

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 changing
5 Section 13 as follows:

6 (305 ILCS 20/13)

7 (Section scheduled to be repealed on December 31, 2007)

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 authorized
16 to receive voluntary donations from individuals, foundations,
17 corporations, and other sources, as well as contributions made
18 in accordance with Section 507MM of the Illinois Income Tax
19 Act. Subject to appropriation, the Department shall use moneys
20 from the Supplemental Low-Income Energy Assistance Fund for
21 payments to electric or gas public utilities, municipal
22 electric or gas utilities, and electric cooperatives on behalf
23 of their customers who are participants in the program

1 authorized by Section 4 of this Act, for the provision of
2 weatherization services and for administration of the
3 Supplemental Low-Income Energy Assistance Fund. The yearly
4 expenditures for weatherization may not exceed 10% of the
5 amount collected during the year pursuant to this Section. The
6 yearly administrative expenses of the Supplemental Low-Income
7 Energy Assistance Fund may not exceed 10% of the amount
8 collected during that year pursuant to this Section.

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

23 (1) \$0.40 per month on each account for residential
24 electric service;

25 (2) \$0.40 per month on each account for residential gas
26 service;

1 (3) \$4 per month on each account for non-residential
2 electric service which had less than 10 megawatts of peak
3 demand during the previous calendar year;

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

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

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

13 (c) For purposes of this Section:

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

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

1 each dwelling unit;

2 (3) "non-residential electric service" means electric
3 utility service which is not residential electric service;
4 and

5 (4) "non-residential gas service" means gas utility
6 service which is not residential gas service.

7 (d) At least 45 days prior to the date on which it must
8 begin assessing Energy Assistance Charges, each public utility
9 engaged in the delivery of electricity or the distribution of
10 natural gas shall file with the Illinois Commerce Commission
11 tariffs incorporating the Energy Assistance Charge in other
12 charges stated in such tariffs.

13 (e) The Energy Assistance Charge assessed by electric and
14 gas public utilities shall be considered a charge for public
15 utility service.

16 (f) By the 20th day of the month following the month in
17 which the charges imposed by the Section were collected, each
18 public utility, municipal utility, and electric cooperative
19 shall remit to the Department of Revenue all moneys received as
20 payment of the Energy Assistance Charge on a return prescribed
21 and furnished by the Department of Revenue showing such
22 information as the Department of Revenue may reasonably
23 require. If a customer makes a partial payment, a public
24 utility, municipal utility, or electric cooperative may elect
25 either: (i) to apply such partial payments first to amounts
26 owed to the utility or cooperative for its services and then to

1 payment for the Energy Assistance Charge or (ii) to apply such
2 partial payments on a pro-rata basis between amounts owed to
3 the utility or cooperative for its services and to payment for
4 the Energy Assistance Charge.

5 (g) The Department of Revenue shall deposit into the
6 Supplemental Low-Income Energy Assistance Fund all moneys
7 remitted to it in accordance with subsection (f) of this
8 Section.

9 (h) (Blank).

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

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

17 (j) The Department of Healthcare and Family Services
18 ~~Economic Opportunity~~ may establish such rules as it deems
19 necessary to implement this Section.

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

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

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

12 This Section is repealed effective December 31, 2013 ~~2007~~
13 unless renewed by action of the General Assembly. The General
14 Assembly shall consider the results of the evaluations
15 described in Section 8 in its deliberations.

16 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
17 94-817, eff. 5-30-06; revised 8-3-06.)

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