



Sen. Kimberly A. Lightford

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10200HB0594sam003

LRB102 10655 AMC 30306 a

1 AMENDMENT TO HOUSE BILL 594

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 594, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment  
4 No. 2, on page 2, line 3, by replacing "Sections 4.32 and 4.37"  
5 with "Section 4.32"; and

6 on page 3, by deleting lines 3 through 16; and

7 on page 3, immediately above line 17, by inserting the  
8 following:

9 "Section 18. The State Budget Law of the Civil  
10 Administrative Code of Illinois is amended by changing Section  
11 50-5 as follows:

12 (15 ILCS 20/50-5)

13 Sec. 50-5. Governor to submit State budget.

14 (a) The Governor shall, as soon as possible and not later

1 than the second Wednesday in March in 2010 (March 10, 2010),  
2 the third Wednesday in February in 2011, the fourth Wednesday  
3 in February in 2012 (February 22, 2012), the first Wednesday  
4 in March in 2013 (March 6, 2013), the fourth Wednesday in March  
5 in 2014 (March 26, 2014), the first Wednesday in February in  
6 2022 (February 2, 2022), and the third Wednesday in February  
7 of each year thereafter, except as otherwise provided in this  
8 Section, submit a State budget, embracing therein the amounts  
9 recommended by the Governor to be appropriated to the  
10 respective departments, offices, and institutions, and for all  
11 other public purposes, the estimated revenues from taxation,  
12 and the estimated revenues from sources other than taxation.  
13 Except with respect to the capital development provisions of  
14 the State budget, beginning with the revenue estimates  
15 prepared for fiscal year 2012, revenue estimates shall be  
16 based solely on: (i) revenue sources (including non-income  
17 resources), rates, and levels that exist as of the date of the  
18 submission of the State budget for the fiscal year and (ii)  
19 revenue sources (including non-income resources), rates, and  
20 levels that have been passed by the General Assembly as of the  
21 date of the submission of the State budget for the fiscal year  
22 and that are authorized to take effect in that fiscal year.  
23 Except with respect to the capital development provisions of  
24 the State budget, the Governor shall determine available  
25 revenue, deduct the cost of essential government services,  
26 including, but not limited to, pension payments and debt

1 service, and assign a percentage of the remaining revenue to  
2 each statewide prioritized goal, as established in Section  
3 50-25 of this Law, taking into consideration the proposed  
4 goals set forth in the report of the Commission established  
5 under that Section. The Governor shall also demonstrate how  
6 spending priorities for the fiscal year fulfill those  
7 statewide goals. The amounts recommended by the Governor for  
8 appropriation to the respective departments, offices and  
9 institutions shall be formulated according to each  
10 department's, office's, and institution's ability to  
11 effectively deliver services that meet the established  
12 statewide goals. The amounts relating to particular functions  
13 and activities shall be further formulated in accordance with  
14 the object classification specified in Section 13 of the State  
15 Finance Act. In addition, the amounts recommended by the  
16 Governor for appropriation shall take into account each State  
17 agency's effectiveness in achieving its prioritized goals for  
18 the previous fiscal year, as set forth in Section 50-25 of this  
19 Law, giving priority to agencies and programs that have  
20 demonstrated a focus on the prevention of waste and the  
21 maximum yield from resources.

22 Beginning in fiscal year 2011, the Governor shall  
23 distribute written quarterly financial reports on operating  
24 funds, which may include general, State, or federal funds and  
25 may include funds related to agencies that have significant  
26 impacts on State operations, and budget statements on all

1 appropriated funds to the General Assembly and the State  
2 Comptroller. The reports shall be submitted no later than 45  
3 days after the last day of each quarter of the fiscal year and  
4 shall be posted on the Governor's Office of Management and  
5 Budget's website on the same day. The reports shall be  
6 prepared and presented for each State agency and on a  
7 statewide level in an executive summary format that may  
8 include, for the fiscal year to date, individual itemizations  
9 for each significant revenue type as well as itemizations of  
10 expenditures and obligations, by agency, with an appropriate  
11 level of detail. The reports shall include a calculation of  
12 the actual total budget surplus or deficit for the fiscal year  
13 to date. The Governor shall also present periodic budget  
14 addresses throughout the fiscal year at the invitation of the  
15 General Assembly.

16 The Governor shall not propose expenditures and the  
17 General Assembly shall not enact appropriations that exceed  
18 the resources estimated to be available, as provided in this  
19 Section. Appropriations may be adjusted during the fiscal year  
20 by means of one or more supplemental appropriation bills if  
21 any State agency either fails to meet or exceeds the goals set  
22 forth in Section 50-25 of this Law.

23 For the purposes of Article VIII, Section 2 of the 1970  
24 Illinois Constitution, the State budget for the following  
25 funds shall be prepared on the basis of revenue and  
26 expenditure measurement concepts that are in concert with

1 generally accepted accounting principles for governments:

- 2 (1) General Revenue Fund.
- 3 (2) Common School Fund.
- 4 (3) Educational Assistance Fund.
- 5 (4) Road Fund.
- 6 (5) Motor Fuel Tax Fund.
- 7 (6) Agricultural Premium Fund.

