



# Adopted in House Comm. on Jul 30, 2007

09500SB0837ham001

LRB095 05548 HLH 38265 a

1 AMENDMENT TO SENATE BILL 837

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 837 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Telephone System Act is amended  
5 by changing Sections 15.3 and 15.4 as follows:

6 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

7 Sec. 15.3. Surcharge.

8 (a) The corporate authorities of any municipality or any  
9 county may, subject to the limitations of subsections (c), (d),  
10 and (h), and in addition to any tax levied pursuant to the  
11 Simplified Municipal Telecommunications Tax Act, impose a  
12 monthly surcharge on billed subscribers of network connection  
13 provided by telecommunication carriers engaged in the business  
14 of transmitting messages by means of electricity originating  
15 within the corporate limits of the municipality or county  
16 imposing the surcharge at a rate per network connection

1 determined in accordance with subsection (c). Provided,  
2 however, that where multiple voice grade communications  
3 channels are connected between the subscriber's premises and a  
4 public switched network through private branch exchange (PBX)  
5 or centrex type service, a municipality imposing a surcharge at  
6 a rate per network connection, as determined in accordance with  
7 this Act, shall impose 5 such surcharges per network  
8 connection, as determined in accordance with subsections (a)  
9 and (d) of Section 2.12 of this Act. For mobile  
10 telecommunications services, if a surcharge is imposed it shall  
11 be imposed based upon the municipality or county that  
12 encompasses the customer's place of primary use as defined in  
13 the Mobile Telecommunications Sourcing Conformity Act. A  
14 municipality may enter into an intergovernmental agreement  
15 with any county in which it is partially located, when the  
16 county has adopted an ordinance to impose a surcharge as  
17 provided in subsection (c), to include that portion of the  
18 municipality lying outside the county in that county's  
19 surcharge referendum. If the county's surcharge referendum is  
20 approved, the portion of the municipality identified in the  
21 intergovernmental agreement shall automatically be  
22 disconnected from the county in which it lies and connected to  
23 the county which approved the referendum for purposes of a  
24 surcharge on telecommunications carriers.

25 (b) For purposes of computing the surcharge imposed by  
26 subsection (a), the network connections to which the surcharge

1 shall apply shall be those in-service network connections,  
2 other than those network connections assigned to the  
3 municipality or county, where the service address for each such  
4 network connection or connections is located within the  
5 corporate limits of the municipality or county levying the  
6 surcharge. Except for mobile telecommunication services, the  
7 "service address" shall mean the location of the primary use of  
8 the network connection or connections. For mobile  
9 telecommunication services, "service address" means the  
10 customer's place of primary use as defined in the Mobile  
11 Telecommunications Sourcing Conformity Act. With respect to  
12 network connections provided for use with pay telephone  
13 services for which there is no billed subscriber, the  
14 telecommunications carrier providing the network connection  
15 shall be deemed to be its own billed subscriber for purposes of  
16 applying the surcharge.

17 (c) Upon the passage of an ordinance to impose a surcharge  
18 under this Section the clerk of the municipality or county  
19 shall certify the question of whether the surcharge may be  
20 imposed to the proper election authority who shall submit the  
21 public question to the electors of the municipality or county  
22 in accordance with the general election law; provided that such  
23 question shall not be submitted at a consolidated primary  
24 election. The public question shall be in substantially the  
25 following form:

26 -----

1            Shall the county (or city, village  
2 or incorporated town) of ..... impose            YES  
3 a surcharge of up to ...¢ per month per  
4 network connection, which surcharge will  
5 be added to the monthly bill you receive -----  
6 for telephone or telecommunications  
7 charges, for the purpose of installing  
8 (or improving) a 9-1-1 Emergency            NO  
9 Telephone System?

10 -----

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

13            However, if a Joint Emergency Telephone System Board is to  
14 be created pursuant to an intergovernmental agreement under  
15 Section 15.4, the ordinance to impose the surcharge shall be  
16 subject to the approval of a majority of the total number of  
17 votes cast upon the public question by the electors of all of  
18 the municipalities or counties, or combination thereof, that  
19 are parties to the intergovernmental agreement.

