



Rep. John E. Bradley

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1 AMENDMENT TO SENATE BILL 26

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 26, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Administrative Procedure Act is  
6 amended by changing Section 5-45 as follows:

7 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

8 Sec. 5-45. Emergency rulemaking.

9 (a) "Emergency" means the existence of any situation that  
10 any agency finds reasonably constitutes a threat to the public  
11 interest, safety, or welfare.

12 (b) If any agency finds that an emergency exists that  
13 requires adoption of a rule upon fewer days than is required by  
14 Section 5-40 and states in writing its reasons for that  
15 finding, the agency may adopt an emergency rule without prior  
16 notice or hearing upon filing a notice of emergency rulemaking

1 with the Secretary of State under Section 5-70. The notice  
2 shall include the text of the emergency rule and shall be  
3 published in the Illinois Register. Consent orders or other  
4 court orders adopting settlements negotiated by an agency may  
5 be adopted under this Section. Subject to applicable  
6 constitutional or statutory provisions, an emergency rule  
7 becomes effective immediately upon filing under Section 5-65 or  
8 at a stated date less than 10 days thereafter. The agency's  
9 finding and a statement of the specific reasons for the finding  
10 shall be filed with the rule. The agency shall take reasonable  
11 and appropriate measures to make emergency rules known to the  
12 persons who may be affected by them.

13 (c) An emergency rule may be effective for a period of not  
14 longer than 150 days, but the agency's authority to adopt an  
15 identical rule under Section 5-40 is not precluded. No  
16 emergency rule may be adopted more than once in any 24 month  
17 period, except that this limitation on the number of emergency  
18 rules that may be adopted in a 24 month period does not apply  
19 to (i) emergency rules that make additions to and deletions  
20 from the Drug Manual under Section 5-5.16 of the Illinois  
21 Public Aid Code or the generic drug formulary under Section  
22 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
23 emergency rules adopted by the Pollution Control Board before  
24 July 1, 1997 to implement portions of the Livestock Management  
25 Facilities Act, (iii) emergency rules adopted by the Illinois  
26 Department of Public Health under subsections (a) through (i)

1 of Section 2 of the Department of Public Health Act when  
2 necessary to protect the public's health, (iv) emergency rules  
3 adopted pursuant to subsection (n) of this Section, (v)  
4 emergency rules adopted pursuant to subsection (o) of this  
5 Section, or (vi) emergency rules adopted pursuant to subsection  
6 (c-5) of this Section. Two or more emergency rules having  
7 substantially the same purpose and effect shall be deemed to be  
8 a single rule for purposes of this Section.

9 (c-5) To facilitate the maintenance of the program of group  
10 health benefits provided to annuitants, survivors, and retired  
11 employees under the State Employees Group Insurance Act of  
12 1971, rules to alter the contributions to be paid by the State,  
13 annuitants, survivors, retired employees, or any combination  
14 of those entities, for that program of group health benefits,  
15 shall be adopted as emergency rules. The adoption of those  
16 rules shall be considered an emergency and necessary for the  
17 public interest, safety, and welfare.

18 (d) In order to provide for the expeditious and timely  
19 implementation of the State's fiscal year 1999 budget,  
20 emergency rules to implement any provision of Public Act 90-587  
21 or 90-588 or any other budget initiative for fiscal year 1999  
22 may be adopted in accordance with this Section by the agency  
23 charged with administering that provision or initiative,  
24 except that the 24-month limitation on the adoption of  
25 emergency rules and the provisions of Sections 5-115 and 5-125  
26 do not apply to rules adopted under this subsection (d). The

1 adoption of emergency rules authorized by this subsection (d)  
2 shall be deemed to be necessary for the public interest,  
3 safety, and welfare.

4 (e) In order to provide for the expeditious and timely  
5 implementation of the State's fiscal year 2000 budget,  
6 emergency rules to implement any provision of Public Act 91-24  
7 ~~this amendatory Act of the 91st General Assembly~~ or any other  
8 budget initiative for fiscal year 2000 may be adopted in  
9 accordance with this Section by the agency charged with  
10 administering that provision or initiative, except that the  
11 24-month limitation on the adoption of emergency rules and the  
12 provisions of Sections 5-115 and 5-125 do not apply to rules  
13 adopted under this subsection (e). The adoption of emergency  
14 rules authorized by this subsection (e) shall be deemed to be  
15 necessary for the public interest, safety, and welfare.

16 (f) In order to provide for the expeditious and timely  
17 implementation of the State's fiscal year 2001 budget,  
18 emergency rules to implement any provision of Public Act 91-712  
19 ~~this amendatory Act of the 91st General Assembly~~ or any other  
20 budget initiative for fiscal year 2001 may be adopted in  
21 accordance with this Section by the agency charged with  
22 administering that provision or initiative, except that the  
23 24-month limitation on the adoption of emergency rules and the  
24 provisions of Sections 5-115 and 5-125 do not apply to rules  
25 adopted under this subsection (f). The adoption of emergency  
26 rules authorized by this subsection (f) shall be deemed to be

1 necessary for the public interest, safety, and welfare.

2 (g) In order to provide for the expeditious and timely  
3 implementation of the State's fiscal year 2002 budget,  
4 emergency rules to implement any provision of Public Act 92-10  
5 ~~this amendatory Act of the 92nd General Assembly~~ or any other  
6 budget initiative for fiscal year 2002 may be adopted in  
7 accordance with this Section by the agency charged with  
8 administering that provision or initiative, except that the  
9 24-month limitation on the adoption of emergency rules and the  
10 provisions of Sections 5-115 and 5-125 do not apply to rules  
11 adopted under this subsection (g). The adoption of emergency  
12 rules authorized by this subsection (g) shall be deemed to be  
13 necessary for the public interest, safety, and welfare.

14 (h) In order to provide for the expeditious and timely  
15 implementation of the State's fiscal year 2003 budget,  
16 emergency rules to implement any provision of Public Act 92-597  
17 ~~this amendatory Act of the 92nd General Assembly~~ or any other  
18 budget initiative for fiscal year 2003 may be adopted in  
19 accordance with this Section by the agency charged with  
20 administering that provision or initiative, except that the  
21 24-month limitation on the adoption of emergency rules and the  
22 provisions of Sections 5-115 and 5-125 do not apply to rules  
23 adopted under this subsection (h). The adoption of emergency  
24 rules authorized by this subsection (h) shall be deemed to be  
25 necessary for the public interest, safety, and welfare.

26 (i) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2004 budget,  
2 emergency rules to implement any provision of Public Act 93-20  
3 ~~this amendatory Act of the 93rd General Assembly~~ or any other  
4 budget initiative for fiscal year 2004 may be adopted in  
5 accordance with this Section by the agency charged with  
6 administering that provision or initiative, except that the  
7 24-month limitation on the adoption of emergency rules and the  
8 provisions of Sections 5-115 and 5-125 do not apply to rules  
9 adopted under this subsection (i). The adoption of emergency  
10 rules authorized by this subsection (i) shall be deemed to be  
11 necessary for the public interest, safety, and welfare.

12 (j) In order to provide for the expeditious and timely  
13 implementation of the provisions of the State's fiscal year  
14 2005 budget as provided under the Fiscal Year 2005 Budget  
15 Implementation (Human Services) Act, emergency rules to  
16 implement any provision of the Fiscal Year 2005 Budget  
17 Implementation (Human Services) Act may be adopted in  
18 accordance with this Section by the agency charged with  
19 administering that provision, except that the 24-month  
20 limitation on the adoption of emergency rules and the  
21 provisions of Sections 5-115 and 5-125 do not apply to rules  
22 adopted under this subsection (j). The Department of Public Aid  
23 may also adopt rules under this subsection (j) necessary to  
24 administer the Illinois Public Aid Code and the Children's  
25 Health Insurance Program Act. The adoption of emergency rules  
26 authorized by this subsection (j) shall be deemed to be

1 necessary for the public interest, safety, and welfare.

2 (k) In order to provide for the expeditious and timely  
3 implementation of the provisions of the State's fiscal year  
4 2006 budget, emergency rules to implement any provision of  
5 Public Act 94-48 ~~this amendatory Act of the 94th General~~  
6 ~~Assembly~~ or any other budget initiative for fiscal year 2006  
7 may be adopted in accordance with this Section by the agency  
8 charged with administering that provision or initiative,  
9 except that the 24-month limitation on the adoption of  
10 emergency rules and the provisions of Sections 5-115 and 5-125  
11 do not apply to rules adopted under this subsection (k). The  
12 Department of Healthcare and Family Services may also adopt  
13 rules under this subsection (k) necessary to administer the  
14 Illinois Public Aid Code, the Senior Citizens and Persons with  
15 Disabilities Property Tax Relief Act, the Senior Citizens and  
16 Disabled Persons Prescription Drug Discount Program Act (now  
17 the Illinois Prescription Drug Discount Program Act), and the  
18 Children's Health Insurance Program Act. The adoption of  
19 emergency rules authorized by this subsection (k) shall be  
20 deemed to be necessary for the public interest, safety, and  
21 welfare.

22 (l) In order to provide for the expeditious and timely  
23 implementation of the provisions of the State's fiscal year  
24 2007 budget, the Department of Healthcare and Family Services  
25 may adopt emergency rules during fiscal year 2007, including  
26 rules effective July 1, 2007, in accordance with this

1 subsection to the extent necessary to administer the  
2 Department's responsibilities with respect to amendments to  
3 the State plans and Illinois waivers approved by the federal  
4 Centers for Medicare and Medicaid Services necessitated by the  
5 requirements of Title XIX and Title XXI of the federal Social  
6 Security Act. The adoption of emergency rules authorized by  
7 this subsection (l) shall be deemed to be necessary for the  
8 public interest, safety, and welfare.

