



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5117

by Rep. Daniel J. Burke - Julie Hamos

SYNOPSIS AS INTRODUCED:

50 ILCS 750/2.12	from Ch. 134, par. 32.12
50 ILCS 750/2.21 new	
50 ILCS 750/15.3	from Ch. 134, par. 45.3
50 ILCS 750/15.4	from Ch. 134, par. 45.4
50 ILCS 750/13 rep.	from Ch. 134, par. 43

Amends the Emergency Telephone System Act. Defines "high-speed channelized service". Provides that, where multiple voice grade communication channels are connected to a telecommunication carrier's public switched network through a high-speed channelized services, there shall be determined to be one network connection for each T-1 facility capable of transporting either the subscriber's inter-premises traffic to the public switched network or the subscriber's 9-1-1 calls to the public agency. Provides that a municipality imposing a surcharge at a rate per network connection shall impose 5 such surcharges per network connection where multiple voice grade communications channels are connected between the subscriber's premises and a public switched network through a high-speed channelized service. Provides that moneys in the Emergency Telephone System Fund may also be used to purchase automatic external defibrillators. Repeals a Section concerning certain reports and recommendations as to implementation systems. Effective immediately.

LRB095 15588 HLH 41588 b

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 5. The Emergency Telephone System Act is amended by
5 changing Sections 2.12, 15.3, and 15.4 and by adding Section
6 2.21 as follows:

7 (50 ILCS 750/2.12) (from Ch. 134, par. 32.12)

8 Sec. 2.12. (a) For the purposes of this Act, "network
9 connections" means the number of voice grade communications
10 channels directly between a subscriber and a
11 telecommunications carrier's public switched network, without
12 the intervention of any other telecommunications carrier's
13 switched network, which would be required to carry the
14 subscriber's inter-premises traffic and which connection
15 either (1) is capable of providing access through the public
16 switched network to a 9-1-1 Emergency Telephone System if one
17 exists, or, (2) if no system exists at the time a surcharge is
18 imposed under Section 15.3 which would be capable of providing
19 access through the public switched network to the local 9-1-1
20 Emergency Telephone System if one existed.

21 (b) For the purposes of this Act, no telecommunications
22 carrier providing facilities-based local exchange
23 telecommunications service prior to January 1, 1986 shall be

1 required to offer or provide sophisticated 9-1-1 system
2 features such as selective call routing in any area where that
3 carrier's local switching facility does not have the capability
4 to do so.

5 (c) For the purposes of this Act, "telecommunication
6 carrier" does not include a cellular or other mobile
7 communication carrier.

8 (d) Where multiple voice grade communication channels are
9 connected to a telecommunication carrier's public switched
10 network through a private branch exchange service (PBX), there
11 shall be determined to be one network connection for each trunk
12 line capable of transporting either the subscriber's
13 inter-premises traffic to the public switched network or the
14 subscriber's 9-1-1 calls to the public agency. Where multiple
15 voice grade communication channels are connected to a
16 telecommunication carrier's public switched network through
17 centrex type service, the number of network connections shall
18 be equal to the number of PBX trunk equivalents for the
19 subscriber's service, as determined by reference to any
20 generally applicable exchange access service tariff filed by
21 the subscriber's telecommunications carrier with the
22 Commission. Where multiple voice grade communication channels
23 are connected to a telecommunication carrier's public switched
24 network through a high-speed channelized service, there shall
25 be determined to be one network connection for each T-1
26 facility capable of transporting either the subscriber's

1 inter-premises traffic to the public switched network or the
2 subscriber's 9-1-1 calls to the public agency. ~~This subsection~~
3 ~~is not intended to make any change in the meaning of this~~
4 ~~Section, but is intended to remove possible ambiguity, thereby~~
5 ~~confirming the intent of paragraph (a) as it existed prior to~~
6 ~~and following the effective date of this amendatory Act of~~
7 ~~2002.~~

8 (Source: P.A. 92-557, eff. 1-1-03.)

9 (50 ILCS 750/2.21 new)

10 Sec. 2.21. High-speed channelized service. "High-speed
11 channelized service" means any advanced telecommunications
12 service system, such as, but not limited to, Digital Channel
13 Service (DCS) or ISDN PRI that is provisioned through the use
14 of T-1 facilities and that is capable of providing
15 communications between internal stations and external
16 networks.

