



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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Jim Ryan
ATTORNEY GENERAL

FILE NO. 98-009

COUNTIES:

Expenditure of Emergency
Telephone System Funds
To Compensate Dispatchers

The Honorable Dan Rutherford
Minority Spokesman, House Executive Committee
State Representative, 87th District
732 West Madison Street
Pontiac, Illinois 61764

Dear Representative Rutherford:

I have your letter wherein you inquire whether county emergency telephone system funds may properly be expended for the costs associated with employing dispatchers for the emergency telephone system. For the reasons hereinafter stated, it is my opinion that payment of the costs of compensation and associated employee benefits of dispatchers who are employed to operate the communications equipment included in the emergency telephone system is a proper use of emergency telephone system funds.

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The organization and operation of emergency telephone systems is governed by the provisions of the Emergency Telephone System Act (50 ILCS 750/0.01 et seq. (West 1996)). Under that Act, the corporate authorities of a county or municipality which has established an emergency telephone system are authorized, with referendum approval, to impose a monthly surcharge on the billed subscribers of network connection telecommunication carriers. (50 ILCS 750/15.3 (West 1996).) When a surcharge is imposed, an emergency telephone system board must be appointed. (50 ILCS 750/15.4(a) (West 1996).) The board is responsible for coordinating and supervising the implementation and operation of the emergency telephone system and for directing the expenditure of the proceeds of the surcharge, which are to be held in a special fund referred to as the Emergency Telephone System Fund. (50 ILCS 750/15.4(b) (West 1996).) Subsection 15.4(c) of the Act (50 ILCS 750/15.4(c) (West 1996)), which governs expenditures from the Fund, provides, in pertinent part:

" * * *

(c) All monies received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System

Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

* * *

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

* * *

"

(Emphasis added.)

The primary purpose of statutory construction is to ascertain and give effect to the intent of the General Assembly.

(Burrell v. Southern Truss (1997), 176 Ill. 2d 171, 174.)

Legislative intent is best evidenced by the language used in the

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statute (Marketview Motors, Inc. v. Colonial Insurance Co. (1997), 175 Ill. 2d 460, 464), and where statutory language is clear and unambiguous, it must be given effect as written. In re B.C. (1997), 176 Ill. 2d 536, 542.

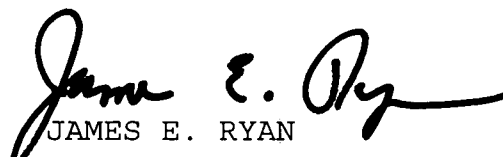
Subsection 15.4(c)(7) of the Act expressly and unambiguously authorizes the expenditure of emergency telephone system funds for the "costs of personnel attributable directly to the operation of the system". As used in the Act, the term "system" is defined to include "* * * the communications equipment required to produce a response by the appropriate emergency public safety agency as a result of an emergency call being placed to 9-1-1." (50 ILCS 750/2.06a (West 1996).) Under the plain language of the section, it is my opinion that the payment of compensation and the costs of associated benefits for the dispatchers who are responsible for answering incoming 9-1-1 calls and for contacting the appropriate public safety agency regarding a request for emergency services is a permissible use of emergency telephone system funds.

It should be noted, however, that the use of the proceeds of the emergency telephone system surcharge is limited to the purposes set forth in section 15.4(c) of the Act. There-

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fore, the surcharge monies may not be used to compensate personnel for performing functions that are unrelated to the operation of the emergency telephone system. That limitation does not necessarily mean that dispatchers are precluded from performing any tasks that are not directly related to the emergency telephone system while on duty. To the contrary, there may be periods of time in which a dispatcher could perform some tasks which are incidental to his or her primary duties while monitoring the communications equipment. If, however, a person is employed to serve as a dispatcher part-time, and to perform other functions part-time, for example, payment from emergency telephone system funds would be proper only for that portion of time actually devoted to attending to the emergency telephone system. The portion of the employee's compensation related to time expended for other functions must be paid from other funding sources.

Sincerely,


JAMES E. RYAN
Attorney General