9 (m) In order to provide for the expeditious and timely  
10 implementation of the provisions of the State's fiscal year  
11 2008 budget, the Department of Healthcare and Family Services  
12 may adopt emergency rules during fiscal year 2008, including  
13 rules effective July 1, 2008, in accordance with this  
14 subsection to the extent necessary to administer the  
15 Department's responsibilities with respect to amendments to  
16 the State plans and Illinois waivers approved by the federal  
17 Centers for Medicare and Medicaid Services necessitated by the  
18 requirements of Title XIX and Title XXI of the federal Social  
19 Security Act. The adoption of emergency rules authorized by  
20 this subsection (m) shall be deemed to be necessary for the  
21 public interest, safety, and welfare.

22 (n) In order to provide for the expeditious and timely  
23 implementation of the provisions of the State's fiscal year  
24 2010 budget, emergency rules to implement any provision of  
25 Public Act 96-45 ~~this amendatory Act of the 96th General~~  
26 ~~Assembly~~ or any other budget initiative authorized by the 96th

1 General Assembly for fiscal year 2010 may be adopted in  
2 accordance with this Section by the agency charged with  
3 administering that provision or initiative. The adoption of  
4 emergency rules authorized by this subsection (n) shall be  
5 deemed to be necessary for the public interest, safety, and  
6 welfare. The rulemaking authority granted in this subsection  
7 (n) shall apply only to rules promulgated during Fiscal Year  
8 2010.

9 (o) In order to provide for the expeditious and timely  
10 implementation of the provisions of the State's fiscal year  
11 2011 budget, emergency rules to implement any provision of  
12 Public Act 96-958 ~~this amendatory Act of the 96th General~~  
13 ~~Assembly~~ or any other budget initiative authorized by the 96th  
14 General Assembly for fiscal year 2011 may be adopted in  
15 accordance with this Section by the agency charged with  
16 administering that provision or initiative. The adoption of  
17 emergency rules authorized by this subsection (o) is deemed to  
18 be necessary for the public interest, safety, and welfare. The  
19 rulemaking authority granted in this subsection (o) applies  
20 only to rules promulgated on or after the effective date of  
21 Public Act 96-958 ~~this amendatory Act of the 96th General~~  
22 ~~Assembly~~ through June 30, 2011.

23 (p) In order to provide for the expeditious and timely  
24 implementation of the provisions of Public Act 97-689,  
25 emergency rules to implement any provision of Public Act 97-689  
26 may be adopted in accordance with this subsection (p) by the

1 agency charged with administering that provision or  
2 initiative. The 150-day limitation of the effective period of  
3 emergency rules does not apply to rules adopted under this  
4 subsection (p), and the effective period may continue through  
5 June 30, 2013. The 24-month limitation on the adoption of  
6 emergency rules does not apply to rules adopted under this  
7 subsection (p). The adoption of emergency rules authorized by  
8 this subsection (p) is deemed to be necessary for the public  
9 interest, safety, and welfare.

10 (q) In order to provide for the expeditious and timely  
11 implementation of the provisions of Articles 7, 8, 9, 11, and  
12 12 of Public Act 98-104 ~~this amendatory Act of the 98th General~~  
13 ~~Assembly~~, emergency rules to implement any provision of  
14 Articles 7, 8, 9, 11, and 12 of Public Act 98-104 ~~this~~  
15 ~~amendatory Act of the 98th General Assembly~~ may be adopted in  
16 accordance with this subsection (q) by the agency charged with  
17 administering that provision or initiative. The 24-month  
18 limitation on the adoption of emergency rules does not apply to  
19 rules adopted under this subsection (q). The adoption of  
20 emergency rules authorized by this subsection (q) is deemed to  
21 be necessary for the public interest, safety, and welfare.

22 (r) In order to provide for the expeditious and timely  
23 implementation of the provisions of Public Act 98-651 ~~this~~  
24 ~~amendatory Act of the 98th General Assembly~~, emergency rules to  
25 implement Public Act 98-651 ~~this amendatory Act of the 98th~~  
26 ~~General Assembly~~ may be adopted in accordance with this

1 subsection (r) by the Department of Healthcare and Family  
2 Services. The 24-month limitation on the adoption of emergency  
3 rules does not apply to rules adopted under this subsection  
4 (r). The adoption of emergency rules authorized by this  
5 subsection (r) is deemed to be necessary for the public  
6 interest, safety, and welfare.

7 (s) In order to provide for the expeditious and timely  
8 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
9 the Illinois Public Aid Code, emergency rules to implement any  
10 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
11 Public Aid Code may be adopted in accordance with this  
12 subsection (s) by the Department of Healthcare and Family  
13 Services. The rulemaking authority granted in this subsection  
14 (s) shall apply only to those rules adopted prior to July 1,  
15 2015. Notwithstanding any other provision of this Section, any  
16 emergency rule adopted under this subsection (s) shall only  
17 apply to payments made for State fiscal year 2015. The adoption  
18 of emergency rules authorized by this subsection (s) is deemed  
19 to be necessary for the public interest, safety, and welfare.

20 (t) In order to provide for the expeditious and timely  
21 implementation of the provisions of Article II of Public Act  
22 99-6 ~~this amendatory Act of the 99th General Assembly,~~  
23 emergency rules to implement the changes made by Article II of  
24 Public Act 99-6 ~~this amendatory Act of the 99th General~~  
25 ~~Assembly~~ to the Emergency Telephone System Act may be adopted  
26 in accordance with this subsection (t) by the Department of

1 State Police. The rulemaking authority granted in this  
2 subsection (t) shall apply only to those rules adopted prior to  
3 July 1, 2016. ~~The 24-month limitation on the adoption of~~  
4 ~~emergency rules does not apply to rules adopted under this~~  
5 ~~subsection (t).~~ The adoption of emergency rules authorized by  
6 this subsection (t) is deemed to be necessary for the public  
7 interest, safety, and welfare.

8 (u) ~~(t)~~ In order to provide for the expeditious and timely  
9 implementation of the provisions of the Burn Victims Relief  
10 Act, emergency rules to implement any provision of the Act may  
11 be adopted in accordance with this subsection (u) ~~(t)~~ by the  
12 Department of Insurance. The rulemaking authority granted in  
13 this subsection (u) ~~(t)~~ shall apply only to those rules adopted  
14 prior to December 31, 2015. The adoption of emergency rules  
15 authorized by this subsection (u) ~~(t)~~ is deemed to be necessary  
16 for the public interest, safety, and welfare.

17 (v) In order to provide for the expeditious and timely  
18 implementation of the provisions of the Emergency Telephone  
19 System Act, emergency rules to implement the changes made to  
20 Section 10 of the Emergency Telephone System Act by this  
21 amendatory Act of the 99th General Assembly may be jointly  
22 adopted in accordance with this subsection (v) by the  
23 Department of State Police and the Illinois Commerce  
24 Commission. The rulemaking authority granted in this  
25 subsection (v) shall apply only to those rules adopted prior to  
26 July 1, 2016. The adoption of emergency rules authorized by

1 this subsection (v) is deemed to be necessary for the public  
2 interest, safety, and welfare.

3 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
4 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;  
5 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; revised 10-15-15.)

6 Section 10. The Department of State Police Law of the Civil  
7 Administrative Code of Illinois is amended by changing Sections  
8 2605-52 and 2605-475 as follows:

9 (20 ILCS 2605/2605-52)

10 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

11 (a) There shall be established an Office of the Statewide  
12 9-1-1 Administrator within the Department. Beginning January  
13 1, 2016, the Office of the Statewide 9-1-1 Administrator shall  
14 be responsible for developing, implementing, and overseeing a  
15 uniform statewide 9-1-1 system for all areas of the State  
16 outside of municipalities having a population over 500,000.

17 (b) The Governor shall appoint, with the advice and consent  
18 of the Senate, a Statewide 9-1-1 Administrator. The  
19 Administrator shall serve for a term of 2 years, and until a  
20 successor is appointed and qualified; except that the term of  
21 the first 9-1-1 Administrator appointed under this Act shall  
22 expire on the third Monday in January, 2017. The Administrator  
23 shall not hold any other remunerative public office. The  
24 Administrator shall receive an annual salary as set by the

1 Governor.

2 (c) The Department, from appropriations made to it for that  
3 purpose, shall make grants to 9-1-1 Authorities for the purpose  
4 of defraying costs associated with 9-1-1 system consolidations  
5 awarded by the Administrator pursuant to Section 15.4b of the  
6 Emergency Telephone System Act.

7 (Source: P.A. 99-6, eff. 6-29-15.)

8 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-475. ~~Wireless~~ Emergency Telephone System Safety  
10 Act. The Department and Statewide 9-1-1 Administrator shall ~~To~~  
11 exercise the powers and perform the duties specifically  
12 assigned to the each ~~Department~~ under the ~~Wireless~~ Emergency  
13 Telephone System Safety Act ~~with respect to the development and~~  
14 ~~improvement of emergency communications procedures and~~  
15 ~~facilities in such a manner as to facilitate a quick response~~  
16 ~~to any person calling the number "9-1-1" seeking police, fire,~~  
17 ~~medical, or other emergency services through a wireless carrier~~  
18 ~~as defined in Section 10 of the Wireless Emergency Telephone~~  
19 ~~Safety Act.~~ Nothing in the ~~Wireless~~ Emergency Telephone System  
20 ~~Safety~~ Act shall require the Illinois State Police to provide  
21 wireless enhanced 9-1-1 services.

22 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

23 Section 15. The Emergency Telephone System Act is amended  
24 by changing Sections 2, 10, 15.3, 15.4, 15.4a, 19, 20, 30, 40,

1 45, and 55 and by adding Section 65 as follows:

2 (50 ILCS 750/2) (from Ch. 134, par. 32)

3 (Text of Section before amendment by P.A. 99-6)

4 (Section scheduled to be repealed on July 1, 2017)

5 Sec. 2. As used in this Act, the terms defined in Sections  
6 following this Section and preceding Section 3 have the  
7 meanings ascribed to them in those Sections.