17 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

18 Sec. 15.3. Surcharge.

19 (a) The corporate authorities of any municipality or any
20 county may, subject to the limitations of subsections (c), (d),
21 and (h), and in addition to any tax levied pursuant to the
22 Simplified Municipal Telecommunications Tax Act, impose a
23 monthly surcharge on billed subscribers of network connection
24 provided by telecommunication carriers engaged in the business

1 of transmitting messages by means of electricity originating
2 within the corporate limits of the municipality or county
3 imposing the surcharge at a rate per network connection
4 determined in accordance with subsection (c). Provided,
5 however, that where multiple voice grade communications
6 channels are connected between the subscriber's premises and a
7 public switched network through private branch exchange (PBX),
8 high-speed channelized service, or centrex type service, a
9 municipality imposing a surcharge at a rate per network
10 connection, as determined in accordance with this Act, shall
11 impose 5 such surcharges per network connection, as determined
12 in accordance with subsections (a) and (d) of Section 2.12 of
13 this Act. For mobile telecommunications services, if a
14 surcharge is imposed it shall be imposed based upon the
15 municipality or county that encompasses the customer's place of
16 primary use as defined in the Mobile Telecommunications
17 Sourcing Conformity Act. A municipality may enter into an
18 intergovernmental agreement with any county in which it is
19 partially located, when the county has adopted an ordinance to
20 impose a surcharge as provided in subsection (c), to include
21 that portion of the municipality lying outside the county in
22 that county's surcharge referendum. If the county's surcharge
23 referendum is approved, the portion of the municipality
24 identified in the intergovernmental agreement shall
25 automatically be disconnected from the county in which it lies
26 and connected to the county which approved the referendum for

1 purposes of a surcharge on telecommunications carriers.

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

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

1 election. The public question shall be in substantially the
2 following form:

3 -----

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

13 -----

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

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

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

1 county, at a cost not to exceed a specified monthly amount per
2 network connection, has previously been approved by a majority
3 of the electors of the county voting on the proposition at an
4 election conducted before the effective date of this amendatory
5 Act of 1987.

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

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

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

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

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

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

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

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

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

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

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

16 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

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

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

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

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

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

26 (3) Receiving moneys from the surcharge imposed under

1 Section 15.3, and from any other source, for deposit into
2 the Emergency Telephone System Fund.

3 (4) Authorizing all disbursements from the fund.

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

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

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

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

21 (3) The repayment of any moneys advanced for the
22 implementation of the system.

23 (4) The charges for Automatic Number Identification
24 and Automatic Location Identification equipment, a
25 computer aided dispatch system that records, maintains,
26 and integrates information, mobile data transmitters

1 equipped with automatic vehicle locators, and maintenance,
2 replacement and update thereof to increase operational
3 efficiency and improve the provision of emergency
4 services.

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

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

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

25 (8) In the case of a municipality that imposes a
26 surcharge under subsection (h) of Section 15.3, moneys may

1 also be used for any anti-terrorism or emergency
2 preparedness measures, including, but not limited to,
3 preparedness planning, providing local matching funds for
4 federal or State grants, personnel training, and
5 specialized equipment, including surveillance cameras as
6 needed to deal with natural and terrorist-inspired
7 emergency situations or events.

8 (9) The purchase of automatic external defibrillators
9 (AEDs) for use at any facilities located within the
10 jurisdiction of the board and operated by any entity that
11 may lawfully receive public funds, including, but not
12 limited to, public facilities and educational facilities.

13 Moneys in the fund may also be transferred to a
14 participating fire protection district to reimburse volunteer
15 firefighters who man remote telephone switching facilities
16 when dedicated 9-1-1 lines are down.

17 (d) The board shall complete the data base before
18 implementation of the 9-1-1 system. The error ratio of the data
19 base shall not at any time exceed 1% of the total data base.

20 (Source: P.A. 95-698, eff. 1-1-08.)

21 (50 ILCS 750/13 rep.) (from Ch. 134, par. 43)

22 Section 90. The Emergency Telephone System Act is amended
23 by repealing Section 13.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.