



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2579

Introduced 1/20/2006, by Sen. Jacqueline Y. Collins

#### SYNOPSIS AS INTRODUCED:

|                        |                               |
|------------------------|-------------------------------|
| 20 ILCS 625/2          | from Ch. 127, par. 2602       |
| 30 ILCS 105/5.670 new  |                               |
| 30 ILCS 105/8h         |                               |
| 35 ILCS 5/507MM new    |                               |
| 65 ILCS 5/11-117-12.1  | from Ch. 24, par. 11-117-12.1 |
| 220 ILCS 5/8-205       | from Ch. 111 2/3, par. 8-205  |
| 220 ILCS 5/8-206       | from Ch. 111 2/3, par. 8-206  |
| 220 ILCS 5/8-207       | from Ch. 111 2/3, par. 8-207  |
| 220 ILCS 5/8-207.5 new |                               |
| 305 ILCS 20/2          | from Ch. 111 2/3, par. 1402   |
| 305 ILCS 20/3          | from Ch. 111 2/3, par. 1403   |
| 305 ILCS 20/4          | from Ch. 111 2/3, par. 1404   |
| 305 ILCS 20/6          | from Ch. 111 2/3, par. 1406   |
| 305 ILCS 20/8          | from Ch. 111 2/3, par. 1408   |
| 305 ILCS 20/13         |                               |
| 305 ILCS 20/15 new     |                               |
| 305 ILCS 20/16 new     |                               |
| 305 ILCS 22/5          |                               |

Amends the Illinois Economic Opportunity Act, the State Finance Act, the Illinois Income Tax Act, the Illinois Municipal Code, the Public Utilities Act, the Energy Assistance Act, and the Good Samaritan Energy Plan Act. Makes provisions concerning transfers to the General Revenue Fund from other funds not applicable to the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, and the Energy Assistance Program Fund. Creates an Illinois income tax checkoff whereby a taxpayer may make a contribution to the Energy Assistance Program Fund. Prohibits the termination of gas or electric utility service to residential users who participate in or are eligible for the energy assistance program, and provides for reconnection of utility service to such households. Provides for administration of the energy assistance program and the Good Samaritan Energy Trust Fund by the Department of Healthcare and Family Services instead of the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity); requires the Department to adopt rules providing for enhanced enrollment for eligible consumers to receive energy assistance, and requires gas and electric utility companies and cooperatives to assist in coordinating low-income energy assistance. Provides that the annual eligibility level for the energy assistance program may not be lower (instead of higher) than 150% of the federal poverty level. Deletes the repeal of provisions concerning the Supplemental Low-Income Energy Assistance Fund scheduled for December 31, 2007. Makes other changes. Effective immediately.

LRB094 16023 DRJ 53305 b

FISCAL NOTE ACT  
MAY APPLY

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 2. The Illinois Economic Opportunity Act is amended  
5 by changing Section 2 as follows:

6 (20 ILCS 625/2) (from Ch. 127, par. 2602)

7 Sec. 2. (a) The Director of Commerce and Economic  
8 Opportunity ~~the Department of Commerce & Community Affairs~~ is  
9 authorized to administer the federal community services block  
10 program, ~~low-income home energy assistance program,~~  
11 ~~weatherization assistance program,~~ emergency community  
12 services homeless grant program, and other federal programs  
13 that require or give preference to community action agencies  
14 for local administration in accordance with federal laws and  
15 regulations as amended. The Director shall provide financial  
16 assistance to community action agencies from community service  
17 block grant funds and other federal funds requiring or giving  
18 preference to community action agencies for local  
19 administration for the programs described in Section 4. The  
20 Director of Healthcare and Family Services is authorized to  
21 administer the federal low-income home energy assistance  
22 program and weatherization assistance program in accordance  
23 with federal laws and regulations as amended.

24 (b) Funds appropriated for use by community action agencies  
25 in community action programs shall be allocated annually to  
26 existing community action agencies or newly formed community  
27 action agencies by the Department of Commerce and Economic  
28 Opportunity ~~Community Affairs~~. Allocations will be made  
29 consistent with duly enacted departmental rules.

30 (Source: P.A. 87-926; revised 12-6-03.)

31 Section 5. The State Finance Act is amended by changing

1 Section 8h and by adding Section 5.670 as follows:

2 (30 ILCS 105/5.670 new)

3 Sec. 5.670. The Energy Assistance Program Fund.

4 (30 ILCS 105/8h)

5 Sec. 8h. Transfers to General Revenue Fund.

6 (a) Except as provided in subsection (b), notwithstanding  
7 any other State law to the contrary, the Governor may, through  
8 June 30, 2007, from time to time direct the State Treasurer and  
9 Comptroller to transfer a specified sum from any fund held by  
10 the State Treasurer to the General Revenue Fund in order to  
11 help defray the State's operating costs for the fiscal year.  
12 The total transfer under this Section from any fund in any  
13 fiscal year shall not exceed the lesser of (i) 8% of the  
14 revenues to be deposited into the fund during that fiscal year  
15 or (ii) an amount that leaves a remaining fund balance of 25%  
16 of the July 1 fund balance of that fiscal year. In fiscal year  
17 2005 only, prior to calculating the July 1, 2004 final  
18 balances, the Governor may calculate and direct the State  
19 Treasurer with the Comptroller to transfer additional amounts  
20 determined by applying the formula authorized in Public Act  
21 93-839 to the funds balances on July 1, 2003. No transfer may  
22 be made from a fund under this Section that would have the  
23 effect of reducing the available balance in the fund to an  
24 amount less than the amount remaining unexpended and unreserved  
25 from the total appropriation from that fund estimated to be  
26 expended for that fiscal year. This Section does not apply to  
27 any funds that are restricted by federal law to a specific use,  
28 to any funds in the Motor Fuel Tax Fund, the Intercity  
29 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
30 Provider Relief Fund, the Teacher Health Insurance Security  
31 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
32 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter  
33 Fund, the Lawyers' Assistance Program Fund, the Supreme Court  
34 Federal Projects Fund, the Supreme Court Special State Projects