20            The referendum requirement of this subsection (c) shall not  
21 apply to any municipality with a population over 500,000 or to  
22 any county in which a proposition as to whether a sophisticated  
23 9-1-1 Emergency Telephone System should be installed in the  
24 county, at a cost not to exceed a specified monthly amount per  
25 network connection, has previously been approved by a majority  
26 of the electors of the county voting on the proposition at an

1 election conducted before the effective date of this amendatory  
2 Act of 1987.

3 (d) A county may not impose a surcharge, unless requested  
4 by a municipality, in any incorporated area which has  
5 previously approved a surcharge as provided in subsection (c)  
6 or in any incorporated area where the corporate authorities of  
7 the municipality have previously entered into a binding  
8 contract or letter of intent with a telecommunications carrier  
9 to provide sophisticated 9-1-1 service through municipal  
10 funds.

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

15 (f) The surcharge authorized by this Section shall be  
16 collected from the subscriber by the telecommunications  
17 carrier providing the subscriber the network connection as a  
18 separately stated item on the subscriber's bill.

19 (g) The amount of surcharge collected by the  
20 telecommunications carrier shall be paid to the particular  
21 municipality or county or Joint Emergency Telephone System  
22 Board not later than 30 days after the surcharge is collected,  
23 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
24 charges then due the particular telecommunications carrier, as  
25 shown on an itemized bill. The telecommunications carrier  
26 collecting the surcharge shall also be entitled to deduct 3% of

1 the gross amount of surcharge collected to reimburse the  
2 telecommunications carrier for the expense of accounting and  
3 collecting the surcharge.

4 (h) Except as expressly provided in subsection (a) of this  
5 Section, a municipality with a population over 500,000 may not  
6 impose a monthly surcharge in excess of \$2.50 ~~\$1.25~~ per network  
7 connection.

8 (i) Any municipality or county or joint emergency telephone  
9 system board that has imposed a surcharge pursuant to this  
10 Section prior to the effective date of this amendatory Act of  
11 1990 shall hereafter impose the surcharge in accordance with  
12 subsection (b) of this Section.

13 (j) The corporate authorities of any municipality or county  
14 may issue, in accordance with Illinois law, bonds, notes or  
15 other obligations secured in whole or in part by the proceeds  
16 of the surcharge described in this Section. Notwithstanding any  
17 change in law subsequent to the issuance of any bonds, notes or  
18 other obligations secured by the surcharge, every municipality  
19 or county issuing such bonds, notes or other obligations shall  
20 be authorized to impose the surcharge as though the laws  
21 relating to the imposition of the surcharge in effect at the  
22 time of issuance of the bonds, notes or other obligations were  
23 in full force and effect until the bonds, notes or other  
24 obligations are paid in full. The State of Illinois pledges and  
25 agrees that it will not limit or alter the rights and powers  
26 vested in municipalities and counties by this Section to impose

1 the surcharge so as to impair the terms of or affect the  
2 security for bonds, notes or other obligations secured in whole  
3 or in part with the proceeds of the surcharge described in this  
4 Section.

5 (k) Any surcharge collected by or imposed on a  
6 telecommunications carrier pursuant to this Section shall be  
7 held to be a special fund in trust for the municipality, county  
8 or Joint Emergency Telephone Board imposing the surcharge.  
9 Except for the 3% deduction provided in subsection (g) above,  
10 the special fund shall not be subject to the claims of  
11 creditors of the telecommunication carrier.

12 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,  
13 eff. 1-1-03; revised 10-2-02.)

