

1 AN ACT in relation to energy assistance.

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

4 Section 5. The State Finance Act is amended by changing  
5 Section 6b-1 as follows:

6 (30 ILCS 105/6b-1) (from Ch. 127, par. 142b1)

7 Sec. 6b-1. State Pensions Fund.

8 (a) There shall be paid into the State Pensions Fund the  
9 funds and proceeds from the sale of abandoned property as  
10 provided in Section 18 of the "Uniform Disposition of  
11 Unclaimed Property Act",~~7--enacted--by--the--Seventy-second~~  
12 ~~General-Assembly.~~

13 (b) The State Treasurer shall maintain records to show  
14 the amount of interest earned on all moneys deposited into  
15 the State Pensions Fund pursuant to Section 18 of the Uniform  
16 Disposition of Unclaimed Property Act. All such interest  
17 earned on those moneys shall be credited to the Supplemental  
18 Low-Income Energy Assistance Fund.

19 (Source: Laws 1961, p. 3423.)

20 Section 10. The Energy Assistance Act of 1989 is amended  
21 by changing Section 13 as follows:

22 (305 ILCS 20/13)

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

24 (a) The Supplemental Low-Income Energy Assistance Fund  
25 is hereby created as a special fund in the State Treasury.  
26 The Supplemental Low-Income Energy Assistance Fund is  
27 authorized to receive, by statutory deposit, the moneys  
28 collected pursuant to this Section. Subject to  
29 appropriation, the Department shall use moneys from the

1 Supplemental Low-Income Energy Assistance Fund for payments  
2 to electric or gas public utilities, municipal electric or  
3 gas utilities, and electric cooperatives on behalf of their  
4 customers who are participants in the program authorized by  
5 Section 4 of this Act, for the provision of weatherization  
6 services and for administration of the Supplemental  
7 Low-Income Energy Assistance Fund. The yearly expenditures  
8 for weatherization may not exceed 10% of the amount collected  
9 during the year pursuant to this Section. In determining  
10 which customers will participate in the weatherization  
11 component, the Department shall target weatherization for  
12 those customers with the greatest energy burden, that is the  
13 lowest income and greatest utility bills. The yearly  
14 administrative expenses of the Supplemental Low-Income Energy  
15 Assistance Fund may not exceed 10% of the amount collected  
16 during that year pursuant to this Section.

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

32 (1) \$0.40 per month on each account for residential  
33 electric service;

34 (2) \$0.40 per month on each account for residential

1 gas service;

2 (3) \$4 per month on each account for  
3 non-residential electric service which had less than 10  
4 megawatts of peak demand during the previous calendar  
5 year;

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

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

14 (6) \$300 per month on each account for  
15 non-residential gas service which had 4,000,000 or more  
16 therms of gas distributed to it during the previous  
17 calendar year.

18 (c) For purposes of this Section:

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

26 (2) "residential gas service" means gas utility  
27 service for household purposes distributed to a dwelling  
28 of 2 or fewer units which is billed under a residential  
29 rate, or gas utility service for household purposes  
30 distributed to a dwelling unit or units which is billed  
31 under a residential rate and is registered by a separate  
32 meter for each dwelling unit;

33 (3) "non-residential electric service" means  
34 electric utility service which is not residential

1 electric service; and

2 (4) "non-residential gas service" means gas utility  
3 service which is not residential gas service.

4 (d) At least 45 days prior to the date on which it must  
5 begin assessing Energy Assistance Charges, 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 (e) The Energy Assistance Charge assessed by electric  
11 and gas public utilities shall be considered a charge for  
12 public utility service.

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

28 (g) The Department of Revenue shall deposit into the  
29 Supplemental Low-Income Energy Assistance Fund all moneys  
30 remitted to it in accordance with subsection (f) of this  
31 Section.

