



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3652

Introduced 2/24/2005, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

50 ILCS 750/2.11	from Ch. 134, par. 32.11
50 ILCS 750/3.1 new	
50 ILCS 750/3.2 new	
50 ILCS 750/10.2	from Ch. 134, par. 40.2
50 ILCS 750/15.1	from Ch. 134, par. 45.1

Amends the Emergency Telephone System Act. Provides that a county with a population of 15,000 or less may, by intergovernmental agreement, establish with one or more counties a Regional Emergency Telephone System or join an existing Emergency Telephone System. Provides that if a county with a population of 15,000 or less joins an existing emergency telephone system, the county may not charge a surcharge that is higher than the surcharge set by the other units of local government that are a part of the existing system. Provides the powers and duties of a Regional Emergency Telephone System Board, such as planning a 911 system, coordinating and supervising the implementation and maintenance of the equipment and the system, hiring staff, and making disbursements. Makes other changes.

LRB094 06851 AJO 36957 b

1 AN ACT concerning counties.

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 2.11, 10.2 and 15.1 and by adding Sections
6 3.1 and 3.2 as follows:

7 (50 ILCS 750/2.11) (from Ch. 134, par. 32.11)

8 Sec. 2.11. "Board" means an Emergency Telephone System
9 Board, ~~or~~ a Joint Emergency Telephone System Board created
10 pursuant to Section 15.4, or a Regional Telephone System Board
11 created pursuant to Section 3.2.

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

13 (50 ILCS 750/3.1 new)

14 Sec. 3.1. Existing emergency telephone system and a county
15 having 15,000 inhabitants or less.

16 (a) A county having 15,000 inhabitants or less may enter
17 into an intergovernmental agreement with other units of local
18 government in order to join an existing emergency telephone
19 system. The corporate authorities of a county of 15,000
20 inhabitants or less may, in addition to any tax levied pursuant
21 to the Simplified Municipal Telecommunications Tax Act, impose
22 a monthly surcharge on billed subscribers of network connection
23 provided by telecommunication carriers engaged in the business
24 of transmitting messages by means of electricity originating
25 within the corporate limits of the county imposing the
26 surcharge at a rate per network connection determined by the
27 county. For mobile telecommunications services, if a surcharge
28 is imposed it shall be imposed based upon the county that
29 encompasses the customer's place of primary use as defined in
30 the Mobile Telecommunications Sourcing Conformity Act.

31 (b) For purposes of computing the surcharge, the network

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

17 (c) Upon the passage of an ordinance to impose a surcharge
18 by the corporate authorities of a county having 15,000
19 inhabitants or less, the surcharge shall be imposed.
20 Notwithstanding any other provision in this Section, a county
21 with a population of 15,000 inhabitants or less may not impose
22 a monthly surcharge that is in excess of the surcharge imposed
23 by any other unit of local government that participates in the
24 same emergency telephone system.

25 (d) The corporate authorities of a county may at any time
26 by ordinance change the rate of the surcharge imposed under
27 this Section.

28 (e) The surcharge authorized by this Section shall be
29 collected from the subscriber by the telecommunications
30 carrier providing to the subscriber the network connection as a
31 separately stated item on the subscriber's bill.

32 (f) The amount of surcharge collected by the
33 telecommunications carrier shall be paid to the county, the
34 emergency telephone system board, or joint emergency telephone
35 system board not later than 30 days after the surcharge is
36 collected, net of any network or other 9-1-1 or sophisticated

1 9-1-1 system charges then due the particular
2 telecommunications carrier, as shown on an itemized bill. The
3 telecommunications carrier collecting the surcharge shall also
4 be entitled to deduct 3% of the gross amount of surcharge
5 collected to reimburse the telecommunications carrier for the
6 expense of accounting and collecting the surcharge.

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

25 (h) Any surcharge collected by or imposed on a
26 telecommunications carrier pursuant to this Section shall be
27 held to be a special fund in trust for the county, emergency
28 telephone system board, or joint emergency telephone system
29 board imposing the surcharge. Except for the 3% deduction
30 provided in subsection (g) of this Section, the special fund
31 shall not be subject to the claims of creditors of the
32 telecommunication carrier.

33 (50 ILCS 750/3.2 new)

34 Sec. 3.2. Regional Emergency Telephone System Board;
35 powers.

1 (a) The corporate authorities of 2 or more counties, each
2 having a population of 15,000 inhabitants or less, may
3 establish a regional emergency telephone system.

4 (b) The corporate authorities of a county of 15,000
5 inhabitants or less may, in addition to any tax levied pursuant
6 to the Simplified Municipal Telecommunications Tax Act, impose
7 a monthly surcharge on billed subscribers of network connection
8 provided by telecommunication carriers engaged in the business
9 of transmitting messages by means of electricity originating
10 within the corporate limits of the county imposing the
11 surcharge at a rate per network connection determined by the
12 county. For mobile telecommunication services, if a surcharge
13 is imposed it shall be imposed based upon the county that
14 encompasses the customer's place of primary use as defined in
15 the Mobile Telecommunications Sourcing Conformity Act.

16 (c) For purposes of computing the surcharge, the network
17 connections to which the surcharge shall apply shall be those
18 in-service network connections, other than those network
19 connections assigned to the county, where the service address
20 for each network connection or connections is located within
21 the corporate limits of the county levying the surcharge.
22 Except for mobile telecommunication services, the "service
23 address" shall mean the location of the primary use of the
24 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
27 Telecommunications Sourcing Conformity Act. With respect to
28 network connections provided for use with pay telephone
29 services for which there is no billed subscriber, the
30 telecommunications carrier providing the network connection
31 shall be deemed to be its own billed subscriber for purposes of
32 applying the surcharge.

