



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0477

by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

20 ILCS 3960/20 new

30 ILCS 105/5.878 new

50 ILCS 750/15.3

50 ILCS 750/99

605 ILCS 10/40 new

from Ch. 134, par. 45.3

Amends the Illinois Health Facilities Planning Act. Creates the South Suburban Trauma Center Fund. Provides for the construction of a south suburban trauma center. Provides that the Health Facilities Review Board, in consultation with the Department of Public Health, shall select a provider to operate and provide healthcare services to the trauma center. Amends the Emergency Telephone System Act. Provides that from July 1, 2017 through June 30, 2027, all surcharges shall be increased by \$0.02 to be deposited into the South Suburban Trauma Center Fund. Extends the repeal date for the Act. Amends the Toll Highway Act. From July 1, 2017 through June 30, 2027, imposes a \$1 surcharge at the toll booth known as Plaza 47 to be deposited into the South Suburban Trauma Center Fund. Makes conforming changes to the State Finance Act. Effective immediately.

LRB100 05465 RJF 15476 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Illinois Health Facilities Planning Act is
5 amended by adding Section 20 as follows:

6 (20 ILCS 3960/20 new)

7 Sec. 20. South Suburban Trauma Center.

8 (a) There is created in the State Treasury a special fund
9 known as the South Suburban Trauma Center Fund. The Fund shall
10 receive revenue under Section 15.3 of the Emergency Telephone
11 System Act and Section 40 of the Toll Highway Act.

12 (b) The Board, in consultation with the Department of
13 Public Health, shall do each of the following:

14 (1) Designate the location of a south suburban trauma
15 center to be constructed using the funds collected and
16 deposited into the South Suburban Trauma Center Fund.

17 (2) Select the provider that shall operate and provide
18 healthcare services to the trauma center and enter into an
19 operational agreement with that provider that specifies
20 the terms of how the trauma center is to be run and
21 maintained.

22 (3) Determine the sources of revenue to maintain the
23 trauma center.

1 Section 10. The State Finance Act is amended by adding
2 Section 5.878 as follows:

3 (30 ILCS 105/5.878 new)

4 Sec. 5.878. The South Suburban Trauma Center Fund.

5 Section 15. The Emergency Telephone System Act is amended
6 by changing Sections 15.3 and 99 as follows:

7 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

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

9 Sec. 15.3. Local non-wireless surcharge.

10 (a) Except as provided in subsection (l) of this Section,
11 the corporate authorities of any municipality or any county
12 may, subject to the limitations of subsections (c), (d), and
13 (h), and in addition to any tax levied pursuant to the
14 Simplified Municipal Telecommunications Tax Act, impose a
15 monthly surcharge on billed subscribers of network connection
16 provided by telecommunication carriers engaged in the business
17 of transmitting messages by means of electricity originating
18 within the corporate limits of the municipality or county
19 imposing the surcharge at a rate per network connection
20 determined in accordance with subsection (c), however the
21 monthly surcharge shall not apply to a network connection
22 provided for use with pay telephone services. Provided,

1 however, that where multiple voice grade communications
2 channels are connected between the subscriber's premises and a
3 public switched network through private branch exchange (PBX)
4 or centrex type service, a municipality imposing a surcharge at
5 a rate per network connection, as determined in accordance with
6 this Act, shall impose:

7 (i) in a municipality with a population of 500,000 or
8 less or in any county, 5 such surcharges per network
9 connection, as determined in accordance with subsections
10 (a) and (d) of Section 2.12 of this Act, for both regular
11 service and advanced service provisioned trunk lines;

12 (ii) in a municipality with a population, prior to
13 March 1, 2010, of 500,000 or more, 5 surcharges per network
14 connection, as determined in accordance with subsections
15 (a) and (d) of Section 2.12 of this Act, for both regular
16 service and advanced service provisioned trunk lines;

