



Rep. Brian W. Stewart

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10000HB3097ham001

LRB100 09522 HLH 23220 a

1 AMENDMENT TO HOUSE BILL 3097

2 AMENDMENT NO. _____. Amend House Bill 3097 on page 1, by
3 replacing lines 4 through 6 with the following:

4 "Section 5. The Renewable Energy, Energy Efficiency, and
5 Coal Resources Development Law of 1997 is amended by changing
6 Section 6-5 and by adding Section 6-8 as follows:

7 (20 ILCS 687/6-5)

8 (Section scheduled to be repealed on December 31, 2020)

9 Sec. 6-5. Renewable Energy Resources and Coal Technology
10 Development Assistance Charge.

11 (a) Notwithstanding the provisions of Section 16-111 of the
12 Public Utilities Act but subject to subsection (e) of this
13 Section, each public utility, electric cooperative, as defined
14 in Section 3.4 of the Electric Supplier Act, and municipal
15 utility, as referenced in Section 3-105 of the Public Utilities
16 Act, that is engaged in the delivery of electricity or the

1 distribution of natural gas within the State of Illinois shall,
2 effective January 1, 1998, assess each of its customer accounts
3 a monthly Renewable Energy Resources and Coal Technology
4 Development Assistance Charge. The delivering public utility,
5 municipal electric or gas utility, or electric or gas
6 cooperative for a self-assessing purchaser remains subject to
7 the collection of the fee imposed by this Section. The monthly
8 charge shall be as follows:

9 (1) \$0.05 per month on each account for residential
10 electric service as defined in Section 13 of the Energy
11 Assistance Act;

12 (2) \$0.05 per month on each account for residential gas
13 service as defined in Section 13 of the Energy Assistance
14 Act;

15 (3) \$0.50 per month on each account for nonresidential
16 electric service, as defined in Section 13 of the Energy
17 Assistance Act, which had less than 10 megawatts of peak
18 demand during the previous calendar year;

19 (4) \$0.50 per month on each account for nonresidential
20 gas service, as defined in Section 13 of the Energy
21 Assistance Act, which had distributed to it less than
22 4,000,000 therms of gas during the previous calendar year;

23 (5) \$37.50 per month on each account for nonresidential
24 electric service, as defined in Section 13 of the Energy
25 Assistance Act, which had 10 megawatts or greater of peak
26 demand during the previous calendar year; and

1 (6) \$37.50 per month on each account for nonresidential
2 gas service, as defined in Section 13 of the Energy
3 Assistance Act, which had 4,000,000 or more therms of gas
4 distributed to it during the previous calendar year.

5 (b) The Renewable Energy Resources and Coal Technology
6 Development Assistance Charge assessed by electric and gas
7 public utilities shall be considered a charge for public
8 utility service.

9 (c) Fifty percent of the moneys collected pursuant to this
10 Section shall be deposited in the Renewable Energy Resources
11 Trust Fund by the Department of Revenue. The remaining 50
12 percent of the moneys collected pursuant to this Section shall
13 be deposited in the Coal Technology Development Assistance Fund
14 by the Department of Revenue for the exclusive purposes of (1)
15 capturing or sequestering carbon emissions produced by coal
16 combustion; (2) supporting research on the capture and
17 sequestration of carbon emissions produced by coal combustion;
18 and (3) improving coal miner safety.

19 (d) By the 20th day of the month following the month in
20 which the charges imposed by this Section were collected, each
21 utility and alternative retail electric supplier collecting
22 charges pursuant to this Section shall remit to the Department
23 of Revenue for deposit in the Renewable Energy Resources Trust
24 Fund and the Coal Technology Development Assistance Fund all
25 moneys received as payment of the charge provided for in this
26 Section on a return prescribed and furnished by the Department

1 of Revenue showing such information as the Department of
2 Revenue may reasonably require.

3 If any payment provided for in this Section exceeds the
4 utility or alternate retail electric supplier's liabilities
5 under this Act, as shown on an original return, the utility or
6 alternative retail electric supplier may credit the excess
7 payment against liability subsequently to be remitted to the
8 Department of Revenue under this Act.

