



Rep. Marlow H. Colvin

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09400HB1744ham001

LRB094 03239 DRJ 54611 a

1 AMENDMENT TO HOUSE BILL 1744

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1744 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Energy Assistance Act is amended by  
5 changing Section 13 and by adding Section 15 as follows:

6 (305 ILCS 20/13)

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

8 (a) The Supplemental Low-Income Energy Assistance Fund is  
9 hereby created as a special fund in the State Treasury. The  
10 Supplemental Low-Income Energy Assistance Fund is authorized  
11 to receive moneys from voluntary donations from individuals,  
12 foundations, corporations, and other sources, moneys received  
13 pursuant to Section 15, and, by statutory deposit, the moneys  
14 collected pursuant to this Section. Subject to appropriation,  
15 the Department shall use moneys from the Supplemental  
16 Low-Income Energy Assistance Fund for payments to electric or  
17 gas public utilities, municipal electric or gas utilities, and  
18 electric cooperatives on behalf of their customers who are  
19 participants in the program authorized by Section 4 of this  
20 Act, for the provision of weatherization services and for  
21 administration of the Supplemental Low-Income Energy  
22 Assistance Fund. The yearly expenditures for weatherization  
23 may not exceed 10% of the amount collected during the year  
24 pursuant to this Section. The yearly administrative expenses of

1 the Supplemental Low-Income Energy Assistance Fund may not  
2 exceed 10% of the amount collected during that year pursuant to  
3 this Section.

4 (b) Notwithstanding the provisions of Section 16-111 of the  
5 Public Utilities Act but subject to subsection (k) of this  
6 Section, each public utility, electric cooperative, as defined  
7 in Section 3.4 of the Electric Supplier Act, and municipal  
8 utility, as referenced in Section 3-105 of the Public Utilities  
9 Act, that is engaged in the delivery of electricity or the  
10 distribution of natural gas within the State of Illinois shall,  
11 effective January 1, 1998, assess each of its customer accounts  
12 a monthly Energy Assistance Charge for the Supplemental  
13 Low-Income Energy Assistance Fund. The delivering public  
14 utility, municipal electric or gas utility, or electric or gas  
15 cooperative for a self-assessing purchaser remains subject to  
16 the collection of the fee imposed by this Section. The monthly  
17 charge shall be as follows:

18 (1) \$0.40 per month on each account for residential  
19 electric service;

20 (2) \$0.40 per month on each account for residential gas  
21 service;

22 (3) \$4 per month on each account for non-residential  
23 electric service which had less than 10 megawatts of peak  
24 demand during the previous calendar year;

25 (4) \$4 per month on each account for non-residential  
26 gas service which had distributed to it less than 4,000,000  
27 therms of gas during the previous calendar year;

28 (5) \$300 per month on each account for non-residential  
29 electric service which had 10 megawatts or greater of peak  
30 demand during the previous calendar year; and

31 (6) \$300 per month on each account for non-residential  
32 gas service which had 4,000,000 or more therms of gas  
33 distributed to it during the previous calendar year.

34 (c) For purposes of this Section:

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

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

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

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

20           (d) At least 45 days prior to the date on which it must  
21 begin assessing Energy Assistance Charges, each public utility  
22 engaged in the delivery of electricity or the distribution of  
23 natural gas shall file with the Illinois Commerce Commission  
24 tariffs incorporating the Energy Assistance Charge in other  
25 charges stated in such tariffs.

26           (e) The Energy Assistance Charge assessed by electric and  
27 gas public utilities shall be considered a charge for public  
28 utility service.

29           (f) By the 20th day of the month following the month in  
30 which the charges imposed by the Section were collected, each  
31 public utility, municipal utility, and electric cooperative  
32 shall remit to the Department of Revenue all moneys received as  
33 payment of the Energy Assistance Charge on a return prescribed  
34 and furnished by the Department of Revenue showing such

1 information as the Department of Revenue may reasonably  
2 require. If a customer makes a partial payment, a public  
3 utility, municipal utility, or electric cooperative may elect  
4 either: (i) to apply such partial payments first to amounts  
5 owed to the utility or cooperative for its services and then to  
6 payment for the Energy Assistance Charge or (ii) to apply such  
7 partial payments on a pro-rata basis between amounts owed to  
8 the utility or cooperative for its services and to payment for  
9 the Energy Assistance Charge.

10 (g) The Department of Revenue shall deposit into the  
11 Supplemental Low-Income Energy Assistance Fund all moneys  
12 remitted to it in accordance with subsection (f) of this  
13 Section.

14 (h) (Blank).

15 On or before December 31, 2002, the Department shall  
16 prepare a report for the General Assembly on the expenditure of  
17 funds appropriated from the Low-Income Energy Assistance Block  
18 Grant Fund for the program authorized under Section 4 of this  
19 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 ~~Community Affairs~~ may establish such rules as it deems  
24 necessary to implement this Section.

25 (k) The charges imposed by this Section shall only apply to  
26 customers of municipal electric or gas utilities and electric  
27 or gas cooperatives if the municipal electric or gas utility or  
28 electric or gas cooperative makes an affirmative decision to  
29 impose the charge. If a municipal electric or gas utility or an  
30 electric cooperative makes an affirmative decision to impose  
31 the charge provided by this Section, the municipal electric or  
32 gas utility or electric cooperative shall inform the Department  
33 of Revenue in writing of such decision when it begins to impose  
34 the charge. If a municipal electric or gas utility or electric

1 or gas cooperative does not assess this charge, the Department  
2 may not use funds from the Supplemental Low-Income Energy  
3 Assistance Fund to provide benefits to its customers under the  
4 program authorized by Section 4 of this Act.

5 In its use of federal funds under this Act, the Department  
6 may not cause a disproportionate share of those federal funds  
7 to benefit customers of systems which do not assess the charge  
8 provided by this Section.

9 This Section is repealed effective December 31, 2007 unless  
10 renewed by action of the General Assembly. The General Assembly  
11 shall consider the results of the evaluations described in  
12 Section 8 in its deliberations.

13 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

14 (305 ILCS 20/15 new)

15 Sec. 15. Transfer into Supplemental Low-Income Energy  
16 Assistance Fund. No later than February 15, 2006, the Treasurer  
17 of the State of Illinois shall transfer into the Supplemental  
18 Low-Income Energy Assistance Fund \$5,201,055, which is  
19 equivalent to 50% of the average amount of Gas Revenue Tax paid  
20 per residential gas utility customer in State fiscal year 2005  
21 multiplied by the number of residential gas utility customers  
22 that received assistance from the Low Income Home Energy  
23 Assistance Program during the State fiscal year 2005 winter  
24 heating season.

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law."