8 These funds shall be known as the "budgeted funds". The  
9 revenue estimates used in the State budget for the budgeted  
10 funds shall include the estimated beginning fund balance, plus  
11 revenues estimated to be received during the budgeted year,  
12 plus the estimated receipts due the State as of June 30 of the  
13 budgeted year that are expected to be collected during the  
14 lapse period following the budgeted year, minus the receipts  
15 collected during the first 2 months of the budgeted year that  
16 became due to the State in the year before the budgeted year.  
17 Revenues shall also include estimated federal reimbursements  
18 associated with the recognition of Section 25 of the State  
19 Finance Act liabilities. For any budgeted fund for which  
20 current year revenues are anticipated to exceed expenditures,  
21 the surplus shall be considered to be a resource available for  
22 expenditure in the budgeted fiscal year.

23 Expenditure estimates for the budgeted funds included in  
24 the State budget shall include the costs to be incurred by the  
25 State for the budgeted year, to be paid in the next fiscal  
26 year, excluding costs paid in the budgeted year which were

1 carried over from the prior year, where the payment is  
2 authorized by Section 25 of the State Finance Act. For any  
3 budgeted fund for which expenditures are expected to exceed  
4 revenues in the current fiscal year, the deficit shall be  
5 considered as a use of funds in the budgeted fiscal year.

6 Revenues and expenditures shall also include transfers  
7 between funds that are based on revenues received or costs  
8 incurred during the budget year.

9 Appropriations for expenditures shall also include all  
10 anticipated statutory continuing appropriation obligations  
11 that are expected to be incurred during the budgeted fiscal  
12 year.

13 By March 15 of each year, the Commission on Government  
14 Forecasting and Accountability shall prepare revenue and fund  
15 transfer estimates in accordance with the requirements of this  
16 Section and report those estimates to the General Assembly and  
17 the Governor.

18 For all funds other than the budgeted funds, the proposed  
19 expenditures shall not exceed funds estimated to be available  
20 for the fiscal year as shown in the budget. Appropriation for a  
21 fiscal year shall not exceed funds estimated by the General  
22 Assembly to be available during that year.

23 (b) By February 24, 2010, the Governor must file a written  
24 report with the Secretary of the Senate and the Clerk of the  
25 House of Representatives containing the following:

26 (1) for fiscal year 2010, the revenues for all

1 budgeted funds, both actual to date and estimated for the  
2 full fiscal year;

3 (2) for fiscal year 2010, the expenditures for all  
4 budgeted funds, both actual to date and estimated for the  
5 full fiscal year;

6 (3) for fiscal year 2011, the estimated revenues for  
7 all budgeted funds, including without limitation the  
8 affordable General Revenue Fund appropriations, for the  
9 full fiscal year; and

10 (4) for fiscal year 2011, an estimate of the  
11 anticipated liabilities for all budgeted funds, including  
12 without limitation the affordable General Revenue Fund  
13 appropriations, debt service on bonds issued, and the  
14 State's contributions to the pension systems, for the full  
15 fiscal year.

16 Between July 1 and August 31 of each fiscal year, the  
17 members of the General Assembly and members of the public may  
18 make written budget recommendations to the Governor.

19 Beginning with budgets prepared for fiscal year 2013, the  
20 budgets submitted by the Governor and appropriations made by  
21 the General Assembly for all executive branch State agencies  
22 must adhere to a method of budgeting where each priority must  
23 be justified each year according to merit rather than  
24 according to the amount appropriated for the preceding year.

25 (Source: P.A. 97-669, eff. 1-13-12; 97-813, eff. 7-13-12;  
26 98-2, eff. 2-19-13; 98-626, eff. 2-5-14.)"; and

1 on page 32, immediately below line 14, by inserting the  
2 following:

3 "Section 48. The Public-Private Partnership for Civic and  
4 Transit Infrastructure Project Act is amended by changing  
5 Sections 25-10 and 25-15 as follows:

6 (30 ILCS 558/25-10)

7 Sec. 25-10. Definitions. As used in this Act:

8 "Civic and Transit Infrastructure Project" or "civic  
9 build" or "Project" means civic infrastructure, whether  
10 publicly or privately owned, located in the City of Chicago,  
11 generally within the boundaries of East 14th Street; extending  
12 east to Lake Shore Drive; south to McCormick Place's North  
13 Building; west to the outer boundary of the McCormick Place  
14 busway and, where it extends farther west, the St. Charles  
15 Airline; northwest to South Indiana Avenue; north to East 15th  
16 Place; east to the McCormick Place busway; and north to East  
17 14th Street, in total comprising approximately 34 acres,  
18 including, without limitation: (1) streets, roadways,  
19 pedestrian ways, commuter linkages and circulator transit  
20 systems, bridges, tunnels, overpasses, bus ways, and guideways  
21 connected to or adjacent to the Project; (2) utilities systems  
22 and related facilities, utility relocations and replacements,  
23 utility-line extensions, network and communication systems,



