



Sen. Don Harmon

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09700SB2063sam003

LRB097 09995 ASK 53959 a

1 AMENDMENT TO SENATE BILL 2063

2 AMENDMENT NO. _____. Amend Senate Bill 2063, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 2 as follows:

5 on page 11, immediately below line 22, by inserting the
6 following:

7 "Section 90. The Emergency Telephone System Act is amended
8 by changing Section 15.3 and by adding Sections 2.24, 2.25, and
9 2.26 as follows:

10 (50 ILCS 750/2.24 new)

11 Sec. 2.24. Advanced service. "Advanced service" means any
12 telecommunications service with dynamic bandwidth allocation,
13 including but not limited to ISDN Primary Rate Interface (PRI),
14 that, through the use of a DS-1, T-1, or similar un-channelized
15 or multi-channel transmission facility, is capable of

1 transporting either the subscriber's inter-premises voice
2 telecommunications services to the public switched network or
3 the subscriber's 9-1-1 calls to the public agency. As used in
4 this Section, "dynamic bandwidth allocation" means the ability
5 of the facility or customer to drop and add channels, or adjust
6 bandwidth, when needed in real time for voice or data purposes.
7 As used in this Section, "DS-1, T-1, or similar un-channelized
8 or multi-channel transmission facility" means a facility that
9 can transmit and receive a bit rate of at least 1.544 megabits
10 per second (Mbps).

11 (50 ILCS 750/2.25 new)

12 Sec. 2.25. Regular service. "Regular service" means any
13 telecommunications service, other than advanced service, that
14 is capable of transporting either the subscriber's
15 inter-premises voice telecommunications services to the public
16 switched network or the subscriber's 9-1-1 calls to the public
17 agency.

18 (50 ILCS 750/2.26 new)

19 Sec. 2.26. Trunk line. "Trunk line" means a transmission
20 path, or group of transmission paths, connecting a subscriber's
21 Private Branch Exchange ("P.B.X.") to a telecommunications
22 carrier's public switched network. In the case of regular
23 service, each voice grade communications channel or equivalent
24 amount of bandwidth capable of transporting either the

1 subscriber's inter-premises voice telecommunications services
2 to the public switched network or the subscriber's 9-1-1 calls
3 to the public agency shall be considered a trunk line, even if
4 it is bundled with other channels or additional bandwidth. In
5 the case of advanced service, each DS-1, T-1, or similar
6 un-channelized or multi-channel transmission facility that is
7 capable of transporting either the subscriber's inter-premises
8 voice telecommunications services to the public switched
9 network or the subscriber's 9-1-1 calls to the public agency
10 shall be considered a single trunk line, even if it contains
11 multiple voice grade communications channels or otherwise
12 supports 2 or more voice grade calls ("VGC") at a time;
13 provided, however, that each additional 1.544 Mbps of
14 transmission capacity that is capable of transporting either
15 the subscriber's inter-premises voice telecommunications
16 services to the public switched network or the subscriber's
17 9-1-1 calls to the public agency shall be considered an
18 additional trunk line.

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

20 Sec. 15.3. Surcharge.

21 (a) The corporate authorities of any municipality or any
22 county may, subject to the limitations of subsections (c), (d),
23 and (h), and in addition to any tax levied pursuant to the
24 Simplified Municipal Telecommunications Tax Act, impose a
25 monthly surcharge on billed subscribers of network connection

1 provided by telecommunication carriers engaged in the business
2 of transmitting messages by means of electricity originating
3 within the corporate limits of the municipality or county
4 imposing the surcharge at a rate per network connection
5 determined in accordance with subsection (c), however the
6 monthly surcharge shall not apply to a network connection
7 provided for use with pay telephone services. Provided,
8 however, that where multiple voice grade communications
9 channels are connected between the subscriber's premises and a
10 public switched network through private branch exchange (PBX)
11 or centrex type service, a municipality imposing a surcharge at
12 a rate per network connection, as determined in accordance with
13 this Act, shall impose:

14 (i) in a municipality with a population of 500,000 or less,
15 such surcharges per network connection, as determined in
16 accordance with subsections (a) and (d) of Section 2.12 of this
17 Act, for both regular service and advanced service provisioned
18 trunk lines;

19 (ii) in a municipality with a population, prior to March 1,
20 2010, of 500,000 or more, 5 surcharges per network connection,
21 as determined in accordance with subsections (a) and (d) of
22 Section 2.12 of this Act, for both regular service and advanced
23 service provisioned trunk lines;

24 (iii) in a municipality with a population, as of March 1,
25 2010, of 500,000 or more, 5 surcharges per network connection,
26 as determined in accordance with subsections (a) and (d) of

1 Section 2.12 of this Act, for regular service provisioned trunk
2 lines, and 12 surcharges per network connection, as determined
3 in accordance with subsections (a) and (d) of Section 2.12 of
4 this Act, for advanced service provisioned trunk lines, except
5 where an advanced service provisioned trunk line supports at
6 least 2 but fewer than 23 simultaneous voice grade calls
7 ("VGC's"), a telecommunication carrier may elect to impose
8 fewer than 12 surcharges per trunk line as provided in
9 subsection (iv) of this Section; or

10 (iv) for an advanced service provisioned trunk line
11 connected between the subscriber's premises and the public
12 switched network through a P.B.X., where the advanced service
13 provisioned trunk line is capable of transporting at least 2
14 but fewer than 23 simultaneous VGC's per trunk line, the
15 telecommunications carrier collecting the surcharge may elect
16 to impose surcharges in accordance with the table provided in
17 this Section, without limiting any telecommunications
18 carrier's obligations to otherwise keep and maintain records.
19 Any telecommunications carrier electing to impose fewer than 12
20 surcharges per an advanced service provisioned trunk line shall
21 keep and maintain records adequately to demonstrate the VGC
22 capability of each advanced service provisioned trunk line with
23 fewer than 12 surcharges imposed, provided that 12 surcharges
24 shall be imposed on an advanced service provisioned trunk line
25 regardless of the VGC capability where a telecommunications
26 carrier cannot demonstrate the VGC capability of the advanced

1 service provisioned trunk line.

