

1 AN ACT concerning revenue.

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 and by adding Section 15 as follows:

6 (305 ILCS 20/13)

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

8 (a) The Supplemental Low-Income Energy Assistance Fund is  
9 hereby created as a special fund in the State Treasury. The  
10 Supplemental Low-Income Energy Assistance Fund is authorized  
11 to receive moneys from voluntary donations from individuals,  
12 foundations, corporations, and other sources, moneys received  
13 pursuant to Section 15, and, by statutory deposit, the moneys  
14 collected pursuant to this Section. Subject to appropriation,  
15 the Department shall use moneys from the Supplemental  
16 Low-Income Energy Assistance Fund for payments to electric or  
17 gas public utilities, municipal electric or gas utilities, and  
18 electric cooperatives on behalf of their customers who are  
19 participants in the program authorized by Section 4 of this  
20 Act, for the provision of weatherization services and for  
21 administration of the Supplemental Low-Income Energy  
22 Assistance Fund. The yearly expenditures for weatherization  
23 may not exceed 10% of the amount collected during the year  
24 pursuant to this Section. The yearly administrative expenses of  
25 the Supplemental Low-Income Energy Assistance Fund may not  
26 exceed 10% of the amount collected during that year pursuant to  
27 this Section.

28 (b) Notwithstanding the provisions of Section 16-111 of the  
29 Public Utilities Act but subject to subsection (k) of this  
30 Section, each public utility, electric cooperative, as defined  
31 in Section 3.4 of the Electric Supplier Act, and municipal  
32 utility, as referenced in Section 3-105 of the Public Utilities

1 Act, that is engaged in the delivery of electricity or the  
2 distribution of natural gas within the State of Illinois shall,  
3 effective January 1, 1998, assess each of its customer accounts  
4 a monthly Energy Assistance Charge for the Supplemental  
5 Low-Income Energy Assistance Fund. The delivering public  
6 utility, municipal electric or gas utility, or electric or gas  
7 cooperative for a self-assessing purchaser remains subject to  
8 the collection of the fee imposed by this Section. The monthly  
9 charge shall be as follows:

10 (1) \$0.40 per month on each account for residential  
11 electric service;

12 (2) \$0.40 per month on each account for residential gas  
13 service;

14 (3) \$4 per month on each account for non-residential  
15 electric service which had less than 10 megawatts of peak  
16 demand during the previous calendar year;

17 (4) \$4 per month on each account for non-residential  
18 gas service which had distributed to it less than 4,000,000  
19 therms of gas during the previous calendar year;

20 (5) \$300 per month on each account for non-residential  
21 electric service which had 10 megawatts or greater of peak  
22 demand during the previous calendar year; and

23 (6) \$300 per month on each account for non-residential  
24 gas service which had 4,000,000 or more therms of gas  
25 distributed to it during the previous calendar year.

26 (c) For purposes of this Section:

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

34 (2) "residential gas service" means gas utility  
35 service for household purposes distributed to a dwelling of  
36 2 or fewer units which is billed under a residential rate,

1 or gas utility service for household purposes distributed  
2 to a dwelling unit or units which is billed under a  
3 residential rate and is registered by a separate meter for  
4 each dwelling unit;

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

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

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

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

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

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

1 Section.

2 (h) (Blank).

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

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

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

13 (k) The charges imposed by this Section shall only apply to  
14 customers of municipal electric or gas utilities and electric  
15 or gas cooperatives if the municipal electric or gas utility or  
16 electric or gas cooperative makes an affirmative decision to  
17 impose the charge. If a municipal electric or gas utility or an  
18 electric cooperative makes an affirmative decision to impose  
19 the charge provided by this Section, the municipal electric or  
20 gas utility or electric cooperative shall inform the Department  
21 of Revenue in writing of such decision when it begins to impose  
22 the charge. If a municipal electric or gas utility or electric  
23 or gas cooperative does not assess this charge, the Department  
24 may not use funds from the Supplemental Low-Income Energy  
25 Assistance Fund to provide benefits to its customers under the  
26 program authorized by Section 4 of this Act.

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

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

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

1 (305 ILCS 20/15 new)

2 Sec. 15. Transfer into Supplemental Low-Income Energy  
3 Assistance Fund. No later than February 15, 2006, the Treasurer  
4 of the State of Illinois shall transfer into the Supplemental  
5 Low-Income Energy Assistance Fund \$5,201,055, which is  
6 equivalent to 50% of the average amount of Gas Revenue Tax paid  
7 per residential gas utility customer in State fiscal year 2005  
8 multiplied by the number of residential gas utility customers  
9 that received assistance from the Low Income Home Energy  
10 Assistance Program during the State fiscal year 2005 winter  
11 heating season.

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