33 (d) Upon the passage of an ordinance to impose a surcharge,
34 by the corporate authorities of a county having 15,000
35 inhabitants or less, the surcharge shall be imposed.

36 (e) The corporate authorities of a county may at any time

1 by ordinance change the rate of the surcharge imposed under
2 this Section.

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

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

18 (h) The corporate authorities of any county may issue, in
19 accordance with Illinois law, bonds, notes, or other evidences
20 of indebtedness secured in whole or in part by the proceeds of
21 the surcharge described in this Section. Notwithstanding any
22 change in law subsequent to the issuance of any bonds, notes,
23 or other evidences of indebtedness secured by the surcharge,
24 every county issuing the bonds, notes, or other evidences of
25 indebtedness shall be authorized to impose the surcharge as
26 though the laws relating to the imposition of the surcharge in
27 effect at the time of issuance of the bonds, notes, or other
28 evidences of indebtedness were in full force and effect until
29 the bonds, notes, or other evidences of indebtedness are paid
30 in full. The State of Illinois pledges and agrees that it will
31 not limit or alter the rights and powers vested in counties by
32 this Section to impose the surcharge so as to impair the terms
33 of or affect the security for bonds, notes, or other evidences
34 of indebtedness secured in whole or in part with the proceeds
35 of the surcharge described in this Section.

36 (i) Any surcharge collected by or imposed on a

1 telecommunications carrier pursuant to this Section shall be
2 held to be a special fund in trust for the county or the
3 regional emergency telephone board imposing the surcharge.
4 Except for the 3% deduction provided in subsection (h) of this
5 Section, the special fund shall not be subject to the claims of
6 creditors of the telecommunication carrier.

7 (j) The corporate authorities by intergovernmental
8 agreement shall provide for a regional emergency telephone
9 system board, the number of board members, the initial and
10 subsequent terms of the board members, and the manner of
11 appointment of the board members. Members of the board shall
12 serve without compensation but shall be reimbursed for their
13 actual and necessary expenses.

14 The powers and duties of the board shall be defined by the
15 intergovernmental agreement and shall include, but need not be
16 limited to the following:

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

18 (2) Coordinating and supervising the implementation,
19 upgrading, or maintenance of the system, including the
20 establishment of equipment specifications and coding
21 systems.

22 (3) Receiving moneys from the surcharge imposed under
23 this Section, and from any other source, for deposit into
24 the Regional Emergency Telephone System Fund.

25 (4) Authorizing all disbursements from the fund.

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

28 (k) All moneys received by a board pursuant to a surcharge
29 imposed under this Section shall be deposited into a separate
30 interest-bearing Regional Emergency Telephone System Fund
31 account. The county treasurer designated in the
32 intergovernmental agreement, shall be the custodian of the
33 fund. All interest accruing on the fund shall remain in the
34 fund. No expenditures may be made from the fund except upon the
35 direction of the board by resolution passed by a majority of
36 all members of the board. Expenditures may be made only to pay

1 for the costs associated with the following:

2 (1) The design of the regional emergency telephone
3 system.

4 (2) The coding of an initial master street address
5 guide data base, and update and maintenance thereof.

6 (3) The repayment of any moneys advanced for the
7 implementation of the system.

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

16 (5) The non-recurring charges related to installation
17 of the regional emergency telephone system and the ongoing
18 network charges.

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

27 (7) Other products and services necessary for the
28 implementation, upgrade, and maintenance of the system and
29 any other purpose related to the operation of the system,
30 including costs attributable directly to the construction,
31 leasing, or maintenance of any buildings or facilities or
32 costs of personnel attributable directly to the operation
33 of the system. Costs attributable directly to the operation
34 of an regional emergency telephone system do not include
35 the costs of public safety agency personnel who are and
36 equipment that is dispatched in response to an emergency

1 call.

2 (1) The board shall complete the data base before
3 implementation of the 9-1-1 system. The error ratio of the data
4 base shall not at any time exceed 1% of the total data base.

5 (50 ILCS 750/10.2) (from Ch. 134, par. 40.2)

6 Sec. 10.2. The Emergency Telephone System Board in any
7 county passing a referendum under Section 15.3, and the
8 Chairman of the County Board in any county implementing a 9-1-1
9 system pursuant to Section 3.1, 3.2, or 15.4 shall ensure that
10 all areas of the county are included in the system.

11 (Source: P.A. 87-146.)

12 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

13 Sec. 15.1. Public body; exemption from civil liability for
14 developing or operating emergency telephone system. No public
15 agency, public safety agency, emergency telephone system
16 board, or unit of local government assuming the duties of an
17 emergency telephone system board, nor any officer, agent or
18 employee of any public agency, public safety agency, emergency
19 telephone system board, or unit of local government assuming
20 the duties of an emergency telephone system board, shall be
21 liable for any civil damages as a result of any act or
22 omission, except willful or wanton misconduct, in connection
23 with developing, adopting, operating or implementing any plan
24 or system required by this Act. In this Section, "emergency
25 telephone system board" includes all emergency telephone
26 system boards created pursuant to this Act.

27 Exemption from civil liability for emergency instructions
28 is as provided in the Good Samaritan Act.

29 This Section may not be offered as a defense in any
30 judicial proceeding brought by the Attorney General under
31 Section 12 to compel compliance with this Act.

32 (Source: P.A. 89-403, eff. 1-1-96; 89-607, eff. 1-1-97.)