1 Fund, the Supplemental Low-Income Energy Assistance Fund, the  
2 Energy Assistance Program Fund, the Good Samaritan Energy Trust  
3 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development  
4 and Operation Fund, or the Hospital Basic Services Preservation  
5 Fund, or to any funds to which subsection (f) of Section 20-40  
6 of the Nursing and Advanced Practice Nursing Act applies. No  
7 transfers may be made under this Section from the Pet  
8 Population Control Fund. Notwithstanding any other provision  
9 of this Section, for fiscal year 2004, the total transfer under  
10 this Section from the Road Fund or the State Construction  
11 Account Fund shall not exceed the lesser of (i) 5% of the  
12 revenues to be deposited into the fund during that fiscal year  
13 or (ii) 25% of the beginning balance in the fund. For fiscal  
14 year 2005 through fiscal year 2007, no amounts may be  
15 transferred under this Section from the Road Fund, the State  
16 Construction Account Fund, the Criminal Justice Information  
17 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
18 Mandatory Arbitration Fund.

19 In determining the available balance in a fund, the  
20 Governor may include receipts, transfers into the fund, and  
21 other resources anticipated to be available in the fund in that  
22 fiscal year.

23 The State Treasurer and Comptroller shall transfer the  
24 amounts designated under this Section as soon as may be  
25 practicable after receiving the direction to transfer from the  
26 Governor.

27 (b) This Section does not apply to: (i) the Ticket For The  
28 Cure Fund; (ii) ~~or to~~ any fund established under the Community  
29 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after  
30 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~  
31 ~~amendatory Act of the 94th General Assembly,~~ the Child Labor  
32 and Day and Temporary Labor Enforcement Fund.

33 (c) This Section does not apply to the Demutualization  
34 Trust Fund established under the Uniform Disposition of  
35 Unclaimed Property Act.

36 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,

1 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
2 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
3 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
4 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
5 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
6 94-691, eff. 11-2-05; revised 11-15-05.)

7 Section 10. The Illinois Income Tax Act is amended by  
8 adding Section 507MM as follows:

9 (35 ILCS 5/507MM new)

10 Sec. 507MM. Energy Assistance Program Fund checkoff.  
11 Beginning with taxable years ending on December 31, 2006, the  
12 Department shall print on its standard individual income tax  
13 form a provision indicating that if the taxpayer wishes to  
14 contribute to the Energy Assistance Program Fund as authorized  
15 by this amendatory Act of the 94th General Assembly, he or she  
16 may do so by stating the amount of the contribution (not less  
17 than \$1) on the return and that the contribution will reduce  
18 the taxpayer's refund or increase the amount of the payment to  
19 accompany the return. Failure to remit any amount of increased  
20 payment shall reduce the contribution accordingly. This  
21 Section shall not apply to an amended return.

22 Section 15. The Illinois Municipal Code is amended by  
23 changing Section 11-117-12.1 as follows:

24 (65 ILCS 5/11-117-12.1) (from Ch. 24, par. 11-117-12.1)

25 Sec. 11-117-12.1. Termination of gas or electric service.  
26 (a) No gas or electric service furnished to residential users  
27 by a municipality shall be terminated for nonpayment of bills  
28 on: (i) any day when the National Weather Service forecast for  
29 the following 24 hours covering the area in which the residence  
30 is located includes a forecast that the temperature will be 20  
31 degrees Fahrenheit or below; or (ii) any day preceding a  
32 holiday or a weekend when such a forecast indicates that the

1 temperature will be 20 degrees Fahrenheit or below during the  
2 holiday or weekend.

3 (b) No gas or electric service furnished to residential  
4 users by a municipality shall be terminated for nonpayment of  
5 bills in the case of any residential user who is a participant  
6 or is eligible to participate under Section 6 of the Energy  
7 Assistance Act.

8 (c) This Section amendatory Act of 1979 applies to all  
9 municipalities that own or operate a public utility, including  
10 home rule units. However, nothing in this Section shall prevent  
11 any municipality from establishing more stringent measures.

12 (Source: P.A. 81-986.)

13 Section 20. The Public Utilities Act is amended by changing  
14 Sections 8-205, 8-206, and 8-207 and by adding Section 8-207.5  
15 as follows:

16 (220 ILCS 5/8-205) (from Ch. 111 2/3, par. 8-205)

17 Sec. 8-205. Termination of gas and electric utility service  
18 to all residential users, including all tenants of  
19 mastermetered apartment buildings, for nonpayment of bills,  
20 where gas or electricity is used as the only source of space  
21 heating or to control or operate the only space heating  
22 equipment at the residence, is prohibited:

23 1. on any day when the National Weather Service forecast  
24 for the following 24 hours covering the area of the utility in  
25 which the residence is located includes a forecast that the  
26 temperature will be 32 degrees Fahrenheit or below; or

27 2. on any day preceding a holiday or a weekend when such a  
28 forecast indicated that the temperature will be 32 degrees  
29 Fahrenheit or below during the holiday or weekend; or

30 3. in the case of any household participating or eligible  
31 to participate under Section 6 of the Energy Assistance Act.

