimburse wireless
8 carriers with fewer than 50,000 customers in Illinois,
9 including all customers of carriers under common ownership,
10 \$0.655 per surcharge collected shall be deposited into the
11 Wireless Service Emergency Fund, \$0.03 per surcharge collected
12 shall be deposited into the Wireless Service Emergency Fund and
13 distributed on a pro-rata basis based on number of wireless
14 subscribers to County Emergency Telephone System Boards in
15 counties with a population under 100,000 according to the most
16 recent census data, \$0.02 per surcharge collected shall be
17 deposited into the Poison Response Fund for distribution
18 monthly to a human poison control center as defined in Section
19 10 of the Poison Control System Act, and \$0.015 per surcharge
20 collected shall be deposited into the Public Utility Fund to
21 defray expenses incurred by the Illinois Commerce Commission
22 related to the oversight and coordination of 9-1-1 systems,
23 oversight of the Poison Response Fund, and other expenses
24 related to public safety.

25 (c) The first such remittance by wireless carriers shall
26 include the number of wireless subscribers by zip code, and the

1 9-digit zip code if currently being used or later implemented
2 by the carrier, that shall be the means by which the Illinois
3 Commerce Commission shall determine distributions from the
4 Wireless Service Emergency Fund. This information shall be
5 updated no less often than every year. Wireless carriers are
6 not required to remit surcharge moneys that are billed to
7 subscribers but not yet collected. Any carrier that fails to
8 provide the zip code information required under this subsection
9 (c) shall be subject to the penalty set forth in subsection (f)
10 of this Section.

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

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

22 (1) \$25 for each month or portion of a month from the
23 time an amount becomes delinquent until the amount is paid
24 in full; or

25 (2) an amount equal to the product of 1% and the sum of
26 all delinquent amounts for each month or portion of a month

1 that the delinquent amounts remain unpaid.

2 A penalty imposed in accordance with this subsection (e)
3 for a portion of a month during which the carrier provides the
4 number of subscribers by zip code as required under subsection
5 (c) of this Section shall be prorated for each day of that
6 month during which the carrier had not provided the number of
7 subscribers by zip code as required under subsection (c) of
8 this Section. Any penalty imposed under this subsection (e) is
9 in addition to the amount of the delinquency and is in addition
10 to any other penalty imposed under this Section.

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

18 (1) \$25 for each month or portion of a month that the
19 report is delinquent; or

20 (2) an amount equal to the product of 1/2¢ and the
21 number of subscribers served by the wireless carrier. On
22 and after July 1, 2014, an amount equal to the product of
23 \$0.01 and the number of subscribers served by the wireless
24 carrier.

25 A penalty imposed in accordance with this subsection (f)
26 for a portion of a month during which the carrier pays the

1 delinquent amount in full shall be prorated for each day of
2 that month that the delinquent amount was paid in full. A
3 penalty imposed and collected in accordance with this
4 subsection (f) shall be deposited into the Wireless Service
5 Emergency Fund. Any penalty imposed under this subsection (f)
6 is in addition to any other penalty imposed under this Section.

7 (g) The Illinois Commerce Commission may enforce the
8 collection of any delinquent amount and any penalty due and
9 unpaid under this Section by legal action or in any other
10 manner by which the collection of debts due the State of
11 Illinois may be enforced under the laws of this State. The
12 Executive Director of the Illinois Commerce Commission, or his
13 or her designee, may excuse the payment of any penalty imposed
14 under this Section if the Executive Director, or his or her
15 designee, determines that the enforcement of this penalty is
16 unjust.

17 (h) Notwithstanding any provision of law to the contrary,
18 nothing shall impair the right of wireless carriers to recover
19 compliance costs for all emergency communications services
20 that are not reimbursed out of the Wireless Carrier
21 Reimbursement Fund directly from their wireless subscribers
22 via line-item charges on the wireless subscriber's bill. Those
23 compliance costs include all costs incurred by wireless
24 carriers in complying with local, State, and federal regulatory
25 or legislative mandates that require the transmission and
26 receipt of emergency communications to and from the general

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

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

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

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

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

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

20 (5) The status of human poison response services in
21 Illinois.