1 streetscape improvements, drainage systems, sewer and water  
2 systems, subgrade structures and associated improvements; (3)  
3 landscaping, facade construction and restoration, wayfinding,  
4 and signage; (4) public transportation and transit facilities  
5 and related infrastructure, vehicle parking facilities, and  
6 other facilities that encourage intermodal transportation and  
7 public transit connected to or adjacent to the Project; (5)  
8 railroad infrastructure, stations, maintenance and storage  
9 facilities; (6) parks, plazas, atriums, civic and cultural  
10 facilities, community and recreational facilities, facilities  
11 to promote tourism and hospitality, educational facilities,  
12 conferencing and conventions, broadcast and related multimedia  
13 infrastructure, destination and community retail, dining and  
14 entertainment facilities; and (7) other facilities with the  
15 primary purpose of attracting and fostering economic  
16 development within the area of the Civic and Transit  
17 Infrastructure Project by generating additional tax base, all  
18 as agreed upon in a public-private agreement. "Civic build"  
19 includes any improvements or substantial enhancements or  
20 modifications to civic infrastructure located on or connected  
21 or adjacent to the Civic and Transit Infrastructure Project.  
22 "Civic Build" does not include commercial office, residential,  
23 or hotel facilities, or any retail, dining, and entertainment  
24 included within such facilities as part of a private build,  
25 constructed on or adjacent to the civic build.

26 "Civic build cost" means all costs of the civic build, as

1 specified in the public-private agreement, and includes,  
2 without limitation, the cost of the following activities as  
3 part of the Civic and Transit Infrastructure Project: (1)  
4 acquiring or leasing real property, including air rights, and  
5 other assets associated with the Project; (2) demolishing,  
6 repairing, or rehabilitating buildings; (3) remediating land  
7 and buildings as required to prepare the property for  
8 development; (4) installing, constructing, or reconstructing,  
9 elements of civic infrastructure required to support the  
10 overall Project, including, without limitation, streets,  
11 roadways, pedestrian ways and commuter linkages, utilities  
12 systems and related facilities, utility relocations and  
13 replacements, network and communication systems, streetscape  
14 improvements, drainage systems, sewer and water systems,  
15 subgrade structures and associated improvements, landscaping,  
16 facade construction and restoration, wayfinding and signage,  
17 and other components of community infrastructure; (5)  
18 acquiring, constructing or reconstructing, and equipping  
19 transit stations, parking facilities, and other facilities  
20 that encourage intermodal transportation and public transit;  
21 (6) installing, constructing or reconstructing, and equipping  
22 core elements of civic infrastructure to promote and encourage  
23 economic development, including, without limitation, parks,  
24 cultural facilities, community and recreational facilities,  
25 facilities to promote tourism and hospitality, educational  
26 facilities, conferencing and conventions, broadcast and

1 related multimedia infrastructure, destination and community  
2 retail, dining and entertainment facilities, and other  
3 facilities with the primary purpose of attracting and  
4 fostering economic development within the area by generating a  
5 new tax base; (7) providing related improvements, including,  
6 without limitation, excavation, earth retention, soil  
7 stabilization and correction, site improvements, and future  
8 capital improvements and expenses; (8) planning, engineering,  
9 legal, marketing, development, insurance, finance, and other  
10 related professional services and costs associated with the  
11 civic build; and (9) the commissioning or operational start-up  
12 of any component of the civic build.

13 "Develop" or "development" means to do one or more of the  
14 following: plan, design, develop, lease, acquire, install,  
15 construct, reconstruct, repair, rehabilitate, replace, or  
16 extend the Civic and Transit Infrastructure Project as  
17 provided under this Act.

18 "Maintain" or "maintenance" includes ordinary maintenance,  
19 repair, rehabilitation, capital maintenance, maintenance  
20 replacement, and other categories of maintenance that may be  
21 designated by the public-private agreement for the Civic and  
22 Transit Infrastructure Project as provided under this Act.

23 "Operate" or "operation" means to do one or more of the  
24 following: maintain, improve, equip, modify, or otherwise  
25 operate the Civic and Transit Infrastructure Project as  
26 provided under this Act.

1 "Private build" means all commercial, industrial or  
2 residential facilities, or property that is not included in  
3 the definition of civic build. The private build may include  
4 commercial office, residential, educational, health and  
5 wellness, or hotel facilities constructed on or adjacent to  
6 the civic build, and retail, dining, and entertainment  
7 facilities that are not included as part of the civic build  
8 under the public-private agreement.

9 "Private entity" means any private entity associated with  
10 the Civic and Transit Infrastructure Project at the time of  
11 execution and delivery of a public-private agreement, and its  
12 successors or assigns. The private entity may enter into a  
13 public-private agreement with the public agency on behalf of  
14 the State for the development, financing, construction,  
15 operational, or management of the Civic and Transit  
16 Infrastructure Project under this Act.

17 "Public agency" means the Illinois Finance Authority  
18 ~~Governor's Office of Management and Budget.~~

19 "Public-private agreement" or "agreement" means one or  
20 more agreements or contracts entered into between the public  
21 agency on behalf of the State and private entity, and all  
22 schedules, exhibits, and attachments thereto, entered into  
23 under this Act for the development, financing, construction,  
24 operation, or management of the Civic and Transit  
25 Infrastructure Project, whereby the private entity will  
26 develop, finance, construct, own, operate, and manage the

1 Project for a definite term in return for the right to receive  
2 the revenues generated from the Project and other required  
3 payments from the State, including, but not limited to, a  
4 portion of the State sales taxes, as provided under this Act.