32 (Source: P.A. 84-617.)

33 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

1           Sec. 8-206. Winter termination for nonpayment.

2           (a) Notwithstanding any other provision of this Act, no  
3 electric or gas public utility or electric or gas cooperative  
4 shall disconnect service to any residential customer or  
5 mastermetered apartment building for nonpayment of a bill or  
6 deposit where gas or electricity is used as the primary source  
7 of space heating or is used to control or operate the primary  
8 source of space heating equipment at the premises during the  
9 period of time from December 1 through and including March 31  
10 of the immediately succeeding calendar year, unless:

11           (1) The utility (i) has offered the customer a deferred  
12 payment arrangement allowing for payment of past due amounts  
13 over a period of not less than 4 months not to extend beyond  
14 the following November and the option to enter into a levelized  
15 payment plan for the payment of future bills. The maximum down  
16 payment requirements shall not exceed 10% of the amount past  
17 due and owing at the time of entering into the agreement; and  
18 (ii) has provided the customer with the names, addresses and  
19 telephone numbers of governmental and private agencies which  
20 may provide assistance to customers of public utilities in  
21 paying their utility bills; the utility shall obtain the  
22 approval of an agency before placing the name of that agency on  
23 any list which will be used to provide such information to  
24 customers;

25           (2) The customer has refused or failed to enter into a  
26 deferred payment arrangement as described in paragraph (1) of  
27 this subsection (a); and

28           (3) All notice requirements as provided by law and rules or  
29 regulations of the Commission have been met.

30           (b) Prior to termination of service for any residential  
31 customer or mastermetered apartment building during the period  
32 from December 1 through and including March 31 of the  
33 immediately succeeding calendar year, all electric and gas  
34 public utilities shall, in addition to all other notices:

35           (1) Notify the customer or an adult residing at the  
36 customer's premises by telephone, a personal visit to the

1 customer's premises or by first class mail, informing the  
2 customer that:

3 (i) the customer's account is in arrears and the customer's  
4 service is subject to termination for nonpayment of a bill;

5 (ii) the customer can avoid disconnection of service by  
6 entering into a deferred payment agreement to pay past due  
7 amounts over a period not to extend beyond the following  
8 November and the customer has the option to enter into a  
9 levelized payment plan for the payment of future bills;

10 (iii) the customer may apply for any available assistance  
11 to aid in the payment of utility bills from any governmental or  
12 private agencies from the list of such agencies provided to the  
13 customer by the utility.

14 Provided, however, that a public utility shall be required  
15 to make only one such contact with the customer during any such  
16 period from December 1 through and including March 31 of the  
17 immediately succeeding calendar year.

18 (2) Each public utility shall maintain records which shall  
19 include, but not necessarily be limited to, the manner by which  
20 the customer was notified and the time, date and manner by  
21 which any prior but unsuccessful attempts to contact were made.  
22 These records shall also describe the terms of the deferred  
23 payment arrangements offered to the customer and those entered  
24 into by the utility and customers. These records shall indicate  
25 the total amount past due, the down payment, the amount  
26 remaining to be paid and the number of months allowed to pay  
27 the outstanding balance. No public utility shall be required to  
28 retain records pertaining to unsuccessful attempts to contact  
29 or deferred payment arrangements rejected by the customer after  
30 such customer has entered into a deferred payment arrangement  
31 with such utility.

32 (c) No public utility shall disconnect service for  
33 nonpayment of a bill until the lapse of 6 business days after  
34 making the notification required by paragraph (1) of subsection  
35 (b) so as to allow the customer an opportunity to:

36 (1) Enter into a deferred payment arrangement and the



1 option to enter into a levelized payment plan for the payment  
2 of future bills.

3 (2) Contact a governmental or private agency that may  
4 provide assistance to customers for the payment of public  
5 utility bills.

6 (d) Any residential customer who enters into a deferred  
7 payment arrangement pursuant to this Act, and subsequently  
8 during that period of time set forth in subsection (a) becomes  
9 subject to termination, shall be given notice as required by  
10 law and any rule or regulation of the Commission prior to  
11 termination of service.

12 (e) During that time period set forth in subsection (a), a  
13 utility shall not require a down payment for a deposit from a  
14 residential customer in excess of 20% of the total deposit  
15 requested. An additional 4 months shall be allowed to pay the  
16 remainder of the deposit. This provision shall not apply to  
17 mastermetered apartment buildings or other nonresidential  
18 customers.

19 (f) During that period of time set forth in subsection (a),  
20 no utility may refuse to offer a deferred payment agreement to  
21 a residential customer who has defaulted on such an agreement  
22 within the past 12 months. However, no utility shall be  
23 required to enter into more than one deferred payment  
24 arrangement under this Section with any residential customer or  
25 mastermetered apartment building during the period from  
26 December 1 through and including March 31 of the immediately  
27 succeeding calendar year.

28 (g) In order to enable customers to take advantage of  
29 energy assistance programs, customers who can demonstrate that  
30 their applications for a local, state or federal energy  
31 assistance program have been approved may request that the  
32 amount they will be entitled to receive as a regular energy  
33 assistance payment be deducted and set aside from the amount  
34 past due on which they make deferred payment arrangements.  
35 Payment on the set-aside amount shall be credited when the  
36 energy assistance voucher or check is received, according to

1 the utility's common business practice.