22 The Commission, the Department of State Police, and any
23 other entity or person that may have information relevant to
24 the audit shall cooperate fully and promptly with the Office of
25 the Auditor General in conducting the audit. The Auditor
26 General shall commence the audit as soon as possible and

1 distribute the report upon completion in accordance with
2 Section 3-14 of the Illinois State Auditing Act.

3 (j) The Illinois Commerce Commission shall create uniform
4 accounting procedures that any entity that receives funds from
5 the Wireless Service Emergency Fund must follow as a condition
6 of receiving funds from the Wireless Service Emergency Fund.
7 The Illinois Commerce Commission shall require an annual audit
8 of total income and expenditures from any entity that receives
9 funds from the Wireless Service Emergency Fund. An entity that
10 receives funds from the Wireless Service Emergency Fund is
11 responsible for any costs associated with the annual audit. The
12 audit report shall require the inclusion of a copy of detailed
13 financial statements of all revenue received by the entity,
14 including but not limited to, local, State, federal, and
15 private revenues, and any other funds received, and detailed
16 expenditure reports for capital, operating, personnel, travel,
17 technology, and any other expenditures related, directly or
18 indirectly, to the operations of the entity. The Illinois
19 Commerce Commission shall make the annual audit information
20 available to the public and publish the individual audit
21 reports online. Within 12 months of the effective date of this
22 amendatory Act of the 98th General Assembly, the Illinois
23 Commerce Commission shall issue guidelines for the collection
24 and reporting of financial statements for all entities
25 receiving funds from the Wireless Service Emergency Fund and
26 make recommendations to the General Assembly.

1 The Illinois Commerce Commission shall create uniform
2 accounting procedures that any entity that receives funds from
3 the Poison Response Fund must follow as a condition of
4 receiving funds from the Poison Response Fund. The Illinois
5 Commerce Commission shall require an annual audit of total
6 income and expenditures related directly, or indirectly, to the
7 operation of the human poison control center, from any entity
8 that receives funds from the Poison Response Fund. The audit
9 report shall require the inclusion of a copy of detailed
10 financial statements of all revenue received for the operation
11 of the human poison control center by an entity seeking funds
12 from the Poison Response Fund, including, but not limited to,
13 local, State, federal, and private revenues, and any other
14 funds received, and detailed expenditure reports for capital,
15 operating, personnel, travel, technology and any other
16 expenditures related, directly or indirectly, to the
17 operations of the human poison control center. The Illinois
18 Commerce Commission shall make the annual audit information
19 available to the public and publish the individual audit
20 reports online. Within 12 months of the effective date of this
21 amendatory Act of the 98th General Assembly, the Illinois
22 Commerce Commission shall issue guidelines for the collection
23 and reporting of financial statements for any entity receiving
24 funds from the Poison Response Fund and make recommendations to
25 the General Assembly.

26 Monthly proportional grants of funds to an authorized

1 entity under Section 25 of this Act will be made only in
2 accordance with this Section and Section 25 of this Act.

3 (1) Failure by an emergency telephone system board or
4 qualified governmental entity to file the 9-1-1 system
5 financial report as required under this Section will result in
6 the suspension of payment and withholding by the Commission of
7 monthly proportional grants otherwise due the emergency
8 telephone system board or qualified governmental entity under
9 Section 25 of this Act until the report is filed by the
10 emergency telephone system board or qualified governmental
11 entity.

12 (2) Any monthly proportional grants that have been withheld
13 for 12 months or more shall be forfeited by the emergency
14 telephone system board or qualified governmental entity and may
15 be distributed proportionally to compliant emergency telephone
16 system boards and qualified governmental entities.

17 (3) The Commission, acting through its Executive Director
18 or his or her designee, may in his discretion waive any
19 requirement of this Section for good cause shown.

