



Rep. Brandon W. Phelps

**Filed: 3/23/2015**

09900HB3822ham001

LRB099 09161 AMC 33068 a

1 AMENDMENT TO HOUSE BILL 3822

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3822 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding  
5 Section 6z-101 as follows:

6 (30 ILCS 105/6z-101 new)

7 Sec. 6z-101. The Illinois Telecommunications Access  
8 Corporation Fund. The Illinois Telecommunications Access  
9 Corporation Fund is created as a nonappropriated trust fund to  
10 be held outside the State treasury, with the State Treasurer as  
11 ex officio custodian.

12 Section 10. The Public Utilities Act is amended by changing  
13 Section 13-703 as follows:

14 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

1 (Section scheduled to be repealed on July 1, 2015)

2 Sec. 13-703. (a) The Commission shall design and implement  
3 a program whereby each telecommunications carrier providing  
4 local exchange service shall provide a telecommunications  
5 device capable of servicing the needs of those persons with a  
6 hearing or speech disability together with a single party line,  
7 at no charge additional to the basic exchange rate, to any  
8 subscriber who is certified as having a hearing or speech  
9 disability by a licensed physician, speech-language  
10 pathologist, audiologist or a qualified State agency and to any  
11 subscriber which is an organization serving the needs of those  
12 persons with a hearing or speech disability as determined and  
13 specified by the Commission pursuant to subsection (d).

14 (b) The Commission shall design and implement a program,  
15 whereby each telecommunications carrier providing local  
16 exchange service shall provide a telecommunications relay  
17 system, using third party intervention to connect those persons  
18 having a hearing or speech disability with persons of normal  
19 hearing by way of intercommunications devices and the telephone  
20 system, making available reasonable access to all phases of  
21 public telephone service to persons who have a hearing or  
22 speech disability. In order to design a telecommunications  
23 relay system which will meet the requirements of those persons  
24 with a hearing or speech disability available at a reasonable  
25 cost, the Commission shall initiate an investigation and  
26 conduct public hearings to determine the most cost-effective

1 method of providing telecommunications relay service to those  
2 persons who have a hearing or speech disability when using  
3 telecommunications devices and therein solicit the advice,  
4 counsel, and physical assistance of Statewide nonprofit  
5 consumer organizations that serve persons with hearing or  
6 speech disabilities in such hearings and during the development  
7 and implementation of the system. The Commission shall phase in  
8 this program, on a geographical basis, as soon as is  
9 practicable, but no later than June 30, 1990.

10 (c) The Commission shall establish a competitively neutral  
11 rate recovery mechanism that establishes,~~authorizing~~ charges  
12 in an amount to be determined by the Commission for each line  
13 of a subscriber to allow telecommunications carriers providing  
14 local exchange service to recover costs as they are incurred  
15 under this Section.

16 (d) The Commission shall determine and specify those  
17 organizations serving the needs of those persons having a  
18 hearing or speech disability that shall receive a  
19 telecommunications device and in which offices the equipment  
20 shall be installed in the case of an organization having more  
21 than one office. For the purposes of this Section,  
22 "organizations serving the needs of those persons with hearing  
23 or speech disabilities" means centers for independent living as  
24 described in Section 12a of the Disabled Persons Rehabilitation  
25 Act and not-for-profit organizations whose primary purpose is  
26 serving the needs of those persons with hearing or speech

1 disabilities. The Commission shall direct the  
2 telecommunications carriers subject to its jurisdiction and  
3 this Section to comply with its determinations and  
4 specifications in this regard.

5 (e) As used in this Section:

6 "Prepaid wireless telecommunications service" means a  
7 wireless telecommunications service that must be paid for in  
8 advance and is sold in predetermined units or dollars of which  
9 the amount declines with use in a known amount.

10 "Retail transaction" has the meaning set forth in Section  
11 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

12 "Telecommunications, ~~the phrase~~ "telecommunications  
13 carrier providing local exchange service" includes, without  
14 otherwise limiting the meaning of the term, telecommunications  
15 carriers which are purely mutual concerns, having no rates or  
16 charges for services, but paying the operating expenses by  
17 assessment upon the members of such a company and no other  
18 person.

19 "Wireless telecommunications service" means commercial  
20 mobile service as defined in 47 CFR 20.3.

21 (f) Interconnected VoIP service providers, sellers of  
22 prepaid wireless telecommunications service, and providers of  
23 other wireless telecommunications services in Illinois shall  
24 collect and remit assessments determined in accordance with  
25 this Section in a competitively neutral manner in the same  
26 manner as a telecommunications carrier providing local

1 exchange service. However, the assessment imposed on consumers  
2 of prepaid wireless telecommunications service shall be  
3 imposed per retail transaction as a percentage of that retail  
4 transaction. Sellers of prepaid wireless telecommunications  
5 service shall remit the assessments to the Department of  
6 Revenue on the same form and in the same manner which they  
7 remit the fee collected under the Prepaid Wireless 9-1-1  
8 Surcharge Act. For the purposes of display on the consumers'  
9 receipts, the rates of the fee collected under the Prepaid  
10 Wireless 9-1-1 Surcharge Act and the assessment under this  
11 Section may be combined. In administration and enforcement of  
12 this Section, the provisions of Sections 15 and 20 (except  
13 subsection (c) and, from the effective date of this amendatory  
14 Act of the 99th General Assembly, the seller shall be permitted  
15 to deduct and retain 3% of the assessments that are collected  
16 by the seller from consumers and that are remitted and timely  
17 filed with the Department) of the Prepaid Wireless 9-1-1  
18 Surcharge Act that are not inconsistent with this Section,  
19 shall apply, as far as practicable, to the subject matter of  
20 this Section to the same extent as if those provisions were  
21 included in this Section. The Department shall pay to the State  
22 Treasurer all assessments and penalties collected under this  
23 Section for deposit into the Illinois Telecommunications  
24 Access Corporation Fund. On or before the 25th day of each  
25 calendar month, the Department shall prepare and certify to the  
26 Comptroller the amount available to the Illinois Commerce

1 Commission for distribution out of the Illinois  
2 Telecommunications Access Corporation Fund. The amount  
3 certified shall be the amount (not including credit memoranda)  
4 collected during the second preceding calendar month by the  
5 Department, plus an amount the Department determines is  
6 necessary to offset any amounts which were erroneously paid to  
7 a different taxing body or fund. The amount paid to the  
8 Illinois Telecommunications Access Corporation Fund shall not  
9 include any amount equal to the amount of refunds made during  
10 the second preceding calendar month by the Department to  
11 retailers under this Section or any amount that the Department  
12 determines is necessary to offset any amounts which were  
13 payable to a different taxing body or fund but were erroneously  
14 paid to the Illinois Telecommunications Access Corporation  
15 Fund. The Illinois Commerce Commission shall distribute all the  
16 funds to the Illinois Telecommunications Access Corporation  
17 and the funds may only be used in accordance with the  
18 provisions of this Section. The Department may deduct an  
19 amount, not to exceed 2%, during every year of remitted  
20 assessments to be transferred into the Tax Compliance and  
21 Administration Fund to reimburse the Department for its direct  
22 costs of administering the collection and remittance of the  
23 assessment. Interconnected VoIP services shall not be  
24 considered an intrastate telecommunications service for the  
25 purposes of this Section in a manner inconsistent with federal  
26 law or Federal Communications Commission regulation.

1           (g) The provisions of this Section are severable under  
2 Section 1.31 of the Statute on Statutes.

3           (Source: P.A. 96-927, eff. 6-15-10.)

4           Section 99. Effective date. This Act takes effect July 1,  
5 2015."