

1 AN ACT concerning utilities.

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

4 Section 1. Public Utility Fund base maintenance
5 contribution; continuation; validation.

6 (a) The General Assembly finds and declares:

7 (1) Section 2-203 of the Public Utilities Act provided
8 for its repeal on January 1, 2009.

9 (2) Senate Bill 1987 of the 95th General Assembly,
10 among other things, changed the language of Section 2-203
11 repealing that Section on January 1, 2009 to January 1,
12 2014. Senate Bill 1987 passed both houses of the General
13 Assembly on November 20, 2008. Senate Bill 1987 was
14 approved by the Governor on January 12, 2009 and will take
15 effect on June 1, 2009 as Public Act 95-1027. It was the
16 intention of the General Assembly in passing Senate Bill
17 1987 that Section 2-203 of the Public Utilities Act not be
18 repealed.

19 (3) The Statute on Statutes sets forth general rules on
20 the repeal of statutes, but Section 1 of that Act also
21 states that these rules will not be observed when the
22 result would be "inconsistent with the manifest intent of
23 the General Assembly or repugnant to the context of the
24 statute".

1 (4) The actions of the General Assembly clearly
2 manifest the intention of the General Assembly not to
3 repeal Section 2-203 of the Public Utilities Act. Any
4 construction of Public Act 95-1027 that results in the
5 repeal of Section 2-203 of the Public Utilities Act on
6 January 1, 2009 would be inconsistent with the manifest
7 intent of the General Assembly.

8 (b) It is hereby declared to have been the intent of the
9 General Assembly, in enacting Public Act 95-1027, that Section
10 2-203 of the Public Utilities Act be changed to, among other
11 things, change its repeal to January 1, 2014 and that it not be
12 subject to repeal on January 1, 2009.

13 (c) Section 2-203 of the Public Utilities Act is deemed to
14 have been in continuous effect since its original effective
15 date, and it shall continue to be in effect until it is
16 otherwise repealed.

17 (d) All otherwise lawful actions taken in reliance on or
18 pursuant to Section 2-203 of the Public Utilities Act before
19 the effective date of this amendatory Act of the 96th General
20 Assembly by any officer or agency of State government or any
21 other person or entity are validated.

22 (e) To ensure the continuing effectiveness of Section 2-203
23 of the Public Utilities Act, it is set forth in full and
24 re-enacted by this Act. This re-enactment is intended as a
25 continuation of Section 2-203 of the Public Utilities Act.

26 (f) This amendatory Act of the 96th General Assembly

1 applies to all claims, actions, proceedings, and returns
2 pending on or filed on, before, or after the effective date of
3 this amendatory Act of the 96th General Assembly.

4 Section 5. The Public Utilities Act is amended by
5 reenacting Section 2-203 as follows:

6 (220 ILCS 5/2-203)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 2-203. Public Utility Fund base maintenance
9 contribution. Each electric utility as defined in Section
10 16-102 of this Act providing service to more than 12,500
11 customers in this State on January 1, 1995 shall contribute
12 annually a pro rata share of a total amount of \$5,500,000 based
13 upon the number of kilowatt-hours delivered to retail customers
14 within this State by each such electric utility in the 12
15 months preceding the year of contribution. On or before May 1
16 of each year, the Illinois Commerce Commission shall determine
17 and notify the Illinois Department of Revenue of the pro rata
18 share owed by each electric utility based upon information
19 supplied annually to the Commission. On or before June 1 of
20 each year, the Department of Revenue shall send written
21 notification to each electric utility of the amount of pro rata
22 share they owe. These contributions shall be remitted to the
23 Department of Revenue no earlier than July 1 and no later than
24 July 31 of each year the contribution is due on a return

1 prescribed and furnished by the Department of Revenue showing
2 such information as the Department of Revenue may reasonably
3 require. The Department of Revenue shall place the funds
4 remitted under this Section in the Public Utility Fund in the
5 State treasury. The funds received pursuant to this Section
6 shall be subject to appropriation by the General Assembly. If
7 an electric utility does not remit its pro rata share to the
8 Department of Revenue, the Department of Revenue must inform
9 the Illinois Commerce Commission of such failure. The Illinois
10 Commerce Commission may then revoke the certification of that
11 electric utility. This Section is repealed on January 1, 2014.
12 (Source: P.A. 95-1027, eff. 6-1-09.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.