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

21 (50 ILCS 751/20)

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

23 Sec. 20. Wireless Service Emergency Fund; uses. The
24 Wireless Service Emergency Fund is created as a special fund in
25 the State treasury. Subject to appropriation, moneys in the

1 Wireless Service Emergency Fund may only be used for grants for
2 emergency telephone system boards, qualified government
3 entities, or the Department of State Police. These grants may
4 be used only for the design, implementation, operation,
5 maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency
6 services and public safety answering points, and for no other
7 purposes.

8 The moneys received by the Department of State Police from
9 the Wireless Service Emergency Fund, in any year, may be used
10 for any costs relating to the leasing, modification, or
11 maintenance of any building or facility used to house personnel
12 or equipment associated with the operation of wireless 9-1-1 or
13 wireless E9-1-1 emergency services, to ensure service in those
14 areas where service is not otherwise provided.

15 Moneys received by a emergency telephone system board or
16 qualified governmental entity under this Act shall pay for the
17 costs directly attributable to 9-1-1 call delivery, 9-1-1 call
18 taking, and 9-1-1 call dispatch. Such moneys may not be used to
19 pay for any of the following purposes:

20 (1) Personnel costs of law enforcement, fire,
21 emergency medical services and emergency responders,
22 emergency management staff, or shared support or technical
23 staff, except for portions of time of 9-1-1 staff directly
24 attributable to 9-1-1 call delivery, 9-1-1 call taking, or
25 9-1-1 call dispatch.

26 (2) Facility and capital costs of law enforcement,

1 fire, emergency medical services, emergency management, or
2 other municipal facilities, except for that portion of such
3 facilities housing a 9-1-1 call center.

4 (3) Training for staff not directly involved in 9-1-1
5 call delivery, 9-1-1 call taking, or 9-1-1 call dispatch,
6 or for any staff training on courses not directly
7 attributable to 9-1-1 call delivery, 9-1-1 call taking, or
8 9-1-1 call dispatch.

9 (4) Memberships for staff not involved directly in
10 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call
11 dispatch, or for associations with a primary purpose other
12 than public safety communications.

13 (5) Hardware, software, connectivity, and
14 non-emergency N-1-1 systems or outbound notifications
15 systems not attributable to 9-1-1 call delivery, 9-1-1 call
16 taking, or 9-1-1 call dispatch. For purposes of this
17 paragraph (5), "N-1-1 systems" means a telephone number
18 ending in "1-1", other than 9-1-1, used to designate a
19 non-emergency information or access telephone system.

20 (6) Vehicle costs, including, but not limited to, costs
21 for fleet vehicles, pool cars, mileage reimbursement, and
22 for vehicle costs for law enforcement, fire or emergency
23 medical service responders, such as patrol cars, fire
24 apparatus, and ambulances.

25 (7) Professional services not directly attributable to
26 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call

1 dispatch.

2 (8) Public information and education expenses not
3 directly attributable to 9-1-1 call delivery, 9-1-1 call
4 taking, or 9-1-1 call dispatch.

5 (9) Any other costs the Illinois Commerce Commission
6 deems by rule unallowable.

7 Moneys from the Wireless Service Emergency Fund may not be
8 used to pay for or recover any costs associated with public
9 safety agency equipment or personnel dispatched in response to
10 wireless 9-1-1 or wireless E9-1-1 emergency calls.

