



Sen. Kwame Raoul

Filed: 3/23/2007

09500SB0124sam001

LRB095 04480 DRJ 34452 a

1 AMENDMENT TO SENATE BILL 124

2 AMENDMENT NO. _____. Amend Senate Bill 124 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Energy Assistance Act is amended by
5 changing Section 13 and by adding Section 17.5 as follows:

6 (305 ILCS 20/13)

7 (Section scheduled to be repealed on December 31, 2007)

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 Section 17.5, and, by statutory
15 deposit, the moneys collected pursuant to this Section. The
16 Fund is also authorized to receive voluntary donations from

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

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

1 cooperative for a self-assessing purchaser remains subject to
2 the collection of the fee imposed by this Section. The monthly
3 charge shall be as follows:

4 (1) \$0.40 per month on each account for residential
5 electric service;

6 (2) \$0.40 per month on each account for residential gas
7 service;

8 (3) \$4 per month on each account for non-residential
9 electric service which had less than 10 megawatts of peak
10 demand during the previous calendar year;

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

14 (5) \$300 per month on each account for non-residential
15 electric service which had 10 megawatts or greater of peak
16 demand during the previous calendar year; and

17 (6) \$300 per month on each account for non-residential
18 gas service which had 4,000,000 or more therms of gas
19 distributed to it during the previous calendar year.

20 (c) For purposes of this Section:

21 (1) "residential electric service" means electric
22 utility service for household purposes delivered to a
23 dwelling of 2 or fewer units which is billed under a
24 residential rate, or electric utility service for
25 household purposes delivered to a dwelling unit or units
26 which is billed under a residential rate and is registered

1 by a separate meter for each dwelling unit;

2 (2) "residential gas service" means gas utility
3 service for household purposes distributed to a dwelling of
4 2 or fewer units which is billed under a residential rate,
5 or gas utility service for household purposes distributed
6 to a dwelling unit or units which is billed under a
7 residential rate and is registered by a separate meter for
8 each dwelling unit;

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

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

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

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

23 (f) By the 20th day of the month following the month in
24 which the charges imposed by the Section were collected, each
25 public utility, municipal utility, and electric cooperative
26 shall remit to the Department of Revenue all moneys received as

1 payment of the Energy Assistance Charge on a return prescribed
2 and furnished by the Department of Revenue showing such
3 information as the Department of Revenue may reasonably
4 require. If a customer makes a partial payment, a public
5 utility, municipal utility, or electric cooperative may elect
6 either: (i) to apply such partial payments first to amounts
7 owed to the utility or cooperative for its services and then to
8 payment for the Energy Assistance Charge or (ii) to apply such
9 partial payments on a pro-rata basis between amounts owed to
10 the utility or cooperative for its services and to payment for
11 the Energy Assistance Charge.

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

16 (h) (Blank).

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

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

24 (j) The Department of Healthcare and Family Services
25 ~~Economic Opportunity~~ may establish such rules as it deems
26 necessary to implement this Section.

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

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

19 This Section is repealed effective December 31, 2008 ~~2007~~
20 unless renewed by action of the General Assembly. The General
21 Assembly shall consider the results of the evaluations
22 described in Section 8 in its deliberations.

23 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
24 94-817, eff. 5-30-06; revised 8-3-06.)

1 Sec. 17.5. Additional transfer into Supplemental
2 Low-Income Energy Assistance Fund. Immediately upon the
3 effective date of this amendatory Act of the 95th General
4 Assembly, but no later than 5 business days after that
5 effective date, the Treasurer of the State of Illinois shall
6 transfer into the Supplemental Low-Income Energy Assistance
7 Fund 50% of the average amount of Gas Revenue Tax paid per
8 residential gas utility customer in State fiscal year 2006
9 multiplied by the number of residential gas utility customers
10 that received assistance from the Low Income Home Energy
11 Assistance Program during the State fiscal year 2006 winter
12 heating season.

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