5 "Revenues" means all revenues, including, but not limited  
6 to, income user fees; ticket fees; earnings, interest, lease  
7 payments, allocations, moneys from the federal government,  
8 grants, loans, lines of credit, credit guarantees, bond  
9 proceeds, equity investments, service payments, or other  
10 receipts arising out of or in connection with the financing,  
11 development, construction, operation, and management of the  
12 Project under this Act. "Revenues" does not include the State  
13 payments to the Civic and Transit Infrastructure Fund as  
14 required under this Act.

15 "State" means the State of Illinois.

16 "User fees" means the tolls, rates, fees, or other charges  
17 imposed by the State or private entity for use of all or part  
18 of the civic build.

19 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

20 (30 ILCS 558/25-15)

21 Sec. 25-15. Formation of the public-private agreement.

22 (a) In consideration of the requirements of this Act and  
23 in order to enable the State to facilitate the development,  
24 financing, construction, management, and operation of Civic  
25 and Transit Infrastructure Projects, the ~~a~~ public agency, in

1 consultation with the Governor's Office of Management and  
2 Budget, shall have the authority and shall take all necessary  
3 steps to enter into a public-private agreement with a private  
4 entity to develop, finance, construct, operate, and manage  
5 Civic and Transit Infrastructure Projects; provided that the  
6 final public-private agreement must be approved by the  
7 Governor's Office of Management and Budget prior to execution.

8 Prior to negotiating the public-private agreement, the public  
9 agency shall have the authority to take all necessary steps to  
10 enter into interim agreements with the private entity to  
11 facilitate the negotiations for the public-private agreement  
12 consistent with this Act.

13 (b) The public agency shall serve as a fiduciary to the  
14 State in entering into the public-private agreement with the  
15 private entity.

16 (c) The public agency may retain such experts and advisors  
17 as are necessary to fulfill its duties and responsibilities  
18 under this Act and may rely upon existing third-party reports  
19 and analyses related to the Civic and Transit Infrastructure  
20 Project. The public agency may expend funds as necessary to  
21 facilitate negotiating and entering into a public-private  
22 agreement.

23 (d) The public agency shall have the authority to adopt  
24 rules to facilitate the administration of the public-private  
25 agreement entered into consistent with this Act.

26 (e) The term of the public-private agreement, including

1 all extensions, shall be no more than 75 years. The term of a  
2 public-private agreement may be extended by the public agency  
3 if it deems that such extension is in the best interest of the  
4 State.

5 (f) Except as otherwise provided under this Act, the Civic  
6 and Transit Infrastructure Project shall be subject to all  
7 applicable planning requirements otherwise required by the  
8 State or local law, including land use planning, regional  
9 planning, transportation planning, and environmental  
10 compliance requirements.

11 (g) The public agency shall be responsible for fulfilling  
12 all required obligations related to any requests for  
13 disclosure of records related to the public business of the  
14 public agency and expenditure of State moneys under this Act  
15 pursuant to the Freedom of Information Act.

16 (h) The public-private agreement shall require the private  
17 entity to enter into a project labor agreement.

18 (i) The public agency shall take all reasonable steps to  
19 ensure that the public-private agreement is promptly  
20 negotiated with the private entity and that the public-private  
21 agreement is in substantially final form within 120 days  
22 following the effective date of this amendatory Act of the  
23 102nd General Assembly. To ensure compliance with this  
24 subsection, the public agency shall submit a report on the  
25 status of the public-private agreement to the General Assembly  
26 no later than 120 days following the effective date of this

1 amendatory Act of the 102nd General Assembly.

2 (Source: P.A. 101-10, eff. 6-5-19.)"; and

3 on page 65, immediately below line 12, by inserting the  
4 following:

5 "Section 66. If and only if House Bill 3666 of the 102nd  
6 General Assembly becomes law (as amended by Senate Amendment  
7 No. 6), the Energy Assistance Act is amended by changing  
8 Section 13 as follows:

9 (305 ILCS 20/13)

10 (Text of Section from P.A. 102-16)

11 (Section scheduled to be repealed on January 1, 2025)

12 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

13 (a) The Supplemental Low-Income Energy Assistance Fund is  
14 hereby created as a special fund in the State Treasury.  
15 Notwithstanding any other law to the contrary, the  
16 Supplemental Low-Income Energy Assistance Fund is not subject  
17 to sweeps, administrative charge-backs, or any other fiscal or  
18 budgetary maneuver that would in any way transfer any amounts  
19 from the Supplemental Low-Income Energy Assistance Fund into  
20 any other fund of the State. The Supplemental Low-Income  
21 Energy Assistance Fund is authorized to receive moneys from  
22 voluntary donations from individuals, foundations,  
23 corporations, and other sources, moneys received pursuant to