32 (g-5) All of the interest that is earned on moneys  
33 deposited into the State Pensions Fund pursuant to Section 18  
34 of the Uniform Disposition of Unclaimed Property Act shall be

1 credited to the Supplemental Low-Income Energy Assistance  
2 Fund. In addition, if any interest is earned on moneys  
3 received under the Uniform Disposition of Unclaimed Property  
4 Act, including the proceeds from the sale of abandoned  
5 property under Section 17 of that Act, before those moneys or  
6 proceeds are deposited into the State Pensions Fund, that  
7 interest shall be deposited into the Supplemental Low-Income  
8 Energy Assistance Fund.

9 (h) If as of June 30, 2002 the program authorized by  
10 Section 4 of this Act has not been replaced by a new energy  
11 assistance program which is in operation, then the General  
12 Assembly shall review the program; provided however, that  
13 after that date, any public utility, municipal utility, or  
14 electric cooperative shall continue to assess an Energy  
15 Assistance Charge which was originally assessed on or before  
16 June 30, 2002 and which remains unpaid.

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

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

24 (j) The Department of Commerce and Community Affairs may  
25 establish such rules as it deems necessary to implement this  
26 Section.

27 (k) The charges imposed by this Section shall only apply  
28 to customers of municipal electric or gas utilities and  
29 electric or gas cooperatives if the municipal electric or gas  
30 utility or electric or gas cooperative makes an affirmative  
31 decision to impose the charge. If a municipal electric or  
32 gas utility or an electric cooperative makes an affirmative  
33 decision to impose the charge provided by this Section, the  
34 municipal electric or gas utility or electric cooperative

1 shall inform the Department of Revenue in writing of such  
2 decision when it begins to impose the charge. If a municipal  
3 electric or gas utility or electric or gas cooperative does  
4 not assess this charge, the Department may not use funds from  
5 the Supplemental Low-Income Energy Assistance Fund to provide  
6 benefits to its customers under the program authorized by  
7 Section 4 of this Act.

8 (Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

9 Section 15. The Uniform Disposition of Unclaimed  
10 Property Act is amended by changing Section 18 as follows:

11 (765 ILCS 1025/18) (from Ch. 141, par. 118)

12 Sec. 18. (a) All funds received under this Act,  
13 including the proceeds from the sale of abandoned property  
14 under Section 17, shall forthwith be deposited in the State  
15 Pensions Fund in the state treasury, except that the State  
16 Treasurer shall retain in a separate trust fund an amount not  
17 exceeding \$2,500,000 from which he or she shall make prompt  
18 payment of claims he or she duly allows as hereinafter  
19 provided. However, should any claim be allowed or any refund  
20 ordered under the provisions of this Act, in excess of  
21 \$2,500,000, the State Treasurer shall increase the amount of  
22 such separate trust fund to an amount necessary for prompt  
23 payment of such claim in excess of \$2,500,000 and make prompt  
24 payment thereof. Before making the deposit the State  
25 Treasurer shall record the name and last known address of  
26 each person appearing from the holders' reports to be  
27 entitled to the abandoned property. The record shall be  
28 available for public inspection at all reasonable business  
29 hours.

30 (a-5) If any interest is earned on funds received under  
31 this Act, including the proceeds from the sale of abandoned  
32 property under Section 17, before those funds or proceeds are

1 deposited into the State Pensions Fund, that interest shall  
2 be deposited into the Supplemental Low-Income Energy  
3 Assistance Fund.

4 (b) Before making any deposit to the credit of the State  
5 Pensions Fund, the State Treasurer may deduct: (1) any costs  
6 in connection with sale of abandoned property, (2) any costs  
7 of mailing and publication in connection with any abandoned  
8 property, and (3) any costs in connection with the  
9 maintenance of records or disposition of claims made pursuant  
10 to this Act. The State Treasurer shall semiannually file an  
11 itemized report of all such expenses with the Legislative  
12 Audit Commission.

13 (Source: P.A. 91-16, eff. 7-1-99.)

14 Section 99. Effective date. This Act takes effect on  
15 January 1, 2002.