



Rep. Brandon W. Phelps

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1 AMENDMENT TO HOUSE BILL 3822

2 AMENDMENT NO. _____. Amend House Bill 3822, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The State Finance Act is amended by adding
6 Section 5.866 as follows:

7 (30 ILCS 105/5.866 new)

8 Sec. 5.866. The Illinois Telecommunications Access
9 Corporation Fund.

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

12 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

13 (Section scheduled to be repealed on July 1, 2015)

14 Sec. 13-703. (a) The Commission shall design and implement

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

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

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

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

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

1 this Section to comply with its determinations and
2 specifications in this regard.

3 (e) As used in this Section:

4 "Prepaid wireless telecommunications service" has the
5 meaning set forth in Section 10 of the Prepaid Wireless 9-1-1
6 Surcharge Act.

7 "Retail transaction" has the meaning set forth in Section
8 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

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

16 "Wireless carrier" has the meaning set forth in Section 10
17 of the Wireless Emergency Telephone Safety Act.

18 (f) Interconnected VoIP service providers, sellers of
19 prepaid wireless telecommunications service, and wireless
20 carriers in Illinois shall collect and remit assessments
21 determined in accordance with this Section in a competitively
22 neutral manner in the same manner as a telecommunications
23 carrier providing local exchange service. However, the
24 assessment imposed on consumers of prepaid wireless
25 telecommunications service shall be imposed per retail
26 transaction as a percentage of that retail transaction on all

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

1 Commerce 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. The

1 Illinois Commerce Commission may adopt rules necessary to
2 implement this Section.

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

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

6 Section 99. Effective date. This Act takes effect July 1,
7 2015.".