2 (h) In no event shall any utility send a final notice to  
3 any customer who has entered into a current deferred payment  
4 agreement and has not defaulted on that deferred payment  
5 agreement, unless the final notice pertains to a deposit  
6 request.

7 (i) Each utility shall include with each disconnection  
8 notice sent during the period for December 1 through and  
9 including March 31 of the immediately succeeding calendar year  
10 to a residential customer an insert explaining the above  
11 provisions and providing a telephone number of the utility  
12 company which the consumer may call to receive further  
13 information.

14 (j) Each utility shall file with the Commission prior to  
15 December 1 of each year a plan detailing the implementation of  
16 this Section. This plan shall contain, but not be limited to:

17 (1) a description of the methods to be used to notify  
18 residential customers as required in this Section, including  
19 the forms of written and oral notices which shall be required  
20 to include all the information contained in subsection (b) of  
21 this Section.

22 (2) a listing of the names, addresses and telephone numbers  
23 of governmental and private agencies which may provide  
24 assistance to residential customers in paying their utility  
25 bills;

26 (3) the program of employee education and information which  
27 shall be used by the company in the implementation of this  
28 Section.

29 (4) a description of methods to be utilized to inform  
30 residential customers of those governmental and private  
31 agencies and current and planned methods of cooperation with  
32 those agencies to identify the customers who qualify for  
33 assistance in paying their utility bills.

34 A utility which has a plan on file with the Commission need  
35 not resubmit a new plan each year. However, any alteration of  
36 the plan on file must be submitted and approved prior to

1 December 1 of any year.

2 All plans are subject to review and approval by the  
3 Commission. The Commission may direct a utility to alter its  
4 plan to comply with the requirements of this Section.

5 (k) Notwithstanding any other provision of this Act, no  
6 electric or gas public utility or electric or gas cooperative  
7 shall disconnect service to any residential customer who is a  
8 participant or is eligible to participate under Section 6 of  
9 the Energy Assistance Act ~~of 1989~~ for nonpayment of a bill or  
10 deposit where gas or electricity is used as the primary source  
11 of space heating or is used to control or operate the primary  
12 source of space heating equipment at the premises ~~during the~~  
13 ~~period of time from December 1 through and including March 31~~  
14 ~~of the immediately succeeding calendar year.~~

15 (Source: P.A. 93-289, eff. 7-22-03.)

16 (220 ILCS 5/8-207) (from Ch. 111 2/3, par. 8-207)

17 Sec. 8-207. Any former residential customer whose gas or  
18 electric service was used to provide or control the primary  
19 source of space heating in the dwelling and whose service is  
20 disconnected for nonpayment of a bill or a deposit from  
21 December 1 of the prior winter's heating season through April 1  
22 of the current heating season shall be eligible for  
23 reconnection and a deferred payment arrangement under the  
24 provisions of this Section, ~~subject to the following~~  
25 ~~limitations:~~

26 ~~A utility shall not be required to reconnect service to,~~  
27 ~~and enter into a deferred payment arrangement with, a former~~  
28 ~~customer under the provisions of this Section (1) except~~  
29 ~~between November 1 and April 1 of the current heating season~~  
30 ~~for former customers who do not have applications pending for~~  
31 ~~the program described in Section 6 of the Energy Assistance~~  
32 ~~Act, and except between October 1 and April 1 of the current~~  
33 ~~heating season for all former customers who do have~~  
34 ~~applications pending for the program described in Section 6 of~~  
35 ~~the Energy Assistance Act and who provide proof of application~~

1 ~~to the utility, (2) in 2 consecutive years, (3) unless that~~  
2 ~~former customer has paid at least 33 1/3% of the amount billed~~  
3 ~~for utility service rendered by that utility subsequent to~~  
4 ~~December 1 of the prior year, or (4) in any instance where the~~  
5 ~~utility can show there has been tampering with the utility's~~  
6 ~~wires, pipes, meters (including locking devices), or other~~  
7 ~~service equipment and further shows that the former customer~~  
8 ~~enjoyed the benefit of utility service obtained in the~~  
9 ~~aforsaid manner.~~

10 The terms and conditions of any deferred payment  
11 arrangements established by the utility and a former customer  
12 shall take into consideration the following factors, based upon  
13 information available from current utility records or provided  
14 by the former customer:

15 (1) the amount past due;

16 (2) the former customer's ability to pay;

17 (3) the former customer's payment history;

18 (4) the reasons for the accumulation of the past due  
19 amounts; and

20 (5) any other relevant factors relating to the former  
21 customer's circumstances.

22 ~~After the former customer's eligibility has been~~  
23 ~~established in accordance with the first paragraph of this~~  
24 ~~Section and, upon the establishment of a deferred payment~~  
25 ~~agreement, the former customer shall pay 1/3 of the amount past~~  
26 ~~due (including reconnecting charge, if any) and 1/3 of any~~  
27 ~~deposit required by the utility.~~

28 The ~~Upon the payment of 1/3 of the amount past due and 1/3~~  
29 ~~of any deposit required by the utility, the former customer's~~  
30 service shall be reconnected as soon as possible. The company  
31 and the former customer shall agree to a payment schedule for  
32 the remaining balances which will reasonably allow the former  
33 customer to make the payments on the remainder of the deposit  
34 and the past due balance while paying current bills during the  
35 winter heating season. However, the utility is not obliged to  
36 make payment arrangements extending beyond the following

1 November. The utility shall allow the former customer a minimum  
2 of 4 months in which to retire the past due balance and 3  
3 months in which to pay the remainder of the deposit. The former  
4 customer shall also be informed that payment on the amounts  
5 past due and the deposit, if any, plus the current bills must  
6 be paid by the due date or the customer may face termination of  
7 service pursuant to this Section and Section 8-206.

