



Rep. Brandon W. Phelps

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09600HB4990ham003

LRB096 18572 AMC 39062 a

1 AMENDMENT TO HOUSE BILL 4990

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4990 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Telephone System Act is amended  
5 by changing Sections 10, 11, and 15.4 and by adding Sections  
6 2.21, 2.22, and 2.23 as follows:

7 (50 ILCS 750/2.21 new)

8 Sec. 2.21. Next generation 9-1-1 (NG9-1-1). "Next  
9 generation 9-1-1" or "(NG9-1-1)" means a system comprised of  
10 managed Internet Protocol-based networks and elements that  
11 augment or replace present day 9-1-1 features and functions and  
12 add new capabilities, which may enable the public to transmit  
13 text, images, video, or data, or a combination thereof, to the  
14 9-1-1 system.

15 (50 ILCS 750/2.22 new)

1       Sec. 2.22. Regional Pilot Project to implement next  
2 generation 9-1-1. "Regional Pilot Project" to implement next  
3 generation 9-1-1 means an experimental program designed to test  
4 the efficacy of next generation 9-1-1 (NG9-1-1) within a region  
5 that includes not less than 15 counties and not more than 19  
6 counties with an aggregate population no greater than 500,000.  
7 Any Regional Pilot Project must be approved by the Commission  
8 and provide for an initial testing phase designed to  
9 demonstrate the ability of the technology to provide access to  
10 emergency services from new and existing sources with no  
11 reduction in existing service quality, reliability, or safety.

12       (50 ILCS 750/2.23 new)

13       Sec. 2.23. Qualified governmental entity. "Qualified  
14 governmental entity" means a unit of local government  
15 authorized to provide 9-1-1 services pursuant to the Emergency  
16 Telephone System Act where no emergency telephone system board  
17 exists.

18       (50 ILCS 750/10) (from Ch. 134, par. 40)

19       Sec. 10. Technical and operational standards for the  
20 development of the local agency systems shall be established  
21 and reviewed by the Commission on or before December 31, 1979,  
22 after consultation with all agencies specified in Section 9.

23       For the limited purpose of permitting a board, a qualified  
24 governmental entity, a group of boards, or a group of

1 governmental entities to participate in a Regional Pilot  
2 Project to implement next generation 9-1-1, as defined in this  
3 Act, the Commission may forbear from applying any rule adopted  
4 under the Emergency Telephone Systems Act as it applies to  
5 conducting of the Regional Pilot Project to implement next  
6 generation 9-1-1, if the Commission determines, after notice  
7 and hearing, that:

8 (1) enforcement of the rule is not necessary to ensure  
9 the development and improvement of emergency communication  
10 procedures and facilities in such a manner as to be able to  
11 quickly respond to any person requesting 9-1-1 service from  
12 police, fire, medical, rescue, and other emergency  
13 services;

14 (2) enforcement of the rule or provision is not  
15 necessary for the protection of consumers; and

16 (3) forbearance from applying the provisions or rules  
17 is consistent with the public interest.

18 The Commission may exercise such forbearance with respect  
19 to one, and only one, Regional Pilot Project to implement next  
20 generation 9-1-1.

21 If the Commission authorizes a Regional Pilot Project, then  
22 telecommunications carriers shall not be liable for any civil  
23 damages as a result of any act or omission, except willful or  
24 wanton misconduct, in connection with developing, adopting,  
25 operating, or implementing any plan or system required by this  
26 Section and Section 11 of this Act.

1 (Source: P.A. 79-1092.)

2 (50 ILCS 750/11) (from Ch. 134, par. 41)

3 Sec. 11. Within one year after the implementation date or  
4 by January 31, 1980, whichever is later, all public agencies in  
5 a county having 100,000 or more inhabitants shall submit  
6 tentative plans of the establishment of a system required by  
7 this Act to the public utility or utilities providing public  
8 telephone service within the respective jurisdiction of each  
9 public agency. A copy of each such plan shall be filed with the  
10 Commission.