8 (Source: P.A. 88-497.)

9 (Text of Section after amendment by P.A. 99-6)

10 (Section scheduled to be repealed on July 1, 2017)

11 Sec. 2. Definitions. As used in this Act, unless the  
12 context otherwise requires:

13 "9-1-1 system" means the geographic area that has been  
14 granted an order of authority by the Commission or the  
15 Statewide 9-1-1 Administrator to use "9-1-1" as the primary  
16 emergency telephone number.

17 "9-1-1 Authority" includes an Emergency Telephone System  
18 Board, Joint Emergency Telephone System Board, and a qualified  
19 governmental entity. "9-1-1 Authority" includes the Department  
20 of State Police only to the extent it provides 9-1-1 services  
21 under this Act.

22 "Administrator" means the Statewide 9-1-1 Administrator.

23 "Advanced service" means any telecommunications service  
24 with or without dynamic bandwidth allocation, including, but

1 not limited to, ISDN Primary Rate Interface (PRI), that,  
2 through the use of a DS-1, T-1, or other ~~similar~~ un-channelized  
3 or multi-channel transmission facility, is capable of  
4 transporting either the subscriber's inter-premises voice  
5 telecommunications services to the public switched network or  
6 the subscriber's 9-1-1 calls to the public agency.

7 "ALI" or "automatic location identification" means, in an  
8 E9-1-1 system, the automatic display at the public safety  
9 answering point of the caller's telephone number, the address  
10 or location of the telephone, and supplementary emergency  
11 services information.

12 "ANI" or "automatic number identification" means the  
13 automatic display of the 9-1-1 calling party's number on the  
14 PSAP monitor.

15 "Automatic alarm" and "automatic alerting device" mean any  
16 device that will access the 9-1-1 system for emergency services  
17 upon activation.

18 "Board" means an Emergency Telephone System Board or a  
19 Joint Emergency Telephone System Board created pursuant to  
20 Section 15.4.

21 "Carrier" includes a telecommunications carrier and a  
22 wireless carrier.

23 "Commission" means the Illinois Commerce Commission.

24 "Computer aided dispatch" or "CAD" means a database  
25 maintained by the public safety agency or public safety  
26 answering point used in conjunction with 9-1-1 caller data.

1 "Direct dispatch method" means a 9-1-1 service that  
2 provides for the direct dispatch by a PSAP telecommunicator of  
3 the appropriate unit upon receipt of an emergency call and the  
4 decision as to the proper action to be taken.

5 "Department" means the Department of State Police.

6 "DS-1, T-1, or similar un-channelized or multi-channel  
7 transmission facility" means a facility that can transmit and  
8 receive a bit rate of at least 1.544 megabits per second  
9 (Mbps).

10 "Dynamic bandwidth allocation" means the ability of the  
11 facility or customer to drop and add channels, or adjust  
12 bandwidth, when needed in real time for voice or data purposes.

13 "Enhanced 9-1-1" or "E9-1-1" means an emergency telephone  
14 system that includes dedicated network, selective routing,  
15 database, ALI, ANI, selective transfer, fixed transfer, and a  
16 call back number.

17 "ETSB" means an emergency telephone system board appointed  
18 by the corporate authorities of any county or municipality that  
19 provides for the management and operation of a 9-1-1 system.

20 "Hearing-impaired individual" means a person with a  
21 permanent hearing loss who can regularly and routinely  
22 communicate by telephone only through the aid of devices which  
23 can send and receive written messages over the telephone  
24 network.

25 "Hosted supplemental 9-1-1 service" means a database  
26 service that:

1           (1) electronically provides information to 9-1-1 call  
2 takers when a call is placed to 9-1-1;

3           (2) allows telephone subscribers to provide  
4 information to 9-1-1 to be used in emergency scenarios;

5           (3) collects a variety of formatted data relevant to  
6 9-1-1 and first responder needs, which may include, but is  
7 not limited to, photographs of the telephone subscribers,  
8 physical descriptions, medical information, household  
9 data, and emergency contacts;

10          (4) allows for information to be entered by telephone  
11 subscribers through a secure website where they can elect  
12 to provide as little or as much information as they choose;

13          (5) automatically displays data provided by telephone  
14 subscribers to 9-1-1 call takers for all types of  
15 telephones when a call is placed to 9-1-1 from a registered  
16 and confirmed phone number;

17          (6) supports the delivery of telephone subscriber  
18 information through a secure internet connection to all  
19 emergency telephone system boards;

20          (7) works across all 9-1-1 call taking equipment and  
21 allows for the easy transfer of information into a computer  
22 aided dispatch system; and

23          (8) may be used to collect information pursuant to an  
24 Illinois Premise Alert Program as defined in the Illinois  
25 Premise Alert Program (PAP) Act.

26 "Interconnected voice over Internet protocol provider" or

1 "Interconnected VoIP provider" has the meaning given to that  
2 term under Section 13-235 of the Public Utilities Act.

3 "Joint ETSB" means a Joint Emergency Telephone System Board  
4 established by intergovernmental agreement of two or more  
5 municipalities or counties, or a combination thereof, to  
6 provide for the management and operation of a 9-1-1 system.

7 "Local public agency" means any unit of local government or  
8 special purpose district located in whole or in part within  
9 this State that provides or has authority to provide  
10 firefighting, police, ambulance, medical, or other emergency  
11 services.

12 "Mechanical dialer" means any device that either manually  
13 or remotely triggers a dialing device to access the 9-1-1  
14 system.

15 "Master Street Address Guide" means the computerized  
16 geographical database that consists of all street and address  
17 data within a 9-1-1 system.

18 "Mobile telephone number" or "MTN" means the telephone  
19 number assigned to a wireless telephone at the time of initial  
20 activation.

21 "Network connections" means the number of voice grade  
22 communications channels directly between a subscriber and a  
23 telecommunications carrier's public switched network, without  
24 the intervention of any other telecommunications carrier's  
25 switched network, which would be required to carry the  
26 subscriber's inter-premises traffic and which connection

1 either (1) is capable of providing access through the public  
2 switched network to a 9-1-1 Emergency Telephone System, if one  
3 exists, or (2) if no system exists at the time a surcharge is  
4 imposed under Section 15.3, that would be capable of providing  
5 access through the public switched network to the local 9-1-1  
6 Emergency Telephone System if one existed. Where multiple voice  
7 grade communications channels are connected to a  
8 telecommunications carrier's public switched network through a  
9 private branch exchange (PBX) service, there shall be  
10 determined to be one network connection for each trunk line  
11 capable of transporting either the subscriber's inter-premises  
12 traffic to the public switched network or the subscriber's  
13 9-1-1 calls to the public agency. Where multiple voice grade  
14 communications channels are connected to a telecommunications  
15 carrier's public switched network through centrex type service  
16 or other multiple voice grade communication channels facility,  
17 the number of network connections shall be equal to the number  
18 of PBX trunk equivalents for the subscriber's service, as  
19 determined by reference to any generally applicable exchange  
20 access service tariff filed by the subscriber's  
21 telecommunications carrier with the Commission.

22 "Network costs" means those recurring costs that directly  
23 relate to the operation of the 9-1-1 network as determined by  
24 the Statewide 9-1-1 Administrator with the advice of the  
25 Statewide 9-1-1 Advisory Board, which may include, but need not  
26 be limited including, but not limited to, costs for interoffice

1 trunks, selective routing charges, transfer lines and toll  
2 charges for 9-1-1 services, Automatic Location Information  
3 (ALI) database charges, call box trunk circuit (including  
4 central office only and not including extensions to fire  
5 stations), independent local exchange carrier charges and  
6 non-system provider charges, carrier charges for third party  
7 database for on-site customer premises equipment, back-up PSAP  
8 trunks for non-system providers, periodic database updates as  
9 provided by carrier (also known as "ALI data dump"), regional  
10 ALI storage charges, circuits for call delivery (fiber or  
11 circuit connection), NG9-1-1 costs, and all associated fees,  
12 taxes, and surcharges on each invoice. "Network costs" shall  
13 not include radio circuits or toll charges that are other than  
14 for 9-1-1 services.

15 "Next generation 9-1-1" or "NG9-1-1" means an Internet  
16 Protocol-based (IP-based) system comprised of managed ESInets,  
17 functional elements and applications, and databases that  
18 replicate traditional E9-1-1 features and functions and  
19 provide additional capabilities. "NG9-1-1" systems are  
20 designed to provide access to emergency services from all  
21 connected communications sources, and provide multimedia data  
22 capabilities for PSAPs and other emergency services  
23 organizations.

24 "NG9-1-1 costs" means those recurring costs that directly  
25 relate to the Next Generation 9-1-1 service as determined by  
26 the Statewide 9-1-1 Advisory Board, including, but not limited

1 to, costs for Emergency System Routing Proxy (ESRP), Emergency  
2 Call Routing Function/Location Validation Function (ECRF/LVF),  
3 Spatial Information Function (SIF), the Border Control  
4 Function (BCF), and the Emergency Services Internet Protocol  
5 networks (ESInets), legacy network gateways, and all  
6 associated fees, taxes, and surcharges on each invoice.

7 "Private branch exchange" or "PBX" means a private  
8 telephone system and associated equipment located on the user's  
9 property that provides communications between internal  
10 stations and external networks.

11 "Private business switch service" means a  
12 telecommunications service including centrex type service and  
13 PBX service, even though key telephone systems or equivalent  
14 telephone systems registered with the Federal Communications  
15 Commission under 47 C.F.R. Part 68 are directly connected to  
16 centrex type and PBX systems providing 9-1-1 services equipped  
17 for switched local network connections or 9-1-1 system access  
18 to business end users through a private telephone switch.

