



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5542

Introduced 2/15/2012, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.811 new

Creates the Next Generation Emergency Telephone System Act. Makes legislative findings. Defines terms. Provides that, in order to handle the increasing volume and diversity of information that can be made available to assist call takers and responders in an emergency, public agencies may update their current 9-1-1 systems to a Next Generation 9-1-1 (NG9-1-1) system. Sets forth requirements for a strategic plan that must be developed. Creates the Illinois Next Generation 9-1-1 Network (INGN) to support NG9-1-1 operations and be governed by a board of directors. Sets forth the powers and duties of the Board. Sets forth procedures and requirements for the incorporation of the 9-1-1 systems, capabilities, accessibility, implementation, areas to be served, and joint agreements. Provides for certain exemptions from civil liabilities. Provides that divulging certain confidential information and making a false complaint are offenses punishable under the Criminal Code of 1961. Requires that all NG9-1-1 systems support Non-Voice-Centric Emergency Services (NVC). Contains provisions concerning advertising emergency services and funding. Amends the State Finance Act. Creates the 9-1-1 Service Equalization Trust Fund in the State Treasury. Effective January 1, 2013.

LRB097 17247 KMW 62447 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the "Next
5 Generation Emergency Telephone System Act".

6 Section 5. Findings. The General Assembly finds and
7 declares that the establishment of a uniform, statewide
8 emergency number is a matter of statewide concern and interest
9 to all inhabitants and citizens of this State. The General
10 Assembly further finds and declares that it is in the public
11 interest to improve the capabilities of the State's 9-1-1
12 systems by converting from analog circuit-switched technology
13 to digital Internet protocol technology. Major changes to the
14 existing 9-1-1 architecture are necessary to accommodate the
15 rapid evolution of the devices and services that can be used to
16 call for help. It is the purpose of this Act to encourage units
17 of local government and combinations of those units to develop
18 and improve emergency communication systems, procedures, and
19 facilities in such a manner as to be able to quickly respond to
20 any person calling the telephone number "9-1-1" seeking police,
21 fire, medical, rescue, and other emergency services. The
22 General Assembly declares that a major purpose in enacting this
23 Act is to eliminate instances in which a responding emergency

1 service refuses to render aid to the requester because the
2 requester is outside of the jurisdictional boundaries of the
3 emergency service.

4 Section 10. Definitions. As used in this Act, the terms in
5 this Section have the meanings ascribed to them.

6 "Access network" means a network that connects directly to
7 the end user or customer.

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

11 "Board" means an Emergency Telephone System Board or a
12 Joint Emergency Telephone System Board.

13 "Calls" means any type of request for emergency assistance
14 (RFEA), and is not limited to voice.

15 "Carrier" means a function provided by a business entity to
16 a customer base, typically for a fee. Examples of carriers and
17 associated services include, but are not limited to, PSTN
18 service by a Local Exchange Carrier, VoIP service by a VoIP
19 Service Provider, and email service provided by an Internet
20 Service Provider.

21 "Commission" means the Illinois Commerce Commission.

22 "Core Services" means the responsibilities related to
23 development and management of NG9-1-1 systems operations and
24 system administration functions, including data definition and
25 management, business rules, validation, delivery, location

1 services, and any ancillary data services.

2 "Direct dispatch method" means a telephone service
3 providing for the dispatch of an appropriate emergency service
4 unit upon receipt of a telephone request for such services and
5 a decision as to the proper action to be taken.

6 "ESInet" means an Emergency Services Internet Protocol
7 (IP) network, an IP-based inter-network (network of networks)
8 that can be shared by all public safety agencies that may be
9 involved in any emergency.

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

13 "Network connections" means the number of communications
14 channels directly between a subscriber and a Next Generation
15 9-1-1 system.

16 "Next generation 9-1-1" or "NG9-1-1" means a system
17 comprised of managed Internet Protocol-based networks and
18 elements that augment or replace present day 9-1-1 features and
19 functions and add new capabilities, which may enable the public
20 to transmit text, images, video, or data, or a combination
21 thereof, to the 9-1-1 system.

22 "NG9-1-1 System provider" means the contracted entity
23 providing Next Generation 9-1-1.

24 "Point of interconnection" means the connection point
25 between a carrier's Access Network(s) and the 9-1-1 Service
26 Provider's network or to an ESInet.

