



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2353

Introduced 1/18/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

20 ILCS 3105/10.09-7 new
30 ILCS 105/5.663 new
220 ILCS 5/4-307 new
30 ILCS 805/8.30 new

Amends the Capital Development Board Act. Requires the Capital Development Board to establish and maintain a program to install and maintain alternative-energy systems for facilities owned by the State. Defines "alternative-energy systems" as wind-powered and solar-powered energy systems. Creates the Clean Power for Illinois Fund as a special fund in the State treasury, and provides that, subject to appropriation, the Board must use the moneys in the Fund for the purpose of the alternative-energy program. Amends the State Finance Act to establish the Clean Power for Illinois Fund. Amends the Public Utilities Act. Requires public utilities, electric and natural gas cooperatives, and municipal utilities that are engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois to assess each of its customer accounts a monthly Clean Power for Illinois Charge for the Clean Power for Illinois Fund and to remit the charges collected to the Department of Revenue for deposit into that Fund. Requires public utilities to file tariffs with the Illinois Commerce Commission incorporating the Clean Power for Illinois Charge in other charges. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Effective July 1, 2006.

LRB094 16393 MKM 51649 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning finance.

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

4 Section 5. The Capital Development Board Act is amended by
5 adding Section 10.09-7 as follows:

6 (20 ILCS 3105/10.09-7 new)

7 Sec. 10.09-7. Alternative energy program for State
8 facilities.

9 (a) The Board must establish and maintain a program to
10 install and maintain alternative-energy systems for facilities
11 owned by the State. For the purposes of this Section,
12 "alternative-energy system" means a system for providing
13 electricity to a building that is generated through solar power
14 or wind power.

15 (b) The Clean Power for Illinois Fund is created as a
16 special fund in the State treasury. Subject to appropriation,
17 the Board must use the moneys in the Fund for the purpose of
18 the alternative-energy program set forth under subsection (a).

19 The Department of Revenue must deposit into the Clean Power
20 for Illinois Fund all moneys remitted to the Department by
21 public utilities, electric and natural gas cooperatives, and
22 municipal utilities in accordance with Section 4-307 of the
23 Public Utilities Act. Moneys received for the purposes of this
24 Section, including, without limitation, appropriations and
25 gifts, grants, and awards from any public or private entity,
26 must be deposited into the Fund. Any interest earned on moneys
27 in the Fund must be deposited into the Fund.

28 Section 10. The State Finance Act is amended by adding
29 Section 5.663 as follows:

30 (30 ILCS 105/5.663 new)

1 Sec. 5.663. The Clean Power for Illinois Fund.

2 Section 15. The Public Utilities Act is amended by adding
3 Section 4-307 as follows:

4 (220 ILCS 5/4-307 new)

5 Sec. 4-307. Clean Power for Illinois Charge.

6 (a) Notwithstanding the provisions of Section 16-111 of
7 this Act, each public utility, electric or gas cooperative, and
8 municipal utility that is engaged in the delivery of
9 electricity or the distribution of natural gas within the State
10 of Illinois and that is required to impose an Energy Assistance
11 Charge under Section 13 of the Energy Assistance Act shall,
12 effective January 1, 2007, assess each of its customer accounts
13 a monthly Clean Power for Illinois Charge for the Clean Power
14 for Illinois Fund. The delivering public utility, electric or
15 gas cooperative, or municipal utility for a self-assessing
16 purchaser remains subject to the collection of the Clean Power
17 for Illinois Charge imposed by this Section. The Clean Power
18 for Illinois Charge shall be in an amount equal to the amount
19 of the Energy Assistance Charge imposed under Section 13 of the
20 Energy Assistance Act.

21 (b) At least 45 days prior to the date on which it must
22 begin assessing Clean Power for Illinois Charges, each public
23 utility engaged in the delivery of electricity or the
24 distribution of natural gas must file with the Commission
25 tariffs incorporating the Clean Power for Illinois Charge into
26 other charges stated in such tariffs.

27 (c) The Clean Power for Illinois Charge assessed by public
28 utilities shall be considered a charge for public utility
29 service.

30 (d) By the 20th day of the month following each month in
31 which the charges imposed by this Section are collected, each
32 public utility, municipal utility, and electric cooperative
33 shall remit to the Department of Revenue all moneys received as
34 payment of the Clean Power for Illinois Charge on a return

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

11 (e) The Department of Revenue shall deposit into the Clean
12 Power for Illinois Fund all moneys remitted to it in accordance
13 with subsection (d) of this Section.

14 (f) The Department of Revenue may establish rules that the
15 Department deems necessary to implement this Section and the
16 Commission may establish rules that it deems necessary to
17 implement this Section.

18 (g) This Section is a denial and limitation of home rule
19 powers and functions under subsection (h) of Section 6 of
20 Article VII of the Illinois Constitution.

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.30 as follows:

23 (30 ILCS 805/8.30 new)

24 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
25 of this Act, no reimbursement by the State is required for the
26 implementation of any mandate created by this amendatory Act of
27 the 94th General Assembly.

28 Section 99. Effective date. This Act takes effect July 1,
29 2006.