9 (e) The charges imposed by this Section shall only apply to
10 customers of municipal electric or gas utilities and electric
11 or gas cooperatives if the municipal electric or gas utility or
12 electric or gas cooperative makes an affirmative decision to
13 impose the charge. If a municipal electric or gas utility or an
14 electric or gas cooperative makes an affirmative decision to
15 impose the charge provided by this Section, the municipal
16 electric or gas utility or electric or gas cooperative shall
17 inform the Department of Revenue in writing of such decision
18 when it begins to impose the charge. If a municipal electric or
19 gas utility or electric or gas cooperative does not assess this
20 charge, its customers shall not be eligible for the Renewable
21 Energy Resources Program.

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

24 (Source: P.A. 95-481, eff. 8-28-07.)"; and

25 on page 1, line 9, by deleting "3,"; and

1 on page 1, line 10, immediately after "10,", by inserting "11,
2 11a, 12,"; and

3 on page 108, by replacing lines 10 and 11 with the following:

4 "Section 90. The Energy Assistance Act is amended by
5 changing Section 13 and by adding Section 19 as follows:

6 (305 ILCS 20/13)

7 (Text of Section before amendment by P.A. 99-906)

8 (Section scheduled to be repealed on January 1, 2025)

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

10 (a) The Supplemental Low-Income Energy Assistance Fund is
11 hereby created as a special fund in the State Treasury. The
12 Supplemental Low-Income Energy Assistance Fund is authorized
13 to receive moneys from voluntary donations from individuals,
14 foundations, corporations, and other sources, moneys received
15 pursuant to Section 17, and, by statutory deposit, the moneys
16 collected pursuant to this Section. The Fund is also authorized
17 to receive voluntary donations from individuals, foundations,
18 corporations, and other sources. Subject to appropriation, the
19 Department shall use moneys from the Supplemental Low-Income
20 Energy Assistance Fund for payments to electric or gas public
21 utilities, municipal electric or gas utilities, and electric
22 cooperatives on behalf of their customers who are participants

1 in the program authorized by Sections 4 and 18 of this Act, for
2 the provision of weatherization services and for
3 administration of the Supplemental Low-Income Energy
4 Assistance Fund. The yearly expenditures for weatherization
5 may not exceed 10% of the amount collected during the year
6 pursuant to this Section. The yearly administrative expenses of
7 the Supplemental Low-Income Energy Assistance Fund may not
8 exceed 10% of the amount collected during that year pursuant to
9 this Section, except when unspent funds from the Supplemental
10 Low-Income Energy Assistance Fund are reallocated from a
11 previous year; any unspent balance of the 10% administrative
12 allowance may be utilized for administrative expenses in the
13 year they are 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 If any payment provided for in this Section exceeds the
11 public utility, municipal utility, or electric cooperative's
12 liabilities under this Act, as shown on an original return, the
13 public utility, municipal utility, or electric cooperative may
14 credit the excess payment against liability subsequently to be
15 remitted to the Department of Revenue under this Act.

16 (g) The Department of Revenue shall deposit into the
17 Supplemental Low-Income Energy Assistance Fund all moneys
18 remitted to it in accordance with subsection (f) of this
19 Section; provided, however, that the amounts remitted by each
20 utility shall be used to provide assistance to that utility's
21 customers. The utilities shall coordinate with the Department
22 to establish an equitable and practical methodology for
23 implementing this subsection (g) beginning with the 2010
24 program year.

25 (h) On or before December 31, 2002, the Department shall
26 prepare a report for the General Assembly on the expenditure of

1 funds appropriated from the Low-Income Energy Assistance Block
2 Grant Fund for the program authorized under Section 4 of this
3 Act.

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

6 (j) The Department of Commerce and Economic Opportunity may
7 establish such rules as it deems necessary to implement this
8 Section.

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

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

1 This Section is repealed effective December 31, 2018 unless
2 renewed by action of the General Assembly. The General Assembly
3 shall consider the results of the evaluations described in
4 Section 8 in its deliberations.

5 (Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16;
6 99-933, eff. 1-27-17.)