1 Section 17, and, by statutory deposit, the moneys collected  
2 pursuant to this Section. The Fund is also authorized to  
3 receive voluntary donations from individuals, foundations,  
4 corporations, and other sources. Subject to appropriation, the  
5 Department shall use moneys from the Supplemental Low-Income  
6 Energy Assistance Fund for payments to electric or gas public  
7 utilities, municipal electric or gas utilities, and electric  
8 cooperatives on behalf of their customers who are participants  
9 in the program authorized by Sections 4 and 18 of this Act, for  
10 the provision of weatherization services and for  
11 administration of the Supplemental Low-Income Energy  
12 Assistance Fund. All other deposits outside of the Energy  
13 Assistance Charge as set forth in subsection (b) are not  
14 subject to the percentage restrictions related to  
15 administrative and weatherization expenses provided in this  
16 subsection. The yearly expenditures for weatherization may not  
17 exceed 10% of the amount collected during the year pursuant to  
18 this Section, except when unspent funds from the Supplemental  
19 Low-Income Energy Assistance Fund are reallocated from a  
20 previous year; any unspent balance of the 10% weatherization  
21 allowance may be utilized for weatherization expenses in the  
22 year they are reallocated. The yearly administrative expenses  
23 of the Supplemental Low-Income Energy Assistance Fund may not  
24 exceed 13% of the amount collected during that year pursuant  
25 to this Section, except when unspent funds from the  
26 Supplemental Low-Income Energy Assistance Fund are reallocated

1 from a previous year; any unspent balance of the 13%  
2 administrative allowance may be utilized for administrative  
3 expenses in the year they are reallocated. Of the 13%  
4 administrative allowance, no less than 8% shall be provided to  
5 Local Administrative Agencies for administrative expenses.

6 (b) Notwithstanding the provisions of Section 16-111 of  
7 the Public Utilities Act but subject to subsection (k) of this  
8 Section, each public utility, electric cooperative, as defined  
9 in Section 3.4 of the Electric Supplier Act, and municipal  
10 utility, as referenced in Section 3-105 of the Public  
11 Utilities Act, that is engaged in the delivery of electricity  
12 or the distribution of natural gas within the State of  
13 Illinois shall, effective January 1, 2021 ~~2022~~, assess each of  
14 its customer accounts a monthly Energy Assistance Charge for  
15 the Supplemental Low-Income Energy Assistance Fund. The  
16 delivering public utility, municipal electric or gas utility,  
17 or electric or gas cooperative for a self-assessing purchaser  
18 remains subject to the collection of the fee imposed by this  
19 Section. The monthly charge shall be as follows:

20 (1) Base Energy Assistance Charge per month on each  
21 account for residential electrical service;

22 (2) Base Energy Assistance Charge per month on each  
23 account for residential gas service;

24 (3) Ten times the Base Energy Assistance Charge per  
25 month on each account for non-residential electric service  
26 which had less than 10 megawatts of peak demand during the

1 previous calendar year;

2 (4) Ten times the Base Energy Assistance Charge per  
3 month on each account for non-residential gas service  
4 which had distributed to it less than 4,000,000 therms of  
5 gas during the previous calendar year;

6 (5) Three hundred and seventy-five times the Base  
7 Energy Assistance Charge per month on each account for  
8 non-residential electric service which had 10 megawatts or  
9 greater of peak demand during the previous calendar year;  
10 and

11 (6) Three hundred and seventy-five times the Base  
12 Energy Assistance Charge per month on each account For  
13 non-residential gas service which had 4,000,000 or more  
14 therms of gas distributed to it during the previous  
15 calendar year.

16 The Base Energy Assistance Charge shall be \$0.48 per month  
17 for the calendar year beginning January 1, 2022 and shall  
18 increase by \$0.16 per month for any calendar year, provided no  
19 less than 80% of the previous State fiscal year's available  
20 Supplemental Low-Income Energy Assistance Fund funding was  
21 exhausted. The maximum Base Energy Assistance Charge shall not  
22 exceed \$0.96 per month for any calendar year.

23 The incremental change to such charges imposed by Public  
24 Act 99-933 and this amendatory Act of the 102nd General  
25 Assembly shall not (i) be used for any purpose other than to  
26 directly assist customers and (ii) be applicable to utilities

1 serving less than 100,000 customers in Illinois on January 1,  
2 2021. The incremental change to such charges imposed by this  
3 amendatory Act of the 102nd General Assembly are intended to  
4 increase utilization of the Percentage of Income Payment Plan  
5 (PIPP or PIP Plan) and shall be applied such that PIP Plan  
6 enrollment is at least doubled, as compared to 2020  
7 enrollment, by 2024.

8 In addition, electric and gas utilities have committed,  
9 and shall contribute, a one-time payment of \$22 million to the  
10 Fund, within 10 days after the effective date of the tariffs  
11 established pursuant to Sections 16-111.8 and 19-145 of the  
12 Public Utilities Act to be used for the Department's cost of  
13 implementing the programs described in Section 18 of this  
14 amendatory Act of the 96th General Assembly, the Arrearage  
15 Reduction Program described in Section 18, and the programs  
16 described in Section 8-105 of the Public Utilities Act. If a  
17 utility elects not to file a rider within 90 days after the  
18 effective date of this amendatory Act of the 96th General  
19 Assembly, then the contribution from such utility shall be  
20 made no later than February 1, 2010.

21 (c) For purposes of this Section:

22 (1) "residential electric service" means electric  
23 utility service for household purposes delivered to a  
24 dwelling of 2 or fewer units which is billed under a  
25 residential rate, or electric utility service for  
26 household purposes delivered to a dwelling unit or units

1 which is billed under a residential rate and is registered  
2 by a separate meter for each dwelling unit;

3 (2) "residential gas service" means gas utility  
4 service for household purposes distributed to a dwelling  
5 of 2 or fewer units which is billed under a residential  
6 rate, or gas utility service for household purposes  
7 distributed to a dwelling unit or units which is billed  
8 under a residential rate and is registered by a separate  
9 meter for each dwelling unit;

10 (3) "non-residential electric service" means electric  
11 utility service which is not residential electric service;  
12 and

13 (4) "non-residential gas service" means gas utility  
14 service which is not residential gas service.

