



Rep. Arthur Turner

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LRB099 04458 HLH 46164 a

1 AMENDMENT TO HOUSE BILL 649

2 AMENDMENT NO. _____. Amend House Bill 649 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Energy Assistance Act is amended by
5 changing Sections 10 and 13 as follows:

6 (305 ILCS 20/10) (from Ch. 111 2/3, par. 1410)

7 Sec. 10. Energy Assistance Funds.

8 (a) The AFDC Energy Assistance Fund is hereby created as a
9 special fund in the State Treasury.

10 The AFDC Energy Assistance Fund is authorized to receive
11 whether by appropriation, transfer, statutory deposit or fund
12 transfer, all amounts appropriated from State funds to the
13 Department of Human Services (acting as successor to the
14 Illinois Department of Public Aid under the Department of Human
15 Services Act) specifically for energy assistance payments for
16 persons and families receiving assistance pursuant to Section

1 4-1 of the Illinois Public Aid Code and subsection (c) of
2 Section 6 of this Act, and any administrative expense related
3 thereto.

4 (b) Subject to appropriation by the General Assembly, the
5 Department is authorized to expend monies from the AFDC Energy
6 Assistance Fund for the following purposes:

7 (1) for energy assistance payments to or on behalf of
8 individuals or families who receive assistance pursuant to
9 Section 4-1 of The Illinois Public Aid Code in accordance
10 with the provisions of Section 6 of this Act; and

11 (2) for the necessary and contingent expenses of the
12 Department incurred in the administration of that portion
13 of the Act described in paragraph (1) of this subsection.

14 (c) The AFDC Energy Assistance Fund shall be inoperative
15 after September 30, 1991.

16 (d) ~~The Subject to appropriations made by the General~~
17 ~~Assembly, the~~ Department is authorized to expend monies from
18 the Low Income Energy Assistance Block Grant Fund for the
19 purpose of providing assistance pursuant to Section 6 of this
20 Act. Absent an enacted appropriation from the Low Income Energy
21 Assistance Block Grant Fund in any State fiscal year, this
22 subsection shall constitute a continuing appropriation to the
23 Department of all amounts necessary for the purposes set forth
24 in this subsection (d). The continuing appropriation under this
25 subsection (d) shall be no less than the total aggregate
26 appropriations made available from the Low Income Energy

1 Assistance Block Grant Fund for the immediately preceding State
2 fiscal year. If an appropriation to the Department from the Low
3 Income Energy Assistance Block Grant Fund is enacted on or
4 after July 1 of any calendar year, then the continuing
5 appropriation shall discontinue for that State fiscal year, and
6 the enacted appropriation shall supersede.

7 (Source: P.A. 89-507, eff. 7-1-97.)

8 (305 ILCS 20/13)

9 (Section scheduled to be repealed on December 31, 2018)

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

11 (a) The Supplemental Low-Income Energy Assistance Fund is
12 hereby created as a special fund in the State Treasury. The
13 Supplemental Low-Income Energy Assistance Fund is authorized
14 to receive moneys from voluntary donations from individuals,
15 foundations, corporations, and other sources, moneys received
16 pursuant to Section 17, and, by statutory deposit, the moneys
17 collected pursuant to this Section. The Fund is also authorized
18 to receive voluntary donations from individuals, foundations,
19 corporations, and other sources, as well as contributions made
20 in accordance with Section 507MM of the Illinois Income Tax
21 Act. ~~The Subject to appropriation, the~~ Department shall use
22 moneys from the Supplemental Low-Income Energy Assistance Fund
23 for payments to electric or gas public utilities, municipal
24 electric or gas utilities, and electric cooperatives on behalf
25 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, except
9 when unspent funds from the Supplemental Low-Income Energy
10 Assistance Fund are reallocated from a previous year; any
11 unspent balance of the 10% administrative allowance may be
12 utilized for administrative expenses in the year they are
13 reallocated.

14 (a-5) Absent an enacted appropriation from the
15 Supplemental Low-Income Energy Assistance Fund in any State
16 fiscal year, this subsection shall constitute a continuing
17 appropriation to the Department of Commerce and Economic
18 Opportunity of all amounts necessary for the purposes set forth
19 in subsection (a). The continuing appropriation under this
20 subsection (a-5) shall be no less than the total aggregate
21 appropriations made available from the Supplemental Low-Income
22 Energy Assistance Fund for the immediately preceding State
23 fiscal year. If an appropriation to the Department of Commerce
24 and Economic Opportunity from the Supplemental Low-Income
25 Energy Assistance Fund is enacted on or after July 1 of any
26 calendar year, then the continuing appropriation shall

1 discontinue for that State fiscal year, and the enacted
2 appropriation shall supersede.

