

AN ACT concerning utilities.

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

Section 5. The Emergency Telephone System Act is amended by changing Sections 10, 11, and 15.4 and by adding Sections 2.21, 2.22, and 2.23 as follows:

(50 ILCS 750/2.21 new)

Sec. 2.21. Next generation 9-1-1 (NG9-1-1). "Next generation 9-1-1" or "(NG9-1-1)" means, for the purposes of a Regional Pilot Project, a system comprised of managed Internet Protocol-based networks and elements that augment or replace present day 9-1-1 features and functions and add new capabilities, which may enable the public to transmit text, images, video, or data, or a combination thereof, to the 9-1-1 system.

(50 ILCS 750/2.22 new)

Sec. 2.22. Regional Pilot Project. "Regional Pilot Project" means an experimental program designed to test the efficacy of next generation 9-1-1 (NG9-1-1) within a region that includes not less than 15 counties and not more than 19 counties with an aggregate population no greater than 500,000. Any Regional Pilot Project must be approved by the Commission

and provide for an initial testing phase designed to demonstrate the ability of the technology to provide access to emergency services from new and existing sources with no reduction in existing service quality, reliability, or safety.

(50 ILCS 750/2.23 new)

Sec. 2.23. Qualified governmental entity. "Qualified governmental entity" means a unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act where no emergency telephone system board exists.

(50 ILCS 750/10) (from Ch. 134, par. 40)

Sec. 10. Technical and operational standards for the development of the local agency systems shall be established and reviewed by the Commission on or before December 31, 1979, after consultation with all agencies specified in Section 9.

For the limited purpose of permitting a board, a qualified governmental entity, a group of boards, or a group of governmental entities to participate in a Regional Pilot Project to implement next generation 9-1-1, as defined in this Act, the Commission may forbear from applying any rule adopted under the Emergency Telephone Systems Act as it applies to conducting of the Regional Pilot Project to implement next generation 9-1-1, if the Commission determines, after notice and hearing, that:

(1) enforcement of the rule is not necessary to ensure the development and improvement of emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person requesting 9-1-1 service from police, fire, medical, rescue, and other emergency services;

(2) enforcement of the rule or provision is not necessary for the protection of consumers; and

(3) forbearance from applying the provisions or rules is consistent with the public interest.

The Commission may exercise such forbearance with respect to one, and only one, Regional Pilot Project to implement next generation 9-1-1.

If the Commission authorizes a Regional Pilot Project, then telecommunications carriers shall not be liable for any civil damages as a result of any act or omission, except willful or wanton misconduct, in connection with developing, adopting, operating, implementing, or delivering or receiving calls in connection with any plan or system authorized by this Section and Section 11 of this Act.

(Source: P.A. 79-1092.)

(50 ILCS 750/11) (from Ch. 134, par. 41)

Sec. 11. Within one year after the implementation date or by January 31, 1980, whichever is later, all public agencies in a county having 100,000 or more inhabitants shall submit

tentative plans of the establishment of a system required by this Act to the public utility or utilities providing public telephone service within the respective jurisdiction of each public agency. A copy of each such plan shall be filed with the Commission.

Within 2 years after the implementation date or by January 31, 1982, whichever is later, all public agencies in a county having 100,000 or more inhabitants shall submit final plans for the establishment of the system to such utilities, and shall make arrangements with such utilities for the implementation of the planned emergency telephone system no later than 3 years after the implementation date or by December 31, 1985, whichever is later. A copy of the plan required by this subdivision shall be filed with the Commission. In order to secure compliance with the standards promulgated under Section 10, the Commission shall have the power to approve or disapprove such plan, unless such plan was announced before the effective date of this Act.

If any public agency has implemented or is a part of a system required by this Act on a deadline specified in this Section, such public agency shall submit in lieu of the tentative or final plan a report describing the system and stating its operational date.

A board, a qualified governmental entity, a group of boards, or a group of qualified governmental entities involved in a Regional Pilot Project to implement next generation 9-1-1,

as defined in this Act, shall submit a plan to the Commission describing in detail the Regional Pilot Project no fewer than 180 days prior to the implementation of the plan. The Commission may approve the plan after notice and hearing to authorize such Regional Pilot Project. Such shall not exceed one year duration or other time period approved by the Commission. No entity may proceed with the Regional Pilot Project until it receives Commission approval. In approving any plan for a Regional Pilot Project under this Section, the Commission may impose such terms, conditions, or requirements as, in its judgment, are necessary to protect the interests of the public.

The Commission shall have authority to approve one, and only one, Regional Pilot Project to implement next generation 9-1-1.

Plans filed under this Section shall conform to minimum standards established pursuant to Section 10.

(Source: P.A. 81-1122.)

(50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

Sec. 15.4. Emergency Telephone System Board; powers.

(a) The corporate authorities of any county or municipality that imposes a surcharge under Section 15.3 shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the board shall consist of

not fewer than 5 members, one of whom must be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) must be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. In counties with a population of more than 100,000 but less than 2,000,000, a member of the county board may serve on the Emergency Telephone System Board. Elected officials, including members of a county board, are also eligible to serve on the board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Any 2 or more municipalities, counties, or combination thereof, that impose a surcharge under Section 15.3 may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board pursuant to this Section. The manner of appointment of such a joint board shall be prescribed in the agreement.