8 The Commission shall develop rules to govern the  
9 reconnection of a former customer who demonstrates a financial  
10 inability to pay ~~meet the requirement of 1/3 of the amount past~~  
11 ~~due and 1/3 of any deposit requested by the utility.~~ The  
12 Commission's rules shall establish a means by which the former  
13 customer's utility service may be reconnected through the  
14 payment of a reasonable amount and upon entering into a  
15 deferred payment agreement.

16 Any payment agreement made shall be in writing, with a copy  
17 provided to the former customer. The renegotiation and  
18 reinstatement of a customer and the establishment of a budget  
19 payment plan shall be pursuant to rules established by the  
20 Commission.

21 Not later than September 15 of each year, every gas and  
22 electric utility shall conduct a survey of all former  
23 residential customers whose gas or electric service was used to  
24 provide or control the primary source of space heating in the  
25 dwelling and whose gas or electric service was terminated for  
26 nonpayment of a bill or deposit from December 1 of the previous  
27 year to September 15 of that year and where service at that  
28 premises has not been restored. Not later than October 1 of  
29 each year the utility shall notify each of these former  
30 customers that the gas or electric service will be restored by  
31 the company for the coming heating season if the former  
32 customer contacts the utility and makes arrangements with the  
33 utility for reconnection of service under the conditions set  
34 forth in this Section. A utility shall notify the former  
35 customer or an adult member of the household by personal visit,  
36 telephone contact or mailing of a letter by first class mail to

1 the last known address of that former customer. The utility  
2 shall keep records which would indicate the date, form and the  
3 results of such contact.

4 Each gas and electric utility which has former customers  
5 affected by this Section shall file reports with the Commission  
6 providing such information as the Commission may deem  
7 appropriate. The Commission shall notify each gas and electric  
8 utility prior to August 1 of each year concerning the  
9 information which is to be included in the report for that  
10 year.

11 In no event shall any actions taken by a utility in  
12 compliance with this Section be deemed to abrogate or in any  
13 way interfere with the utility's rights to pursue the normal  
14 collection processes otherwise available to it.

15 The Commission shall promulgate rules to implement this  
16 Section.

17 (Source: P.A. 92-690, eff. 7-18-02.)

18 (220 ILCS 5/8-207.5 new)

19 Sec. 8-207.5. Reconnection of service. Notwithstanding any  
20 other provision of this Act, a public utility or cooperative  
21 must reconnect service to the following:

22 (1) Any household participating or eligible to  
23 participate under Section 6 of the Energy Assistance Act  
24 whose service was disconnected for non-payment before the  
25 effective date of this amendatory Act of the 94th General  
26 Assembly.

27 (2) Any household whose service was disconnected for  
28 nonpayment if the consumer (i) pays 20% of the outstanding  
29 bill for the household or \$250, whichever is less, or (ii)  
30 agrees to a payment plan negotiated with the public utility  
31 or cooperative by the customer or the local area agency on  
32 behalf of the consumer.

33 No other conditions for reconnection may be imposed except  
34 those provided in this Section.

1 Section 25. The Energy Assistance Act is amended by  
2 changing Sections 2, 3, 4, 6, 8, and 13 and by adding Sections  
3 15 and 16 as follows:

4 (305 ILCS 20/2) (from Ch. 111 2/3, par. 1402)

5 Sec. 2. Findings and Intent.

6 (a) The General Assembly finds that:

7 (1) the health, welfare, and prosperity of the people  
8 of the State of Illinois require that all citizens receive  
9 essential levels of heat and electric service regardless of  
10 economic circumstance;

11 (2) public utilities and other entities providing such  
12 services are entitled to receive proper payment for  
13 services actually rendered;

14 (3) declining Federal low income energy assistance  
15 funding necessitates a State response to ensure the  
16 continuity and the further development of energy  
17 assistance and related policies and programs within  
18 Illinois; and

19 (4) energy assistance policies and programs in effect  
20 in Illinois ~~during the past 3 years~~ have benefited all  
21 Illinois citizens, and should therefore be continued with  
22 the modifications provided herein.

23 (b) Consistent with its findings, the General Assembly  
24 declares that it is the policy of the State that:

25 (1) a comprehensive low income energy assistance  
26 policy and program should be established which  
27 incorporates income assistance, home weatherization, and  
28 other measures to ensure that citizens have access to  
29 affordable energy services;

30 (2) the ability of public utilities and other entities  
31 to receive just compensation for providing services should  
32 not be jeopardized by this policy;

33 (3) resources applied in achieving this policy should  
34 be coordinated and efficiently utilized through the  
35 integration of public programs and through the targeting of

1 assistance; and

2 (4) the State should utilize all appropriate and  
3 available means to fund this program and, to the extent  
4 possible, should identify and utilize sources of funding  
5 which complement State tax revenues.

6 (Source: P.A. 92-690, eff. 7-18-02.)

