

1 AN ACT concerning telecommunications.

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
5 by changing Sections 2.12 and 15.3 as follows:

6 (50 ILCS 750/2.12) (from Ch. 134, par. 32.12)

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

20 (b) For the purposes of this Act, no telecommunications
21 carrier providing facilities-based local exchange
22 telecommunications service prior to January 1, 1986 shall be
23 required to offer or provide sophisticated 9-1-1 system
24 features such as selective call routing in any area where
25 that carrier's local switching facility does not have the
26 capability to do so.

27 (c) For the purposes of this Act, "telecommunication
28 carrier" does not include a cellular or other mobile
29 communication carrier.

30 (d) Where multiple voice grade communication channels
31 are connected to a telecommunication carrier's public

1 switched network through a private branch exchange service
2 (PBX), there shall be determined to be one network connection
3 for each trunk line capable of transporting either the
4 subscriber's inter-premises traffic to the public switched
5 network or the subscriber's 9-1-1 calls to the public agency.
6 Where multiple voice grade communication channels are
7 connected to a telecommunication carrier's public switched
8 network through centrex type service, the number of network
9 connections shall be equal to the number of PBX trunk
10 equivalents for the subscriber's service, as determined by
11 reference to any generally applicable exchange access service
12 tariff filed by the subscriber's telecommunications carrier
13 with the Commission. This subsection is not intended to make
14 any change in the meaning of this Section, but is intended to
15 remove possible ambiguity, thereby confirming the intent of
16 paragraph (a) as it existed prior to and following the
17 effective date of this amendatory Act of 2002.

18 (Source: P.A. 86-101; 87-167.)

19 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

20 (Text of Section before amendment by P.A. 92-474)

21 Sec. 15.3. (a) The corporate authorities of any
22 municipality or any county may, subject to the limitations of
23 subsections (c), (d), and (h), and in addition to any tax
24 levied pursuant to Section 8-11-2 of the Illinois Municipal
25 Code, impose a monthly surcharge on billed subscribers of
26 network connection provided by telecommunication carriers
27 engaged in the business of transmitting messages by means of
28 electricity originating within the corporate limits of the
29 municipality or county imposing the surcharge at a rate per
30 network connection determined in accordance with subsection
31 (c). Provided, however, that where multiple voice grade
32 communications channels are connected between the
33 subscriber's premises and a public switched network through

1 private branch exchange (PBX) or centrex type service, a
2 municipality imposing a surcharge at a rate per network
3 connection, as determined in accordance with this Act, shall
4 impose 5 such surcharges per network connection, as
5 determined in accordance with subsections (a) and (d) of
6 Section 2.12 of this Act. A municipality may enter into an
7 intergovernmental agreement with any county in which it is
8 partially located, when the county has adopted an ordinance
9 to impose a surcharge as provided in subsection (c), to
10 include that portion of the municipality lying outside the
11 county in that county's surcharge referendum. If the
12 county's surcharge referendum is approved, the portion of the
13 municipality identified in the intergovernmental agreement
14 shall automatically be disconnected from the county in which
15 it lies and connected to the county which approved the
16 referendum for purposes of a surcharge on telecommunications
17 carriers.

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

32 (c) Upon the passage of an ordinance to impose a
33 surcharge under this Section the clerk of the municipality or
34 county shall certify the question of whether the surcharge

1 may be imposed to the proper election authority who shall
 2 submit the public question to the electors of the
 3 municipality or county in accordance with the general
 4 election law; provided that such question shall not be
 5 submitted at a consolidated primary election. The public
 6 question shall be in substantially the following form:

7 -----

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

17 -----

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

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

27 The referendum requirement of this subsection (c) shall
 28 not apply to any municipality with a population over 500,000
 29 or to any county in which a proposition as to whether a
 30 sophisticated 9-1-1 Emergency Telephone System should be
 31 installed in the county, at a cost not to exceed a specified
 32 monthly amount per network connection, has previously been
 33 approved by a majority of the electors of the county voting
 34 on the proposition at an election conducted before the

1 effective date of this amendatory Act of 1987.

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

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

14 (f) The surcharge authorized by this Section shall be
15 collected from the subscriber by the telecommunications
16 carrier providing the subscriber the network connection as a
17 separately stated item on the subscriber's bill.