19 "Private business switch service" does not include key  
20 telephone systems or equivalent telephone systems registered  
21 with the Federal Communications Commission under 47 C.F.R. Part  
22 68 when not used in conjunction with centrex type and PBX  
23 systems. "Private business switch service" typically includes,  
24 but is not limited to, private businesses, corporations, and  
25 industries where the telecommunications service is primarily  
26 for conducting business.

1 "Private residential switch service" means a  
2 telecommunications service including centrex type service and  
3 PBX service, even though key telephone systems or equivalent  
4 telephone systems registered with the Federal Communications  
5 Commission under 47 C.F.R. Part 68 are directly connected to  
6 centrex type and PBX systems providing 9-1-1 services equipped  
7 for switched local network connections or 9-1-1 system access  
8 to residential end users through a private telephone switch.

9 "Private residential switch service" does not include key  
10 telephone systems or equivalent telephone systems registered  
11 with the Federal Communications Commission under 47 C.F.R. Part  
12 68 when not used in conjunction with centrex type and PBX  
13 systems. "Private residential switch service" typically  
14 includes, but is not limited to, apartment complexes,  
15 condominiums, and campus or university environments where  
16 shared tenant service is provided and where the usage of the  
17 telecommunications service is primarily residential.

18 "Public agency" means the State, and any unit of local  
19 government or special purpose district located in whole or in  
20 part within this State, that provides or has authority to  
21 provide firefighting, police, ambulance, medical, or other  
22 emergency services.

23 "Public safety agency" means a functional division of a  
24 public agency that provides firefighting, police, medical, or  
25 other emergency services. For the purpose of providing wireless  
26 service to users of 9-1-1 emergency services, as expressly

1 provided for in this Act, the Department of State Police may be  
2 considered a public safety agency.

3 "Public safety answering point" or "PSAP" means the initial  
4 answering location of an emergency call.

5 "Qualified governmental entity" means a unit of local  
6 government authorized to provide 9-1-1 services pursuant to  
7 this Act where no emergency telephone system board exists.

8 "Referral method" means a 9-1-1 service in which the PSAP  
9 telecommunicator provides the calling party with the telephone  
10 number of the appropriate public safety agency or other  
11 provider of emergency services.

12 "Regular service" means any telecommunications service,  
13 other than advanced service, that is capable of transporting  
14 either the subscriber's inter-premises voice  
15 telecommunications services to the public switched network or  
16 the subscriber's 9-1-1 calls to the public agency.

17 "Relay method" means a 9-1-1 service in which the PSAP  
18 telecommunicator takes the pertinent information from a caller  
19 and relays that information to the appropriate public safety  
20 agency or other provider of emergency services.

21 "Remit period" means the billing period, one month in  
22 duration, for which a wireless carrier remits a surcharge and  
23 provides subscriber information by zip code to the Department,  
24 in accordance with Section 20 of this Act.

25 "Statewide wireless emergency 9-1-1 system" means all  
26 areas of the State where an emergency telephone system board

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

7 "System" means the communications equipment and related  
8 software applications required to produce a response by the  
9 appropriate emergency public safety agency or other provider of  
10 emergency services as a result of an emergency call being  
11 placed to 9-1-1.

12 "System provider" means the contracted entity providing  
13 9-1-1 network and database services.

14 "Telecommunications carrier" means those entities included  
15 within the definition specified in Section 13-202 of the Public  
16 Utilities Act, and includes those carriers acting as resellers  
17 of telecommunications services. "Telecommunications carrier"  
18 includes telephone systems operating as mutual concerns.  
19 "Telecommunications carrier" does not include a wireless  
20 carrier.

21 "Telecommunications technology" means equipment that can  
22 send and receive written messages over the telephone network.

23 "Transfer method" means a 9-1-1 service in which the PSAP  
24 telecommunicator receiving a call transfers that call to the  
25 appropriate public safety agency or other provider of emergency  
26 services.

1 "Transmitting messages" shall have the meaning given to  
2 that term under Section 8-11-2 of the Illinois Municipal Code.

3 "Trunk line" means a transmission path, or group of  
4 transmission paths, connecting a subscriber's PBX to a  
5 telecommunications carrier's public switched network. In the  
6 case of regular service, each voice grade communications  
7 channel or equivalent amount of bandwidth capable of  
8 transporting either the subscriber's inter-premises voice  
9 telecommunications services to the public switched network or  
10 the subscriber's 9-1-1 calls to the public agency shall be  
11 considered a trunk line, even if it is bundled with other  
12 channels or additional bandwidth. In the case of advanced  
13 service, each DS-1, T-1, or other ~~similar~~ un-channelized or  
14 multi-channel transmission facility that is capable of  
15 transporting either the subscriber's inter-premises voice  
16 telecommunications services to the public switched network or  
17 the subscriber's 9-1-1 calls to the public agency shall be  
18 considered a single trunk line, even if it contains multiple  
19 voice grade communications channels or otherwise supports 2 or  
20 more voice grade calls at a time; provided, however, that each  
21 additional increment of up to 24 voice grade channels ~~1.544~~  
22 ~~Mbps~~ of transmission capacity that is capable of transporting  
23 either the subscriber's inter-premises voice  
24 telecommunications services to the public switched network or  
25 the subscriber's 9-1-1 calls to the public agency shall be  
26 considered an additional trunk line.

1 "Voice-impaired individual" means a person with a  
2 permanent speech disability which precludes oral  
3 communication, who can regularly and routinely communicate by  
4 telephone only through the aid of devices which can send and  
5 receive written messages over the telephone network.

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

17 "Wireless enhanced 9-1-1" means the ability to relay the  
18 telephone number of the originator of a 9-1-1 call and location  
19 information from any mobile handset or text telephone device  
20 accessing the wireless system to the designated wireless public  
21 safety answering point as set forth in the order of the Federal  
22 Communications Commission, FCC Docket No. 94-102, adopted June  
23 12, 1996, with an effective date of October 1, 1996, and any  
24 subsequent amendment thereto.

25 "Wireless public safety answering point" means the  
26 functional division of a 9-1-1 authority accepting wireless

1 9-1-1 calls.

2 "Wireless subscriber" means an individual or entity to whom  
3 a wireless service account or number has been assigned by a  
4 wireless carrier, other than an account or number associated  
5 with prepaid wireless telecommunication service.

6 (Source: P.A. 99-6, eff. 1-1-16.)

7 (50 ILCS 750/10) (from Ch. 134, par. 40)

8 (Section scheduled to be repealed on July 1, 2017)

9 Sec. 10. Uniform standards; rulemaking.

10 (a) The Administrator, with the advice and recommendation  
11 of the Statewide 9-1-1 Advisory Board, shall establish uniform  
12 technical and operational standards for all 9-1-1 systems in  
13 Illinois. All findings, orders, decisions, rules, and  
14 regulations issued or promulgated by the Commission under this  
15 Act or any other Act establishing or conferring power on the  
16 Commission with respect to emergency telecommunications  
17 services, shall continue in force. Notwithstanding the  
18 provisions of this Section, where applicable, the  
19 Administrator shall, with the advice and recommendation of the  
20 Statewide 9-1-1 Advisory Board, amend the Commission's  
21 findings, orders, decisions, rules, and regulations to conform  
22 to the specific provisions of this Act as soon as practicable  
23 after January 1, 2016 (the effective date of Public Act 99-6)  
24 ~~this amendatory Act of the 99th General Assembly.~~

25 (b) The Department may adopt emergency rules necessary to

1 implement the provisions of Public Act 99-6 ~~this amendatory Act~~  
2 ~~of the 99th General Assembly~~ under subsection (t) of Section  
3 5-45 of the Illinois Administrative Procedure Act.

4 (c) Nothing in this Act shall deprive the Commission of any  
5 authority to regulate the provision by telecommunication  
6 carriers or 9-1-1 system providers of telecommunication or  
7 other services under the Public Utilities Act.

8 (d) The Department and the Commission may adopt joint rules  
9 necessary for implementation of this Act to the extent the  
10 rules implicate both the regulation of 9-1-1 Authorities under  
11 this Act and the regulation of telecommunication carriers and  
12 9-1-1 system providers under the Public Utilities Act. Joint  
13 emergency rules for such purpose may be adopted pursuant to  
14 subsection (v) of Section 5-45 of the Illinois Administrative  
15 Procedure Act.

16 (e) Any findings, orders, or decisions of the Administrator  
17 under this Section shall be deemed a final administrative  
18 decision and shall be subject to judicial review under the  
19 Administrative Review Law.

20 (Source: P.A. 99-6, eff. 1-1-16.)

21 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

22 (Section scheduled to be repealed on July 1, 2017)

23 Sec. 15.3. Local non-wireless surcharge.

24 (a) Except as provided in subsection (l) of this Section,  
25 the corporate authorities of any municipality or any county

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

18 (i) in a municipality with a population of 500,000 or  
19 less or in any county, 5 such surcharges per network  
20 connection, as determined in accordance with Section 2  
21 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for  
22 both regular service and advanced service provisioned  
23 trunk lines;

24 (ii) in a municipality with a population, prior to  
25 March 1, 2010, of 500,000 or more, 5 surcharges per network  
26 connection, as determined in accordance with Section 2

1 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for  
2 both regular service and advanced service provisioned  
3 trunk lines;

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

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

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

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

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

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

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

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

24 (c) Upon the passage of an ordinance to impose a surcharge  
25 under this Section the clerk of the municipality or county  
26 shall certify the question of whether the surcharge may be

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

7 -----

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

17 -----

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

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

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

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

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

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

26           (g) The amount of surcharge collected by the

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

11 (h) Except as expressly provided in subsection (a) of this  
12 Section, on or after the effective date of this amendatory Act  
13 of the 98th General Assembly and until July 1, 2017, a  
14 municipality with a population of 500,000 or more shall not  
15 impose a monthly surcharge per network connection in excess of  
16 the highest monthly surcharge imposed as of January 1, 2014 by  
17 any county or municipality under subsection (c) of this  
18 Section. On or after July 1, 2017, a municipality with a  
19 population over 500,000 may not impose a monthly surcharge in  
20 excess of \$2.50 per network connection.