14 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

15 Sec. 15.4. Emergency Telephone System Board; powers.

16 (a) The corporate authorities of any county or municipality  
17 that imposes a surcharge under Section 15.3 shall establish an  
18 Emergency Telephone System Board. The corporate authorities  
19 shall provide for the manner of appointment and the number of  
20 members of the Board, provided that the board shall consist of  
21 not fewer than 5 members, one of whom must be a public member  
22 who is a resident of the local exchange service territory  
23 included in the 9-1-1 coverage area, one of whom (in counties  
24 with a population less than 100,000) must be a member of the  
25 county board, and at least 3 of whom shall be representative of

1 the 9-1-1 public safety agencies, including but not limited to  
2 police departments, fire departments, emergency medical  
3 services providers, and emergency services and disaster  
4 agencies, and appointed on the basis of their ability or  
5 experience. Elected officials are also eligible to serve on the  
6 board. Members of the board shall serve without compensation  
7 but shall be reimbursed for their actual and necessary  
8 expenses. Any 2 or more municipalities, counties, or  
9 combination thereof, that impose a surcharge under Section 15.3  
10 may, instead of establishing individual boards, establish by  
11 intergovernmental agreement a Joint Emergency Telephone System  
12 Board pursuant to this Section. The manner of appointment of  
13 such a joint board shall be prescribed in the agreement.

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

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

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

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



1 (4) Authorizing all disbursements from the fund.

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

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

16 (1) The design of the Emergency Telephone System.

17 (2) The coding of an initial Master Street Address  
18 Guide data base, and update and maintenance thereof.

19 (3) The repayment of any moneys ~~monies~~ advanced for the  
20 implementation of the system.

21 (4) The charges for Automatic Number Identification  
22 and Automatic Location Identification equipment, a  
23 computer aided dispatch system that records, maintains,  
24 and integrates information, mobile data transmitters  
25 equipped with automatic vehicle locators, and maintenance,  
26 replacement and update thereof to increase operational

1 efficiency and improve the provision of emergency  
2 services.

3 (5) The non-recurring charges related to installation  
4 of the Emergency Telephone System and the ongoing network  
5 charges.

6 (6) The acquisition and installation, or the  
7 reimbursement of costs therefor to other governmental  
8 bodies that have incurred those costs, of road or street  
9 signs that are essential to the implementation of the  
10 emergency telephone system and that are not duplicative of  
11 signs that are the responsibility of the jurisdiction  
12 charged with maintaining road and street signs.

13 (7) Other products and services necessary for the  
14 implementation, upgrade, and maintenance of the system and  
15 any other purpose related to the operation of the system,  
16 including costs attributable directly to the construction,  
17 leasing, or maintenance of any buildings or facilities or  
18 costs of personnel attributable directly to the operation  
19 of the system. Costs attributable directly to the operation  
20 of an emergency telephone system do not include the costs  
21 of public safety agency personnel who are and equipment  
22 that is dispatched in response to an emergency call.

23 (8) In the case of a municipality that imposes a  
24 surcharge under subsection (h) of Section 15.3, moneys may  
25 also be used for any anti-terrorism or emergency  
26 preparedness measures, including, but not limited to,

1       preparedness planning, providing local matching funds for  
2       federal or State grants, personnel training, and  
3       specialized equipment, including surveillance cameras as  
4       needed to deal with natural and terrorist-inspired  
5       emergency situations or events.

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

10       (d) The board shall complete the data base before  
11       implementation of the 9-1-1 system. The error ratio of the data  
12       base shall not at any time exceed 1% of the total data base.

13       (Source: P.A. 92-202, eff. 1-1-02.)

14       Section 10. The Wireless Emergency Telephone Safety Act is  
15       amended by changing Sections 15, 17, 25, 35, 45, and 70 as  
16       follows:

17       (50 ILCS 751/15)

18       (Section scheduled to be repealed on April 1, 2008)

19       Sec. 15. Wireless emergency 9-1-1 service. The digits  
20       "9-1-1" shall be the designated emergency telephone number  
21       within the wireless system.

22       (a) Standards. The Illinois Commerce Commission may set  
23       non-discriminatory, uniform technical and operational  
24       standards consistent with the rules of the Federal

1 Communications Commission for directing calls to authorized  
2 public safety answering points. These standards shall not in  
3 any way prescribe the technology or manner a wireless carrier  
4 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls  
5 and these standards shall not exceed the requirements set by  
6 the Federal Communications Commission. However, standards for  
7 directing calls to the authorized public safety answering point  
8 shall be included. The authority given to the Illinois Commerce  
9 Commission in this Section is limited to setting standards as  
10 set forth herein and does not constitute authority to regulate  
11 wireless carriers.

