



**Adopted in House Comm. on Mar 13, 2008**

09500HB5961ham001

LRB095 20018 MJR 46881 a

1 AMENDMENT TO HOUSE BILL 5961

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5961 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), (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 Section 99. Effective date. This Act takes effect upon  
16 becoming law."