7 (Text of Section after amendment by P.A. 99-906)

8 (Section scheduled to be repealed on January 1, 2025)

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

10 (a) The Supplemental Low-Income Energy Assistance Fund is
11 hereby created as a special fund in the State Treasury. The
12 Supplemental Low-Income Energy Assistance Fund is authorized
13 to receive moneys from voluntary donations from individuals,
14 foundations, corporations, and other sources, moneys received
15 pursuant to Section 17, and, by statutory deposit, the moneys
16 collected pursuant to this Section. The Fund is also authorized
17 to receive voluntary donations from individuals, foundations,
18 corporations, and other sources. Subject to appropriation, the
19 Department shall use moneys from the Supplemental Low-Income
20 Energy Assistance Fund for payments to electric or gas public
21 utilities, municipal electric or gas utilities, and electric
22 cooperatives on behalf of their customers who are participants
23 in the program authorized by Sections 4 and 18 of this Act, for
24 the provision of weatherization services and for
25 administration of the Supplemental Low-Income Energy

1 Assistance Fund. The yearly expenditures for weatherization
2 may not exceed 10% of the amount collected during the year
3 pursuant to this Section. The yearly administrative expenses of
4 the Supplemental Low-Income Energy Assistance Fund may not
5 exceed 10% of the amount collected during that year pursuant to
6 this Section, except when unspent funds from the Supplemental
7 Low-Income Energy Assistance Fund are reallocated from a
8 previous year; any unspent balance of the 10% administrative
9 allowance may be utilized for administrative expenses in the
10 year they are reallocated.

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

25 (1) \$0.48 per month on each account for residential
26 electric service;

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

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

6 (4) \$4.80 per month on each account for non-residential
7 gas service which had distributed to it less than 4,000,000
8 therms of gas during the previous calendar year;

9 (5) \$360 per month on each account for non-residential
10 electric service which had 10 megawatts or greater of peak
11 demand during the previous calendar year; and

12 (6) \$360 per month on each account for non-residential
13 gas service which had 4,000,000 or more therms of gas
14 distributed to it during the previous calendar year.

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

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

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

7 (c) For purposes of this Section:

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

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

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

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

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

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

12 (f) By the 20th day of the month following the month in
13 which the charges imposed by the Section were collected, each
14 public utility, municipal utility, and electric cooperative
15 shall remit to the Department of Revenue all moneys received as
16 payment of the Energy Assistance Charge on a return prescribed
17 and furnished by the Department of Revenue showing such
18 information as the Department of Revenue may reasonably
19 require; provided, however, that a utility offering an
20 Arrearage Reduction Program or Supplemental Arrearage
21 Reduction Program pursuant to Section 18 of this Act shall be
22 entitled to net those amounts necessary to fund and recover the
23 costs of such Programs as authorized by that Section that is no
24 more than the incremental change in such Energy Assistance
25 Charge authorized by Public Act 96-33. If a customer makes a
26 partial payment, a public utility, municipal utility, or

1 electric cooperative may elect either: (i) to apply such
2 partial payments first to amounts owed to the utility or
3 cooperative for its services and then to payment for the Energy
4 Assistance Charge or (ii) to apply such partial payments on a
5 pro-rata basis between amounts owed to the utility or
6 cooperative for its services and to payment for the Energy
7 Assistance Charge.

8 If any payment provided for in this Section exceeds the
9 public utility, municipal utility, or electric cooperative's
10 liabilities under this Act, as shown on an original return, the
11 public utility, municipal utility, or electric cooperative may
12 credit the excess payment against liability subsequently to be
13 remitted to the Department of Revenue under this Act.

14 (g) The Department of Revenue shall deposit into the
15 Supplemental Low-Income Energy Assistance Fund all moneys
16 remitted to it in accordance with subsection (f) of this
17 Section; provided, however, that the amounts remitted by each
18 utility shall be used to provide assistance to that utility's
19 customers. The utilities shall coordinate with the Department
20 to establish an equitable and practical methodology for
21 implementing this subsection (g) beginning with the 2010
22 program year.

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

1 Act.

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

4 (j) The Department of Commerce and Economic Opportunity may
5 establish such rules as it deems necessary to implement this
6 Section.

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

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

25 This Section is repealed on January 1, 2025 unless renewed
26 by action of the General Assembly.

1 (Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16;
2 99-906, eff. 6-1-17; 99-933, eff. 1-27-17; revised 2-15-17.)";
3 and

4 on page 108, line 14, by deleting "3,"; and

5 on page 108, line 15, immediately after "10,", by inserting
6 "11, 11a, 12,"; and

7 on page 117, by replacing lines 22 and 23 with the following:

8 "Section 995. No acceleration or delay. Where this Act
9 makes changes in a statute that is represented in this Act by
10 text that is not yet or no longer in effect (for example, a
11 Section represented by multiple versions), the use of that text
12 does not accelerate or delay the taking effect of (i) the
13 changes made by this Act or (ii) provisions derived from any
14 other Public Act."