12 (b) Wireless public safety answering points. For the  
13 purpose of providing wireless 9-1-1 emergency services, an  
14 emergency telephone system board or, in the absence of an  
15 emergency telephone system board, a qualified governmental  
16 entity may declare its intention for one or more of its public  
17 safety answering points to serve as a primary wireless 9-1-1  
18 public safety answering point for its jurisdiction by notifying  
19 the Chief Clerk of the Illinois Commerce Commission and the  
20 Director of State Police in writing within 6 months after the  
21 effective date of this Act or within 6 months after receiving  
22 its authority to operate a 9-1-1 system under the Emergency  
23 Telephone System Act, whichever is later. In addition, 2 or  
24 more emergency telephone system boards or qualified units of  
25 local government may, by virtue of an intergovernmental  
26 agreement, provide wireless 9-1-1 service. The Department of

1 State Police shall be the primary wireless 9-1-1 public safety  
2 answering point for any jurisdiction not providing notice to  
3 the Commission and the Department of State Police. Nothing in  
4 this Act shall require the provision of wireless enhanced 9-1-1  
5 services.

6 The Illinois Commerce Commission, upon a ~~joint~~ request from  
7 ~~the Department of State Police and~~ a qualified governmental  
8 entity or an emergency telephone system board, may grant  
9 authority to the emergency telephone system board or a  
10 qualified governmental entity to provide wireless 9-1-1  
11 service in areas for which the Department of State Police has  
12 accepted wireless 9-1-1 responsibility. The Illinois Commerce  
13 Commission shall maintain a current list of all 9-1-1 systems  
14 and qualified governmental entities providing wireless 9-1-1  
15 service under this Act.

16 Any emergency telephone system board or qualified  
17 governmental entity providing wireless 9-1-1 service prior to  
18 the effective date of this Act may continue to operate upon  
19 notification as previously described in this Section. An  
20 emergency telephone system board or a qualified governmental  
21 entity shall submit, with its notification, the date upon which  
22 it commenced operating.

23 (c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced  
24 9-1-1 Board is created. The Board consists of 7 members  
25 appointed by the Governor with the advice and consent of the  
26 Senate. It is recommended that the Governor appoint members

1 from the following: the Illinois Chapter of the National  
2 Emergency Numbers Association, the Illinois State Police, law  
3 enforcement agencies, the wireless telecommunications  
4 industry, an emergency telephone system board in Cook County  
5 (outside the City of Chicago), an emergency telephone system  
6 board in the Metro-east area, and an emergency telephone system  
7 board in the collar counties (Lake, McHenry, DuPage, Kane, and  
8 Will counties). Members of the Board may not receive any  
9 compensation but may, however, be reimbursed for any necessary  
10 expenditure in connection with their duties.

11 Except as provided in Section 45, the Wireless Enhanced  
12 9-1-1 Board shall set the amount of the monthly wireless  
13 surcharge required to be imposed under Section 17 on all  
14 wireless subscribers in this State. Prior to the Wireless  
15 Enhanced 9-1-1 Board setting any surcharge, the Board shall  
16 publish the proposed surcharge in the Illinois Register, hold  
17 hearings on the surcharge and the requirements for an efficient  
18 wireless emergency number system, and elicit public comment.  
19 The Board shall determine the minimum cost necessary for  
20 implementation of this system and the amount of revenue  
21 produced based upon the number of wireless telephones in use.  
22 The Board shall set the surcharge at the minimum amount  
23 necessary to achieve the goals of the Act and shall, by July 1,  
24 2000, file this information with the Governor, the Clerk of the  
25 House, and the Secretary of the Senate. The surcharge may not  
26 be more than \$0.75 per month per CMRS connection.

