

AN ACT concerning utilities.

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

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

(a) The General Assembly finds and declares:

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

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the intention of the General Assembly in passing Senate Bill 1987 that Section 2-203 of the Public Utilities Act not be repealed.

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

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

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

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in continuous effect since its original effective date, and it shall continue to be in effect until it is otherwise repealed.

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

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

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

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

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

(220 ILCS 5/2-203)

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

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

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

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