



Rep. Joseph M. Lyons

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09500SB2031ham002

LRB095 18885 MJR 51678 a

1 AMENDMENT TO SENATE BILL 2031

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2031, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Emergency Telephone System Act is amended  
6 by changing Sections 1, 2.06a, 15.3, and 15.4 as follows:

7 (50 ILCS 750/1) (from Ch. 134, par. 31)

8 Sec. 1. The General Assembly finds and declares that it is  
9 in the public interest to shorten the time required for a  
10 citizen to request and receive emergency aid. There currently  
11 exist thousands of different emergency phone numbers  
12 throughout the state, and present telephone exchange  
13 boundaries and central office service areas do not necessarily  
14 correspond to public safety and political boundaries.  
15 Provision of a single, primary three-digit emergency number  
16 through which emergency services can be quickly and efficiently

1 obtained would provide a significant contribution to law  
2 enforcement and other public service efforts by making it less  
3 difficult to quickly notify public safety personnel. Such a  
4 simplified means of procuring emergency services will result in  
5 the saving of life, a reduction in the destruction of property,  
6 quicker apprehension of criminals, and ultimately the saving of  
7 money. The General Assembly further finds and declares that the  
8 establishment of a uniform, statewide emergency number is a  
9 matter of statewide concern and interest to all inhabitants and  
10 citizens of this State. It is the purpose of this Act to  
11 establish the number "9-1-1" as the primary emergency telephone  
12 number for use in this State, ~~and~~ to encourage units of local  
13 government and combinations of such units to develop and  
14 improve emergency communication procedures and facilities in  
15 such a manner as to be able to quickly respond to any person  
16 calling the telephone number "9-1-1" seeking police, fire,  
17 medical, rescue, and other emergency services, and to  
18 coordinate the delivery of emergency services among the  
19 responders.

20 (Source: P.A. 85-978.)

21 (50 ILCS 750/2.06a) (from Ch. 134, par. 32.06a)

22 Sec. 2.06a. System. "System" means the communications  
23 equipment and the facilities required to produce a response by  
24 the appropriate emergency public safety agency as a result of  
25 an emergency call being placed to 9-1-1 and to coordinate the

1 delivery of emergency services among the responders.

2 (Source: P.A. 87-1244; 88-604, eff. 9-1-94.)

3 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

4 Sec. 15.3. Surcharge.

5 (a) The corporate authorities of any municipality or any  
6 county may, subject to the limitations of subsections (c), (d),  
7 and (h), and in addition to any tax levied pursuant to the  
8 Simplified Municipal Telecommunications Tax Act, impose a  
9 monthly surcharge on billed subscribers of network connection  
10 provided by telecommunication carriers engaged in the business  
11 of transmitting messages by means of electricity originating  
12 within the corporate limits of the municipality or county  
13 imposing the surcharge at a rate per network connection  
14 determined in accordance with subsection (c), however the  
15 monthly surcharge shall not apply to a network connection  
16 provided for use with pay telephone services. Provided,  
17 however, that where multiple voice grade communications  
18 channels are connected between the subscriber's premises and a  
19 public switched network through private branch exchange (PBX)  
20 or centrex type service, a municipality imposing a surcharge at  
21 a rate per network connection, as determined in accordance with  
22 this Act, shall impose 5 such surcharges per network  
23 connection, as determined in accordance with subsections (a)  
24 and (d) of Section 2.12 of this Act. For mobile  
25 telecommunications services, if a surcharge is imposed it shall

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

15 (b) For purposes of computing the surcharge imposed by  
16 subsection (a), the network connections to which the surcharge  
17 shall apply shall be those in-service network connections,  
18 other than those network connections assigned to the  
19 municipality or county, where the service address for each such  
20 network connection or connections is located within the  
21 corporate limits of the municipality or county levying the  
22 surcharge. Except for mobile telecommunication services, the  
23 "service address" shall mean the location of the primary use of  
24 the network connection or connections. For mobile  
25 telecommunication services, "service address" means the  
26 customer's place of primary use as defined in the Mobile

1 Telecommunications Sourcing Conformity Act. ~~With respect to~~  
 2 ~~network connections provided for use with pay telephone~~  
 3 ~~services for which there is no billed subscriber, the~~  
 4 ~~telecommunications carrier providing the network connection~~  
 5 ~~shall be deemed to be its own billed subscriber for purposes of~~  
 6 ~~applying the surcharge.~~

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

16 -----  
 17 Shall the county (or city, village  
 18 or incorporated town) of ..... impose YES  
 19 a surcharge of up to ...¢ per month per  
 20 network connection, which surcharge will  
 21 be added to the monthly bill you receive -----  
 22 for telephone or telecommunications  
 23 charges, for the purpose of installing  
 24 (or improving) a 9-1-1 Emergency NO  
 25 Telephone System?  
 26 -----

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

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

10          The referendum requirement of this subsection (c) shall not  
11 apply to any municipality with a population over 500,000 or to  
12 any county in which a proposition as to whether a sophisticated  
13 9-1-1 Emergency Telephone System should be installed in the  
14 county, at a cost not to exceed a specified monthly amount per  
15 network connection, has previously been approved by a majority  
16 of the electors of the county voting on the proposition at an  
17 election conducted before the effective date of this amendatory  
18 Act of 1987.