15 (d) Within 30 days after the effective date of this  
16 amendatory Act of the 96th General Assembly, each public  
17 utility engaged in the delivery of electricity or the  
18 distribution of natural gas shall file with the Illinois  
19 Commerce Commission tariffs incorporating the Energy  
20 Assistance Charge in other charges stated in such tariffs,  
21 which shall become effective no later than the beginning of  
22 the first billing cycle following such filing.

23 (e) The Energy Assistance Charge assessed by electric and  
24 gas public utilities shall be considered a charge for public  
25 utility service.

26 (f) By the 20th day of the month following the month in

1 which the charges imposed by the Section were collected, each  
2 public utility, municipal utility, and electric cooperative  
3 shall remit to the Department of Revenue all moneys received  
4 as payment of the Energy Assistance Charge on a return  
5 prescribed and furnished by the Department of Revenue showing  
6 such information as the Department of Revenue may reasonably  
7 require; provided, however, that a utility offering an  
8 Arrearage Reduction Program or Supplemental Arrearage  
9 Reduction Program pursuant to Section 18 of this Act shall be  
10 entitled to net those amounts necessary to fund and recover  
11 the costs of such Programs as authorized by that Section that  
12 is no more than the incremental change in such Energy  
13 Assistance Charge authorized by Public Act 96-33. If a  
14 customer makes a partial payment, a public utility, municipal  
15 utility, or electric cooperative may elect either: (i) to  
16 apply such partial payments first to amounts owed to the  
17 utility or cooperative for its services and then to payment  
18 for the Energy Assistance Charge or (ii) to apply such partial  
19 payments on a pro-rata basis between amounts owed to the  
20 utility or cooperative for its services and to payment for the  
21 Energy Assistance Charge.

22 If any payment provided for in this Section exceeds the  
23 distributor's liabilities under this Act, as shown on an  
24 original return, the Department may authorize the distributor  
25 to credit such excess payment against liability subsequently  
26 to be remitted to the Department under this Act, in accordance

1 with reasonable rules adopted by the Department. If the  
2 Department subsequently determines that all or any part of the  
3 credit taken was not actually due to the distributor, the  
4 distributor's discount shall be reduced by an amount equal to  
5 the difference between the discount as applied to the credit  
6 taken and that actually due, and that distributor shall be  
7 liable for penalties and interest on such difference.

8 (g) The Department of Revenue shall deposit into the  
9 Supplemental Low-Income Energy Assistance Fund all moneys  
10 remitted to it in accordance with subsection (f) of this  
11 Section. The utilities shall coordinate with the Department to  
12 establish an equitable and practical methodology for  
13 implementing this subsection (g) beginning with the 2010  
14 program year.

15 (h) On or before December 31, 2002, the Department shall  
16 prepare a report for the General Assembly on the expenditure  
17 of funds appropriated from the Low-Income Energy Assistance  
18 Block Grant Fund for the program authorized under Section 4 of  
19 this Act.

20 (i) The Department of Revenue may establish such rules as  
21 it deems necessary to implement this Section.

22 (j) The Department of Commerce and Economic Opportunity  
23 may establish such rules as it deems necessary to implement  
24 this Section.

25 (k) The charges imposed by this Section shall only apply  
26 to customers of municipal electric or gas utilities and

1 electric or gas cooperatives if the municipal electric or gas  
2 utility or electric or gas cooperative makes an affirmative  
3 decision to impose the charge. If a municipal electric or gas  
4 utility or an electric cooperative makes an affirmative  
5 decision to impose the charge provided by this Section, the  
6 municipal electric or gas utility or electric cooperative  
7 shall inform the Department of Revenue in writing of such  
8 decision when it begins to impose the charge. If a municipal  
9 electric or gas utility or electric or gas cooperative does  
10 not assess this charge, the Department may not use funds from  
11 the Supplemental Low-Income Energy Assistance Fund to provide  
12 benefits to its customers under the program authorized by  
13 Section 4 of this Act.

14 In its use of federal funds under this Act, the Department  
15 may not cause a disproportionate share of those federal funds  
16 to benefit customers of systems which do not assess the charge  
17 provided by this Section.

18 This Section is repealed on January 1, 2025 unless renewed  
19 by action of the General Assembly.

20 (Source: P.A. 102-16, eff. 6-17-21; 10200HB3666sam006.)