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

17 (1) \$0.48 per month on each account for residential
18 electric service;

19 (2) \$0.48 per month on each account for residential gas
20 service;

21 (3) \$4.80 per month on each account for non-residential
22 electric service which had less than 10 megawatts of peak
23 demand during the previous calendar year;

24 (4) \$4.80 per month on each account for non-residential
25 gas service which had distributed to it less than 4,000,000
26 therms of gas during the previous calendar year;

1 (5) \$360 per month on each account for non-residential
2 electric service which had 10 megawatts or greater of peak
3 demand during the previous calendar year; and

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

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

12 In addition, electric and gas utilities have committed, and
13 shall contribute, a one-time payment of \$22 million to the
14 Fund, within 10 days after the effective date of the tariffs
15 established pursuant to Sections 16-111.8 and 19-145 of the
16 Public Utilities Act to be used for the Department's cost of
17 implementing the programs described in Section 18 of this
18 amendatory Act of the 96th General Assembly, the Arrearage
19 Reduction Program described in Section 18, and the programs
20 described in Section 8-105 of the Public Utilities Act. If a
21 utility elects not to file a rider within 90 days after the
22 effective date of this amendatory Act of the 96th General
23 Assembly, then the contribution from such utility shall be made
24 no later than February 1, 2010.

25 (c) For purposes of this Section:

26 (1) "residential electric service" means electric

1 utility service for household purposes delivered to a
2 dwelling of 2 or fewer units which is billed under a
3 residential rate, or electric utility service for
4 household purposes delivered to a dwelling unit or units
5 which is billed under a residential rate and is registered
6 by a separate meter for each dwelling unit;

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

14 (3) "non-residential electric service" means electric
15 utility service which is not residential electric service;
16 and

17 (4) "non-residential gas service" means gas utility
18 service which is not residential gas service.

19 (d) Within 30 days after the effective date of this
20 amendatory Act of the 96th General Assembly, each public
21 utility engaged in the delivery of electricity or the
22 distribution of natural gas shall file with the Illinois
23 Commerce Commission tariffs incorporating the Energy
24 Assistance Charge in other charges stated in such tariffs,
25 which shall become effective no later than the beginning of the
26 first billing cycle following such filing.

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

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

25 (g) The Department of Revenue shall deposit into the
26 Supplemental Low-Income Energy Assistance Fund all moneys

1 remitted to it in accordance with subsection (f) of this
2 Section; provided, however, that the amounts remitted by each
3 utility shall be used to provide assistance to that utility's
4 customers. The utilities shall coordinate with the Department
5 to establish an equitable and practical methodology for
6 implementing this subsection (g) beginning with the 2010
7 program year.

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

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

15 (j) The Department of Commerce and Economic Opportunity may
16 establish such rules as it deems necessary to implement this
17 Section.

18 (k) The charges imposed by this Section shall only apply to
19 customers of municipal electric or gas utilities and electric
20 or gas cooperatives if the municipal electric or gas utility or
21 electric or gas cooperative makes an affirmative decision to
22 impose the charge. If a municipal electric or gas utility or an
23 electric cooperative makes an affirmative decision to impose
24 the charge provided by this Section, the municipal electric or
25 gas utility or electric cooperative shall inform the Department
26 of Revenue in writing of such decision when it begins to impose

1 the charge. If a municipal electric or gas utility or electric
2 or gas cooperative does not assess this charge, the Department
3 may not use funds from the Supplemental Low-Income Energy
4 Assistance Fund to provide benefits to its customers under the
5 program authorized by Section 4 of this Act.

6 In its use of federal funds under this Act, the Department
7 may not cause a disproportionate share of those federal funds
8 to benefit customers of systems which do not assess the charge
9 provided by this Section.

10 This Section is repealed effective December 31, 2018 unless
11 renewed by action of the General Assembly. The General Assembly
12 shall consider the results of the evaluations described in
13 Section 8 in its deliberations.

14 (Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."