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

26 (j) The corporate authorities of any municipality or county

1 may issue, in accordance with Illinois law, bonds, notes or  
2 other obligations secured in whole or in part by the proceeds  
3 of the surcharge described in this Section. The State of  
4 Illinois pledges and agrees that it will not limit or alter the  
5 rights and powers vested in municipalities and counties by this  
6 Section to impose the surcharge so as to impair the terms of or  
7 affect the security for bonds, notes or other obligations  
8 secured in whole or in part with the proceeds of the surcharge  
9 described in this Section. The pledge and agreement set forth  
10 in this Section survive the termination of the surcharge under  
11 subsection (l) by virtue of the replacement of the surcharge  
12 monies guaranteed under Section 20; the State of Illinois  
13 pledges and agrees that it will not limit or alter the rights  
14 vested in municipalities and counties to the surcharge  
15 replacement funds guaranteed under Section 20 so as to impair  
16 the terms of or affect the security for bonds, notes or other  
17 obligations secured in whole or in part with the proceeds of  
18 the surcharge described in this Section.

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

26 (l) On and after the effective date of this amendatory Act

1 of the 99th General Assembly, no county or municipality, other  
2 than a municipality with a population over 500,000, may impose  
3 a monthly surcharge under this Section in excess of the amount  
4 imposed by it on the effective date of this Act. Any surcharge  
5 imposed pursuant to this Section by a county or municipality,  
6 other than a municipality with a population in excess of  
7 500,000, shall cease to be imposed on January 1, 2016.

8 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

9 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

10 (Text of Section before amendment by P.A. 99-6)

11 (Section scheduled to be repealed on July 1, 2017)

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

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

1 agencies, and appointed on the basis of their ability or  
2 experience. In counties with a population of more than 100,000  
3 but less than 2,000,000, a member of the county board may serve  
4 on the Emergency Telephone System Board. Elected officials,  
5 including members of a county board, are also eligible to serve  
6 on the board. Members of the board shall serve without  
7 compensation but shall be reimbursed for their actual and  
8 necessary 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       Upon the effective date of this amendatory Act of the 98th  
15 General Assembly, appointed members of the Emergency Telephone  
16 System Board shall serve staggered 3-year terms if: (1) the  
17 Board serves a county with a population of 100,000 or less; and  
18 (2) appointments, on the effective date of this amendatory Act  
19 of the 98th General Assembly, are not for a stated term. The  
20 corporate authorities of the county or municipality shall  
21 assign terms to the board members serving on the effective date  
22 of this amendatory Act of the 98th General Assembly in the  
23 following manner: (1) one-third of board members' terms shall  
24 expire on January 1, 2015; (2) one-third of board members'  
25 terms shall expire on January 1, 2016; and (3) remaining board  
26 members' terms shall expire on January 1, 2017. Board members

1 may be re-appointed upon the expiration of their terms by the  
2 corporate authorities of the county or municipality.

3 The corporate authorities of a county or municipality may,  
4 by a vote of the majority of the members elected, remove an  
5 Emergency Telephone System Board member for misconduct,  
6 official misconduct, or neglect of office.

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

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

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

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

20 (4) Authorizing all disbursements from the fund.

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

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

26 (c) All moneys received by a board pursuant to a surcharge

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

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

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

15 (3) The repayment of any moneys advanced for the  
16 implementation of the system.

17 (4) The charges for Automatic Number Identification  
18 and Automatic Location Identification equipment, a  
19 computer aided dispatch system that records, maintains,  
20 and integrates information, mobile data transmitters  
21 equipped with automatic vehicle locators, and maintenance,  
22 replacement and update thereof to increase operational  
23 efficiency and improve the provision of emergency  
24 services.

25 (5) The non-recurring charges related to installation  
26 of the Emergency Telephone System and the ongoing network

1 charges.

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

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

19 (7.5) The purchase of real property if the purchase is  
20 made before March 16, 2006.

21 (8) In the case of a municipality that imposes a  
22 surcharge under subsection (h) of Section 15.3, moneys may  
23 also be used for any anti-terrorism or emergency  
24 preparedness measures, including, but not limited to,  
25 preparedness planning, providing local matching funds for  
26 federal or State grants, personnel training, and

1 specialized equipment, including surveillance cameras as  
2 needed to deal with natural and terrorist-inspired  
3 emergency situations or events.

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

8 (10) The implementation of a computer aided dispatch  
9 system or hosted supplemental 9-1-1 services.

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

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

17 (Source: P.A. 97-517, eff. 8-23-11; 97-1018, eff. 8-17-12;  
18 98-481, eff. 8-16-13.)

19 (Text of Section after amendment by P.A. 99-6)

20 (Section scheduled to be repealed on July 1, 2017)

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

22 (a) Except as provided in subsection (e) of this Section,  
23 the corporate authorities of any county or municipality may  
24 establish an Emergency Telephone System Board. The corporate  
25 authorities shall provide for the manner of appointment and the

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

23       Upon the effective date of this amendatory Act of the 98th  
24 General Assembly, appointed members of the Emergency Telephone  
25 System Board shall serve staggered 3-year terms if: (1) the  
26 Board serves a county with a population of 100,000 or less; and

1 (2) appointments, on the effective date of this amendatory Act  
2 of the 98th General Assembly, are not for a stated term. The  
3 corporate authorities of the county or municipality shall  
4 assign terms to the board members serving on the effective date  
5 of this amendatory Act of the 98th General Assembly in the  
6 following manner: (1) one-third of board members' terms shall  
7 expire on January 1, 2015; (2) one-third of board members'  
8 terms shall expire on January 1, 2016; and (3) remaining board  
9 members' terms shall expire on January 1, 2017. Board members  
10 may be re-appointed upon the expiration of their terms by the  
11 corporate authorities of the county or municipality.

12 The corporate authorities of a county or municipality may,  
13 by a vote of the majority of the members elected, remove an  
14 Emergency Telephone System Board member for misconduct,  
15 official misconduct, or neglect of office.

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

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

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

26 (3) Receiving moneys from the surcharge imposed under

1 Section 15.3, or disbursed to it under Section 30, and from  
2 any other source, for deposit into the Emergency Telephone  
3 System Fund.

4 (4) Authorizing all disbursements from the fund.

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

7 (6) (Blank).

8 (c) All moneys received by a board pursuant to a surcharge  
9 imposed under Section 15.3, or disbursed to it under Section  
10 30, shall be deposited into a separate interest-bearing  
11 Emergency Telephone System Fund account. The treasurer of the  
12 municipality or county that has established the board or, in  
13 the case of a joint board, any municipal or county treasurer  
14 designated in the intergovernmental agreement, shall be  
15 custodian of the fund. All interest accruing on the fund shall  
16 remain in the fund. No expenditures may be made from such fund  
17 except upon the direction of the board by resolution passed by  
18 a majority of all members of the board.

19 (d) The board shall complete a Master Street Address Guide  
20 database before implementation of the 9-1-1 system. The error  
21 ratio of the database shall not at any time exceed 1% of the  
22 total database.

23 (e) On and after January 1, 2016 and except as provided in  
24 subsection (f) of this Section, no municipality or county may  
25 create an Emergency Telephone System Board unless the board is  
26 a Joint Emergency Telephone System Board. The corporate

1 authorities of any county or municipality entering into an  
2 intergovernmental agreement to create or join a Joint Emergency  
3 Telephone System Board shall rescind the ordinance or  
4 ordinances creating the original Emergency Telephone System  
5 Board and shall eliminate the Emergency Telephone System Board,  
6 effective upon the creation, with regulatory approval by the  
7 Administrator, or joining of the Joint Emergency Telephone  
8 System Board.

9 (f) Prior to July 1, 2017, any municipality with a  
10 population over 175,000 that serves as its own PSAP and, as of  
11 January 1, 2016, is a part of an Emergency Telephone System  
12 Board established by a county may separate from the Emergency  
13 Telephone System Board and enter an intergovernmental  
14 agreement to establish a Joint Emergency Telephone System Board  
15 with a county or municipality that has an existing Emergency  
16 Telephone System Board. The intergovernmental agreement and a  
17 plan modification shall be filed with the Division of 9-1-1 by  
18 January 1, 2017, and the creation of the Joint Emergency  
19 Telephone System Board shall be subject to the approval of the  
20 Administrator. Within 60 calendar days of receiving the plan  
21 and agreement for the creation of the Joint Emergency Telephone  
22 System Board, the Statewide 9-1-1 Advisory Board shall hold at  
23 least one public hearing on the consolidation and provide a  
24 recommendation to the Administrator. Notice of the hearing  
25 shall be provided to each respective entity to which the plan  
26 applies. Within 90 calendar days of receiving the plan and

1 agreement for the creation of the Joint Emergency Telephone  
2 System Board, the Administrator shall approve the creation of  
3 the board if it finds that the creation is economically  
4 reasonable, is technically feasible, and does not create a  
5 substantial threat to public safety. In making his or her  
6 decision, the Administrator shall consider any recommendation  
7 from the Statewide 9-1-1 Advisory Board. If the Administrator  
8 does not follow the recommendation of the Board, the  
9 Administrator shall provide a written explanation for the  
10 deviation in his or her decision. The deadlines provided in  
11 this paragraph may be extended upon agreement between the  
12 Administrator and entity which submitted the plan.

