



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0046

Introduced 1/14/2009, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.719 new

Creates the First Responders' Mobile Communications Transition Act. Requires that the Director of State Police appoint a task force to develop and adopt a plan for the coordination of a mobile communications infrastructure for the State's first responders. Requires that each State agency, unit of local government, public institution of higher education, community college district, and school district that is a first responder or employs one or more first responders must coordinate its first responders' mobile communications in compliance with the infrastructure plan by January 1, 2019. Requires the Department of State Police, upon recommendation of the task force, to make grants and loans to those entities to assist in their compliance. Establishes reporting and auditing requirements. Preempts home rule. Repeals the Act May 1, 2021. Amends the State Finance Act to create within the State treasury the fund for the loans and grants. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the First
5 Responders' Mobile Communications Transition Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of State Police.

8 "Director" means the Director of State Police.

9 "First responder" means a firefighter, fire department,
10 fire protection district, firefighting agency, law enforcement
11 official, law enforcement agency, security guard, security
12 agency, emergency medical responder, emergency medical
13 response agency, emergency management official, emergency
14 management agency, or emergency dispatcher.

15 "Governmental entity" means an Illinois State agency, unit
16 of local government, public institution of higher education,
17 public community college district, or school district that is a
18 first responder or employs one or more first responders.

19 "Mobile communications" means handheld communications
20 devices.

21 Section 10. Task force.

22 (a) The First Responders' Mobile Communications Transition

1 Task Force is created. The task force shall consist of 15
2 members appointed by the Director. Three of the members shall
3 be selected from and represent the Department. The other
4 members shall be selected from representatives proposed to the
5 Director by each of the following entities: the Office of the
6 State Fire Marshal, the Illinois Association of Chiefs of
7 Police, the Illinois Sheriffs Association, and the Fraternal
8 Order of Police. No more than 3 representatives of any one of
9 those entities shall be appointed. A task force vacancy shall
10 be filled by the Director by appointment in the same manner as
11 the original appointment.

12 (b) Task force members shall elect a chairperson from among
13 their number. The task force shall meet at least once each
14 calendar quarter, and more frequently as necessary, at the call
15 of the chairperson. Task force members may not receive
16 compensation for their service on the task force but may be
17 reimbursed, from appropriations for that purpose, for their
18 reasonable and actual expenses incurred in the performance of
19 their duties.

20 (c) The Department shall provide technical and staff
21 support to the task force.

22 Section 15. Coordinated first responders' mobile
23 communications infrastructure plan. The task force shall
24 develop a comprehensive 8-year plan for, and seek funding for,
25 the full coordination of the State's first responders' mobile

1 communications infrastructure. By January 1, 2011, the task
2 force shall adopt its final plan and begin communication of
3 that plan to all governmental entities.

4 Section 20. Compliance with plan by governmental entities.

5 (a) Each governmental entity must coordinate its first
6 responders' mobile communications to enable every first
7 response force to communicate with every other first response
8 force in Illinois. Notwithstanding any other provision of law,
9 a first response force in this State may maintain a special
10 system for encrypted communications warranted by security
11 situations.

12 (b) By January 1, 2016, each governmental entity must
13 certify, in writing, to the task force that it has taken
14 substantial steps toward the coordination of its first
15 responders' mobile communications in compliance with the task
16 force's plan.

17 (c) By January 1, 2019, each governmental entity must
18 certify, in writing, to the Task force that its transition to
19 the coordinated first responders' mobile communications
20 infrastructure is complete.

21 Section 25. Fund.

22 (a) The First Responders' Mobile Communications Transition
23 Fund is created as a special fund within the State treasury.
24 The Fund may receive moneys from any lawful source and shall be

1 appropriated to the Department for use as provided in this
2 Section.

3 (b) Upon the recommendation of the task force, the
4 Department shall make grants and loans from the Fund to
5 governmental entities to assist in achievement of the
6 coordinated first responders' mobile communications
7 infrastructure required by this Act. Repayments of loans made
8 under this subsection, and any interest thereon, shall be
9 deposited into the Fund. Loans made under this subsection must
10 require repayment no later than January 1, 2021.

11 Section 30. Audits.

12 (a) The Auditor General shall conduct operational audits of
13 the Department and governmental entities as necessary to
14 oversee compliance with this Act.

15 (b) From January 1, 2019 through January 1, 2021, the
16 Auditor General shall conduct follow-up audits of the
17 Department and governmental entities to assure that there is
18 universal compliance with the first responders' mobile
19 communications infrastructure coordination required by this
20 Act.

21 Section 35. Reports.

22 (a) The task force shall report to the Governor and General
23 Assembly by December 31 of each year on the progress of the
24 development and implementation of the first responders' mobile

1 communications infrastructure coordination plan.

2 (b) By April 1, 2021, the task force shall report to the
3 Governor and General Assembly its recommendations for the
4 maintenance of the State's coordinated first responders'
5 mobile communications infrastructure.

6 Section 40. Home rule. This Act is a denial and limitation
7 of home rule powers and functions in accordance with subsection
8 (i) of Section 6 of Article VII of the Illinois Constitution. A
9 home rule unit may not regulate first responders' mobile
10 communications in a manner that is inconsistent with the
11 provisions of this Act.

12 Section 45. Repeal. This Act is repealed May 1, 2021.

13 Section 95. The State Finance Act is amended by adding
14 Section 5.719 as follows:

15 (30 ILCS 105/5.719 new)

16 Sec. 5.719. The First Responders' Mobile Communications
17 Transaction Fund.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.