1 "Public agency" means the State, and any unit of local
2 government or special purpose district located in whole or in
3 part within this State which provides or has authority to
4 provide firefighting, police, ambulance, medical, or other
5 emergency services.

6 "Public safety agency" means a functional division of a
7 public agency which provides firefighting, police, medical, or
8 other emergency services.

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

13 "Referral method" means a telephone service that, upon
14 receipt of a telephone request for emergency services, provides
15 the requesting party with the telephone number of the
16 appropriate public safety agency or other provider of emergency
17 services.

18 "Relay method" means a telephone service whereby pertinent
19 information is noted by the recipient of a telephone request
20 for emergency services, and is relayed to appropriate public
21 safety agencies or other providers of emergency services for
22 dispatch of an emergency service unit.

23 "System" means the communications equipment required to
24 produce a response by the appropriate emergency public safety
25 agency as a result of an emergency call being placed to 9-1-1.

26 "Transfer method" means a telephone service which receives

1 telephone requests for emergency services and directly
2 transfers such requests to an appropriate public safety agency
3 or other provider of emergency services.

4 Section 15. Next Generation 9-1-1 systems. In order to
5 handle the increasing volume and diversity of information that
6 can be made available to assist call takers and responders in
7 an emergency, public agencies may update their current 9-1-1
8 system(s) to a Next Generation 9-1-1 or NG9-1-1 system.
9 Recommended standards for the design, implementation, and
10 operation of NG9-1-1 systems are published by the National
11 Emergency Number Association (NENA) Operations and Technical
12 Committees. NENA recommended standards for NG9-1-1 systems
13 shall supersede the standards set forth previously for 9-1-1
14 systems.

15 The establishment of these systems shall be centralized to
16 the extent feasible. Nothing in this Act shall be construed to
17 prohibit or discourage in any way the formation of
18 multijurisdictional or regional systems, and any system
19 established pursuant to this Act may include the territory of
20 more than one public agency or may include a segment of the
21 territory of a public agency.

22 (a) A board, a qualified governmental entity, a group of
23 boards, or a group of qualified governmental entities may form
24 a Network Operating Authority or a Regional Network Operating
25 Authority for the purpose of planning, implementing,

1 operating, and maintaining a Regional ESInet. The Network
2 Operating Authority or Regional Network Operating Authority
3 may employ a commercial or noncommercial NG9-1-1 System
4 provider to implement, operate, and maintain the network,
5 applications, and databases which may comprise an ESInet.
6 ESInets may share core services with other ESInets. Carriers
7 shall deliver calls to the designated point of interconnection
8 as determined by the appropriate Regional Network Operating
9 Authority.

10 Once formed, a Network Operating Authority or Regional
11 Network Operating Authority shall submit a strategic plan to
12 the Illinois Next Generation 9-1-1 Network for approval. A
13 regional strategic plan must include all of the following:

14 (i) a description of the planned NG9-1-1 system
15 architecture;

16 (ii) a description of how the NG9-1-1 system will be
17 implemented, along with a transition plan and timeline;

18 (iii) a description of how the transition will be
19 funded and how grants would be used to implement NG9-1-1;

20 (iv) a plan to develop and maintain the required
21 databases and enable information sharing across
22 jurisdictional boundaries;

23 (v) policies, procedures, and measures to be employed
24 to protect the security of the network and maintain the
25 integrity, confidentiality, and availability of
26 information accessed;

1 (vi) measures to be taken to minimize the impact of the
2 failure of a single network element;

3 (vii) a description of how training programs for staff
4 will be conducted before NG9-1-1 services are deployed;

5 (viii) a description of the awareness programs for the
6 public; and

7 (ix) measures to foster a competitive environment for
8 the procurement of NG9-1-1 services.

9 Once the strategic plan is approved, and NG9-1-1
10 implementation begins, NG9-1-1 and 9-1-1 operations previously
11 governed by the Emergency Telephone System Act shall be
12 governed by this Act.

13 (b) A not-for-profit corporation known as the Illinois Next
14 Generation 9-1-1 Network or INGN shall be created to support
15 NG9-1-1 operations. INGN shall be incorporated under the
16 General Not for Profit Corporation Act of 1986 and shall be
17 registered, incorporated, organized, and operated in
18 compliance with the laws of this State. INGN shall be supported
19 within the Commission, but shall exercise its powers, duties,
20 and responsibilities independently of the Commission. The
21 Executive Director of the Commission shall employ, in
22 accordance with the provisions of the Illinois Personnel Code,
23 administrative, professional, clerical, and other personnel as
24 may be required and may organize such staff as may be
25 appropriate to effectuate the purposes of this Act. INGN shall
26 not be a State agency.

