

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7 (Section scheduled to be repealed on December 31, 2018)

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 Sections 4 and 18 of this Act, for the provision
2 of 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, except
9 when unspent funds from the Supplemental Low-Income Energy
10 Assistance Fund are reallocated from a previous year; any
11 unspent balance of the 10% administrative allowance may be
12 utilized for administrative expenses in the year they are
13 reallocated.

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

1 charge shall be as follows:

2 (1) \$0.48 per month on each account for residential
3 electric service;

4 (2) \$0.48 per month on each account for residential gas
5 service;

6 (3) \$4.80 per month on each account for non-residential
7 electric service which had less than 10 megawatts of peak
8 demand during the previous calendar year;

9 (4) \$4.80 per month on each account for non-residential
10 gas service which had distributed to it less than 4,000,000
11 therms of gas during the previous calendar year;

12 (5) \$360 per month on each account for non-residential
13 electric service which had 10 megawatts or greater of peak
14 demand during the previous calendar year; and

15 (6) \$360 per month on each account for non-residential
16 gas service which had 4,000,000 or more therms of gas
17 distributed to it during the previous calendar year.

18 The incremental change to such charges imposed by this
19 amendatory Act of the 96th General Assembly shall not (i) be
20 used for any purpose other than to directly assist customers
21 and (ii) be applicable to utilities serving less than 100,000
22 customers in Illinois on January 1, 2009.

23 In addition, electric and gas utilities have committed, and
24 shall contribute, a one-time payment of \$22 million to the
25 Fund, within 10 days after the effective date of the tariffs
26 established pursuant to Sections 16-111.8 and 19-145 of the

1 Public Utilities Act to be used for the Department's cost of
2 implementing the programs described in Section 18 of this
3 amendatory Act of the 96th General Assembly, the Arrearage
4 Reduction Program described in Section 18, and the programs
5 described in Section 8-105 of the Public Utilities Act. If a
6 utility elects not to file a rider within 90 days after the
7 effective date of this amendatory Act of the 96th General
8 Assembly, then the contribution from such utility shall be made
9 no later than February 1, 2010.

10 (c) For purposes of this Section:

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

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

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

1 and

2 (4) "non-residential gas service" means gas utility
3 service which is not residential gas service.

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

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

15 (f) By the 20th day of the month following the month in
16 which the charges imposed by the Section were collected, each
17 public utility, municipal utility, and electric cooperative
18 shall remit to the Department of Revenue all moneys received as
19 payment of the Energy Assistance Charge on a return prescribed
20 and furnished by the Department of Revenue showing such
21 information as the Department of Revenue may reasonably
22 require; provided, however, that a utility offering an
23 Arrearage Reduction Program pursuant to Section 18 of this Act
24 shall be entitled to net those amounts necessary to fund and
25 recover the costs of such Program as authorized by that Section
26 that is no more than the incremental change in such Energy

1 Assistance Charge authorized by this amendatory Act of the 96th
2 General Assembly. If a customer makes a partial payment, a
3 public utility, municipal utility, or electric cooperative may
4 elect either: (i) to apply such partial payments first to
5 amounts owed to the utility or cooperative for its services and
6 then to payment for the Energy Assistance Charge or (ii) to
7 apply such partial payments on a pro-rata basis between amounts
8 owed to the utility or cooperative for its services and to
9 payment for 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; provided, however, that the amounts remitted by each
14 utility shall be used to provide assistance to that utility's
15 customers. The utilities shall coordinate with the Department
16 to establish an equitable and practical methodology for
17 implementing this subsection (g) beginning with the 2010
18 program year.

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

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

26 (j) The Department of Commerce and Economic Opportunity may

1 establish such rules as it deems necessary to implement this
2 Section.

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

17 In its use of federal funds under this Act, the Department
18 may not cause a disproportionate share of those federal funds
19 to benefit customers of systems which do not assess the charge
20 provided by this Section.

21 This Section is repealed effective December 31, 2018 unless
22 renewed by action of the General Assembly. The General Assembly
23 shall consider the results of the evaluations described in
24 Section 8 in its deliberations.

25 (Source: P.A. 98-429, eff. 8-16-13.)