21 (Text of Section from P.A. 102-176)

22 (Section scheduled to be repealed on January 1, 2025)

23 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

24 (a) The Supplemental Low-Income Energy Assistance Fund is  
25 hereby created as a special fund in the State Treasury. The



1 Supplemental Low-Income Energy Assistance Fund is authorized  
2 to receive moneys from voluntary donations from individuals,  
3 foundations, corporations, and other sources, moneys received  
4 pursuant to Section 17, and, by statutory deposit, the moneys  
5 collected pursuant to this Section. The Fund is also  
6 authorized to receive voluntary donations from individuals,  
7 foundations, corporations, and other sources. Subject to  
8 appropriation, the Department shall use moneys from the  
9 Supplemental Low-Income Energy Assistance Fund for payments to  
10 electric or gas public utilities, municipal electric or gas  
11 utilities, and electric cooperatives on behalf of their  
12 customers who are participants in the program authorized by  
13 Sections 4 and 18 of this Act, for the provision of  
14 weatherization services and for administration of the  
15 Supplemental Low-Income Energy Assistance Fund. All other  
16 deposits outside of the Energy Assistance Charge as set forth  
17 in subsection (b) are not subject to the percentage  
18 restrictions related to administrative and weatherization  
19 expenses provided in this subsection. The yearly expenditures  
20 for weatherization may not exceed 10% of the amount collected  
21 during the year pursuant to this Section, except when unspent  
22 funds from the Supplemental Low-Income Energy Assistance Fund  
23 are reallocated from a previous year; any unspent balance of  
24 the 10% weatherization allowance may be utilized for  
25 weatherization expenses in the year they are reallocated. The  
26 yearly administrative expenses of the Supplemental Low-Income

1 Energy Assistance Fund may not exceed 13% of the amount  
2 collected during that year pursuant to this Section, except  
3 when unspent funds from the Supplemental Low-Income Energy  
4 Assistance Fund are reallocated from a previous year; any  
5 unspent balance of the 13% administrative allowance may be  
6 utilized for administrative expenses in the year they are  
7 reallocated. Of the 13% administrative allowance, no less than  
8 8% shall be provided to Local Administrative Agencies for  
9 administrative expenses.

10 (b) Notwithstanding the provisions of Section 16-111 of  
11 the Public Utilities Act but subject to subsection (k) of this  
12 Section, each public utility, electric cooperative, as defined  
13 in Section 3.4 of the Electric Supplier Act, and municipal  
14 utility, as referenced in Section 3-105 of the Public  
15 Utilities Act, that is engaged in the delivery of electricity  
16 or the distribution of natural gas within the State of  
17 Illinois shall, effective January 1, 2021 ~~2022~~, assess each of  
18 its customer accounts a monthly Energy Assistance Charge for  
19 the Supplemental Low-Income Energy Assistance Fund. The  
20 delivering public utility, municipal electric or gas utility,  
21 or electric or gas cooperative for a self-assessing purchaser  
22 remains subject to the collection of the fee imposed by this  
23 Section. The monthly charge shall be as follows:

24 (1) Base Energy Assistance Charge per month on each  
25 account for residential electrical service;

26 (2) Base Energy Assistance Charge per month on each

1 account for residential gas service;

2 (3) Ten times the Base Energy Assistance Charge per  
3 month on each account for non-residential electric service  
4 which had less than 10 megawatts of peak demand during the  
5 previous calendar year;

6 (4) Ten times the Base Energy Assistance Charge per  
7 month on each account for non-residential gas service  
8 which had distributed to it less than 4,000,000 therms of  
9 gas during the previous calendar year;

10 (5) Three hundred and seventy-five times the Base  
11 Energy Assistance Charge per month on each account for  
12 non-residential electric service which had 10 megawatts or  
13 greater of peak demand during the previous calendar year;  
14 and

15 (6) Three hundred and seventy-five times the Base  
16 Energy Assistance Charge per month on each account for  
17 non-residential gas service which had 4,000,000 or more  
18 therms of gas distributed to it during the previous  
19 calendar year.

20 The Base Energy Assistance Charge shall be \$0.48 per month  
21 for the calendar year beginning January 1, 2022 and shall  
22 increase by \$0.16 per month for any calendar year, provided no  
23 less than 80% of the previous State fiscal year's available  
24 Supplemental Low-Income Energy Assistance Fund funding was  
25 exhausted. The maximum Base Energy Assistance Charge shall not  
26 exceed \$0.96 per month for any calendar year.

1           The incremental change to such charges imposed by Public  
2 Act 99-933 and this amendatory Act of the 102nd General  
3 Assembly shall not (i) be used for any purpose other than to  
4 directly assist customers and (ii) be applicable to utilities  
5 serving less than 100,000 customers in Illinois on January 1,  
6 2021. The incremental change to such charges imposed by this  
7 amendatory Act of the 102nd General Assembly are intended to  
8 increase utilization of the Percentage of Income Payment Plan  
9 (PIPP or PIP Plan) and shall be applied such that PIP Plan  
10 enrollment is at least doubled, as compared to 2020  
11 enrollment, by 2024.

12           In addition, electric and gas utilities have committed,  
13 and shall contribute, a one-time payment of \$22 million to the  
14 Fund, within 10 days after the effective date of the tariffs  
15 established pursuant to Sections 16-111.8 and 19-145 of the  
16 Public Utilities Act to be used for the Department's cost of  
17 implementing the programs described in Section 18 of this  
18 amendatory Act of the 96th General Assembly, the Arrearage  
19 Reduction Program described in Section 18, and the programs  
20 described in Section 8-105 of the Public Utilities Act. If a  
21 utility elects not to file a rider within 90 days after the  
22 effective date of this amendatory Act of the 96th General  
23 Assembly, then the contribution from such utility shall be  
24 made no later than February 1, 2010.

