

HB4471



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4471

Introduced 1/17/2024, by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

305 ILCS 20/13

Amends the Energy Assistance Act. Removes the January 1, 2025 repealer date for the Supplemental Low-Income Energy Assistance Fund. Effective immediately.

LRB103 37400 KTG 67522 b

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Energy Assistance Act is amended by
5 changing Section 13 as follows:

6 (305 ILCS 20/13)

7 (Section scheduled to be repealed on January 1, 2025)

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

9 (a) The Supplemental Low-Income Energy Assistance Fund is
10 hereby created as a special fund in the State Treasury. The
11 Supplemental Low-Income Energy Assistance Fund is authorized
12 to receive moneys from voluntary donations from individuals,
13 foundations, corporations, and other sources, moneys received
14 pursuant to Section 17, and, by statutory deposit, the moneys
15 collected pursuant to this Section. The Fund is also
16 authorized to receive voluntary donations from individuals,
17 foundations, corporations, and other sources. Subject to
18 appropriation, the Department shall use moneys from the
19 Supplemental Low-Income Energy Assistance Fund for: (i)
20 payments to electric or gas public utilities, municipal
21 electric or gas utilities, and electric cooperatives on behalf
22 of their customers who are participants in the program
23 authorized by Sections 4 and 18 of this Act; (ii) the provision

1 of weatherization services, including, but not limited to, the
2 installation of energy conservation measures, health and
3 safety measures, healthy home measures, home improvement
4 measures to alleviate the deferrals of certain projects,
5 including, but not limited to, roofs and foundation repairs,
6 and renewable energy retrofits; and (iii) administration of
7 the Supplemental Low-Income Energy Assistance Fund. All other
8 deposits outside of the Energy Assistance Charge as set forth
9 in subsection (b) are not subject to the percentage
10 restrictions related to administrative and weatherization
11 expenses provided in this subsection. The yearly expenditures
12 for weatherization may not exceed 10% of the amount collected
13 during the year pursuant to this Section, except when unspent
14 funds from the Supplemental Low-Income Energy Assistance Fund
15 are reallocated from a previous year; any unspent balance of
16 the 10% weatherization allowance may be utilized for
17 weatherization expenses in the year they are reallocated. The
18 yearly administrative expenses of the Supplemental Low-Income
19 Energy Assistance Fund may not exceed 13% of the amount
20 collected during that year pursuant to this Section, except
21 when unspent funds from the Supplemental Low-Income Energy
22 Assistance Fund are reallocated from a previous year; any
23 unspent balance of the 13% administrative allowance may be
24 utilized for administrative expenses in the year they are
25 reallocated. Of the 13% administrative allowance, no less than
26 8% shall be provided to Local Administrative Agencies for

1 administrative expenses.

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

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

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

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

24 (4) Ten times the Base Energy Assistance Charge per
25 month on each account for non-residential gas service
26 which had distributed to it less than 4,000,000 therms of

1 gas during the previous calendar year;

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

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

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

19 The incremental change to such charges imposed by Public
20 Act 99-933 and this amendatory Act of the 102nd General
21 Assembly shall not (i) be used for any purpose other than to
22 directly assist customers and (ii) be applicable to utilities
23 serving less than 100,000 customers in Illinois on January 1,
24 2021. The incremental change to such charges imposed by this
25 amendatory Act of the 102nd General Assembly are intended to
26 increase utilization of the Percentage of Income Payment Plan

1 (PIPP or PIP Plan) and shall be applied such that PIP Plan
2 enrollment is at least doubled, as compared to 2020
3 enrollment, by 2024.

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

17 (c) For purposes of this Section:

18 (1) "residential electric service" means electric
19 utility service for household purposes delivered to a
20 dwelling of 2 or fewer units which is billed under a
21 residential rate, or electric utility service for
22 household purposes delivered to a dwelling unit or units
23 which is billed under a residential rate and is registered
24 by a separate meter for each dwelling unit;

25 (2) "residential gas service" means gas utility
26 service for household purposes distributed to a dwelling

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

6 (3) "non-residential electric service" means electric
7 utility service which is not residential electric service;
8 and

9 (4) "non-residential gas service" means gas utility
10 service which is not residential gas service.

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

19 (e) The Energy Assistance Charge assessed by electric and
20 gas public utilities shall be considered a charge for public
21 utility service.

22 (f) By the 20th day of the month following the month in
23 which the charges imposed by the Section were collected, each
24 public utility, municipal utility, and electric cooperative
25 shall remit to the Department of Revenue all moneys received
26 as payment of the Energy Assistance Charge on a return

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

18 If any payment provided for in this Section exceeds the
19 distributor's liabilities under this Act, as shown on an
20 original return, the Department may authorize the distributor
21 to credit such excess payment against liability subsequently
22 to be remitted to the Department under this Act, in accordance
23 with reasonable rules adopted by the Department. If the
24 Department subsequently determines that all or any part of the
25 credit taken was not actually due to the distributor, the
26 distributor's discount shall be reduced by an amount equal to

1 the difference between the discount as applied to the credit
2 taken and that actually due, and that distributor shall be
3 liable for penalties and interest on such difference.

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

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

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

18 (j) The Department of Commerce and Economic Opportunity
19 may establish such rules as it deems necessary to implement
20 this Section.

21 (k) The charges imposed by this Section shall only apply
22 to customers of municipal electric or gas utilities and
23 electric or gas cooperatives if the municipal electric or gas
24 utility or electric or gas cooperative makes an affirmative
25 decision to impose the charge. If a municipal electric or gas
26 utility or an electric cooperative makes an affirmative

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

10 In its use of federal funds under this Act, the Department
11 may not cause a disproportionate share of those federal funds
12 to benefit customers of systems which do not assess the charge
13 provided by this Section.

14 ~~This Section is repealed on January 1, 2025 unless renewed~~
15 ~~by action of the General Assembly.~~

16 (Source: P.A. 102-16, eff. 6-17-21; 102-176, eff. 6-1-22;
17 102-671, eff. 11-30-21; 102-673, eff. 11-30-21; 102-699, eff.
18 4-19-22.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.