1 (c) INGN shall be governed by a board of directors. The
2 INGN Board shall consist of 11 voting members, 3 of whom shall
3 be appointed by the Illinois Chapter of the National Emergency
4 Number Association (INENA), 3 by the Illinois Chapter of the
5 Association of Public Safety Communications Officials (IL
6 APCO), one appointed by the Illinois Sheriffs' Association, one
7 appointed by the Illinois Association of Chiefs of Police, one
8 appointed by the Illinois Fire Chiefs Association, one
9 appointed by the Chicago Office of Emergency Management and
10 Communications (OEMC), and one appointed by the Cook County
11 Emergency Telephone System Board (ETSB). A member appointed by
12 the Illinois Commerce Commission (ICC) and a member appointed
13 by the Illinois Telecommunications Association (ITA) shall be
14 non-voting ex-officio members. Members of the Board shall
15 receive no compensation but shall be reimbursed for reasonable
16 expenses incurred in the performance of their duties. The Board
17 shall elect a chair of the Board from among the members. The
18 Board shall meet at the call of the chair.

19 (d) The Board of Directors shall have all of the following
20 powers and duties:

21 (i) to publish a master plan that provides planning
22 guidance for the transition to NG9-1-1 in Illinois. The
23 master plan shall establish interconnection requirements
24 for regional ESInets in order to connect the Regional
25 ESInets into a state-wide network and connect to adjacent
26 States;

1 (ii) to review and approve or disapprove the strategic
2 plans or their modifications for the implementation,
3 operation and maintenance of NG9-1-1 ESInets to ensure the
4 best interests of public safety are maintained;

5 (iii) to direct the administration of the funds in the
6 NG9-1-1 Service Equalization Trust Fund, including to
7 apply for, solicit, receive, establish priorities for,
8 allocate, disburse, contract for, and spend funds that are
9 made available to the INGN from any source to effectuate
10 the purposes of this Act;

11 (iv) from the funds in the NG9-1-1 Service Equalization
12 Trust Fund, and other sources, to make grants to Network
13 Operating Authorities or Regional Network Operating
14 Authorities to carry out approved strategic plans;

15 (v) to define reporting requirements and provide
16 oversight for grants;

17 (vi) to report annually, on or before April 1, 2014 to
18 the Governor, General Assembly, and, upon request, to
19 members of the general public on the Council's activities
20 in the preceding year;

21 (vii) to adopt, amend, and repeal by-laws and policies,
22 not inconsistent with the powers granted to it or the
23 articles of incorporation, for the administration of the
24 affairs of INGN and the exercise of its corporate powers;
25 and

26 (viii) to exercise any other powers that are

1 reasonable, necessary, or convenient to fulfill its
2 responsibilities, to carry out and to effectuate the
3 objectives and purposes of the Council and the provisions
4 of this Act, and to comply with the requirements of
5 applicable federal or State laws or regulations; provided,
6 however, that such powers shall not include the power to
7 subpoena or arrest.

8 (e) An Advisory Committee is established for the benefit of
9 INGN and its Board of Directors in the performance of their
10 powers, duties, and functions under this Act. The Board shall
11 provide for the number, qualifications, and appointment of
12 members of the Advisory Committee.

13 Section 20. Incorporation of emergency services. Every
14 system shall include police, firefighting, and emergency
15 medical and ambulance services, and may include other emergency
16 services, in the discretion of the affected local public
17 agency, such as poison control services, suicide prevention
18 services, and emergency management services. The system may
19 incorporate a private ambulance service. In those areas in
20 which a public safety agency of the State provides emergency
21 services, the system shall include that public safety agency.

22 Section 25. Emergency telephone numbers. The digits
23 "9-1-1" shall be the primary emergency telephone number within
24 the system, but a public agency or public safety agency shall

1 maintain a separate secondary seven digit emergency backup
2 number for at least 6 months after the "9-1-1" system is
3 established and in operation, and shall maintain a separate
4 number for nonemergency telephone calls.