25           (c) For purposes of this Section:

26           (1) "residential electric service" means electric

1 utility service for household purposes delivered to a  
2 dwelling of 2 or fewer units which is billed under a  
3 residential rate, or electric utility service for  
4 household purposes delivered to a dwelling unit or units  
5 which is billed under a residential rate and is registered  
6 by a separate meter for each dwelling unit;

7 (2) "residential gas service" means gas utility  
8 service for household purposes distributed to a dwelling  
9 of 2 or fewer units which is billed under a residential  
10 rate, or gas utility service for household purposes  
11 distributed to a dwelling unit or units which is billed  
12 under a residential rate and is registered by a separate  
13 meter for each dwelling unit;

14 (3) "non-residential electric service" means electric  
15 utility service which is not residential electric service;  
16 and

17 (4) "non-residential gas service" means gas utility  
18 service which is not residential gas service.

19 (d) Within 30 days after the effective date of this  
20 amendatory Act of the 96th General Assembly, each public  
21 utility engaged in the delivery of electricity or the  
22 distribution of natural gas shall file with the Illinois  
23 Commerce Commission tariffs incorporating the Energy  
24 Assistance Charge in other charges stated in such tariffs,  
25 which shall become effective no later than the beginning of  
26 the first billing cycle following such filing.

1 (e) The Energy Assistance Charge assessed by electric and  
2 gas public utilities shall be considered a charge for public  
3 utility service.

4 (f) By the 20th day of the month following the month in  
5 which the charges imposed by the Section were collected, each  
6 public utility, municipal utility, and electric cooperative  
7 shall remit to the Department of Revenue all moneys received  
8 as payment of the Energy Assistance Charge on a return  
9 prescribed and furnished by the Department of Revenue showing  
10 such information as the Department of Revenue may reasonably  
11 require; provided, however, that a utility offering an  
12 Arrearage Reduction Program or Supplemental Arrearage  
13 Reduction Program pursuant to Section 18 of this Act shall be  
14 entitled to net those amounts necessary to fund and recover  
15 the costs of such Programs as authorized by that Section that  
16 is no more than the incremental change in such Energy  
17 Assistance Charge authorized by Public Act 96-33. If a  
18 customer makes a partial payment, a public utility, municipal  
19 utility, or electric cooperative may elect either: (i) to  
20 apply such partial payments first to amounts owed to the  
21 utility or cooperative for its services and then to payment  
22 for the Energy Assistance Charge or (ii) to apply such partial  
23 payments on a pro-rata basis between amounts owed to the  
24 utility or cooperative for its services and to payment for the  
25 Energy Assistance Charge.

26 If any payment provided for in this Section exceeds the

1 distributor's liabilities under this Act, as shown on an  
2 original return, the Department may authorize the distributor  
3 to credit such excess payment against liability subsequently  
4 to be remitted to the Department under this Act, in accordance  
5 with reasonable rules adopted by the Department. If the  
6 Department subsequently determines that all or any part of the  
7 credit taken was not actually due to the distributor, the  
8 distributor's discount shall be reduced by an amount equal to  
9 the difference between the discount as applied to the credit  
10 taken and that actually due, and that distributor shall be  
11 liable for penalties and interest on such difference.

12 (g) The Department of Revenue shall deposit into the  
13 Supplemental Low-Income Energy Assistance Fund all moneys  
14 remitted to it in accordance with subsection (f) of this  
15 Section. The utilities shall coordinate with the Department to  
16 establish an equitable and practical methodology for  
17 implementing this subsection (g) beginning with the 2010  
18 program year.

19 (h) On or before December 31, 2002, the Department shall  
20 prepare a report for the General Assembly on the expenditure  
21 of funds appropriated from the Low-Income Energy Assistance  
22 Block Grant Fund for the program authorized under Section 4 of  
23 this Act.

24 (i) The Department of Revenue may establish such rules as  
25 it deems necessary to implement this Section.

26 (j) The Department of Commerce and Economic Opportunity

1 may establish such rules as it deems necessary to implement  
2 this Section.

3 (k) The charges imposed by this Section shall only apply  
4 to customers of municipal electric or gas utilities and  
5 electric or gas cooperatives if the municipal electric or gas  
6 utility or electric or gas cooperative makes an affirmative  
7 decision to impose the charge. If a municipal electric or gas  
8 utility or an electric cooperative makes an affirmative  
9 decision to impose the charge provided by this Section, the  
10 municipal electric or gas utility or electric cooperative  
11 shall inform the Department of Revenue in writing of such  
12 decision when it begins to impose the charge. If a municipal  
13 electric or gas utility or electric or gas cooperative does  
14 not assess this charge, the Department may not use funds from  
15 the Supplemental Low-Income Energy Assistance Fund to provide  
16 benefits to its customers under the program authorized by  
17 Section 4 of this Act.

18 In its use of federal funds under this Act, the Department  
19 may not cause a disproportionate share of those federal funds  
20 to benefit customers of systems which do not assess the charge  
21 provided by this Section.

22 This Section is repealed on January 1, 2025 unless renewed  
23 by action of the General Assembly.

24 (Source: P.A. 102-176, eff. 6-1-22.; 10200HB3666sam006.)"; and

25 on page 96, line 5, by replacing "law" with "law, except that



1 Section 66 takes effect upon becoming law or on the date House  
2 Bill 3666 of the 102nd General Assembly takes effect,  
3 whichever is later".