2	<u>Facility</u>	<u>VGC's</u>	<u>911 Surcharges</u>
3	<u>Advanced service provisioned trunk line</u>	<u>18-23</u>	<u>12</u>
4	<u>Advanced service provisioned trunk line</u>	<u>12-17</u>	<u>10</u>
5	<u>Advanced service provisioned trunk line</u>	<u>2-11</u>	<u>8</u>

6 Subsections (i), (ii), (iii), and (iv) are not intended to
 7 make any change in the meaning of this Section, but are
 8 intended to remove possible ambiguity, thereby confirming the
 9 intent of paragraph (a) as it existed prior to and following
 10 the effective date of this amendatory Act of the 97th General
 11 Assembly.

12 For mobile telecommunications services, if a surcharge is
 13 imposed it shall be imposed based upon the municipality or
 14 county that encompasses the customer's place of primary use as
 15 defined in the Mobile Telecommunications Sourcing Conformity
 16 Act. A municipality may enter into an intergovernmental
 17 agreement with any county in which it is partially located,
 18 when the county has adopted an ordinance to impose a surcharge
 19 as 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

1 the county which approved the referendum for purposes of a
2 surcharge on telecommunications carriers.

3 (b) For purposes of computing the surcharge imposed by
4 subsection (a), the network connections to which the surcharge
5 shall apply shall be those in-service network connections,
6 other than those network connections assigned to the
7 municipality or county, where the service address for each such
8 network connection or connections is located within the
9 corporate limits of the municipality or county levying the
10 surcharge. Except for mobile telecommunication services, the
11 "service address" shall mean the location of the primary use of
12 the network connection or connections. For mobile
13 telecommunication services, "service address" means the
14 customer's place of primary use as defined in the Mobile
15 Telecommunications Sourcing Conformity Act.

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

25 -----

26 Shall the county (or city, village

1 or incorporated town) of impose YES
2 a surcharge of up to ...¢ per month per
3 network connection, which surcharge will
4 be added to the monthly bill you receive -----
5 for telephone or telecommunications
6 charges, for the purpose of installing
7 (or improving) a 9-1-1 Emergency NO
8 Telephone System?

9 -----

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

12 However, if a Joint Emergency Telephone System Board is to
13 be created pursuant to an intergovernmental agreement under
14 Section 15.4, the ordinance to impose the surcharge shall be
15 subject to the approval of a majority of the total number of
16 votes cast upon the public question by the electors of all of
17 the municipalities or counties, or combination thereof, that
18 are parties to the intergovernmental agreement.

19 The referendum requirement of this subsection (c) shall not
20 apply to any municipality with a population over 500,000 or to
21 any county in which a proposition as to whether a sophisticated
22 9-1-1 Emergency Telephone System should be installed in the
23 county, at a cost not to exceed a specified monthly amount per
24 network connection, has previously been approved by a majority
25 of the electors of the county voting on the proposition at an
26 election conducted before the effective date of this amendatory

1 Act of 1987.

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

10 (e) A municipality or county may at any time by ordinance
11 change the rate of the surcharge imposed under this Section if
12 the new rate does not exceed the rate specified in the
13 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 collected,
22 net of any network or other 9-1-1 or sophisticated 9-1-1 system
23 charges then due the particular telecommunications carrier, as
24 shown on an itemized bill. The telecommunications carrier
25 collecting the surcharge shall also be entitled to deduct 3% of
26 the gross amount of surcharge collected to reimburse the

1 telecommunications carrier for the expense of accounting and
2 collecting the surcharge.

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

7 (i) Any municipality or county or joint emergency telephone
8 system board that has imposed a surcharge pursuant to this
9 Section prior to the effective date of this amendatory Act of
10 1990 shall hereafter impose the surcharge in accordance with
11 subsection (b) of this Section.

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

1 security for bonds, notes or other obligations secured in whole
2 or in part with the proceeds of the surcharge described in this
3 Section.

4 (k) Any surcharge collected by or imposed on a
5 telecommunications carrier pursuant to this Section shall be
6 held to be a special fund in trust for the municipality, county
7 or Joint Emergency Telephone Board imposing the surcharge.
8 Except for the 3% deduction provided in subsection (g) above,
9 the special fund shall not be subject to the claims of
10 creditors of the telecommunication carrier.

11 (Source: P.A. 95-331, eff. 8-21-07; 95-698, eff. 1-1-08;
12 95-1012, eff. 12-15-08.)"; and

13 on page 23, line 19, immediately after "2012", by inserting "
14 except that this Section and Section 90 shall take effect upon
15 becoming law".