7 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

8 Sec. 3. Definitions. As used in this Act, unless the  
9 context otherwise requires:

10 (a) the terms defined in Sections 3-101 through 3-121 of  
11 The Public Utilities Act have the meanings ascribed to them in  
12 that Act;

13 (b) "Department" means the Department of Healthcare and  
14 Family Services ~~Commerce and Community Affairs~~;

15 (c) "energy provider" means any utility, municipal  
16 utility, cooperative utility, or any other corporation or  
17 individual which provides winter energy services;

18 (d) "winter" means the period from November 1 of any year  
19 through April 30 of the following year.

20 (Source: P.A. 86-127; 87-14; revised 12-6-03.)

21 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

22 Sec. 4. Energy Assistance Program.

23 (a) The Department of Healthcare and Family Services  
24 ~~Commerce and Community Affairs~~ is hereby authorized to  
25 institute a program to ensure the availability and  
26 affordability of heating and electric service to low income  
27 citizens. The Department shall implement the program by rule  
28 promulgated pursuant to The Illinois Administrative Procedure  
29 Act. The program shall be consistent with the purposes and  
30 objectives of this Act and with all other specific requirements  
31 provided herein. The Department may enter into such contracts  
32 and other agreements with local agencies as may be necessary  
33 for the purpose of administering the energy assistance program.

34 (b) (Blank). ~~Nothing in this Act shall be construed as~~



1 ~~altering or limiting the authority conferred on the Illinois~~  
2 ~~Commerce Commission by the Public Utilities Act to regulate all~~  
3 ~~aspects of the provision of public utility service, including~~  
4 ~~but not limited to the authority to make rules and adjudicate~~  
5 ~~disputes between utilities and customers related to~~  
6 ~~eligibility for utility service, deposits, payment practices,~~  
7 ~~discontinuance of service, and the treatment of arrearages~~  
8 ~~owing for previously rendered utility service.~~

9 (c) The Department shall adopt rules providing for enhanced  
10 enrollment for eligible consumers to receive assistance under  
11 the Low-Income Home Energy Assistance Program and other energy  
12 assistance. Enhanced enrollment may include, but need not be  
13 not limited to, joint marketing, joint application, or joint  
14 processing with the programs of medical assistance and  
15 Temporary Assistance for Needy Families under the Illinois  
16 Public Aid Code and the Food Stamp Program. The Department of  
17 Human Services, the Department of Public Health, and the  
18 Department of Commerce and Economic Opportunity, upon request  
19 of the Department of Healthcare and Family Services, shall  
20 assist in the adoption and implementation of those rules. The  
21 Department of Healthcare and Family Services and the Department  
22 of Human Services, the Department of Public Health, and the  
23 Department of Commerce and Economic Opportunity may enter into  
24 memoranda of understanding establishing the respective duties  
25 of each such department in relation to enhanced enrollment.

26 (d) Every public utility or cooperative that provides gas  
27 or electric service to residential customers as a primary or  
28 secondary source of heating or cooling shall assist in  
29 coordinating energy assistance through the following:

30 (1) Identifying and providing the Department with a  
31 list of customers who may be eligible for the Energy  
32 Assistance Program, LIHEAP, and other State energy  
33 assistance programs.

34 (2) Establishing waiver and grant programs to assist  
35 low-income customers in paying their energy bills.

36 (3) Promoting payment and budget plans for all

1           residential customers.

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

3                   (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

4           Sec. 6. Eligibility, Conditions of Participation, and  
5           Energy Assistance.

6           (a) Any person who is a resident of the State of Illinois  
7           and whose household income is not greater than an amount  
8           determined annually by the Department, in consultation with the  
9           Policy Advisory Council, may apply for assistance pursuant to  
10          this Act in accordance with regulations promulgated by the  
11          Department. In setting the annual eligibility level, the  
12          Department shall consider the amount of available funding and  
13          may not set a limit lower ~~higher~~ than 150% of the federal  
14          nonfarm poverty level as established by the federal Office of  
15          Management and Budget.

16          (b) Applicants who qualify for assistance pursuant to  
17          subsection (a) of this Section shall, subject to appropriation  
18          from the General Assembly and subject to availability of funds  
19          to the Department, receive energy assistance as provided by  
20          this Act. The Department, upon receipt of monies authorized  
21          pursuant to this Act for energy assistance, shall commit funds  
22          for each qualified applicant in an amount determined by the  
23          Department. In determining the amounts of assistance to be  
24          provided to or on behalf of a qualified applicant, the  
25          Department shall ensure that the highest amounts of assistance  
26          go to households with the greatest energy costs in relation to  
27          household income. The Department shall include factors such as  
28          energy costs, household size, household income, and region of  
29          the State when determining individual household benefits. In  
30          setting assistance levels, the Department shall attempt to  
31          provide assistance to approximately the same number of  
32          households who participated in the 1991 Residential Energy  
33          Assistance Partnership Program. Such assistance levels shall  
34          be adjusted annually on the basis of funding availability and  
35          energy costs. In promulgating rules for the administration of

1 this Section the Department shall assure that a minimum of 1/3  
2 of the funds is available for benefits to eligible households  
3 with the lowest incomes and that elderly and disabled  
4 households are offered a priority application period.

5 (c) If the applicant is not a customer of an energy  
6 provider for winter energy services or an applicant for such  
7 service, such applicant shall receive a direct energy  
8 assistance payment in an amount established by the Department  
9 for all such applicants under this Act; provided, however, that  
10 such an applicant must have rental expenses for housing greater  
11 than 30% of household income.