11 Within 2 years after the implementation date or by January  
12 31, 1982, whichever is later, all public agencies in a county  
13 having 100,000 or more inhabitants shall submit final plans for  
14 the establishment of the system to such utilities, and shall  
15 make arrangements with such utilities for the implementation of  
16 the planned emergency telephone system no later than 3 years  
17 after the implementation date or by December 31, 1985,  
18 whichever is later. A copy of the plan required by this  
19 subdivision shall be filed with the Commission. In order to  
20 secure compliance with the standards promulgated under Section  
21 10, the Commission shall have the power to approve or  
22 disapprove such plan, unless such plan was announced before the  
23 effective date of this Act.

24 If any public agency has implemented or is a part of a  
25 system required by this Act on a deadline specified in this

1 Section, such public agency shall submit in lieu of the  
2 tentative or final plan a report describing the system and  
3 stating its operational date.

4 A board, a qualified governmental entity, a group of  
5 boards, or a group of qualified governmental entities involved  
6 in a Regional Pilot Project to implement next generation 9-1-1,  
7 as defined in this Act, shall submit a plan to the Commission  
8 describing in detail the Regional Pilot Project no fewer than  
9 180 days prior to the implementation of the plan. The  
10 Commission may approve the plan after notice and hearing to  
11 authorize such Regional Pilot Project. Such shall not exceed  
12 one year duration or other time period approved by the  
13 Commission. No entity may proceed with the Regional Pilot  
14 Project until it receives Commission approval. In approving any  
15 plan for a Regional Pilot Project under this Section, the  
16 Commission may impose such terms, conditions, or requirements  
17 as, in its judgment, are necessary to protect the interests of  
18 the public.

19 The Commission shall have authority to approve one, and  
20 only one, Regional Pilot Project to implement next generation  
21 9-1-1.

22 Plans filed under this Section shall conform to minimum  
23 standards established pursuant to Section 10.

24 (Source: P.A. 81-1122.)

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

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

1 such a joint board shall be prescribed in the agreement.

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

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

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

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

15 (4) Authorizing all disbursements from the fund.

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

18 (6) Participating in a Regional Pilot Project to  
19 implement next generation 9-1-1, as defined in this Act,  
20 subject to the conditions set forth in this Act.

21 (c) All moneys received by a board pursuant to a surcharge  
22 imposed under Section 15.3 shall be deposited into a separate  
23 interest-bearing Emergency Telephone System Fund account. The  
24 treasurer of the municipality or county that has established  
25 the board or, in the case of a joint board, any municipal or  
26 county treasurer designated in the intergovernmental

1 agreement, shall be custodian of the fund. All interest  
2 accruing on the fund shall remain in the fund. No expenditures  
3 may be made from such fund except upon the direction of the  
4 board by resolution passed by a majority of all members of the  
5 board. Expenditures may be made only to pay for the costs  
6 associated with the following:

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

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

10 (3) The repayment of any moneys advanced for the  
11 implementation of the system.

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

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

23 (6) The acquisition and installation, or the  
24 reimbursement of costs therefor to other governmental  
25 bodies that have incurred those costs, of road or street  
26 signs that are essential to the implementation of the



1 emergency telephone system and that are not duplicative of  
2 signs that are the responsibility of the jurisdiction  
3 charged with maintaining road and street signs.

4 (7) Other products and services necessary for the  
5 implementation, upgrade, and maintenance of the system and  
6 any other purpose related to the operation of the system,  
7 including costs attributable directly to the construction,  
8 leasing, or maintenance of any buildings or facilities or  
9 costs of personnel attributable directly to the operation  
10 of the system. Costs attributable directly to the operation  
11 of an emergency telephone system do not include the costs  
12 of public safety agency personnel who are and equipment  
13 that is dispatched in response to an emergency call.

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

23 (9) The defraying of expenses incurred in  
24 participation in a Regional Pilot Project to implement next  
25 generation 9-1-1, subject to the conditions set forth in  
26 this Act.

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; 95-806, eff. 1-1-09;  
9 95-1012, eff. 12-15-08; revised 1-18-10.)

10 Section 7. The Wireless Emergency Telephone Safety Act is  
11 amended by changing Section 25 as follows:

12 (50 ILCS 751/25)

13 (Section scheduled to be repealed on April 1, 2013)

14 Sec. 25. Wireless Service Emergency Fund; distribution of  
15 moneys. Within 60 days after the effective date of this Act,  
16 wireless carriers shall submit to the Illinois Commerce  
17 Commission the number of wireless subscribers by zip code and  
18 the 9-digit zip code of the wireless subscribers, if currently  
19 being used or later implemented by the carrier.

