

1 AN ACT concerning energy assistance.

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

4 Section 5. The Illinois Economic Opportunity Act is amended
5 by changing Section 2 as follows:

6 (20 ILCS 625/2) (from Ch. 127, par. 2602)

7 Sec. 2. (a) The Director of Commerce and Economic
8 Opportunity is authorized to administer the federal community
9 services block program, emergency community services homeless
10 grant program, low-income energy assistance program,
11 weatherization assistance program, supplemental low-income
12 energy assistance fund, and other federal programs that require
13 or give preference to community action agencies for local
14 administration in accordance with federal laws and regulations
15 as amended. The Director shall provide financial assistance to
16 community action agencies from community service block grant
17 funds and other federal funds requiring or giving preference to
18 community action agencies for local administration for the
19 programs described in Section 4. ~~The Director of Healthcare and~~
20 ~~Family Services is authorized to administer the federal~~
21 ~~low-income home energy assistance program and weatherization~~
22 ~~assistance program in accordance with federal laws and~~
23 ~~regulations as amended.~~

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

7 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06.)

8 Section 10. The Energy Assistance Act is amended by
9 changing Sections 3, 4, 6, 8, and 13 as follows:

10 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

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

13 (a) the terms defined in Sections 3-101 through 3-121 of
14 The Public Utilities Act have the meanings ascribed to them in
15 that Act;

16 (b) "Department" means the Department of Commerce and
17 Economic Opportunity ~~Healthcare and Family Services~~;

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

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

23 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
24 95-331, eff. 8-21-07.)

1 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

2 Sec. 4. Energy Assistance Program.

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

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

23 (c) The Department of Commerce and Economic Opportunity
24 ~~Healthcare and Family Services~~ is authorized to institute an
25 outreach program directed at low-income minority heads of

1 households and heads of households age 60 or older. The
2 Department shall implement the program through rules adopted
3 pursuant to the Illinois Administrative Procedure Act. The
4 program shall be consistent with the purposes and objectives of
5 this Act and with all other specific requirements set forth in
6 this subsection (c).

7 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
8 95-331, eff. 8-21-07; 95-532, eff. 8-28-07.)

9 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

10 Sec. 6. Eligibility, Conditions of Participation, and
11 Energy Assistance.

12 (a) Any person who is a resident of the State of Illinois
13 and whose household income is not greater than an amount
14 determined annually by the Department, in consultation with the
15 Policy Advisory Council, may apply for assistance pursuant to
16 this Act in accordance with regulations promulgated by the
17 Department. In setting the annual eligibility level, the
18 Department shall consider the amount of available funding and
19 may not set a limit higher than 150% of the federal nonfarm
20 poverty level as established by the federal Office of
21 Management and Budget; except that for the period ending June
22 30, 2012, or until the expenditure of federal resources
23 allocated for energy assistance programs by the American
24 Recovery and Reinvestment Act, whichever occurs first, the
25 Department may not establish limits higher than 200% of that

1 poverty level.

2 (b) Applicants who qualify for assistance pursuant to
3 subsection (a) of this Section shall, subject to appropriation
4 from the General Assembly and subject to availability of funds
5 to the Department, receive energy assistance as provided by
6 this Act. The Department, upon receipt of monies authorized
7 pursuant to this Act for energy assistance, shall commit funds
8 for each qualified applicant in an amount determined by the
9 Department. In determining the amounts of assistance to be
10 provided to or on behalf of a qualified applicant, the
11 Department shall ensure that the highest amounts of assistance
12 go to households with the greatest energy costs in relation to
13 household income. The Department shall include factors such as
14 energy costs, household size, household income, and region of
15 the State when determining individual household benefits. In
16 setting assistance levels, the Department shall attempt to
17 provide assistance to approximately the same number of
18 households who participated in the 1991 Residential Energy
19 Assistance Partnership Program. Such assistance levels shall
20 be adjusted annually on the basis of funding availability and
21 energy costs. In promulgating rules for the administration of
22 this Section the Department shall assure that a minimum of 1/3
23 of funds available for benefits to eligible households with the
24 lowest incomes and that elderly and disabled households are
25 offered a priority application period.

26 (c) If the applicant is not a customer of an energy

1 provider for winter energy services or an applicant for such
2 service, such applicant shall receive a direct energy
3 assistance payment in an amount established by the Department
4 for all such applicants under this Act; provided, however, that
5 such an applicant must have rental expenses for housing greater
6 than 30% of household income.

7 (d) If the applicant is a customer of an energy provider,
8 such applicant shall receive energy assistance in an amount
9 established by the Department for all such applicants under
10 this Act, such amount to be paid by the Department to the
11 energy provider supplying winter energy service to such
12 applicant. Such applicant shall:

13 (i) make all reasonable efforts to apply to any other
14 appropriate source of public energy assistance; and

15 (ii) sign a waiver permitting the Department to receive
16 income information from any public or private agency
17 providing income or energy assistance and from any
18 employer, whether public or private.

19 (e) Any qualified applicant pursuant to this Section may
20 receive or have paid on such applicant's behalf an emergency
21 assistance payment to enable such applicant to obtain access to
22 winter energy services. Any such payments shall be made in
23 accordance with regulations of the Department.

24 (f) The Department may, if sufficient funds are available,
25 provide additional benefits to certain qualified applicants:

26 (i) for the reduction of past due amounts owed to

1 energy providers; and

2 (ii) to assist the household in responding to
3 excessively high summer temperatures or energy costs.
4 Households containing elderly members, children, a person
5 with a disability, or a person with a medical need for
6 conditioned air shall receive priority for receipt of such
7 benefits.