1           The Wireless Enhanced 9-1-1 Board shall report to the  
2 General Assembly by July 1, 2000 on implementing wireless  
3 non-emergency services for the purpose of public safety using  
4 the digits 3-1-1. The Board shall consider the delivery of  
5 3-1-1 services in a 6 county area, including rural Cook County  
6 (outside of the City of Chicago), and DuPage, Lake, McHenry,  
7 Will, and Kane Counties, as well as counties outside of this  
8 area by an emergency telephone system board, a qualified  
9 governmental entity, or private industry. The Board, upon  
10 completion of all its duties required under this Act, is  
11 dissolved.

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

13           (50 ILCS 751/17)

14           (Section scheduled to be repealed on April 1, 2008)

15       Sec. 17. Wireless carrier surcharge.

16           (a) Except as provided in Section 45, each wireless carrier  
17 shall impose a monthly wireless carrier surcharge per CMRS  
18 connection that either has a telephone number within an area  
19 code assigned to Illinois by the North American Numbering Plan  
20 Administrator or has a billing address in this State. In the  
21 case of prepaid wireless telephone service, this surcharge  
22 shall be remitted based upon the address associated with the  
23 point of purchase, the customer billing address, or the  
24 location associated with the MTN for each active prepaid  
25 wireless telephone that has a sufficient positive balance as of

1 the last day of each month, if that information is available.  
2 No wireless carrier shall impose the surcharge authorized by  
3 this Section upon any subscriber who is subject to the  
4 surcharge imposed by a unit of local government pursuant to  
5 Section 45. Prior to the effective date of this amendatory Act  
6 of the 95th General Assembly, the surcharge amount shall be the  
7 amount set by the Wireless Enhanced 9-1-1 Board. Beginning on  
8 the effective date of this amendatory Act of the 95th General  
9 Assembly, the monthly surcharge imposed under this Section  
10 shall be \$0.73 per CMRS connection. The wireless carrier that  
11 provides wireless service to the subscriber shall collect the  
12 surcharge ~~set by the Wireless Enhanced 9-1-1 Board~~ from the  
13 subscriber. For mobile telecommunications services provided on  
14 and after August 1, 2002, any surcharge imposed under this Act  
15 shall be imposed based upon the municipality or county that  
16 encompasses the customer's place of primary use as defined in  
17 the Mobile Telecommunications Sourcing Conformity Act. The  
18 surcharge shall be stated as a separate item on the  
19 subscriber's monthly bill. The wireless carrier shall begin  
20 collecting the surcharge on bills issued within 90 days after  
21 the Wireless Enhanced 9-1-1 Board sets the monthly wireless  
22 surcharge. State and local taxes shall not apply to the  
23 wireless carrier surcharge.

24 (b) Except as provided in Section 45, a wireless carrier  
25 shall, within 45 days of collection, remit, either by check or  
26 by electronic funds transfer, to the State Treasurer the amount



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

22 (c) The first such remittance by wireless carriers shall  
23 include the number of customers by zip code, and the 9-digit  
24 zip code if currently being used or later implemented by the  
25 carrier, that shall be the means by which the Illinois Commerce  
26 Commission shall determine distributions from the Wireless

1 Service Emergency Fund. This information shall be updated no  
2 less often than every year. Wireless carriers are not required  
3 to remit surcharge moneys that are billed to subscribers but  
4 not yet collected.

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

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

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

25 (2) Whether the Commission's administrative costs  
26 charged to the funds are adequately documented and are

1       reasonable.

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

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

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

14       (Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839,  
15       eff. 7-30-04.)

16           (50 ILCS 751/25)

17           (Section scheduled to be repealed on April 1, 2008)

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

24       The Illinois Commerce Commission shall, subject to  
25       appropriation, make monthly proportional grants to the

1 appropriate emergency telephone system board or qualified  
2 governmental entity based upon the United States Postal Zip  
3 Code of the wireless subscriber's billing address. No matching  
4 funds shall be required from grant recipients.