20 The Illinois Commerce Commission shall, subject to  
21 appropriation, make monthly proportional grants to the  
22 appropriate emergency telephone system board or qualified  
23 governmental entity based upon the United States Postal Zip  
24 Code of the wireless subscriber's billing address. No matching

1 funds shall be required from grant recipients.

2 If the Illinois Commerce Commission is notified of an area  
3 of overlapping jurisdiction, grants for that area shall be made  
4 based upon reference to an official Master Street Address Guide  
5 to the emergency telephone system board or qualified  
6 governmental entity whose public service answering points  
7 provide wireless 9-1-1 service in that area. The emergency  
8 telephone system board or qualified governmental entity shall  
9 provide the Illinois Commerce Commission with a valid copy of  
10 the appropriate Master Street Address Guide. The Illinois  
11 Commerce Commission does not have a duty to verify  
12 jurisdictional responsibility.

13 In the event of a subscriber billing address being matched  
14 to an incorrect jurisdiction by the Illinois Commerce  
15 Commission, the recipient, upon notification from the Illinois  
16 Commerce Commission, shall redirect the funds to the correct  
17 jurisdiction. The Illinois Commerce Commission shall not be  
18 held liable for any damages relating to an act or omission  
19 under this Act, unless the act or omission constitutes gross  
20 negligence, recklessness, or intentional misconduct.

21 In the event of a dispute between emergency telephone  
22 system boards or qualified governmental entities concerning a  
23 subscriber billing address, the Illinois Commerce Commission  
24 shall resolve the dispute.

25 The Illinois Commerce Commission shall maintain detailed  
26 records of all receipts and disbursements and shall provide an

1 annual accounting of all receipts and disbursements to the  
2 Auditor General.

3 The Illinois Commerce Commission shall adopt rules to  
4 govern the grant process.

5 The Illinois Commerce Commission must conduct a study to  
6 determine the future technological and financial needs of the  
7 wireless 9-1-1 systems ~~The Illinois Commerce Commission may~~  
8 ~~also use moneys in the Wireless Service Emergency Fund for the~~  
9 ~~purpose of conducting a study to determine the future~~  
10 ~~technological and financial needs of the wireless 9-1-1~~  
11 ~~systems.~~ The A study shall include input from the  
12 telecommunications industry, the Illinois National Emergency  
13 Number Association, and the public safety community. The  
14 Illinois Commerce Commission may use moneys in the Wireless  
15 Service Emergency Fund for the purpose of conducting the study.  
16 The Illinois Commerce Commission must report its findings and  
17 recommendations to the General Assembly within one year after  
18 the effective date of this amendatory Act of the 96th General  
19 Assembly.

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

21 Section 10. The Public Utilities Act is amended by adding  
22 Section 13-900.1 as follows:

23 (220 ILCS 5/13-900.1 new)

24 Sec. 13-900.1. Regulatory flexibility for 9-1-1 system

1 providers.

2 (a) For purposes of this Section, "Regional Pilot Project"  
3 to implement next generation 9-1-1 has the same meaning as that  
4 term is defined in Section 2.22 of the Emergency Telephone  
5 System Act.

6 (b) For the limited purpose of a Regional Pilot Project to  
7 implement next generation 9-1-1, as defined in Section 13-900  
8 of this Article, the Commission may forbear from applying any  
9 rule or provision of Section 13-900 as it applies to  
10 implementation of the Regional Pilot Project to implement next  
11 generation 9-1-1 if the Commission determines, after notice and  
12 hearing, that: (1) enforcement of the rule is not necessary to  
13 ensure the development and improvement of emergency  
14 communication procedures and facilities in such a manner as to  
15 be able to quickly respond to any person requesting 9-1-1  
16 services from police, fire, medical, rescue, and other  
17 emergency services; (2) enforcement of the rule or provision is  
18 not necessary for the protection of consumers; and (3)  
19 forbearance from applying such provisions or rules is  
20 consistent with the public interest. The Commission may  
21 exercise such forbearance with respect to one, and only one,  
22 Regional Pilot Project as authorized by Sections 10 and 11 of  
23 the Emergency Telephone Systems Act to implement next  
24 generation 9-1-1.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".