

AN ACT concerning public aid.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

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

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

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

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

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

Section 5. The State Finance Act is amended by changing

Section 8h as follows:

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

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

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

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

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

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

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

(d) ~~(e)~~ This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

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

eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

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

(35 ILCS 5/507MM new)

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

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

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

Sec. 2. Findings and Intent.

(a) The General Assembly finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. Energy Assistance Program.

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

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

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

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

Sec. 8. Program Reports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(305 ILCS 20/13)

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

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



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

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

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

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

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

demand during the previous calendar year;

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

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

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

(c) For purposes of this Section:

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

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

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

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

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

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

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

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

(h) (Blank).

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

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

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

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

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

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

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

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

(305 ILCS 20/15 new)

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

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

(305 ILCS 22/5)

Sec. 5. Definitions. In this Act:

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

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

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SB2579 Enrolled

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

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