



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1595

Introduced 02/16/05, by Rep. Gary Hannig

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-516.5 new

Amends the Telecommunications Article of the Public Utilities Act. Provides that all agreements regarding the placement, construction, modification, or operation of personal wireless service facilities are subject to the jurisdiction of the Illinois Commerce Commission and requires each telecommunications carrier entering into such an agreement to file a copy of the agreement with the Commission. Authorizes the Commission to revoke the agreement if the telecommunications carrier fails to place, construct, modify, or make operational the personal wireless service facility within a reasonable time. Authorizes the Commission to promulgate rules. Preempts home rule.

LRB094 10087 MKM 40347 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning telecommunications.

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

4 Section 5. The Public Utilities Act is amended by adding
5 Section 13-516.5 as follows:

6 (220 ILCS 5/13-516.5 new)

7 Sec. 13-516.5. Personal wireless service facilities. Any
8 agreement regarding the placement, construction, modification,
9 or operation of personal wireless service facilities between a
10 telecommunications carrier and the State, a unit of local
11 government, a school district, or a private party is subject to
12 the jurisdiction of the Commission. Each telecommunications
13 carrier that enters into such an agreement must file a copy of
14 the agreement with the Commission. The Commission may revoke
15 the agreement within a reasonable time if the
16 telecommunications carrier fails to place, construct, modify,
17 or make operational the personal wireless service facilities
18 within a reasonable time, as determined by the Commission by
19 rule. The Commission shall promulgate rules to implement and
20 enforce this Section and to establish reasonable times for the
21 filing of the agreement with the Commission and for the
22 revocation of the agreement under this Section. No unit of
23 local government, including a home rule unit, may regulate the
24 placement, construction, modification, or operation of
25 personal wireless service facilities in a manner that is
26 inconsistent with this Section. This Section is a limitation
27 under subsection (i) of Section 6 of Article VII of the
28 Illinois Constitution on the concurrent exercise by home rule
29 units of powers and functions exercise by the State.