17 (iii) in a municipality with a population, as of March
18 1, 2010, of 500,000 or more, 5 surcharges per network
19 connection, as determined in accordance with subsections
20 (a) and (d) of Section 2.12 of this Act, for regular
21 service provisioned trunk lines, and 12 surcharges per
22 network connection, as determined in accordance with
23 subsections (a) and (d) of Section 2.12 of this Act, for
24 advanced service provisioned trunk lines, except where an
25 advanced service provisioned trunk line supports at least 2
26 but fewer than 23 simultaneous voice grade calls ("VGC's"),

1 a telecommunication carrier may elect to impose fewer than
 2 12 surcharges per trunk line as provided in subsection (iv)
 3 of this Section; or

4 (iv) for an advanced service provisioned trunk line
 5 connected between the subscriber's premises and the public
 6 switched network through a P.B.X., where the advanced
 7 service provisioned trunk line is capable of transporting
 8 at least 2 but fewer than 23 simultaneous VGC's per trunk
 9 line, the telecommunications carrier collecting the
 10 surcharge may elect to impose surcharges in accordance with
 11 the table provided in this Section, without limiting any
 12 telecommunications carrier's obligations to otherwise keep
 13 and maintain records. Any telecommunications carrier
 14 electing to impose fewer than 12 surcharges per an advanced
 15 service provisioned trunk line shall keep and maintain
 16 records adequately to demonstrate the VGC capability of
 17 each advanced service provisioned trunk line with fewer
 18 than 12 surcharges imposed, provided that 12 surcharges
 19 shall be imposed on an advanced service provisioned trunk
 20 line regardless of the VGC capability where a
 21 telecommunications carrier cannot demonstrate the VGC
 22 capability of the advanced service provisioned trunk line.

23	Facility	VGC's	911 Surcharges
24	Advanced service provisioned trunk line	18-23	12
25	Advanced service provisioned trunk line	12-17	10

1 Advanced service provisioned trunk line 2-11 8

2 Subsections (i), (ii), (iii), and (iv) are not intended to
3 make any change in the meaning of this Section, but are
4 intended to remove possible ambiguity, thereby confirming the
5 intent of paragraph (a) as it existed prior to and following
6 the effective date of this amendatory Act of the 97th General
7 Assembly.

8 For mobile telecommunications services, if a surcharge is
9 imposed it shall be imposed based upon the municipality or
10 county that encompasses the customer's place of primary use as
11 defined in the Mobile Telecommunications Sourcing Conformity
12 Act. A municipality may enter into an intergovernmental
13 agreement with any county in which it is partially located,
14 when the county has adopted an ordinance to impose a surcharge
15 as provided in subsection (c), to include that portion of the
16 municipality lying outside the county in that county's
17 surcharge referendum. If the county's surcharge referendum is
18 approved, the portion of the municipality identified in the
19 intergovernmental agreement shall automatically be
20 disconnected from the county in which it lies and connected to
21 the county which approved the referendum for purposes of a
22 surcharge on telecommunications carriers.

23 (b) For purposes of computing the surcharge imposed by
24 subsection (a), the network connections to which the surcharge
25 shall apply shall be those in-service network connections,

1 other than those network connections assigned to the
 2 municipality or county, where the service address for each such
 3 network connection or connections is located within the
 4 corporate limits of the municipality or county levying the
 5 surcharge. Except for mobile telecommunication services, the
 6 "service address" shall mean the location of the primary use of
 7 the network connection or connections. For mobile
 8 telecommunication services, "service address" means the
 9 customer's place of primary use as defined in the Mobile
 10 Telecommunications Sourcing Conformity Act.

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

20 -----

21 Shall the county (or city, village
 22 or incorporated town) of impose YES
 23 a surcharge of up to ...¢ per month per
 24 network connection, which surcharge will
 25 be added to the monthly bill you receive -----
 26 for telephone or telecommunications

1 charges, for the purpose of installing
 2 (or improving) a 9-1-1 Emergency NO
 3 Telephone System?

