

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 as follows:

2 (30 ILCS 105/8h)

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

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

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

15 In determining the available balance in a fund, the
16 Governor may include receipts, transfers into the fund, and
17 other resources anticipated to be available in the fund in that
18 fiscal year.

19 The State Treasurer and Comptroller shall transfer the
20 amounts designated under this Section as soon as may be
21 practicable after receiving the direction to transfer from the
22 Governor.

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

29 (c) This Section does not apply to the Demutualization
30 Trust Fund established under the Uniform Disposition of
31 Unclaimed Property Act.

32 (d) ~~(e)~~ This Section does not apply to moneys set aside in
33 the Illinois State Podiatric Disciplinary Fund for podiatric
34 scholarships and residency programs under the Podiatric
35 Scholarship and Residency 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; 94-726, eff. 1-20-06; revised 1-23-06.)

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

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

26 (305 ILCS 20/2) (from Ch. 111 2/3, par. 1402)

27 Sec. 2. Findings and Intent.

28 (a) The General Assembly finds that:

29 (1) the health, welfare, and prosperity of the people
30 of the State of Illinois require that all citizens receive
31 essential levels of heat and electric service regardless of
32 economic circumstance;

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

4 (3) declining Federal low income energy assistance
5 funding necessitates a State response to ensure the
6 continuity and the further development of energy
7 assistance and related policies and programs within
8 Illinois; and

9 (4) energy assistance policies and programs in effect
10 in Illinois ~~during the past 3 years~~ have benefited all
11 Illinois citizens, and should therefore be continued with
12 the modifications provided herein.

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

15 (1) a comprehensive low income energy assistance
16 policy and program should be established which
17 incorporates income assistance, home weatherization, and
18 other measures to ensure that citizens have access to
19 affordable energy services;

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

23 (3) resources applied in achieving this policy should
24 be coordinated and efficiently utilized through the
25 integration of public programs and through the targeting of
26 assistance; and

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

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

32 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

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

35 (a) the terms defined in Sections 3-101 through 3-121 of

1 The Public Utilities Act have the meanings ascribed to them in
2 that Act;

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

5 (c) "energy provider" means any utility, municipal
6 utility, cooperative utility, or any other corporation or
7 individual which provides winter energy services;

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

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

11 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

12 Sec. 4. Energy Assistance Program.

13 (a) The Department of Healthcare and Family Services
14 ~~Commerce and Community Affairs~~ is hereby authorized to
15 institute a program to ensure the availability and
16 affordability of heating and electric service to low income
17 citizens. The Department shall implement the program by rule
18 promulgated pursuant to The Illinois Administrative Procedure
19 Act. The program shall be consistent with the purposes and
20 objectives of this Act and with all other specific requirements
21 provided herein. The Department may enter into such contracts
22 and other agreements with local agencies as may be necessary
23 for the purpose of administering the energy assistance program.

24 (b) Nothing in this Act shall be construed as altering or
25 limiting the authority conferred on the Illinois Commerce
26 Commission by the Public Utilities Act to regulate all aspects
27 of the provision of public utility service, including but not
28 limited to the authority to make rules and adjudicate disputes
29 between utilities and customers related to eligibility for
30 utility service, deposits, payment practices, discontinuance
31 of service, and the treatment of arrearages owing for
32 previously rendered utility service.

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

34 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

1 Sec. 8. Program Reports.

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

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

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

30 (b) On or before December 31, 2002, 2004, 2006, and 2007,
31 the Department shall prepare a report for the General Assembly
32 on the expenditure of funds appropriated for the programs
33 authorized under this Act.

34 (c) On or before December 31 of each year in 2004, 2006,
35 and 2007, the Department shall, in consultation with the
36 Council, prepare and submit evaluation reports to the Governor

1 and the General Assembly outlining the effects of the program
2 designed under this Act on the following as it relates to the
3 propriety of continuing the program:

4 (1) the definition of an eligible low income
5 residential customer;

6 (2) access of low income residential customers to
7 essential energy services;

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

10 (4) appropriate measures to encourage energy
11 conservation, efficiency, and responsibility among low
12 income residential customers;

13 (5) the activities of the Department in the development
14 and implementation of energy assistance and related
15 policies and programs, which characterizes progress toward
16 meeting the objectives and requirements of this Act, and
17 which recommends any statutory changes which might be
18 needed to further such progress.