5 If the Illinois Commerce Commission is notified of an area  
6 of overlapping jurisdiction, grants for that area shall be made  
7 based upon reference to an official Master Street Address Guide  
8 to the emergency telephone system board or qualified  
9 governmental entity whose public service answering points  
10 provide wireless 9-1-1 service in that area. The emergency  
11 telephone system board or qualified governmental entity shall  
12 provide the Illinois Commerce Commission with a valid copy of  
13 the appropriate Master Street Address Guide. The Illinois  
14 Commerce Commission does not have a duty to verify  
15 jurisdictional responsibility.

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

24 In the event of a dispute between emergency telephone  
25 system boards or qualified governmental entities concerning a  
26 subscriber billing address, the Illinois Commerce Commission

1 shall resolve the dispute.

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

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

8 The Illinois Commerce Commission may also use moneys in the  
9 Wireless Service Emergency Fund for the purpose of conducting a  
10 study to determine the future technological and financial needs  
11 of the wireless 9-1-1 systems. A study shall include input from  
12 the telecommunications industry, the Illinois National  
13 Emergency Number Association, and the public safety community.

14 (Source: P.A. 93-839, eff. 7-30-04.)

15 (50 ILCS 751/35)

16 (Section scheduled to be repealed on April 1, 2008)

17 Sec. 35. Wireless Carrier Reimbursement Fund;  
18 reimbursement. To recover costs from the Wireless Carrier  
19 Reimbursement Fund, the wireless carrier shall submit sworn  
20 invoices to the Illinois Commerce Commission. In no event may  
21 any invoice for payment be approved for (i) costs that are not  
22 related to compliance with the requirements established by the  
23 wireless enhanced 9-1-1 mandates of the Federal Communications  
24 Commission, (ii) costs with respect to any wireless enhanced  
25 9-1-1 service that is not operable at the time the invoice is

1 submitted, or (iii) costs of any wireless carrier exceeding  
2 100% of the wireless emergency services charges remitted to the  
3 Wireless Carrier Reimbursement Fund by the wireless carrier  
4 under Section 17(b) unless the wireless carrier received prior  
5 approval for the expenditures from the Illinois Commerce  
6 Commission.

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

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

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

1           The Illinois Commerce Commission shall adopt rules to  
2 govern the reimbursement process.

3           Upon the effective date of this amendatory Act of the 95th  
4 General Assembly, or as soon thereafter as practical, the State  
5 Comptroller shall order transferred and the State Treasurer  
6 shall transfer the sum of \$8,000,000 from the Wireless Carrier  
7 Reimbursement Fund to the Wireless Service Emergency Fund. That  
8 amount shall be used by the Illinois Commerce Commission to  
9 make grants in the manner described in Section 25 of this Act.

10       (Source: P.A. 93-507, eff. 1-1-04; 93-839, eff. 7-30-04.)

11           (50 ILCS 751/45)

12           (Section scheduled to be repealed on April 1, 2008)

13           Sec. 45. Continuation of current practices.  
14 Notwithstanding any other provision of this Act, a unit of  
15 local government or emergency telephone system board providing  
16 wireless 9-1-1 service and imposing and collecting a wireless  
17 carrier surcharge prior to July 1, 1998 may continue its  
18 practices of imposing and collecting its wireless carrier  
19 surcharge, but in no event shall that monthly surcharge exceed  
20 \$2.50 ~~\$1.25~~ per commercial mobile radio service (CMRS)  
21 connection or in-service telephone number billed on a monthly  
22 basis. For mobile telecommunications services provided on and  
23 after August 1, 2002, any surcharge imposed shall be imposed  
24 based upon the municipality or county that encompasses the  
25 customer's place of primary use as defined in the Mobile

1 Telecommunications Sourcing Conformity Act.

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

11 (Source: P.A. 91-660, eff. 12-22-99; 92-526, eff. 7-1-02.)".

12 (50 ILCS 751/70)

13 (Section scheduled to be repealed on April 1, 2008)

14 Sec. 70. Repealer. This Act is repealed on April 1, 2013  
15 ~~2008~~.

16 (Source: P.A. 93-507, eff. 1-1-04.)

17 Section 99. Effective date. This Act takes effect January  
18 1, 2008."