



Rep. Joseph M. Lyons

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LRB095 18885 MJR 51140 a

1 AMENDMENT TO SENATE BILL 2031

2 AMENDMENT NO. _____. Amend Senate Bill 2031 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 15.3. Surcharge.

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

1 determined in accordance with subsection (c), however the
2 monthly surcharge shall not apply to a network connection
3 provided for use with pay telephone services. Provided,
4 however, that where multiple voice grade communications
5 channels are connected between the subscriber's premises and a
6 public switched network through private branch exchange (PBX)
7 or centrex type service, a municipality imposing a surcharge at
8 a rate per network connection, as determined in accordance with
9 this Act, shall impose 5 such surcharges per network
10 connection, as determined in accordance with subsections (a)
11 and (d) of Section 2.12 of this Act. For mobile
12 telecommunications services, if a surcharge is imposed it shall
13 be imposed based upon the municipality or county that
14 encompasses the customer's place of primary use as defined in
15 the Mobile Telecommunications Sourcing Conformity Act. A
16 municipality may enter into an intergovernmental agreement
17 with any county in which it is partially located, when the
18 county has adopted an ordinance to impose a surcharge as
19 provided in subsection (c), to include that portion of the
20 municipality lying outside the county in that county's
21 surcharge referendum. If the county's surcharge referendum is
22 approved, the portion of the municipality identified in the
23 intergovernmental agreement shall automatically be
24 disconnected from the county in which it lies and connected to
25 the county which approved the referendum for purposes of a
26 surcharge on telecommunications carriers.

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

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

1 following form:

2 -----

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

12 -----

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

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

22 The referendum requirement of this subsection (c) shall not
23 apply to any municipality with a population over 500,000 or to
24 any county in which a proposition as to whether a sophisticated
25 9-1-1 Emergency Telephone System should be installed in the
26 county, at a cost not to exceed a specified monthly amount per

1 network connection, has previously been approved by a majority
2 of the electors of the county voting on the proposition at an
3 election conducted before the effective date of this amendatory
4 Act of 1987.

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

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

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

21 (g) The amount of surcharge collected by the
22 telecommunications carrier shall be paid to the particular
23 municipality or county or Joint Emergency Telephone System
24 Board not later than 30 days after the surcharge is collected,
25 net of any network or other 9-1-1 or sophisticated 9-1-1 system
26 charges then due the particular telecommunications carrier, as

1 shown on an itemized bill. The telecommunications carrier
2 collecting the surcharge shall also be entitled to deduct 3% of
3 the gross amount of surcharge collected to reimburse the
4 telecommunications carrier for the expense of accounting and
5 collecting the surcharge.

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

10 (i) Any municipality or county or joint emergency telephone
11 system board that has imposed a surcharge pursuant to this
12 Section prior to the effective date of this amendatory Act of
13 1990 shall hereafter impose the surcharge in accordance with
14 subsection (b) of this Section.

15 (j) The corporate authorities of any municipality or county
16 may issue, in accordance with Illinois law, bonds, notes or
17 other obligations secured in whole or in part by the proceeds
18 of the surcharge described in this Section. Notwithstanding any
19 change in law subsequent to the issuance of any bonds, notes or
20 other obligations secured by the surcharge, every municipality
21 or county issuing such bonds, notes or other obligations shall
22 be authorized to impose the surcharge as though the laws
23 relating to the imposition of the surcharge in effect at the
24 time of issuance of the bonds, notes or other obligations were
25 in full force and effect until the bonds, notes or other
26 obligations are paid in full. The State of Illinois pledges and

1 agrees that it will not limit or alter the rights and powers
2 vested in municipalities and counties by this Section to impose
3 the surcharge so as to impair the terms of or affect the
4 security for bonds, notes or other obligations secured in whole
5 or in part with the proceeds of the surcharge described in this
6 Section.

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

14 (Source: P.A. 95-331, eff. 8-21-07; 95-698, eff. 1-1-08.)

15 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

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

1 county board, and at least 3 of whom shall be representative of
2 the 9-1-1 public safety agencies, including but not limited to
3 police departments, fire departments, emergency medical
4 services providers, and emergency services and disaster
5 agencies, and appointed on the basis of their ability or
6 experience. In counties with a population of more than 100,000
7 but less than 2,000,000, a member of the county board may serve
8 on the Emergency Telephone System Board. Elected officials are
9 also eligible to serve on the board. Members of the board shall
10 serve without compensation but shall be reimbursed for their
11 actual and necessary expenses. Any 2 or more municipalities,
12 counties, or combination thereof, that impose a surcharge under
13 Section 15.3 may, instead of establishing individual boards,
14 establish by intergovernmental agreement a Joint Emergency
15 Telephone System Board pursuant to this Section. The manner of
16 appointment of such a joint board shall be prescribed in the
17 agreement.

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

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

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

1 systems.

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

5 (4) Authorizing all disbursements from the fund.

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

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

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

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

23 (3) The repayment of any moneys advanced for the
24 implementation of the system.

25 (4) The charges for Automatic Number Identification
26 and Automatic Location Identification equipment, a

1 computer aided dispatch system that records, maintains,
2 and integrates information, mobile data transmitters
3 equipped with automatic vehicle locators, and maintenance,
4 replacement and update thereof to increase operational
5 efficiency and improve the provision of emergency
6 services.

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

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

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

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

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. 95-698, eff. 1-1-08.)

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