18 (g) The amount of surcharge collected by the
19 telecommunications carrier shall be paid to the particular
20 municipality or county or Joint Emergency Telephone System
21 Board not later than 30 days after the surcharge is
22 collected, net of any network or other 9-1-1 or sophisticated
23 9-1-1 system charges then due the particular
24 telecommunications carrier, as shown on an itemized bill.
25 The telecommunications carrier collecting the surcharge shall
26 also be entitled to deduct 3% of the gross amount of
27 surcharge collected to reimburse the telecommunications
28 carrier for the expense of accounting and collecting the
29 surcharge.

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

34 (i) Any municipality or county or joint emergency

1 telephone system board that has imposed a surcharge pursuant
2 to this Section prior to the effective date of this
3 amendatory Act of 1990 shall hereafter impose the surcharge
4 in accordance with subsection (b) of this Section.

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

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

30 (Source: P.A. 86-101; 86-1344.)

31 (Text of Section after amendment by P.A. 92-474)

32 Sec. 15.3. (a) The corporate authorities of any
33 municipality or any county may, subject to the limitations of
34 subsections (c), (d), and (h), and in addition to any tax

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

32 (b) For purposes of computing the surcharge imposed by
33 subsection (a), the network connections to which the
34 surcharge shall apply shall be those in-service network

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

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

25 -----
 26 Shall the county (or city, village
 27 or incorporated town) of.....impose YES
 28 a surcharge of up to...¢ per month per
 29 network connection, which surcharge will
 30 be added to the monthly bill you receive -----
 31 for telephone or telecommunications
 32 charges, for the purpose of installing
 33 (or improving) a 9-1-1 Emergency NO
 34 Telephone System?

1 -----

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

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

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

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

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

32 (f) The surcharge authorized by this Section shall be
33 collected from the subscriber by the telecommunications
34 carrier providing the subscriber the network connection as a

1 separately stated item on the subscriber's bill.

2 (g) The amount of surcharge collected by the
3 telecommunications carrier shall be paid to the particular
4 municipality or county or Joint Emergency Telephone System
5 Board not later than 30 days after the surcharge is
6 collected, net of any network or other 9-1-1 or sophisticated
7 9-1-1 system charges then due the particular
8 telecommunications carrier, as shown on an itemized bill.
9 The telecommunications carrier collecting the surcharge shall
10 also be entitled to deduct 3% of the gross amount of
11 surcharge collected to reimburse the telecommunications
12 carrier for the expense of accounting and collecting the
13 surcharge.

14 (h) Except as expressly provided in subsection (a) of
15 this Section, a municipality with a population over 500,000
16 may not impose a monthly surcharge in excess of \$1.25 per
17 network connection.

18 (i) Any municipality or county or joint emergency
19 telephone system board that has imposed a surcharge pursuant
20 to this Section prior to the effective date of this
21 amendatory Act of 1990 shall hereafter impose the surcharge
22 in accordance with subsection (b) of this Section.

23 (j) The corporate authorities of any municipality or
24 county may issue, in accordance with Illinois law, bonds,
25 notes or other obligations secured in whole or in part by the
26 proceeds of the surcharge described in this Section.
27 Notwithstanding any change in law subsequent to the issuance
28 of any bonds, notes or other obligations secured by the
29 surcharge, every municipality or county issuing such bonds,
30 notes or other obligations shall be authorized to impose the
31 surcharge as though the laws relating to the imposition of
32 the surcharge in effect at the time of issuance of the bonds,
33 notes or other obligations were in full force and effect
34 until the bonds, notes or other obligations are paid in full.

1 The State of Illinois pledges and agrees that it will not
2 limit or alter the rights and powers vested in municipalities
3 and counties by this Section to impose the surcharge so as to
4 impair the terms of or affect the security for bonds, notes
5 or other obligations secured in whole or in part with the
6 proceeds of the surcharge described in this 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,
10 county or Joint Emergency Telephone Board imposing the
11 surcharge. Except for the 3% deduction provided in
12 subsection (g) above, the special fund shall not be subject
13 to the claims of creditors of the telecommunication carrier.
14 (Source: P.A. 92-474, eff. 8-1-02.)

15 Section 95. No acceleration or delay. Where this Act
16 makes changes in a statute that is represented in this Act by
17 text that is not yet or no longer in effect (for example, a
18 Section represented by multiple versions), the use of that
19 text does not accelerate or delay the taking effect of (i)
20 the changes made by this Act or (ii) provisions derived from
21 any other Public Act.