4 -----

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

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

14 The referendum requirement of this subsection (c) shall not
 15 apply to any municipality with a population over 500,000 or to
 16 any county in which a proposition as to whether a sophisticated
 17 9-1-1 Emergency Telephone System should be installed in the
 18 county, at a cost not to exceed a specified monthly amount per
 19 network connection, has previously been approved by a majority
 20 of the electors of the county voting on the proposition at an
 21 election conducted before the effective date of this amendatory
 22 Act of 1987.

23 (d) A county may not impose a surcharge, unless requested
 24 by a municipality, in any incorporated area which has
 25 previously approved a surcharge as provided in subsection (c)
 26 or in any incorporated area where the corporate authorities of

1 the municipality have previously entered into a binding
2 contract or letter of intent with a telecommunications carrier
3 to provide sophisticated 9-1-1 service through municipal
4 funds.

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

9 (f) The surcharge authorized by this Section shall be
10 collected from the subscriber by the telecommunications
11 carrier providing the subscriber the network connection as a
12 separately stated item on the subscriber's bill.

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

24 (h) Except as expressly provided in subsection (a) of this
25 Section, on or after the effective date of this amendatory Act
26 of the 98th General Assembly and until July 1, 2017, a

1 municipality with a population of 500,000 or more shall not
2 impose a monthly surcharge per network connection in excess of
3 the highest monthly surcharge imposed as of January 1, 2014 by
4 any county or municipality under subsection (c) of this
5 Section. Except as otherwise provided under subsection (m), on
6 ~~on~~ or after July 1, 2017, a municipality with a population over
7 500,000 may not impose a monthly surcharge in excess of \$2.50
8 per network connection.

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

14 (j) The corporate authorities of any municipality or county
15 may issue, in accordance with Illinois law, bonds, notes or
16 other obligations secured in whole or in part by the proceeds
17 of the surcharge described in this Section. The State of
18 Illinois pledges and agrees that it will not limit or alter the
19 rights and powers vested in municipalities and counties by this
20 Section to impose the surcharge so as to impair the terms of or
21 affect the security for bonds, notes or other obligations
22 secured in whole or in part with the proceeds of the surcharge
23 described in this Section. The pledge and agreement set forth
24 in this Section survive the termination of the surcharge under
25 subsection (l) by virtue of the replacement of the surcharge
26 monies guaranteed under Section 20; the State of Illinois

1 pledges and agrees that it will not limit or alter the rights
2 vested in municipalities and counties to the surcharge
3 replacement funds guaranteed under Section 20 so as to impair
4 the terms of or affect the security for bonds, notes or other
5 obligations secured in whole or in part with the proceeds of
6 the surcharge described in this 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 (l) On and after the effective date of this amendatory Act
15 of the 99th General Assembly, no county or municipality, other
16 than a municipality with a population over 500,000, may impose
17 a monthly surcharge under this Section in excess of the amount
18 imposed by it on the effective date of this Act. Any surcharge
19 imposed pursuant to this Section by a county or municipality,
20 other than a municipality with a population in excess of
21 500,000, shall cease to be imposed on January 1, 2016.

22 (m) Notwithstanding any other provision of this Act to the
23 contrary, from July 1, 2017 until June 30, 2027, a municipality
24 that has imposed a surcharge under this Section shall increase
25 the amount of that surcharge by \$0.02. Surcharges collected and
26 remitted under this subsection shall be deposited into the

1 South Suburban Trauma Center Fund.

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

3 (50 ILCS 750/99)

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

5 Sec. 99. Repealer. This Act is repealed on December 31,
6 2027 ~~July 1, 2017.~~

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

8 Section 20. The Toll Highway Act is amended by adding
9 Section 40 as follows:

10 (605 ILCS 10/40 new)

11 Sec. 40. Use of certain toll revenue.

12 (a) From July 1, 2017 through June 30, 2027, there shall be
13 a \$1 surcharge at the toll plaza known as Plaza 47 to be
14 collected and deposited into the South Suburban Trauma Center
15 Fund.

16 (b) This Section is repealed on December 31, 2027.

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