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09400SB2030ham001

LRB094 11526 MKM 47330 a

1 AMENDMENT TO SENATE BILL 2030

2 AMENDMENT NO. _____. Amend Senate Bill 2030 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Telephone System Act is amended
5 by changing Section 15.3 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) and
10 (d), ~~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
17 determined in accordance with subsection (c). Provided,
18 however, that where multiple voice grade communications
19 channels are connected between the subscriber's premises and a
20 public switched network through private branch exchange (PBX)
21 or centrex type service, a municipality imposing a surcharge at
22 a rate per network connection, as determined in accordance with
23 this Act, shall impose 5 such surcharges per network
24 connection, as determined in accordance with subsections (a)

1 and (d) of Section 2.12 of this Act. For mobile
2 telecommunications services, if a surcharge is imposed it shall
3 be imposed based upon the municipality or county that
4 encompasses the customer's place of primary use as defined in
5 the Mobile Telecommunications Sourcing Conformity Act. A
6 municipality may enter into an intergovernmental agreement
7 with any county in which it is partially located, when the
8 county has adopted an ordinance to impose a surcharge as
9 provided in subsection (c), to include that portion of the
10 municipality lying outside the county in that county's
11 surcharge referendum. If the county's surcharge referendum is
12 approved, the portion of the municipality identified in the
13 intergovernmental agreement shall automatically be
14 disconnected from the county in which it lies and connected to
15 the county which approved the referendum for purposes of a
16 surcharge on telecommunications carriers.

17 (b) For purposes of computing the surcharge imposed by
18 subsection (a), the network connections to which the surcharge
19 shall apply shall be those in-service network connections,
20 other than those network connections assigned to the
21 municipality or county, where the service address for each such
22 network connection or connections is located within the
23 corporate limits of the municipality or county levying the
24 surcharge. Except for mobile telecommunication services, the
25 "service address" shall mean the location of the primary use of
26 the network connection or connections. For mobile
27 telecommunication services, "service address" means the
28 customer's place of primary use as defined in the Mobile
29 Telecommunications Sourcing Conformity Act. With respect to
30 network connections provided for use with pay telephone
31 services for which there is no billed subscriber, the
32 telecommunications carrier providing the network connection
33 shall be deemed to be its own billed subscriber for purposes of
34 applying the surcharge.

1 (c) Upon the passage of an ordinance to impose a surcharge
 2 under this Section the clerk of the municipality or county
 3 shall certify the question of whether the surcharge may be
 4 imposed to the proper election authority who shall submit the
 5 public question to the electors of the municipality or county
 6 in accordance with the general election law; provided that such
 7 question shall not be submitted at a consolidated primary
 8 election. The public question shall be in substantially the
 9 following form:

10 -----
 11 Shall the county (or city, village
 12 or incorporated town) of impose YES
 13 a surcharge of up to ...¢ per month per
 14 network connection, which surcharge will
 15 be added to the monthly bill you receive -----
 16 for telephone or telecommunications
 17 charges, for the purpose of installing
 18 (or improving) a 9-1-1 Emergency NO
 19 Telephone System?
 20 -----

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

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

30 The referendum requirement of this subsection (c) shall not
 31 apply to any municipality with a population over 500,000 or to
 32 any county in which a proposition as to whether a sophisticated
 33 9-1-1 Emergency Telephone System should be installed in the
 34 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
27 shown on an itemized bill. The telecommunications carrier
28 collecting the surcharge shall also be entitled to deduct 3% of
29 the gross amount of surcharge collected to reimburse the
30 telecommunications carrier for the expense of accounting and
31 collecting the surcharge.

32 (h) (Blank). ~~Except as expressly provided in subsection (a)~~
33 ~~of this Section, a municipality with a population over 500,000~~
34 ~~may not impose a monthly surcharge in excess of \$1.25 per~~

1 ~~network connection.~~

2 (i) Any municipality or county or joint emergency telephone
3 system board that has imposed a surcharge pursuant to this
4 Section prior to the effective date of this amendatory Act of
5 1990 shall hereafter impose the surcharge in accordance with
6 subsection (b) of this Section.

7 (j) The corporate authorities of any municipality or county
8 may issue, in accordance with Illinois law, bonds, notes or
9 other obligations secured in whole or in part by the proceeds
10 of the surcharge described in this Section. Notwithstanding any
11 change in law subsequent to the issuance of any bonds, notes or
12 other obligations secured by the surcharge, every municipality
13 or county issuing such bonds, notes or other obligations shall
14 be authorized to impose the surcharge as though the laws
15 relating to the imposition of the surcharge in effect at the
16 time of issuance of the bonds, notes or other obligations were
17 in full force and effect until the bonds, notes or other
18 obligations are paid in full. The State of Illinois pledges and
19 agrees that it will not limit or alter the rights and powers
20 vested in municipalities and counties by this Section to impose
21 the surcharge so as to impair the terms of or affect the
22 security for bonds, notes or other obligations secured in whole
23 or in part with the proceeds of the surcharge described in this
24 Section.

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

32 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,
33 eff. 1-1-03; revised 10-2-02.)

1 Section 10. The Wireless Emergency Telephone Safety Act is
2 amended by changing Section 45 as follows:

3 (50 ILCS 751/45)

4 (Section scheduled to be repealed on April 1, 2008)

5 Sec. 45. Continuation of current practices.
6 Notwithstanding any other provision of this Act, a unit of
7 local government or emergency telephone system board providing
8 wireless 9-1-1 service and imposing and collecting a wireless
9 carrier surcharge prior to July 1, 1998 may continue its
10 practices of imposing and collecting its wireless carrier
11 surcharge, but in no event shall that monthly surcharge exceed
12 \$2.50 ~~\$1.25~~ per commercial mobile radio service (CMRS)
13 connection or in-service telephone number billed on a monthly
14 basis. For mobile telecommunications services provided on and
15 after August 1, 2002, any surcharge imposed shall be imposed
16 based upon the municipality or county that encompasses the
17 customer's place of primary use as defined in the Mobile
18 Telecommunications Sourcing Conformity Act.
19 (Source: P.A. 91-660, eff. 12-22-99; 92-526, eff. 7-1-02.)".