12 (d) If the applicant is a customer of an energy provider,  
13 such applicant shall receive energy assistance in an amount  
14 established by the Department for all such applicants under  
15 this Act, such amount to be paid by the Department to the  
16 energy provider supplying winter energy service to such  
17 applicant. Such applicant shall:

18 (i) make all reasonable efforts to apply to any other  
19 appropriate source of public energy assistance; and

20 (ii) sign a waiver permitting the Department to receive  
21 income information from any public or private agency  
22 providing income or energy assistance and from any  
23 employer, whether public or private.

24 (e) Any qualified applicant pursuant to this Section may  
25 receive or have paid on such applicant's behalf an emergency  
26 assistance payment to enable such applicant to obtain access to  
27 winter energy services. Any such payments shall be made in  
28 accordance with regulations of the Department.

29 (f) The Department may, if sufficient funds are available,  
30 provide additional benefits to certain qualified applicants:

31 (i) for the reduction of past due amounts owed to  
32 energy providers; and

33 (ii) to assist the household in responding to  
34 excessively high summer temperatures or energy costs.  
35 Households containing elderly members, children, a person  
36 with a disability, or a person with a medical need for

1 conditioned air shall receive priority for receipt of such  
2 benefits.

3 (Source: P.A. 91-936, eff. 1-10-01; 92-690, eff. 7-18-02.)

4 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

5 Sec. 8. Program Reports.

6 (a) The Department of Natural Resources shall prepare and  
7 submit to the Governor and the General Assembly reports on  
8 September 30 biennially, beginning in 2003, evaluating the  
9 effectiveness of the energy assistance and weatherization  
10 policies authorized by this Act. The first report shall cover  
11 such effects during the first winter during which the program  
12 authorized by this Act, is in operation, and successive reports  
13 shall cover effects since the issuance of the preceding report.

14 (1) Reports issued pursuant to this Section shall be  
15 limited to, information concerning the effects of the  
16 policies authorized by this Act on (1) the ability of  
17 eligible applicants to obtain and maintain adequate and  
18 affordable winter energy services and (2) changes in the  
19 costs and prices of winter energy services for people who  
20 do not receive energy assistance pursuant to this Act.

21 (2) The Department of Natural Resources shall by  
22 September 30, 2002, in consultation with the Policy  
23 Advisory Council, determine the kinds of numerical and  
24 other information needed to conduct the evaluations  
25 required by this Section, and shall advise the Policy  
26 Advisory Council of such information needs in a timely  
27 manner. The Department of Healthcare and Family Services  
28 ~~Commerce and Community Affairs~~, the Department of Human  
29 Services, and the Illinois Commerce Commission shall each  
30 provide such information as the Department of Natural  
31 Resources may require to ensure that the evaluation  
32 reporting requirement established by this Section can be  
33 met.

34 (b) On or before December 31, 2002, 2004, 2006, and 2007,  
35 the Department shall prepare a report for the General Assembly

1 on the expenditure of funds appropriated for the programs  
2 authorized under this Act.

3 (c) On or before December 31 of each year in 2004, 2006,  
4 and 2007, the Department shall, in consultation with the  
5 Council, prepare and submit evaluation reports to the Governor  
6 and the General Assembly outlining the effects of the program  
7 designed under this Act on the following as it relates to the  
8 propriety of continuing the program:

9 (1) the definition of an eligible low income  
10 residential customer;

11 (2) access of low income residential customers to  
12 essential energy services;

13 (3) past due amounts owed to utilities by low income  
14 persons in Illinois;

15 (4) appropriate measures to encourage energy  
16 conservation, efficiency, and responsibility among low  
17 income residential customers;

18 (5) the activities of the Department in the development  
19 and implementation of energy assistance and related  
20 policies and programs, which characterizes progress toward  
21 meeting the objectives and requirements of this Act, and  
22 which recommends any statutory changes which might be  
23 needed to further such progress.

24 (d) The Department shall by September 30, 2002 in  
25 consultation with the Council determine the kinds of numerical  
26 and other information needed to conduct the evaluations  
27 required by this Section.

28 (e) The Illinois Commerce Commission shall require each  
29 public utility providing heating or electric service to compile  
30 and submit any numerical and other information needed by the  
31 Department of Natural Resources to meet its reporting  
32 obligations.

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

34 (305 ILCS 20/13)

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

1 (a) The Supplemental Low-Income Energy Assistance Fund is  
2 hereby created as a special fund in the State Treasury. The  
3 Supplemental Low-Income Energy Assistance Fund is authorized  
4 to receive, by statutory deposit, the moneys collected pursuant  
5 to this Section. Subject to appropriation, the Department shall  
6 use moneys from the Supplemental Low-Income Energy Assistance  
7 Fund for payments to electric or gas public utilities,  
8 municipal electric or gas utilities, and electric cooperatives  
9 on behalf of their customers who are participants in the  
10 program authorized by Section 4 of this Act, for the provision  
11 of weatherization services and for administration of the  
12 Supplemental Low-Income Energy Assistance Fund. The yearly  
13 expenditures for weatherization may not exceed 10% of the  
14 amount collected during the year pursuant to this Section. The  
15 yearly administrative expenses of the Supplemental Low-Income  
16 Energy Assistance Fund may not exceed 10% of the amount  
17 collected during that year pursuant to this Section.