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:

(1) Planning a 9-1-1 system.

(2) Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.

(3) Receiving moneys from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.

(4) Authorizing all disbursements from the fund.

(5) Hiring any staff necessary for the implementation or upgrade of the system.

(6) Participating in a Regional Pilot Project to implement next generation 9-1-1, as defined in this Act, subject to the conditions set forth in this Act.

(c) All moneys received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

- (1) The design of the Emergency Telephone System.
- (2) The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.
- (3) The repayment of any moneys advanced for the implementation of the system.
- (4) The charges for Automatic Number Identification and Automatic Location Identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services.
- (5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.
- (6) The acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.
- (7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system,

including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

(8) In the case of a municipality that imposes a surcharge under subsection (h) of Section 15.3, moneys may also be used for any anti-terrorism or emergency preparedness measures, including, but not limited to, preparedness planning, providing local matching funds for federal or State grants, personnel training, and specialized equipment, including surveillance cameras as needed to deal with natural and terrorist-inspired emergency situations or events.

(9) The defraying of expenses incurred in participation in a Regional Pilot Project to implement next generation 9-1-1, subject to the conditions set forth in this Act.

Moneys in the fund may also be transferred to a participating fire protection district to reimburse volunteer firefighters who man remote telephone switching facilities when dedicated 9-1-1 lines are down.

(d) The board shall complete the data base before implementation of the 9-1-1 system. The error ratio of the data

base shall not at any time exceed 1% of the total data base.

(Source: P.A. 95-698, eff. 1-1-08; 95-806, eff. 1-1-09; 95-1012, eff. 12-15-08; revised 1-18-10.)

Section 7. The Wireless Emergency Telephone Safety Act is amended by changing Section 25 as follows:

(50 ILCS 751/25)

(Section scheduled to be repealed on April 1, 2013)

Sec. 25. Wireless Service Emergency Fund; distribution of moneys. Within 60 days after the effective date of this Act, wireless carriers shall submit to the Illinois Commerce Commission the number of wireless subscribers by zip code and the 9-digit zip code of the wireless subscribers, if currently being used or later implemented by the carrier.

The Illinois Commerce Commission shall, subject to appropriation, make monthly proportional grants to the appropriate emergency telephone system board or qualified governmental entity based upon the United States Postal Zip Code of the wireless subscriber's billing address. No matching funds shall be required from grant recipients.

If the Illinois Commerce Commission is notified of an area of overlapping jurisdiction, grants for that area shall be made based upon reference to an official Master Street Address Guide to the emergency telephone system board or qualified governmental entity whose public service answering points

provide wireless 9-1-1 service in that area. The emergency telephone system board or qualified governmental entity shall provide the Illinois Commerce Commission with a valid copy of the appropriate Master Street Address Guide. The Illinois Commerce Commission does not have a duty to verify jurisdictional responsibility.

In the event of a subscriber billing address being matched to an incorrect jurisdiction by the Illinois Commerce Commission, the recipient, upon notification from the Illinois Commerce Commission, shall redirect the funds to the correct jurisdiction. The Illinois Commerce Commission shall not be held liable for any damages relating to an act or omission under this Act, unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

In the event of a dispute between emergency telephone system boards or qualified governmental entities concerning a subscriber billing address, the Illinois Commerce Commission shall resolve the dispute.

The Illinois Commerce Commission shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

The Illinois Commerce Commission shall adopt rules to govern the grant process.

The Illinois Commerce Commission must conduct a study to determine the future technological and financial needs of the

~~wireless 9-1-1 systems~~ ~~The Illinois Commerce Commission may also use moneys in the Wireless Service Emergency Fund for the purpose of conducting a study to determine the future technological and financial needs of the wireless 9-1-1 systems.~~ The ~~A~~ study shall include input from the telecommunications industry, the Illinois National Emergency Number Association, and the public safety community. The Illinois Commerce Commission may use moneys in the Wireless Service Emergency Fund for the purpose of conducting the study. The Illinois Commerce Commission must report its findings and recommendations to the General Assembly within one year after the effective date of this amendatory Act of the 96th General Assembly.

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

Section 10. The Public Utilities Act is amended by adding Section 13-900.1 as follows:

(220 ILCS 5/13-900.1 new)

Sec. 13-900.1. Regulatory flexibility for 9-1-1 system providers.

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

(b) For the limited purpose of a Regional Pilot Project to

implement next generation 9-1-1, as defined in Section 13-900 of this Article, the Commission may forbear from applying any rule or provision of Section 13-900 as it applies to implementation of the Regional Pilot Project to implement next generation 9-1-1 if the Commission determines, after notice and hearing, that: (1) enforcement of the rule is not necessary to ensure the development and improvement of emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person requesting 9-1-1 services from police, fire, medical, rescue, and other emergency services; (2) enforcement of the rule or provision is not necessary for the protection of consumers; and (3) forbearance from applying such provisions or rules is consistent with the public interest. The Commission may exercise such forbearance with respect to one, and only one, Regional Pilot Project as authorized by Sections 10 and 11 of the Emergency Telephone Systems Act to implement next generation 9-1-1.

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