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

12 (50 ILCS 751/35)

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

14 Sec. 35. Wireless Carrier Reimbursement Fund;
15 reimbursement.

16 (a) To recover costs from the Wireless Carrier
17 Reimbursement Fund, the wireless carrier shall submit sworn
18 invoices to the Illinois Commerce Commission. In no event may
19 any invoice for payment be approved for (i) costs that are not
20 related to compliance with the requirements established by the
21 wireless enhanced 9-1-1 mandates of the Federal Communications
22 Commission, or (ii) costs with respect to any wireless enhanced
23 9-1-1 service that is not operable at the time the invoice is
24 submitted, ~~or (iii) costs in excess of the sum of (A) the~~
25 ~~carrier's balance, as determined under subsection (c) 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 (c)~~
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 (c) of this Section,~~
8 ~~unless the wireless carrier received prior approval for the~~
9 ~~expenditures from the Illinois Commerce Commission.~~

10 (a-1) Invoices submitted by wireless carriers before
11 January 1, 2014 in accordance with subsection (a) of this
12 Section that have not been previously approved for payment and
13 paid in full by the Illinois Commerce Commission per the
14 Commission's approval, shall be paid quarterly commencing on
15 the fifteenth day of the calendar month which is 90 days after
16 the effective date of this amendatory Act of the 98th General
17 Assembly, using funds then in the Wireless Carrier
18 Reimbursement Fund, to the extent available. If, in any
19 quarter, the total amount of invoices submitted to the Illinois
20 Commerce Commission in accordance with this subsection and
21 approved for payment exceeds the amount available in the
22 Wireless Carrier Reimbursement Fund, wireless carriers that
23 have any such invoices approved for payment shall receive a
24 pro-rata share of the amount available in the Wireless Carrier
25 Reimbursement Fund based on the relative amount of their
26 approved invoices available that quarter, and the balance of

1 the payments shall be carried forward into the following
2 quarters until all of the approved payments are made. Within 90
3 days from the effective date of this amendatory Act of the 98th
4 General Assembly, the Illinois Commerce Commission shall
5 submit a voucher or vouchers to the Illinois State Comptroller
6 in accordance with the requirements of this subsection.

7 (a-2) In addition to the requirements in subsection (a) of
8 this Section, in no event may any invoice for payment submitted
9 on and after January 1, 2014 be approved for costs in excess of
10 the sum of: (1) the carrier's balance, as determined under
11 subsection (e) of this Section, plus (2) 100% of the surcharge
12 remitted to the Wireless Carrier Reimbursement Fund by the
13 wireless carrier under Section 17(b) of this Act since the last
14 annual review of the balance in the Wireless Carrier
15 Reimbursement Fund under subsection (e) of this Section, less
16 (3) reimbursements paid to the carrier out of the Wireless
17 Carrier Reimbursement Fund since the last annual review of the
18 balance under subsection (e) of this Section. On and after July
19 1, 2018, wireless carriers with less than 50,000 customers,
20 including all customers of companies under common ownership,
21 are eligible for full reimbursement subject to the limitations
22 of subsection (a-1) of this Section.

23 (b) If in any quarter ~~month~~ the total amount of invoices
24 submitted to the Illinois Commerce Commission in accordance
25 with subsection (a-2) and approved for payment exceeds the
26 amount available in the Wireless Carrier Reimbursement Fund,

1 wireless carriers that have invoices approved for payment shall
2 receive a pro-rata share of the amount available in the
3 Wireless Carrier Reimbursement Fund based on the relative
4 amount of their approved invoices available that quarter ~~month~~,
5 and the balance of the payments shall be carried forward into
6 the following quarters ~~months~~ until all of the approved
7 payments are made.

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

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

18 (e) The Illinois Commerce Commission must annually review
19 the balance in the Wireless Carrier Reimbursement Fund as of
20 June 30 of each year and shall direct the Comptroller to
21 transfer into the Wireless Services Emergency Fund for
22 distribution in accordance with Section 25 of this Act any
23 amount in excess of the amount of deposits into the Fund for
24 the 24 months prior to June 30 less:

- 25 (1) the amount of paid and payables received by June 30
26 for the 24 months prior to June 30 as determined eligible

1 under subsection (a) and, as applicable, subsection (a-2)
2 of this Section;

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

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

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

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

12 (g) On January 1, 2008 (the effective date of Public Act
13 95-698), or as soon thereafter as practical, the State
14 Comptroller shall order transferred and the State Treasurer
15 shall transfer the sum of \$8,000,000 from the Wireless Carrier
16 Reimbursement Fund to the Wireless Service Emergency Fund. That
17 amount shall be used by the Illinois Commerce Commission to
18 make grants in the manner described in Section 25 of this Act.