13 Notwithstanding the consolidation requirements of Section  
14 15.4a of this Act, in the event a Joint Emergency Telephone  
15 System Board is not created under this subsection (f) by July  
16 1, 2017, the municipality may continue to operate an  
17 independent PSAP within its current Emergency Telephone System  
18 Board.

19 (Source: P.A. 98-481, eff. 8-16-13; 99-6, eff. 1-1-16.)

20 (50 ILCS 750/15.4a)

21 (This Section may contain text from a Public Act with a  
22 delayed effective date)

23 (Section scheduled to be repealed on July 1, 2017)

24 Sec. 15.4a. Consolidation.

25 (a) By July 1, 2017, and except as otherwise provided in

1 this Section, Emergency Telephone System Boards, Joint  
2 Emergency Telephone System Boards, qualified governmental  
3 entities, and PSAPs shall be consolidated as follows, subject  
4 to subsections (b) and (c) of this Section:

5 (1) In any county with a population of at least 250,000  
6 that has a single Emergency Telephone System Board, or  
7 qualified governmental entity and more than 2 PSAPs, ~~shall~~  
8 ~~reduce~~ the number of PSAPs shall be reduced by at least 50%  
9 or to 2 PSAPs, whichever is greater. Nothing in this  
10 paragraph shall preclude consolidation resulting in one  
11 PSAP in the county.

12 (2) In any county with a population of at least 250,000  
13 that has more than one Emergency Telephone System Board,  
14 Joint Emergency Telephone System Board, or qualified  
15 governmental entity, any 9-1-1 Authority serving a  
16 population of less than 25,000 shall be consolidated such  
17 that no 9-1-1 Authority in the county serves a population  
18 of less than 25,000.

19 (3) In any county with a population of at least 250,000  
20 but less than 1,000,000 that has more than one Emergency  
21 Telephone System Board, Joint Emergency Telephone System  
22 Board, or qualified governmental entity, each 9-1-1  
23 Authority shall reduce the number of PSAPs by at least 50%  
24 or to 2 PSAPs, whichever is greater. Nothing in this  
25 paragraph shall preclude consolidation of a 9-1-1  
26 Authority into a Joint Emergency Telephone System Board,

1 and nothing in this paragraph shall preclude consolidation  
2 resulting in one PSAP in the county.

3 (4) In any county with a population of less than  
4 250,000 that has a single Emergency Telephone System Board  
5 or qualified governmental entity and more than 2 PSAPs, the  
6 9-1-1 Authority shall reduce the number of PSAPs by at  
7 least 50% or to 2 PSAPs, whichever is greater. Nothing in  
8 this paragraph shall preclude consolidation resulting in  
9 one PSAP in the county.

10 (5) In any county with a population of less than  
11 250,000 that has more than one Emergency Telephone System  
12 Board, Joint Emergency Telephone System Board, or  
13 qualified governmental entity and more than 2 PSAPs, the  
14 9-1-1 Authorities shall be consolidated into a single joint  
15 board, and the number of PSAPs shall be reduced by at least  
16 50% or to 2 PSAPs, whichever is greater. Nothing in this  
17 paragraph shall preclude consolidation resulting in one  
18 PSAP in the county.

19 (6) Any 9-1-1 Authority that does not have a PSAP  
20 within its jurisdiction shall be consolidated through an  
21 intergovernmental agreement with an existing 9-1-1  
22 Authority that has a PSAP to create a Joint Emergency  
23 Telephone Board.

24 (7) The corporate authorities of each county that has  
25 no 9-1-1 service as of January 1, 2016 shall provide  
26 enhanced 9-1-1 wireline and wireless enhanced 9-1-1

1 service for that county by either (i) entering into an  
2 intergovernmental agreement with an existing Emergency  
3 Telephone System Board to create a new Joint Emergency  
4 Telephone System Board, or (ii) entering into an  
5 intergovernmental agreement with the corporate authorities  
6 that have created an existing Joint Emergency Telephone  
7 System Board.

8 (b) By July 1, 2016, each county required to consolidate  
9 pursuant to paragraph (7) of subsection (a) of this Section and  
10 each 9-1-1 Authority required to consolidate pursuant to  
11 paragraphs (1) through (6) of subsection (a) of this Section  
12 shall file a plan for consolidation or a request for a waiver  
13 pursuant to subsection (c) of this Section with the Division of  
14 9-1-1. Within 60 calendar days of receiving a consolidation  
15 plan, the Statewide 9-1-1 Advisory Board shall hold at least  
16 one public hearing on the plan and provide a recommendation to  
17 the Administrator. Notice of the hearing shall be provided to  
18 the respective entity to which the plan applies. Within 90  
19 calendar days of receiving a consolidation plan, the  
20 Administrator shall approve the plan, approve the plan as  
21 modified, or grant a waiver pursuant to subsection (c) of this  
22 Section. In making his or her decision, the Administrator shall  
23 consider any recommendation from the Statewide 9-1-1 Advisory  
24 Board regarding the plan. If the Administrator does not follow  
25 the recommendation of the Board, the Administrator shall  
26 provide a written explanation for the deviation in his or her

1 decision. The deadlines provided in this subsection may be  
2 extended upon agreement between the Administrator and entity  
3 which submitted the plan.

4 (c) A waiver from a consolidation required under subsection  
5 (a) of this Section may be granted if the Administrator finds  
6 that the consolidation will result in a substantial threat to  
7 public safety, is economically unreasonable, or is technically  
8 infeasible.

9 (d) Any decision of the Administrator under this Section  
10 shall be deemed a final administrative decision and shall be  
11 subject to judicial review under the Administrative Review Law.

12 (e) Any county or 9-1-1 Authority not in compliance with  
13 this Section shall be ineligible to receive any (i)  
14 consolidation grant funds issued under Section 15.4b of this  
15 Act or (ii) monthly disbursements otherwise due under Section  
16 30 of this Act until the county or 9-1-1 Authority is in  
17 compliance.

18 (Source: P.A. 99-6, eff. 1-1-16.)

19 (50 ILCS 750/19)

20 (Section scheduled to be repealed on July 1, 2017)

21 Sec. 19. Statewide 9-1-1 Advisory Board.

22 (a) Beginning July 1, 2015, there is created the Statewide  
23 9-1-1 Advisory Board within the Department of State Police. The  
24 Board shall consist of the following 11 voting members:

25 (1) The Director of the State Police, or his or her

1           designee, who shall serve as chairman.

2           (2) The Executive Director of the Commission, or his or  
3           her designee.

4           (3) Nine members appointed by the Governor as follows:

5           (A) one member representing the Illinois chapter  
6           of the National Emergency Number Association, or his or  
7           her designee;

8           (B) one member representing the Illinois chapter  
9           of the Association of Public-Safety Communications  
10          Officials, or his or her designee;

11          (C) one member representing a county 9-1-1 system  
12          from a county with a population of less than 50,000;

13          (D) one member representing a county 9-1-1 system  
14          from a county with a population between 50,000 and  
15          250,000;

16          (E) one member representing a county 9-1-1 system  
17          from a county with a population of more than 250,000;

18          (F) one member representing a municipality with a  
19          population of less than 500,000 in a county with a  
20          population in excess of 2,000,000;

21          (G) one member representing the Illinois  
22          Association of Chiefs of Police;

23          (H) one member representing the Illinois Sheriffs'  
24          Association; and

25          (I) one member representing the Illinois Fire  
26          Chiefs Association.

1           The Governor shall appoint the following non-voting  
2 members: (i) one member representing an incumbent local  
3 exchange 9-1-1 system provider; (ii) one member representing a  
4 non-incumbent local exchange 9-1-1 system provider; (iii) one  
5 member representing a large wireless carrier; (iv) one member  
6 representing a small wireless carrier; ~~and~~ (v) one member  
7 representing the Illinois Telecommunications Association; (vi)  
8 one member representing the Cable Television and  
9 Communications Association of Illinois; and (vii) one member  
10 representing the Illinois State Ambulance Association.

11           (b) The Governor shall make initial appointments to the  
12 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the  
13 voting members appointed by the Governor shall serve an initial  
14 term of 2 years, and the remaining voting members appointed by  
15 the Governor shall serve an initial term of 3 years.  
16 Thereafter, each appointment by the Governor shall be for a  
17 term of 3 years. Non-voting members shall serve for a term of 3  
18 years. Vacancies shall be filled in the same manner as the  
19 original appointment. Persons appointed to fill a vacancy shall  
20 serve for the balance of the unexpired term.

21           Members of the Statewide 9-1-1 Advisory Board shall serve  
22 without compensation.

23           (c) The 9-1-1 Services Advisory Board, as constituted on  
24 June 1, 2015 without the legislative members, shall serve in  
25 the role of the Statewide 9-1-1 Advisory Board until all  
26 appointments of voting members have been made by the Governor

1 under subsection (a) of this Section.

2 (d) The Statewide 9-1-1 Advisory Board shall:

3 (1) advise the Department of State Police and the  
4 Statewide 9-1-1 Administrator on the oversight of 9-1-1  
5 systems and the development and implementation of a uniform  
6 statewide 9-1-1 system;

7 (2) make recommendations to the Governor and the  
8 General Assembly regarding improvements to 9-1-1 services  
9 throughout the State; and

10 (3) exercise all other powers and duties provided in  
11 this Act.

12 (e) The Statewide 9-1-1 Advisory Board shall submit to the  
13 General Assembly a report by March 1 of each year providing an  
14 update on the transition to a statewide 9-1-1 system and  
15 recommending any legislative action.

16 (f) The Department of State Police shall provide  
17 administrative support to the Statewide 9-1-1 Advisory Board.

18 (Source: P.A. 99-6, eff. 6-29-15.)

