

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7 (Section scheduled to be repealed on December 31, 2013)

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.

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) \$0.48 per month on each account for residential  
24 electric service;

25 (2) \$0.48 per month on each account for residential gas  
26 service;

1           (3) \$4.80 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) \$4.80 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) \$360 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) \$360 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          The incremental change to such charges imposed by this  
14          amendatory Act of the 96th General Assembly shall not (i) be  
15          used for any purpose other than to directly assist customers  
16          and (ii) be applicable to utilities serving less than 100,000  
17          customers in Illinois on January 1, 2009.

18          In addition, electric and gas utilities have committed, and  
19          shall contribute, a one-time payment of \$22 million to the  
20          Fund, within 10 days after the effective date of the tariffs  
21          established pursuant to Sections 16-111.8 and 19-145 of the  
22          Public Utilities Act to be used for the Department's cost of  
23          implementing the programs described in Section 18 of this  
24          amendatory Act of the 96th General Assembly, the Arrearage  
25          Reduction Program described in Section 18, and the programs  
26          described in Section 8-105 of the Public Utilities Act. If a

1 utility elects not to file a rider within 90 days after the  
2 effective date of this amendatory Act of the 96th General  
3 Assembly, then the contribution from such utility shall be made  
4 no later than February 1, 2010.

5 (c) For purposes of this Section:

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

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

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

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

25 (d) Within 30 days after the effective date of this  
26 amendatory Act of the 96th General Assembly, each public

1 utility engaged in the delivery of electricity or the  
2 distribution of natural gas shall file with the Illinois  
3 Commerce Commission tariffs incorporating the Energy  
4 Assistance Charge in other charges stated in such tariffs,  
5 which shall become effective no later than the beginning of the  
6 first billing cycle following such filing.

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

10 (f) By the 20th day of the month following the month in  
11 which the charges imposed by the Section were collected, each  
12 public utility, municipal utility, and electric cooperative  
13 shall remit to the Department of Revenue all moneys received as  
14 payment of the Energy Assistance Charge on a return prescribed  
15 and furnished by the Department of Revenue showing such  
16 information as the Department of Revenue may reasonably  
17 require; provided, however, that a utility offering an  
18 Arrearage Reduction Program pursuant to Section 18 of this Act  
19 shall be entitled to net those amounts necessary to fund and  
20 recover the costs of such Program as authorized by that Section  
21 that is no more than the incremental change in such Energy  
22 Assistance Charge authorized by this amendatory Act of the 96th  
23 General Assembly. If a customer makes a partial payment, a  
24 public utility, municipal utility, or electric cooperative may  
25 elect either: (i) to apply such partial payments first to  
26 amounts owed to the utility or cooperative for its services and

1 then to payment for the Energy Assistance Charge or (ii) to  
2 apply such partial payments on a pro-rata basis between amounts  
3 owed to the utility or cooperative for its services and to  
4 payment for 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; provided, however, that the amounts remitted by each  
9 utility shall be used to provide assistance to that utility's  
10 customers. The utilities shall coordinate with the Department  
11 to establish an equitable and practical methodology for  
12 implementing this subsection (g) beginning with the 2010  
13 program year.

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

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

21 (j) The Department of Commerce and Economic Opportunity may  
22 establish such rules as it deems necessary to implement this  
23 Section.

24 (k) The charges imposed by this Section shall only apply to  
25 customers of municipal electric or gas utilities and electric  
26 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, 2018 ~~2013~~  
17 unless renewed by action of the General Assembly. The General  
18 Assembly shall consider the results of the evaluations  
19 described in Section 8 in its deliberations.

20 (Source: P.A. 95-48, eff. 8-10-07; 95-331, eff. 8-21-07; 96-33,  
21 eff. 7-10-09; 96-154, eff. 1-1-10; 96-1000, eff. 7-2-10.)

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