

HB1059



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1059

Introduced 2/8/2007, by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

50 ILCS 750/15.3

from Ch. 134, par. 45.3

Amends the Emergency Telephone System Act. Provides that a municipality or a county may impose, pursuant to a referendum, a monthly surcharge of \$0.10 per network connection for the purpose of purchasing and maintaining automated external defibrillators in schools, parks, and other public places.

LRB095 09161 HLH 29354 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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 Section 15.3 as follows:

6 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

7 Sec. 15.3. Surcharge.

8 (a) The corporate authorities of any municipality or any
9 county may, subject to the limitations of subsections (c), (d),
10 and (h), and in addition to any tax levied pursuant to the
11 Simplified Municipal Telecommunications Tax Act, impose a
12 monthly surcharge on billed subscribers of network connection
13 provided by telecommunication carriers engaged in the business
14 of transmitting messages by means of electricity originating
15 within the corporate limits of the municipality or county
16 imposing the surcharge at a rate per network connection
17 determined in accordance with subsection (c). Provided,
18 however, that where multiple voice grade communications
19 channels are connected between the subscriber's premises and a
20 public switched network through private branch exchange (PBX)
21 or centrex type service, a municipality imposing a surcharge at
22 a rate per network connection, as determined in accordance with
23 this Act, shall impose 5 such surcharges per network

1 connection, as determined in accordance with subsections (a)
2 and (d) of Section 2.12 of this Act. For mobile
3 telecommunications services, if a surcharge is imposed it shall
4 be imposed based upon the municipality or county that
5 encompasses the customer's place of primary use as defined in
6 the Mobile Telecommunications Sourcing Conformity Act. A
7 municipality may enter into an intergovernmental agreement
8 with any county in which it is partially located, when the
9 county has adopted an ordinance to impose a surcharge as
10 provided in subsection (c), to include that portion of the
11 municipality lying outside the county in that county's
12 surcharge referendum. If the county's surcharge referendum is
13 approved, the portion of the municipality identified in the
14 intergovernmental agreement shall automatically be
15 disconnected from the county in which it lies and connected to
16 the county which approved the referendum for purposes of a
17 surcharge on telecommunications carriers.

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

1 the network connection or connections. For mobile
 2 telecommunication services, "service address" means the
 3 customer's place of primary use as defined in the Mobile
 4 Telecommunications Sourcing Conformity Act. With respect to
 5 network connections provided for use with pay telephone
 6 services for which there is no billed subscriber, the
 7 telecommunications carrier providing the network connection
 8 shall be deemed to be its own billed subscriber for purposes of
 9 applying the surcharge.

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

19 -----
 20 Shall the county (or city, village
 21 or incorporated town) of impose YES
 22 a surcharge of up to ...¢ per month per
 23 network connection, which surcharge will
 24 be added to the monthly bill you receive -----
 25 for telephone or telecommunications
 26 charges, for the purpose of installing

1 (or improving) a 9-1-1 Emergency Telephone System? NO

2

3 -----

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

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

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

22 (d) Whenever a petition signed by a number of voters equal
 23 to at least 1% of the votes cast for Governor in the preceding
 24 gubernatorial election in the municipality or county is
 25 presented to the clerk of the municipality or county requesting
 26 the submission of the Heartsaver Referendum to the voters of

1 the municipality or county it shall be the duty of the proper
2 election officials to submit the question of public policy to
3 voters at the next regular election in substantially the
4 following form:

5 Shall the county (or municipality) of... impose, for a
6 period of 2 years, a surcharge of ten cents per month per
7 network connection, which surcharge will be added to the
8 monthly bill you receive for telephone charges, for the
9 purpose of purchasing and maintaining life-saving
10 automated external defibrillators (AEDs) in schools,
11 parks, and other public places?

12 The election authority must record the votes as "Yes" or
13 "No".

14 (e) If a majority of the electors in the municipality or
15 county voting on the proposition vote in favor thereof, the
16 surcharge shall be deemed adopted. The surcharge collected
17 shall be used solely for the purchase and maintenance of AEDs
18 in schools, parks, and public places and shall extend for no
19 more than 2 years.

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

1 funds.

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

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

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

21 (j) ~~(h)~~ Except as expressly provided in subsection (a) of
22 this Section, a municipality with a population over 500,000 may
23 not impose a monthly surcharge in excess of \$1.25 per network
24 connection.

25 (k) ~~(i)~~ Any municipality or county or joint emergency
26 telephone system board that has imposed a surcharge pursuant to

1 this Section prior to the effective date of this amendatory Act
2 of 1990 shall hereafter impose the surcharge in accordance with
3 subsection (b) of this Section.

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

22 (m) ~~(k)~~ Any surcharge collected by or imposed on a
23 telecommunications carrier pursuant to this Section shall be
24 held to be a special fund in trust for the municipality, county
25 or Joint Emergency Telephone Board imposing the surcharge.
26 Except for the 3% deduction provided in subsection (g) above,

1 the special fund shall not be subject to the claims of
2 creditors of the telecommunication carrier.

3 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,
4 eff. 1-1-03; revised 10-2-02.)