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

21 (50 ILCS 751/70)

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

23 Sec. 70. Repealer. This Act is repealed on July 1, 2018
24 ~~2014~~.

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

1 (50 ILCS 751/90 new)

2 Sec. 90. Poison Response Fund. The Poison Response Fund is
3 created as a special fund in the State treasury. Subject to
4 appropriation, moneys in the Poison Response Fund may only be
5 used as described in subsection (b) of Section 17 of this Act.

6 (50 ILCS 751/95 new)

7 Sec. 95. Fund sweeps. Notwithstanding any provision of law
8 to the contrary, the Wireless Carrier Reimbursement Fund is not
9 subject to sweeps, administrative charge-backs, or any other
10 fiscal or budgetary maneuver that would in any way transfer any
11 amount from that Fund into any other fund of the State with the
12 exception of the Wireless Services Emergency Fund. The Illinois
13 Commerce Commission shall remain obligated to comply with the
14 requirements of subsection (b) of Section 35 of the Wireless
15 Emergency Telephone Safety Act, and transfers to the Wireless
16 Services Emergency Fund pursuant thereto shall not be deemed to
17 be sweeps, administrative charge-backs, or other fiscal or
18 budgetary maneuvers as otherwise prohibited by this Section.

19 Section 15. The Public Utilities Act is amended by changing
20 Sections 13-900, 13-900.1, 13-900.3, and 13-1200 as follows:

21 (220 ILCS 5/13-900)

22 (Section scheduled to be repealed on July 1, 2015)

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

3 (a) The General Assembly finds that it is necessary to
4 require the certification of 9-1-1 system providers to ensure
5 the safety of the lives and property of Illinoisans and
6 Illinois businesses, and to otherwise protect and promote the
7 public safety, health, and welfare of the citizens of this
8 State and their property.

9 (b) For purposes of this Section:

10 "9-1-1 system" has the same meaning as that term is
11 defined in Section 2.19 of the Emergency Telephone System
12 Act.

13 "9-1-1 system provider" means any person, corporation,
14 limited liability company, partnership, sole
15 proprietorship, or entity of any description whatever that
16 acts as a system provider within the meaning of Section
17 2.18 of the Emergency Telephone System Act.

18 "Emergency Telephone System Board" has the same
19 meaning as that term is defined in Sections 2.11 and 15.4
20 of the Emergency Telephone System Act.

21 "Public safety agency personnel" means personnel
22 employed by a public safety agency, as that term is defined
23 in Section 2.02 of the Emergency Telephone System Act,
24 whose responsibilities include responding to requests for
25 emergency services.

26 (c) Except as otherwise provided in this Section, beginning

1 July 1, 2010, it is unlawful for any 9-1-1 system provider to
2 offer or provide or seek to offer or provide to any emergency
3 telephone system board or 9-1-1 system, or agent,
4 representative, or designee thereof, any network and database
5 service used or intended to be used by any emergency telephone
6 system board or 9-1-1 system for the purpose of answering,
7 transferring, or relaying requests for emergency services, or
8 dispatching public safety agency personnel in response to
9 requests for emergency services, unless the 9-1-1 system
10 provider has applied for and received a Certificate of 9-1-1
11 System Provider Authority from the Commission. The Commission
12 shall approve an application for a Certificate of 9-1-1 System
13 Provider Authority upon a showing by the applicant, and a
14 finding by the Commission, after notice and hearing, that the
15 applicant possesses sufficient technical, financial, and
16 managerial resources and abilities to provide network service
17 and database services that it seeks authority to provide in its
18 application for service authority, in a safe, continuous, and
19 uninterrupted manner.

