

Illinois Passes Wireless 9-1-1 Legislation

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NENA would like to share one state's account of the trials and tribulations of designing and passing Wireless 9-1-1 Legislation. Illinois Chapter of NENA President David Whipple presents below a detailed description of one public-safety professional's view of the sometimes trying legislative process of passing—and not passing—critical legislation such as this. Mr. Whipple illustrates that through dedication and persistence, the public safety community can work together with each other and with state government officials to meet the needs of the public's well being.

--The NENA News

Christmas came early in 1999 for the 9-1-1 community in Illinois. After many years of frustration and disappointment, the State Legislature finally passed a Wireless 9-1-1 Bill. Although the law was passed, it did not come easy and there are still roads to travel before it is finally put into effect.

The Bill that was finally passed was titled House Bill (HB) 1383. It was introduced on February 2, 1999 and referred to a House of Representatives Committee for study. After what seemed like an eternity and a lot of pressurized lobbying from every part of the State, the Bill passed in the House on March 24, 1999 by a vote of 101 to 13. (Actually, I believe some of the 13 nay votes were absent or chose not to vote.)

The following day, HB1383 arrived in the Illinois Senate and was immediately referred to a committee for action. In the Illinois Senate, there seems to be one very steadfast rule. If the Senate President, James "Pate" Phillips, wants a bill to pass, it passes. If he doesn't want something passed, it will be buried so deep in some committee it will never again see the light of day.

Once the bill was sent to the Senate, everyone knew where the lobbying had to be done. Another reality about both the House and Senate is that most of the issues before them are very thoroughly dissected, rearranged and finally rebuilt by staff personnel. All the while, the staff members are very cognizant of how issues will be viewed by the public. They must keep in mind that, however a law is finalized, it has to be done in a way that will be in the best political interest of their employers. The ultimate goal seems to be to build laws that will pass without creating a controversy that might cause problems in the next election, whether it is a month away or three years from now.

In any event, the bill passed in the Illinois Senate on May 14 by a margin of 43 to 11, with 1 not voting. The bill was sent to Governor George Ryan for his signature. A subdued celebration was beginning to take place throughout the State of Illinois 9-1-1 community. No wireless bill, and

believe me there have been many through the years, had ever gone this far. No one could come up with a valid reason for the Governor not to sign the bill.

In Illinois, when a bill is sent to the Governor for his signature he has about four options to consider. First, he can sign the bill into law. Second, he can veto the bill; third, he can sign an Amendatory Veto; and finally, he can ignore the bill and not sign it. If he ignores the bill it automatically becomes law after 60 days. If he vetoes the bill, it is returned to the Legislature so the House and Senate can decide if they want to vote to override the Governor's veto. This requires a 4/5 majority vote in both houses and tends to upset a Governor when it is done. The Amendatory Veto means the Governor has a problem with one or more sections of the bill. He changes those sections with language he prefers and returns it to the Legislature, asking for agreement to the suggested changes. The Amendatory Veto says that if the suggested changes are agreeable in both the House and Senate, his signature is automatic.

We're Not There Yet...

The last day the Governor could act on the bill was August 17, 1999. Sometime in late July everyone started to worry. Rumors started floating around and the subdued celebration quickly came to a grinding halt. Those closely connected to the activities in the Legislature were hearing there was going to be an Amendatory Veto. Time kept moving, and about the second week of August everyone was praying that he had either lost the bill or had simply forgotten about it. If either of these situations were true, it meant he would not sign the bill and it would automatically become law on August 18. Well, no such luck! On Sunday, August 16, I received a phone call from Greg Sullivan, the executive director of the Illinois Sheriff's Association, who informed me he was on his way to the Capitol building to pick up a copy of an Amendatory Veto issued by the Governor on HB1383.

When I got the phone call it was like being stabbed in the heart. This call seemed to play out like a low-class B movie. I could hear Greg driving as he talked. He obviously had stopped and opened his car door. Someone was bringing him a copy of the veto out of the Capitol building. I could hear them talking loudly in the background. When Greg came back to the phone, he told me it was a one-page document and there were only a couple changes being suggested by the Governor. Although I was already sick to my stomach, Greg made me feel somewhat better by saying the changes were not too harsh. We had to convince the members of the House and Senate that they should agree with the changes suggested by Governor Ryan. What this really meant to me was that we were basically going back to square one.

Another Vote

In the autumn of every year, the Illinois House and Senate convene for about two days each for what is called the Veto Session. On these two days, the House first decides what action they should take on all bills vetoed or amendatorily vetoed by the Governor. Once again, if they agree with the suggested changes they simply vote in favor of them and send the bill to the Senate for concurrence.