19 (d) The Department shall by September 30, 2002 in
20 consultation with the Council determine the kinds of numerical
21 and other information needed to conduct the evaluations
22 required by this Section.

23 (e) The Illinois Commerce Commission shall require each
24 public utility providing heating or electric service to compile
25 and submit any numerical and other information needed by the
26 Department of Natural Resources to meet its reporting
27 obligations.

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

29 (305 ILCS 20/13)

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

31 (a) The Supplemental Low-Income Energy Assistance Fund is
32 hereby created as a special fund in the State Treasury. The
33 Supplemental Low-Income Energy Assistance Fund is authorized
34 to receive, by statutory deposit, the moneys collected pursuant
35 to this Section. The Fund is also authorized to receive

1 voluntary donations from individuals, foundations,
2 corporations, and other sources, as well as contributions made
3 in accordance with Section 507MM of the Illinois Income Tax
4 Act. Subject to appropriation, the Department shall use moneys
5 from the Supplemental Low-Income Energy Assistance Fund for
6 payments to electric or gas public utilities, municipal
7 electric or gas utilities, and electric cooperatives on behalf
8 of their customers who are participants in the program
9 authorized by Section 4 of this Act, for the provision of
10 weatherization services and for administration of the
11 Supplemental Low-Income Energy Assistance Fund. The yearly
12 expenditures for weatherization may not exceed 10% of the
13 amount collected during the year pursuant to this Section. The
14 yearly administrative expenses of the Supplemental Low-Income
15 Energy Assistance Fund may not exceed 10% of the amount
16 collected during that year pursuant to this Section.

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

31 (1) \$0.40 per month on each account for residential
32 electric service;

33 (2) \$0.40 per month on each account for residential gas
34 service;

35 (3) \$4 per month on each account for non-residential
36 electric service which had less than 10 megawatts of peak

1 demand during the previous calendar year;

2 (4) \$4 per month on each account for non-residential
3 gas service which had distributed to it less than 4,000,000
4 therms of gas during the previous calendar year;

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

8 (6) \$300 per month on each account for non-residential
9 gas service which had 4,000,000 or more therms of gas
10 distributed to it during the previous calendar year.

11 (c) For purposes of this Section:

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

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

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

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

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

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 as
8 payment of the Energy Assistance Charge on a return prescribed
9 and furnished by the Department of Revenue showing such
10 information as the Department of Revenue may reasonably
11 require. If a customer makes a partial payment, a public
12 utility, municipal utility, or electric cooperative may elect
13 either: (i) to apply such partial payments first to amounts
14 owed to the utility or cooperative for its services and then to
15 payment for the Energy Assistance Charge or (ii) to apply such
16 partial payments on a pro-rata basis between amounts owed to
17 the utility or cooperative for its services and to payment for
18 the Energy Assistance Charge.

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

23 (h) (Blank).

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

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

31 (j) The Department of Healthcare and Family Services
32 ~~Commerce and Community Affairs~~ may establish such rules as it
33 deems necessary to implement this Section.

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

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

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

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

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

21 (305 ILCS 20/15 new)

22 Sec. 15. Income tax checkoff. Each individual income tax
23 payer may contribute to the Supplemental Low-Income Energy
24 Assistance Fund through the income tax checkoff described in
25 Section 507MM of the Illinois Income Tax Act.

26 Section 20. The Good Samaritan Energy Plan Act is amended
27 by changing Section 5 as follows:

28 (305 ILCS 22/5)

29 Sec. 5. Definitions. In this Act:

30 "Department" means the Department of Healthcare and Family
31 Services ~~Commerce and Economic Opportunity~~.

32 "LIHEAP" means the energy assistance program established
33 under the Energy Assistance Act of 1989.

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.