20 (d) No incumbent local exchange carrier that provides, as
21 of the effective date of this amendatory Act of the 96th
22 General Assembly, any 9-1-1 network and 9-1-1 database service
23 used or intended to be used by any Emergency Telephone System
24 Board or 9-1-1 system, shall be required to obtain a
25 Certificate of 9-1-1 System Provider Authority under this
26 Section. No entity that possesses, as of the effective date of

1 this amendatory Act of the 96th General Assembly, a Certificate
2 of Service Authority and provides 9-1-1 network and 9-1-1
3 database services to any incumbent local exchange carrier as of
4 the effective date of this amendatory Act of the 96th General
5 Assembly shall be required to obtain a Certificate of 9-1-1
6 System Provider Authority under this Section.

7 (e) Any and all enforcement authority granted to the
8 Commission under this Section shall apply exclusively to 9-1-1
9 system providers granted a Certificate of Service Authority
10 under this Section and shall not apply to incumbent local
11 exchange carriers that are providing 9-1-1 service as of the
12 effective date of this amendatory Act of the 96th General
13 Assembly.

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

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

16 (220 ILCS 5/13-900.1)

17 (Section scheduled to be repealed on July 1, 2015)

18 Sec. 13-900.1. Authority over 9-1-1 rates and terms of
19 service. Notwithstanding any other provision of this Article,
20 the Commission retains its full authority over the rates and
21 service quality as they apply to 9-1-1 system providers,
22 including the Commission's existing authority over
23 interconnection with 9-1-1 system providers and 9-1-1 systems.
24 The rates, terms, and conditions for 9-1-1 service shall be
25 tariffed and shall be provided in the manner prescribed by this

1 Act and shall be subject to the applicable laws, including
2 rules or regulations adopted and orders issued by the
3 Commission or the Federal Communications Commission. The
4 Commission retains this full authority regardless of the
5 technologies utilized or deployed by 9-1-1 system providers.

6 This Section is repealed on July 1, 2016.

7 (Source: P.A. 96-927, eff. 6-15-10; 97-333, eff. 8-12-11.)

8 (220 ILCS 5/13-900.3)

9 (Section scheduled to be repealed on July 1, 2015)

10 Sec. 13-900.3. Regulatory flexibility for 9-1-1 system
11 providers.

12 (a) For purposes of this Section, "Regional Pilot Project"
13 to implement next generation 9-1-1 has the same meaning as that
14 term is defined in Section 2.22 of the Emergency Telephone
15 System Act.

16 (b) For the limited purpose of a Regional Pilot Project to
17 implement next generation 9-1-1, as defined in Section 13-900
18 of this Article, the Commission may forbear from applying any
19 rule or provision of Section 13-900 as it applies to
20 implementation of the Regional Pilot Project to implement next
21 generation 9-1-1 if the Commission determines, after notice and
22 hearing, that: (1) enforcement of the rule is not necessary to
23 ensure the development and improvement of emergency
24 communication procedures and facilities in such a manner as to
25 be able to quickly respond to any person requesting 9-1-1

1 services from police, fire, medical, rescue, and other
2 emergency services; (2) enforcement of the rule or provision is
3 not necessary for the protection of consumers; and (3)
4 forbearance from applying such provisions or rules is
5 consistent with the public interest. The Commission may
6 exercise such forbearance with respect to one, and only one,
7 Regional Pilot Project as authorized by Sections 10 and 11 of
8 the Emergency Telephone Systems Act to implement next
9 generation 9-1-1.

10 (c) This Section is repealed on July 1, 2016.

11 (Source: P.A. 96-1443, eff. 8-20-10; 97-333, eff. 8-12-11.)

12 (220 ILCS 5/13-1200)

13 (Section scheduled to be repealed on July 1, 2015)

14 Sec. 13-1200. Repealer. This Article, except for Sections
15 13-900, 13-900.1, and 13-900.3, is repealed July 1, 2015.

16 (Source: P.A. 98-45, eff. 6-28-13.)

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