19 (50 ILCS 750/20)

20 (This Section may contain text from a Public Act with a  
21 delayed effective date)

22 (Section scheduled to be repealed on July 1, 2017)

23 Sec. 20. Statewide surcharge.

24 (a) On and after January 1, 2016, and except with respect  
25 to those customers who are subject to surcharges as provided in

1 Sections 15.3 and 15.3a of this Act, a monthly surcharge shall  
2 be imposed on all customers of telecommunications carriers and  
3 wireless carriers as follows:

4 (1) Each telecommunications carrier shall impose a  
5 monthly surcharge of \$0.87 per network connection;  
6 provided, however, the monthly surcharge shall not apply to  
7 a network connection provided for use with pay telephone  
8 services. Where multiple voice grade communications  
9 channels are connected between the subscriber's premises  
10 and a public switched network through private branch  
11 exchange (PBX), ~~or~~ centrex type service, or other multiple  
12 voice grade communication channels facility there shall be  
13 imposed 5 such surcharges per network connection for both  
14 regular service and advanced service provisioned trunk  
15 lines.

16 (2) Each wireless carrier shall impose and collect a  
17 monthly surcharge of \$0.87 per CMRS connection that either  
18 has a telephone number within an area code assigned to  
19 Illinois by the North American Numbering Plan  
20 Administrator or has a billing address in this State.

21 (b) State and local taxes shall not apply to the surcharges  
22 imposed under this Section.

23 (c) The surcharges imposed by this Section shall be stated  
24 as a separately stated item on subscriber bills.

25 (d) The telecommunications carrier collecting the  
26 surcharge shall also be entitled to deduct 3% of the gross

1 amount of surcharge collected to reimburse the  
2 telecommunications carrier for the expense of accounting and  
3 collecting the surcharge. On and after July 1, 2022, the  
4 wireless carrier collecting a surcharge under this Section  
5 shall be entitled to deduct up to 3% of the gross amount of the  
6 surcharge collected to reimburse the wireless carrier for the  
7 expense of accounting and collecting the surcharge.

8 (e) Surcharges imposed under this Section shall be  
9 collected by the carriers and, within 30 days of collection,  
10 remitted, either by check or electronic funds transfer, to the  
11 Department for deposit into the Statewide 9-1-1 Fund. Carriers  
12 are not required to remit surcharge moneys that are billed to  
13 subscribers but not yet collected.

14 The first remittance by wireless carriers shall include the  
15 number of subscribers by zip code, and the 9-digit zip code if  
16 currently being used or later implemented by the carrier, that  
17 shall be the means by which the Department shall determine  
18 distributions from the Statewide 9-1-1 Fund. This information  
19 shall be updated at least once each year. Any carrier that  
20 fails to provide the zip code information required under this  
21 subsection (e) shall be subject to the penalty set forth in  
22 subsection (g) of this Section.

23 (f) If, within 5 business days after it is due under  
24 subsection (e) of this Section, a carrier does not remit the  
25 surcharge or any portion thereof required under this Section,  
26 then the surcharge or portion thereof shall be deemed

1 delinquent until paid in full, and the Department may impose a  
2 penalty against the carrier in an amount equal to the greater  
3 of:

4 (1) \$25 for each month or portion of a month from the  
5 time an amount becomes delinquent until the amount is paid  
6 in full; or

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

10 A penalty imposed in accordance with this subsection (f)  
11 for a portion of a month during which the carrier pays the  
12 delinquent amount in full shall be prorated for each day of  
13 that month that the delinquent amount was paid in full. Any  
14 penalty imposed under this subsection (f) is in addition to the  
15 amount of the delinquency and is in addition to any other  
16 penalty imposed under this Section.

17 (g) If, within 5 business days after it is due, a wireless  
18 carrier does not provide the number of subscribers by zip code  
19 as required under subsection (e) of this Section, then the  
20 report is deemed delinquent and the Department may impose a  
21 penalty against the carrier in an amount equal to the greater  
22 of:

23 (1) \$25 for each month or portion of a month that the  
24 report is delinquent; or

25 (2) an amount equal to the product of \$0.01 and the  
26 number of subscribers served by the carrier.

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

9           (h) A penalty imposed and collected in accordance with  
10 subsection (f) or (g) of this Section shall be deposited into  
11 the Statewide 9-1-1 Fund for distribution according to Section  
12 30 of this Act.

13           (i) The Department may enforce the collection of any  
14 delinquent amount and any penalty due and unpaid under this  
15 Section by legal action or in any other manner by which the  
16 collection of debts due the State of Illinois may be enforced  
17 under the laws of this State. The Department may excuse the  
18 payment of any penalty imposed under this Section if the  
19 Administrator determines that the enforcement of this penalty  
20 is unjust.

21           (j) Notwithstanding any provision of law to the contrary,  
22 nothing shall impair the right of wireless carriers to recover  
23 compliance costs for all emergency communications services  
24 that are not reimbursed out of the Wireless Carrier  
25 Reimbursement Fund directly from their wireless subscribers by  
26 line-item charges on the wireless subscriber's bill. Those

1 compliance costs include all costs incurred by wireless  
2 carriers in complying with local, State, and federal regulatory  
3 or legislative mandates that require the transmission and  
4 receipt of emergency communications to and from the general  
5 public, including, but not limited to, E9-1-1.

6 (Source: P.A. 99-6, eff. 1-1-16.)

7 (50 ILCS 750/30)

8 (This Section may contain text from a Public Act with a  
9 delayed effective date)

10 (Section scheduled to be repealed on July 1, 2017)

11 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

12 (a) A special fund in the State treasury known as the  
13 Wireless Service Emergency Fund shall be renamed the Statewide  
14 9-1-1 Fund. Any appropriations made from the Wireless Service  
15 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.  
16 The Fund shall consist of the following:

17 (1) 9-1-1 wireless surcharges assessed under the  
18 Wireless Emergency Telephone Safety Act.

19 (2) 9-1-1 surcharges assessed under Section 20 of this  
20 Act.

21 (3) Prepaid wireless 9-1-1 surcharges assessed under  
22 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

23 (4) Any appropriations, grants, or gifts made to the  
24 Fund.

25 (5) Any income from interest, premiums, gains, or other

1 earnings on moneys in the Fund.

2 (6) Money from any other source that is deposited in or  
3 transferred to the Fund.

4 (b) Subject to appropriation, the Department shall  
5 distribute the 9-1-1 surcharges monthly as follows:

6 (1) From each surcharge collected and remitted under  
7 Section 20 of this Act:

8 (A) \$0.013 shall be distributed monthly in equal  
9 amounts to each County Emergency Telephone System  
10 Board or qualified governmental entity in counties  
11 with a population under 100,000 according to the most  
12 recent census data which is authorized to serve as a  
13 primary wireless 9-1-1 public safety answering point  
14 for the county and to provide wireless 9-1-1 service as  
15 prescribed by subsection (b) of Section 15.6a of this  
16 Act, and which does provide such service.

17 (B) \$0.033 shall be transferred by the Comptroller  
18 at the direction of the Department to the Wireless  
19 Carrier Reimbursement Fund until June 30, 2017; from  
20 July 1, 2017 through June 30, 2018, \$0.026 shall be  
21 transferred; from July 1, 2018 through June 30, 2019,  
22 \$0.020 shall be transferred; from July 1, 2019, through  
23 June 30, 2020, \$0.013 shall be transferred; from July  
24 1, 2020 through June 30, 2021, \$0.007 will be  
25 transferred; and after June 30, 2021, no transfer shall  
26 be made to the Wireless Carrier Reimbursement Fund.

1 (C) \$0.007 shall be used to cover the Department's  
2 administrative costs.

3 (2) After disbursements under paragraph (1) of this  
4 subsection (b), all remaining funds in the Statewide 9-1-1  
5 Fund shall be disbursed in the following priority order:

6 (A) The Department shall ~~Fund will~~ pay monthly to:

7 (i) the 9-1-1 Authorities that imposed  
8 surcharges under Section 15.3 of this Act and were  
9 required to report to the Illinois Commerce  
10 Commission under Section 27 of the Wireless  
11 Emergency Telephone Safety Act on October 1, 2014,  
12 except a 9-1-1 Authority in a municipality with a  
13 population in excess of 500,000, an amount equal to  
14 the average monthly wireline and VoIP surcharge  
15 revenue attributable to the most recent 12-month  
16 period reported to the Department under that  
17 Section for the October 1, 2014 filing, subject to  
18 the power of the Department to investigate the  
19 amount reported and adjust the number by final  
20 order, which shall be subject to judicial review  
21 under the Administrative Review Law ~~under Article~~  
22 ~~X of the Public Utilities Act~~, so that the monthly  
23 amount paid under this item accurately reflects  
24 one-twelfth of the aggregate wireline and VoIP  
25 surcharge revenue properly attributable to the  
26 most recent 12-month period reported to the

1 Commission; or

2 (ii) county qualified governmental entities  
3 that did not impose a surcharge under Section 15.3  
4 as of December 31, 2015, and counties that did not  
5 impose a surcharge as of June 30, 2015, an amount  
6 equivalent to their population multiplied by .37  
7 multiplied by the rate of \$0.69; counties that are  
8 not county qualified governmental entities and  
9 that did not impose a surcharge as of December 31,  
10 2015, shall not begin to receive the payment  
11 provided for in this subsection until E9-1-1 and  
12 wireless E9-1-1 services are provided within their  
13 counties; or

14 (iii) counties without 9-1-1 service that had  
15 a surcharge in place by December 31, 2015, an  
16 amount equivalent to their population multiplied  
17 by .37 multiplied by their surcharge rate as  
18 established by the referendum.

19 (B) All 9-1-1 network costs for systems outside of  
20 municipalities with a population of at least 500,000  
21 shall be paid by the Department directly to the  
22 vendors.

23 (C) All expenses incurred by the Administrator and  
24 the Statewide 9-1-1 Advisory Board and costs  
25 associated with procurement under Section 15.6b  
26 including requests for information and requests for

1 proposals.

