

August 7, 2009

To the Honorable Members of the General Assembly:

Today, with my signature, House Bill 796 becomes law. In accordance with the supreme executive power vested in the Governor pursuant to Article V, Section 8 of the Illinois Constitution, and the authority to approve legislation provided for in Article IV, Section 9, I am issuing this statement in connection with my approval of this legislation to explain its effect.

House Bill 796 amends the Energy Assistance Act by expanding eligibility for the State's energy assistance programs. Making these programs more accessible carries the additional benefit of allowing Illinois to become eligible for additional Federal funds under the American Recovery and Reinvestment Act.

This bill also amends the Good Samaritan Energy Plan Act, the Illinois Economic Opportunity Act and further amends the Energy Assistance Act to transfer the administration of the Low Income Energy Assistance Program (LIHEAP) and the Weatherization Assistance Program from the Department of Healthcare and Family Services to the Department of Commerce and Economic Opportunity. Transferring this program by statute, however, is redundant and is declarative of existing law. Executive Order 09-02, which became effective May 10, 2009 in accordance with Article V, Section 11 of the Illinois Constitution when it was not disapproved by either chamber of the General Assembly within 60 calendar days after its delivery, has already effectuated this transfer. This executive agency reorganization order, moreover, has the force and effect of statute. ILLINOIS CONST., Article V, Section 11; 15 ILCS 15/1 *et. seq.* With this statement, I expressly withhold my approval of any part of House Bill 796 that would contradict Executive Order 09-02. Therefore, nothing in this legislation supersedes Executive Order 09-02.

Sincerely,

Pat Quinn
Governor