5 Section 30. Capabilities of system; pay telephones. All
6 systems shall be designed to meet the specific requirements of
7 each community and public agency served by the system. Every
8 Next Generation 9-1-1 system shall be designed to have the
9 capability of utilizing at least one of the following methods
10 in response to emergency calls: (i) the direct dispatch method,
11 (ii) the relay method, (iii) the transfer method, or (iv) the
12 referral method.

13 To maximize efficiency and utilization of the system, all
14 pay telephones within each system shall enable a caller to dial
15 "9-1-1" for emergency services without the necessity of
16 inserting a coin. This paragraph does not apply to pay
17 telephones located in penal institutions, as defined in Section
18 2-14 of the Criminal Code of 1961, that have been designated
19 for the exclusive use of committed persons.

20 Section 35. Accessibility of 9-1-1 systems. The Commission
21 shall require that every 9-1-1 system be readily accessible to
22 hearing-impaired and voice-impaired individuals through the
23 use of telecommunications technology for hearing-impaired and
24 speech-impaired individuals.

1 As used in this Section:

2 "Hearing-impaired individual" means a person with a
3 permanent hearing loss who can regularly and routinely
4 communicate by telephone only through the aid of devices
5 which can send and receive written messages over the
6 telephone network.

7 "Voice-impaired individual" means a person with a
8 permanent speech disability which precludes oral
9 communication, who can regularly and routinely communicate
10 by telephone only through the aid of devices which can send
11 and receive written messages over the telephone network.

12 "Telecommunications technology" means equipment that
13 can send and receive written messages over the telephone
14 network.

15 Section 40. Implementation. The Commission shall
16 establish, with the cooperation of the INGN, a broad plan to
17 effectuate the purposes of this Act. The INGN shall coordinate
18 the implementation of systems established under this Act. The
19 INGN shall assist local public agencies and local public safety
20 agencies in obtaining financial help to establish NG9-1-1
21 service, and shall aid the agencies in the formulation of
22 concepts, methods, and procedures that will improve the
23 operation of systems required by this Act and which will
24 increase cooperation between public safety agencies.

1 Section 45. Confidentiality.

2 (a) 9-1-1 information consisting of names, addresses and
3 telephone numbers of telephone customers whose listings are not
4 published in directories or listed in Directory Assistance
5 Offices is confidential. Except as provided in subsection (b),
6 information shall be provided on a call-by-call basis only for
7 the purpose of responding to emergency calls. For the purposes
8 of this subsection, "emergency" means a situation in which
9 property or human life is in jeopardy and the prompt
10 notification of the public safety agency is essential.

11 (b) 9-1-1 information, including information described in
12 subsection (a), may be used by a public safety agency for the
13 purpose of placing out-going emergency calls.

14 (c) Nothing in this Section prohibits a municipality with a
15 population of more than 500,000 from using 9-1-1 information,
16 including information described in subsection (a), for the
17 purpose of responding to calls made to a non-emergency
18 telephone system that is under the supervision and control of a
19 public safety agency and that shares all or some facilities
20 with an NG9-1-1 system.

21 (d) Any public safety agency that uses 9-1-1 information
22 for the purposes of subsection (b) must establish methods and
23 procedures that ensure the confidentiality of information as
24 required by subsection (a).

25 (e) Divulging confidential information in violation of
26 this Section is a Class A misdemeanor.

1 Section 50. 9-1-1 system; county areas. The Emergency
2 Telephone System Board of any 9-1-1 system and the Chairman of
3 the County Board in any county implementing an NG9-1-1 system
4 shall ensure that all areas of the county are included in the
5 system.

6 Section 55. Joint powers of agreement. In implementing
7 systems under this Act, all public agencies in a single system
8 shall enter into a joint powers agreement or any other form of
9 written cooperative agreement which is applicable when need
10 arises on a day-to-day basis. Certified notification of the
11 continuation of such agreements shall be made among the
12 involved parties on an annual basis. In addition, the
13 agreements shall be entered into between public agencies and
14 public safety agencies which are part of different systems, but
15 whose jurisdictional boundaries are contiguous. The agreements
16 shall provide that, once an emergency unit is dispatched in
17 response to a request through the system, the unit shall render
18 its services to the requesting party without regard to whether
19 the unit is operating outside its normal jurisdictional
20 boundaries.

21 Section 60. Joint agreements; filing. Copies of the annual
22 certified notification of continuing agreement required by
23 Section 55 shall be filed with the Attorney General and the

1 Commission. All agreements shall be so filed prior to the 31st
2 day of January. The Attorney General shall commence judicial
3 proceedings to enforce compliance with this Section and Section
4 55, where a public agency or public safety agency has failed to
5 timely enter into such agreement or file copies of the annual
6 certified notification.