The chief sponsor of HB1383 was the deciding factor in determining whether to ask for a vote on the bill, or if there was serious disagreement, he would have referred it back to a committee, thereby effectively killing the bill. In this case, the sponsor, Representative Bill Black from

Danville, agreed with the changes and asked for a yes vote on the House floor. This meant there had to be a 3/5 majority vote in favor of the bill. On November 16, the bill was called for a vote and it passed 110 to 5. This count was even better than the first vote! As before, the bill was then sent to the Senate where the same procedure had to take place.

The sponsor of the bill in the Senate was Senator John Maitland of Bloomington. He also had to decide whether or not he agreed with the changes and whether or not there would be enough yes votes to get the bill passed. Of course, as I previously explained, a blessing had to be obtained from the Senate President. This time all stops were pulled and every pressure humanly possible was applied through public safety and wireless carrier lobbyists. This must have worked, because on December 1, 1999 Senator Maitland called the bill for a vote on the Senate floor and it passed by a vote of 43 to 11, with three members voting “present.” This vote was exactly the same as the previous vote taken. At long last, the State of Illinois had passed a Wireless 9-1-1 bill that would become law on July 1, 2000. Again, it seemed to be time for a celebration. However, as I will explain, there is still a lot of roadway to be traveled before this law goes into effect.

Highlights of the Illinois Bill

HB1383 contains all the general wording that is a part of practically every bill passed in most other states. The things that I think make this bill unique are as follows:

- A Wireless Service Emergency Fund is created as a special fund in the State Treasury. This fund will hold the portion of the surcharge money that will be distributed to the 9-1-1 systems or the State Police. Distribution of the surcharge money falls on the shoulders of the Illinois Department of Central Management Services (CMS). This is the State’s Personnel Department. The money will be distributed according to the number of wireless subscribers in the jurisdiction of individual 9-1-1 systems. Where there is no 9-1-1 system or if a 9-1-1 system chooses not to accept wireless 9-1-1 calls, the Illinois State Police will have the calls defaulted to one or more of their answering points throughout the State.
- A Wireless Carrier Reimbursement Fund, also created as a special fund of the State Treasury, will contain that portion of the surcharge money to be distributed to the wireless carriers. This distribution will also be handled by the CMS. The carriers, in order to withdraw money from the fund for cost recovery, must provide adequate documentation of their expenditures.
- The split of the surcharge money is 2/3 to the 9-1-1 systems and 1/3 to the carriers for cost recovery.
- Although the FCC now requires it, the bill provides for liability coverage to the carriers and the 9-1-1 systems unless the act committed constitutes gross negligence, recklessness, or intentional misconduct.
- Provides that the City of Chicago may continue to collect \$1.25 per month, per wireless subscriber surcharge, which was enacted under a Home Rule Ordinance about two years ago.

The bill creates a Wireless Enhanced 9-1-1 Board. This is a seven-member board appointed by the Governor with the advice and consent of the Senate. The bill also recommends the

appointment of various individuals to this board. Among them are representatives from the Illinois Chapter of NENA, the State Police, another law enforcement agency, the wireless communications industry, and three Emergency Telephone System Board members from different parts of the State. This board has the responsibility to hold public hearings to determine the financial needs of the 9-1-1 systems in order to provide an efficient operation. The board will set the surcharge with a maximum of \$.75 per wireless subscriber line. The board also is to report on the feasibility of implementation of a wireless non-emergency service using the digits 3-1-1. The bill specifically directs the board to consider a six-county area around the City of Chicago where all of the State's toll roads are located. A kind of catch in the bill allows for a recommendation that the service, if feasible, could be delivered by an ETSB, a qualified governmental entity or (the catch) private industry. This type of service could be a multi-million dollar activity for some unsuspecting private entrepreneur. I'm sure another catch will be how the service will be financed. All of this is to take place by July 1, 2000. Upon completion of these duties the Board is to be dissolved.

The bill also includes a "Sunset Clause" which calls for automatic repeal of the law on April 1, 2005. This means that the entire law would simply go away unless, prior to that date, an amendment extending the law would be enacted. This would also create an opportunity to review the law and the amount of the surcharge to determine if it is adequate to cover the costs of both Phase I and Phase II wireless 9-1-1 services.

The road to passage of wireless 9-1-1 legislation in the State of Illinois has been very long and fraught with many obstacles. Even though the end is in sight, everyone involved is hesitant to show any emotion until the appointed board makes its suggestions to the General Assembly and the bill becomes law on July 1, 2000. When that time comes there will be a very obvious celebration—or maybe a wake. We will have to wait and see.

Regardless of the outcome, there are a few people who must be recognized for their efforts in this endeavor. Included are Greg Sullivan, Executive Director of the Illinois Sheriff's Association; Representative Bill Black of Danville, IL; and Senator John Maitland of McLean County, IL. Without the assistance of these individuals, this legislation would never have passed. The entire citizenry of the State of Illinois owes a vote of thanks to each of these fine gentlemen.