2 (D) Funds may be held in reserve by the Statewide  
3 9-1-1 Advisory Board and disbursed by the Department  
4 for grants under Sections 15.4a, 15.4b, and for NG9-1-1  
5 expenses up to \$12.5 million per year in State fiscal  
6 years 2016 and 2017; up to \$13.5 million in State  
7 fiscal year 2018; up to \$14.4 million in State fiscal  
8 year 2019; up to \$15.3 million in State fiscal year  
9 2020; up to \$16.2 million in State fiscal year 2021; up  
10 to \$23.1 million in State fiscal year 2022; and up to  
11 \$17.0 million per year for State fiscal year 2023 and  
12 each year thereafter.

13 (E) All remaining funds per remit month shall be  
14 used to make monthly proportional grants to the  
15 appropriate 9-1-1 Authority currently taking wireless  
16 9-1-1 based upon the United States Postal Zip Code of  
17 the billing addresses of subscribers of wireless  
18 carriers.

19 (c) The moneys deposited into the Statewide 9-1-1 Fund  
20 under this Section shall not be subject to administrative  
21 charges or chargebacks unless otherwise authorized by this Act.

22 (d) Whenever two or more 9-1-1 Authorities consolidate, the  
23 resulting Joint Emergency Telephone System Board shall be  
24 entitled to the monthly payments that had theretofore been made  
25 to each consolidating 9-1-1 Authority. Any reserves held by any  
26 consolidating 9-1-1 Authority shall be transferred to the

1 resulting Joint Emergency Telephone System Board. Whenever a  
2 county that has no 9-1-1 service as of January 1, 2016 enters  
3 into an agreement to consolidate to create or join a Joint  
4 Emergency Telephone System Board, the Joint Emergency  
5 Telephone System Board shall be entitled to the monthly  
6 payments that would have otherwise been paid to the county if  
7 it had provided 9-1-1 service.

8 (Source: P.A. 99-6, eff. 1-1-16.)

9 (50 ILCS 750/40)

10 (This Section may contain text from a Public Act with a  
11 delayed effective date)

12 (Section scheduled to be repealed on July 1, 2017)

13 Sec. 40. Financial reports.

14 (a) The Department shall create uniform accounting  
15 procedures, with such modification as may be required to give  
16 effect to statutory provisions applicable only to  
17 municipalities with a population in excess of 500,000, that any  
18 emergency telephone system board, qualified governmental  
19 entity, or unit of local government receiving surcharge money  
20 pursuant to Section 15.3, 15.3a, or 30 of this Act must follow.

21 (b) By October 1, 2016, and every October 1 thereafter,  
22 each emergency telephone system board, qualified governmental  
23 entity, or unit of local government receiving surcharge money  
24 pursuant to Section 15.3, 15.3a, or 30 shall report to the  
25 Department audited financial statements showing total revenue

1 and expenditures for the previous fiscal year in a form and  
2 manner as prescribed by the Department. Such financial  
3 information shall include:

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

7 (2) operating expenses, capital expenditures, and cash  
8 balances; and

9 (3) such other financial information that is relevant  
10 to the provision of 9-1-1 services as determined by the  
11 Department.

12 The emergency telephone system board, qualified  
13 governmental entity, or unit of local government is responsible  
14 for any costs associated with auditing such financial  
15 statements. The Department shall post the audited financial  
16 statements on the Department's website.

17 (c) Along with its audited financial statement, each  
18 emergency telephone system board, qualified governmental  
19 entity, or unit of local government receiving a grant under  
20 Section 15.4b of this Act shall include a report of the amount  
21 of grant moneys received and how the grant moneys were used. In  
22 case of a conflict between this requirement and the Grant  
23 Accountability and Transparency Act, or with the rules of the  
24 Governor's Office of Management and Budget adopted thereunder,  
25 that Act and those rules shall control.

26 (d) If an emergency telephone system board or qualified

1 governmental entity that receives funds from the Statewide  
2 9-1-1 Fund fails to file the 9-1-1 system financial reports as  
3 required under this Section, the Department shall suspend and  
4 withhold monthly disbursements otherwise due to the emergency  
5 telephone system board or qualified governmental entity under  
6 Section 30 of this Act until the report is filed.

7 Any monthly disbursements that have been withheld for 12  
8 months or more shall be forfeited by the emergency telephone  
9 system board or qualified governmental entity and shall be  
10 distributed proportionally by the Department to compliant  
11 emergency telephone system boards and qualified governmental  
12 entities that receive funds from the Statewide 9-1-1 Fund.

13 Any emergency telephone system board or qualified  
14 governmental entity not in compliance with this Section shall  
15 be ineligible to receive any consolidation grant or  
16 infrastructure grant issued under this Act.

17 (e) The Department may adopt emergency rules necessary to  
18 implement the provisions of this Section.

19 (f) Any findings or decisions of the Department under this  
20 Section shall be deemed a final administrative decision and  
21 shall be subject to judicial review under the Administrative  
22 Review Law.

23 (Source: P.A. 99-6, eff. 1-1-16.)

24 (50 ILCS 750/45)

25 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 (Section scheduled to be repealed on July 1, 2017)

3 Sec. 45. Wireless Carrier Reimbursement Fund.

4 (a) A special fund in the State treasury known as the  
5 Wireless Carrier Reimbursement Fund, which was created  
6 previously under Section 30 of the Wireless Emergency Telephone  
7 Safety Act, shall continue in existence without interruption  
8 notwithstanding the repeal of that Act. Moneys in the Wireless  
9 Carrier Reimbursement Fund may be used, subject to  
10 appropriation, only (i) to reimburse wireless carriers for all  
11 of their costs incurred in complying with the applicable  
12 provisions of Federal Communications Commission wireless  
13 enhanced 9-1-1 service mandates, and (ii) to pay the reasonable  
14 and necessary costs of the Department ~~Illinois Commerce~~  
15 ~~Commission~~ in exercising its rights, duties, powers, and  
16 functions under this Act. This reimbursement to wireless  
17 carriers may include, but need not be limited to, the cost of  
18 designing, upgrading, purchasing, leasing, programming,  
19 installing, testing, and maintaining necessary data, hardware,  
20 and software and associated operating and administrative costs  
21 and overhead.

22 (b) To recover costs from the Wireless Carrier  
23 Reimbursement Fund, the wireless carrier shall submit sworn  
24 invoices to the Department ~~Illinois Commerce Commission~~. In no  
25 event may any invoice for payment be approved for (i) costs  
26 that are not related to compliance with the requirements

1 established by the wireless enhanced 9-1-1 mandates of the  
2 Federal Communications Commission, or (ii) costs with respect  
3 to any wireless enhanced 9-1-1 service that is not operable at  
4 the time the invoice is submitted.

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

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

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

25 (f) The Department ~~Illinois Commerce Commission~~ must  
26 annually review the balance in the Wireless Carrier

1 Reimbursement Fund as of June 30 of each year and shall direct  
2 the Comptroller to transfer into the Statewide 9-1-1 Fund for  
3 distribution in accordance with subsection (b) of Section 30 of  
4 this Act any amount in excess of outstanding invoices as of  
5 June 30 of each year.

6 (g) The Department ~~Illinois Commerce Commission~~ shall  
7 adopt rules to govern the reimbursement process. Any rules  
8 adopted by the Commission governing reimbursements from the  
9 Wireless Carrier Reimbursement Fund shall become the rules of  
10 the Department, and shall continue in effect until amended or  
11 repealed by the Department.

12 (Source: P.A. 99-6, eff. 1-1-16.)

13 (50 ILCS 750/55)

14 (This Section may contain text from a Public Act with a  
15 delayed effective date)

16 (Section scheduled to be repealed on July 1, 2017)

17 Sec. 55. Public disclosure. Because of the highly  
18 competitive nature of the ~~wireless~~ telephone industry, public  
19 disclosure of information about surcharge moneys paid by  
20 ~~wireless~~ carriers could have the effect of stifling competition  
21 to the detriment of the public and the delivery of ~~wireless~~  
22 9-1-1 services. Therefore, the Illinois Commerce Commission,  
23 the Department of State Police, governmental agencies, and  
24 individuals with access to that information shall take  
25 appropriate steps to prevent public disclosure of this

1 information. Information and data supporting the amount and  
2 distribution of surcharge moneys collected and remitted by an  
3 individual ~~wireless~~ carrier shall be deemed exempt information  
4 for purposes of the Freedom of Information Act and shall not be  
5 publicly disclosed. The gross amount paid by all carriers shall  
6 not be deemed exempt and may be publicly disclosed.

7 (Source: P.A. 99-6, eff. 1-1-16.)

8 (50 ILCS 750/65 new)

9 Sec. 65. Home rule.

10 (a) A home rule unit shall not impose a separate 9-1-1  
11 surcharge on subscribers of telecommunications carriers and  
12 wireless carriers in addition to the 9-1-1 surcharges provided  
13 for under this Act. This subsection is a limitation under  
14 subsection (g) of Section 6 of Article VII of the Illinois  
15 Constitution on the powers and functions of home rule units not  
16 exercised or performed by the State.

17 (b) A home rule unit may not regulate emergency telephone  
18 services or provide emergency telephone services in any way  
19 that conflicts with this Act and any rules adopted pursuant to  
20 this Act. All units of local government must comply with the  
21 provisions of this Act and all rules adopted pursuant to this  
22 Act as applicable. This Section is a denial and limitation of  
23 home rule powers and functions under subsection (h) of Section  
24 6 of Article VII of the Illinois Constitution.

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 99. Effective date. This Act takes effect January  
9 1, 2016, except that this Section and the changes to Section 19  
10 of the Emergency Telephone System Act take effect upon becoming  
11 law.".