7 Section 65. Public body; exemption from civil liability for
8 developing or operating an NG9-1-1 system. No public agency,
9 public safety agency, emergency telephone system board, or unit
10 of local government assuming the duties of an emergency
11 telephone system board, nor any officer, agent or employee of
12 any public agency, public safety agency, emergency telephone
13 system board, or unit of local government assuming the duties
14 of an emergency telephone system board, shall be liable for any
15 civil damages as a result of any act or omission, except
16 willful or wanton misconduct, in connection with developing,
17 adopting, operating, or implementing any plan or NG9-1-1 system
18 required by this Act.

19 Exemption from civil liability for emergency instructions
20 is as provided in the Good Samaritan Act.

21 Section 70. False complaints. Any person making a request
22 for emergency assistance (RFEA) for the purpose of making a
23 false alarm or complaint and reporting false information is
24 subject to the provisions of Section 26-1 of the Criminal Code

1 of 1961.

2 Section 75. Non-Voice-Centric Emergency Services. Next
3 Generation 9-1-1 systems shall support Non-Voice-Centric (NVC)
4 Emergency Services, but are intended to support (human) end
5 user to authority communication. NVC Emergency Services may
6 support, but are not limited to, the following examples of
7 nonverbal communications to an emergency services network:

8 (1) text communication between end users and emergency
9 services;

10 (2) multi-media transfers to emergency services during
11 a voice or NVC session with emergency services;

12 (3) real-time video session with emergency services;
13 and

14 (4) text communication with supplementary media,
15 including but not limited to, background audio or video.

16 NVC Emergency Services do not include support of calls from
17 non-human initiated devices that cause the number 9-1-1 to be
18 dialed in order to directly access emergency services,
19 including but not limited to automatic alarms, automatic
20 alerting devices, and automatic dialers.

21 Section 80. Emergency telephone number; advertising. No
22 person or private entity may advertise or otherwise publicize
23 the availability of services provided by a specific provider
24 and indicate that a consumer should obtain access to services

1 provided by a specific provider by use of the emergency
2 telephone number.

3 Section 85. Funding.

4 (a) A special fund is created in the State Treasury, to be
5 known as the 9-1-1 Service Equalization Trust Fund, which shall
6 be administered by the Executive Director of the Commission at
7 the direction of the INGN board of Directors. All interest
8 earned from the investment or deposit of monies accumulated in
9 the Trust Fund shall, pursuant to Section 4.1 of the State
10 Finance Act, be deposited in the Trust Fund.

11 (b) Money deposited in this Trust Fund shall not be
12 considered general revenue of the State of Illinois.

13 (c) Money deposited in the Trust Fund shall be used only to
14 enhance efforts to effectuate the purposes of this Act as
15 determined by the Board of Directors of INGN and shall not be
16 appropriated, loaned or in any manner transferred to the
17 General Revenue Fund of the State of Illinois. Money in the
18 Trust Fund shall be expended for the following:

19 (i) Grants to Network Operating Authorities or
20 Regional Network Operating Authorities to implement,
21 operate, and maintain NG9-1-1 systems. The grants are not
22 required to be equal, but should be made to carry out the
23 policy of implementing NG9-1-1 service statewide. Money
24 provided under this section may be used only for expenses
25 related to implementing and sustaining NG9-1-1 services,

1 including planning, professional services, provisioning,
2 call delivery, core services, applications, network
3 operations, and maintenance.

4 (ii) Payment of the Commission's costs to administer
5 the INGN and the Trust Fund, but for this purpose in an
6 amount not to exceed 10% in any one fiscal year of the
7 amount estimated to be collected in that same fiscal year.

8 Section 90. Compliance with certification of 9-1-1 System
9 providers by the Illinois Commerce Commission. In addition to
10 the requirements of this Section, all 9-1-1 System providers
11 must comply with the requirements of Section 13-900 of the
12 Public Utilities Act.

13 Section 195. The State Finance Act is amended by adding
14 Section 5.811 as follows:

15 (30 ILCS 105/5.811 new)

16 Sec. 5.811. The 9-1-1 Service Equalization Trust Fund.

17 Section 999. Effective date. This Act takes effect January
18 1, 2013.