8 (Source: P.A. 91-936, eff. 1-10-01; 92-690, eff. 7-18-02.)

9 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

10 Sec. 8. Program Reports.

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

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

1 (2) The Department of Natural Resources shall by
2 September 30, 2002, in consultation with the Policy
3 Advisory Council, determine the kinds of numerical and
4 other information needed to conduct the evaluations
5 required by this Section, and shall advise the Policy
6 Advisory Council of such information needs in a timely
7 manner. The Department of Commerce and Economic
8 Opportunity ~~Healthcare and Family Services~~, the Department
9 of Human Services, and the Illinois Commerce Commission
10 shall each provide such information as the Department of
11 Natural Resources may require to ensure that the evaluation
12 reporting requirement established by this Section can be
13 met.

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

18 (c) On or before December 31 of each year in 2004, 2006,
19 and 2007, the Department shall, in consultation with the
20 Council, prepare and submit evaluation reports to the Governor
21 and the General Assembly outlining the effects of the program
22 designed under this Act on the following as it relates to the
23 propriety of continuing the program:

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

26 (2) access of low income residential customers to

1 essential energy services;

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

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

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

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

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

22 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
23 95-331, eff. 8-21-07.)

24 (305 ILCS 20/13)

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

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

2 (a) The Supplemental Low-Income Energy Assistance Fund is
3 hereby created as a special fund in the State Treasury. The
4 Supplemental Low-Income Energy Assistance Fund is authorized
5 to receive moneys from voluntary donations from individuals,
6 foundations, corporations, and other sources, moneys received
7 pursuant to Section 17, and, by statutory deposit, the moneys
8 collected pursuant to this Section. The Fund is also authorized
9 to receive voluntary donations from individuals, foundations,
10 corporations, and other sources, as well as contributions made
11 in accordance with Section 507MM of the Illinois Income Tax
12 Act. Subject to appropriation, the Department shall use moneys
13 from the Supplemental Low-Income Energy Assistance Fund for
14 payments to electric or gas public utilities, municipal
15 electric or gas utilities, and electric cooperatives on behalf
16 of their customers who are participants in the program
17 authorized by Section 4 of this Act, for the provision of
18 weatherization services and for administration of the
19 Supplemental Low-Income Energy Assistance Fund. The yearly
20 expenditures for weatherization may not exceed 10% of the
21 amount collected during the year pursuant to this Section. The
22 yearly administrative expenses of the Supplemental Low-Income
23 Energy Assistance Fund may not exceed 10% of the amount
24 collected during that year pursuant to this Section.

25 (b) Notwithstanding the provisions of Section 16-111 of the
26 Public Utilities Act but subject to subsection (k) of this

1 Section, each public utility, electric cooperative, as defined
2 in Section 3.4 of the Electric Supplier Act, and municipal
3 utility, as referenced in Section 3-105 of the Public Utilities
4 Act, that is engaged in the delivery of electricity or the
5 distribution of natural gas within the State of Illinois shall,
6 effective January 1, 1998, assess each of its customer accounts
7 a monthly Energy Assistance Charge for the Supplemental
8 Low-Income Energy Assistance Fund. The delivering public
9 utility, municipal electric or gas utility, or electric or gas
10 cooperative for a self-assessing purchaser remains subject to
11 the collection of the fee imposed by this Section. The monthly
12 charge shall be as follows:

13 (1) \$0.40 per month on each account for residential
14 electric service;

15 (2) \$0.40 per month on each account for residential gas
16 service;

17 (3) \$4 per month on each account for non-residential
18 electric service which had less than 10 megawatts of peak
19 demand during the previous calendar year;

20 (4) \$4 per month on each account for non-residential
21 gas service which had distributed to it less than 4,000,000
22 therms of gas during the previous calendar year;

23 (5) \$300 per month on each account for non-residential
24 electric service which had 10 megawatts or greater of peak
25 demand during the previous calendar year; and

26 (6) \$300 per month on each account for non-residential

1 gas service which had 4,000,000 or more therms of gas
2 distributed to it during the previous calendar year.

3 (c) For purposes of this Section:

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

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

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

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

23 (d) At least 45 days prior to the date on which it must
24 begin assessing Energy Assistance Charges, each public utility
25 engaged in the delivery of electricity or the distribution of
26 natural gas shall file with the Illinois Commerce Commission

1 tariffs incorporating the Energy Assistance Charge in other
2 charges stated in such tariffs.

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

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

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

25 (h) (Blank).

26 On or before December 31, 2002, the Department shall

1 prepare a report for the General Assembly on the expenditure of
2 funds appropriated from the Low-Income Energy Assistance Block
3 Grant Fund for the program authorized under Section 4 of this
4 Act.

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

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

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

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

1 provided by this Section.

2 This Section is repealed effective December 31, 2013 unless
3 renewed by action of the General Assembly. The General Assembly
4 shall consider the results of the evaluations described in
5 Section 8 in its deliberations.

6 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
7 94-817, eff. 5-30-06; 95-48, eff. 8-10-07; 95-331, eff.
8 8-21-07.)

9 Section 15. The Good Samaritan Energy Plan Act is amended
10 by changing Section 5 as follows:

11 (305 ILCS 22/5)

12 Sec. 5. Definitions. In this Act:

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

15 "LIHEAP" means the energy assistance program established
16 under the Energy Assistance Act.

17 (Source: P.A. 94-773, eff. 5-18-06; 95-331, eff. 8-21-07.)