19          (d) A county may not impose a surcharge, unless requested  
20 by a municipality, in any incorporated area which has  
21 previously approved a surcharge as provided in subsection (c)  
22 or in any incorporated area where the corporate authorities of  
23 the municipality have previously entered into a binding  
24 contract or letter of intent with a telecommunications carrier  
25 to provide sophisticated 9-1-1 service through municipal  
26 funds.

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

5           (f) The surcharge authorized by this Section shall be  
6 collected from the subscriber by the telecommunications  
7 carrier providing the subscriber the network connection as a  
8 separately stated item on the subscriber's bill.

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

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

24           (i) Any municipality or county or joint emergency telephone  
25 system board that has imposed a surcharge pursuant to this  
26 Section prior to the effective date of this amendatory Act of

1 1990 shall hereafter impose the surcharge in accordance with  
2 subsection (b) of this Section.

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

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



1 creditors of the telecommunication carrier.

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

3 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

5 (a) The corporate authorities of any county or municipality  
6 that imposes a surcharge under Section 15.3 shall establish an  
7 Emergency Telephone System Board. The corporate authorities  
8 shall provide for the manner of appointment and the number of  
9 members of the Board, provided that the board shall consist of  
10 not fewer than 5 members, one of whom must be a public member  
11 who is a resident of the local exchange service territory  
12 included in the 9-1-1 coverage area, one of whom (in counties  
13 with a population less than 100,000) must be a member of the  
14 county board, and at least 3 of whom shall be representative of  
15 the 9-1-1 public safety agencies, including but not limited to  
16 police departments, fire departments, emergency medical  
17 services providers, and emergency services and disaster  
18 agencies, and appointed on the basis of their ability or  
19 experience. Elected officials are also eligible to serve on the  
20 board. Members of the board shall serve without compensation  
21 but shall be reimbursed for their actual and necessary  
22 expenses. Any 2 or more municipalities, counties, or  
23 combination thereof, that impose a surcharge under Section 15.3  
24 may, instead of establishing individual boards, establish by  
25 intergovernmental agreement a Joint Emergency Telephone System

1 Board pursuant to this Section. The manner of appointment of  
2 such a joint board shall be prescribed in the agreement.

3 (b) The powers and duties of the board shall be defined by  
4 ordinance of the municipality or county, or by  
5 intergovernmental agreement in the case of a joint board. The  
6 powers and duties shall include, but need not be limited to the  
7 following:

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

9 (2) Coordinating and supervising the implementation,  
10 upgrading, or maintenance of the system, including the  
11 establishment of equipment specifications and coding  
12 systems.

13 (3) Receiving moneys from the surcharge imposed under  
14 Section 15.3, and from any other source, for deposit into  
15 the Emergency Telephone System Fund.

16 (4) Authorizing all disbursements from the fund.

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

19 (c) All moneys received by a board pursuant to a surcharge  
20 imposed under Section 15.3 shall be deposited into a separate  
21 interest-bearing Emergency Telephone System Fund account. The  
22 treasurer of the municipality or county that has established  
23 the board or, in the case of a joint board, any municipal or  
24 county treasurer designated in the intergovernmental  
25 agreement, shall be custodian of the fund. All interest  
26 accruing on the fund shall remain in the fund. No expenditures

1 may be made from such fund except upon the direction of the  
2 board by resolution passed by a majority of all members of the  
3 board. Expenditures may be made only to pay for the costs  
4 associated with the following:

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

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

8 (3) The repayment of any moneys advanced for the  
9 implementation of the system.

10 (4) The charges for Automatic Number Identification  
11 and Automatic Location Identification equipment, a  
12 computer aided dispatch system that records, maintains,  
13 and integrates information, mobile data transmitters  
14 equipped with automatic vehicle locators, and maintenance,  
15 replacement and update thereof to increase operational  
16 efficiency and improve the provision of emergency  
17 services.

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

21 (6) The acquisition and installation, or the  
22 reimbursement of costs therefor to other governmental  
23 bodies that have incurred those costs, of road or street  
24 signs that are essential to the implementation of the  
25 emergency telephone system and that are not duplicative of  
26 signs that are the responsibility of the jurisdiction

1 charged with maintaining road and street signs.

2 (7) Other products and services necessary for the  
3 implementation, upgrade, and maintenance of the system and  
4 any other purpose related to the operation of the system,  
5 including: (i) costs attributable directly to the  
6 construction, leasing, or maintenance of any buildings or  
7 facilities, (ii) ~~or~~ costs of personnel attributable  
8 directly to the operation of the system, and (iii) costs  
9 associated with the purchase and maintenance of a  
10 computerized record-keeping system. Costs attributable  
11 directly to the operation of an emergency telephone system  
12 do not include the costs of public safety agency personnel  
13 who are and equipment that is dispatched in response to an  
14 emergency call. Costs attributable directly to the  
15 operation of an emergency telephone system include the cost  
16 of the communication equipment necessary to coordinate the  
17 delivery of emergency services among responders.

18 (8) In the case of a municipality that imposes a  
19 surcharge under subsection (h) of Section 15.3, moneys may  
20 also be used for any anti-terrorism or emergency  
21 preparedness measures, including, but not limited to,  
22 preparedness planning, providing local matching funds for  
23 federal or State grants, personnel training, and  
24 specialized equipment, including surveillance cameras as  
25 needed to deal with natural and terrorist-inspired  
26 emergency situations or events.

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

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

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

9           Section 99. Effective date. This Act takes effect upon  
10 becoming law.".