18 (b) Notwithstanding the provisions of Section 16-111 of the  
19 Public Utilities Act but subject to subsection (k) of this  
20 Section, each public utility, electric cooperative, as defined  
21 in Section 3.4 of the Electric Supplier Act, and municipal  
22 utility, as referenced in Section 3-105 of the Public Utilities  
23 Act, that is engaged in the delivery of electricity or the  
24 distribution of natural gas within the State of Illinois shall,  
25 effective January 1, 1998, assess each of its customer accounts  
26 a monthly Energy Assistance Charge for the Supplemental  
27 Low-Income Energy Assistance Fund. The delivering public  
28 utility, municipal electric or gas utility, or electric or gas  
29 cooperative for a self-assessing purchaser remains subject to  
30 the collection of the fee imposed by this Section. The monthly  
31 charge shall be as follows:

32 (1) \$0.40 per month on each account for residential  
33 electric service;

34 (2) \$0.40 per month on each account for residential gas  
35 service;

36 (3) \$4 per month on each account for non-residential

1 electric service which had less than 10 megawatts of peak  
2 demand during the previous calendar year;

3 (4) \$4 per month on each account for non-residential  
4 gas service which had distributed to it less than 4,000,000  
5 therms of gas during the previous calendar year;

6 (5) \$300 per month on each account for non-residential  
7 electric service which had 10 megawatts or greater of peak  
8 demand during the previous calendar year; and

9 (6) \$300 per month on each account for non-residential  
10 gas service which had 4,000,000 or more therms of gas  
11 distributed to it during the previous calendar year.

12 (c) For purposes of this Section:

13 (1) "residential electric service" means electric  
14 utility service for household purposes delivered to a  
15 dwelling of 2 or fewer units which is billed under a  
16 residential rate, or electric utility service for  
17 household purposes delivered to a dwelling unit or units  
18 which is billed under a residential rate and is registered  
19 by a separate meter for each dwelling unit;

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

27 (3) "non-residential electric service" means electric  
28 utility service which is not residential electric service;  
29 and

30 (4) "non-residential gas service" means gas utility  
31 service which is not residential gas service.

32 (d) At least 45 days prior to the date on which it must  
33 begin assessing Energy Assistance Charges, each public utility  
34 engaged in the delivery of electricity or the distribution of  
35 natural gas shall file with the Illinois Commerce Commission  
36 tariffs incorporating the Energy Assistance Charge in other

1 charges stated in such tariffs.

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

5 (f) By the 20th day of the month following the month in  
6 which the charges imposed by the Section were collected, each  
7 public utility, municipal utility, and electric cooperative  
8 shall remit to the Department of Revenue all moneys received as  
9 payment of the Energy Assistance Charge on a return prescribed  
10 and furnished by the Department of Revenue showing such  
11 information as the Department of Revenue may reasonably  
12 require. If a customer makes a partial payment, a public  
13 utility, municipal utility, or electric cooperative may elect  
14 either: (i) to apply such partial payments first to amounts  
15 owed to the utility or cooperative for its services and then to  
16 payment for the Energy Assistance Charge or (ii) to apply such  
17 partial payments on a pro-rata basis between amounts owed to  
18 the utility or cooperative for its services and to payment for  
19 the Energy Assistance Charge.

20 (g) The Department of Revenue shall deposit into the  
21 Supplemental Low-Income Energy Assistance Fund all moneys  
22 remitted to it in accordance with subsection (f) of this  
23 Section.

24 (h) (Blank).

25 On or before December 31, 2002, the Department shall  
26 prepare a report for the General Assembly on the expenditure of  
27 funds appropriated from the Low-Income Energy Assistance Block  
28 Grant Fund for the program authorized under Section 4 of this  
29 Act.

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

32 (j) The Department of Commerce and Economic Opportunity  
33 ~~Community Affairs~~ may establish such rules as it deems  
34 necessary to implement this Section.

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



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

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

17 ~~This Section is repealed effective December 31, 2007 unless~~  
18 ~~renewed by action of the General Assembly. The General Assembly~~  
19 ~~shall consider the results of the evaluations described in~~  
20 ~~Section 8 in its deliberations.~~

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

22 (305 ILCS 20/15 new)

23 Sec. 15. Energy Assistance Program Fund. The Energy  
24 Assistance Program Fund is created as a special fund in the  
25 State treasury. The Department shall deposit moneys received  
26 from the following sources into the Fund:

27 (1) Donations from private and corporate sources.

28 (2) Escheats from public utilities owned to consumers.

29 (3) Public utility rate settlements and refunds.

30 The Department shall administer the Fund. Moneys deposited  
31 into the Fund shall be used to coordinate and integrate LIHEAP  
32 assistance and in leveraging additional LIHEAP incentive  
33 funds. Resources from the Fund shall be awarded to local area  
34 agencies that have existing contracts with the Department to  
35 administer LIHEAP in Illinois.

1 (305 ILCS 20/16 new)

2 Sec. 16. Income tax checkoff. Each individual income tax  
3 payer may contribute to the Energy Assistance Program Fund  
4 through the income tax checkoff described in Section 507MM of  
5 the Illinois Income Tax Act.

6 Section 30. The Good Samaritan Energy Plan Act is amended  
7 by changing Section 5 as follows:

8 (305 ILCS 22/5)

9 Sec. 5. Definitions. In this Act:

10 "Department" means the Department of Healthcare and Family  
11 Services ~~Commerce and Economic Opportunity~~.

12 "LIHEAP" means the energy assistance program established  
13 under the Energy Assistance Act of 1989.

14 (Source: P.A. 93-285, eff. 7-22-03.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.