

1 AN ACT concerning public utilities.

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

4 Section 5. The Public Utilities Act is amended by
5 changing Section 16-111.1 as follows:

6 (220 ILCS 5/16-111.1)

7 Sec. 16-111.1. Illinois Clean Energy Community Trust.

8 (a) An electric utility that ~~which~~ has sold or
9 transferred generating facilities in a transaction to which
10 subsection (k) of Section 16-111 applies is authorized to
11 establish an Illinois clean energy community trust or
12 foundation for the purposes of providing financial support
13 and assistance to entities, public or private, within the
14 State of Illinois including, but not limited to, units of
15 State and local government, educational institutions,
16 corporations, and charitable, educational, environmental and
17 community organizations, for programs and projects that
18 benefit the public by improving energy efficiency, developing
19 renewable energy resources, supporting other energy related
20 projects that improve the State's environmental quality, and
21 supporting projects and programs intended to preserve or
22 enhance the natural habitats and wildlife areas of the State.
23 Provided, however, that the trust or foundation funds shall
24 not be used for the remediation of environmentally impaired
25 property. The trust or foundation may also assist in
26 identifying other energy and environmental grant
27 opportunities.

28 (b) Such trust or foundation shall be governed by a
29 declaration of trust or articles of incorporation and bylaws
30 which shall, at a minimum, provide that:

31 (1) There shall be 6 voting trustees of the trust

1 or foundation, one of whom shall be appointed by the
2 Governor, one of whom shall be appointed by the President
3 of the Illinois Senate, one of whom shall be appointed by
4 the Minority Leader of the Illinois Senate, one of whom
5 shall be appointed by the Speaker of the Illinois House
6 of Representatives, one of whom shall be appointed by the
7 Minority Leader of the Illinois House of Representatives,
8 and one of whom shall be appointed by the electric
9 utility establishing the trust or foundation, provided
10 that the voting trustee appointed by the utility shall be
11 a representative of a recognized environmental action
12 group selected by the utility. The Governor shall
13 designate one of the 6 voting trustees to serve as
14 chairman of the trust or foundation, who shall serve as
15 chairman of the trust or foundation at the pleasure of
16 the Governor. In addition, there shall be 4 non-voting
17 trustees, one of whom shall be appointed by the Director
18 of the Department of Commerce and Community Affairs, one
19 of whom shall be appointed by the Director of the
20 Illinois Environmental Protection Agency, one of whom
21 shall be appointed by the Director of the Department of
22 Natural Resources, and one of whom shall be appointed by
23 the electric utility establishing the trust or
24 foundation, provided that the non-voting trustee
25 appointed by the utility shall bring financial expertise
26 to the trust or foundation and shall have appropriate
27 credentials therefor.

28 (2) All voting trustees and the non-voting trustee
29 with financial expertise shall be entitled to
30 compensation for their services as trustees, provided,
31 however, that no member of the General Assembly and no
32 employee of the electric utility establishing the trust
33 or foundation serving as a voting trustee shall receive
34 any compensation for his or her services as a trustee,

1 and provided further that the compensation to the
2 chairman of the trust shall not exceed \$25,000 annually
3 and the compensation to any other trustee shall not
4 exceed \$20,000 annually. All trustees shall be entitled
5 to reimbursement for reasonable expenses incurred on
6 behalf of the trust in the performance of their duties as
7 trustees. All such compensation and reimbursements shall
8 be paid out of the trust.

9 (3) Trustees shall be appointed within 30 days
10 after the creation of the trust or foundation and shall
11 serve for a term of 5 years commencing upon the date of
12 their respective appointments, until their respective
13 successors are appointed and qualified.

14 (4) A vacancy in the office of trustee shall be
15 filled by the person holding the office responsible for
16 appointing the trustee whose death or resignation creates
17 the vacancy, and a trustee appointed to fill a vacancy
18 shall serve the remainder of the term of the trustee
19 whose resignation or death created the vacancy.

20 (5) The trust or foundation shall have an
21 indefinite term, and shall terminate at such time as no
22 trust assets remain.

23 (6) The trust or foundation shall be funded in the
24 minimum amount of \$250,000,000, with the allocation and
25 disbursement of funds for the various purposes for which
26 the trust or foundation is established to be determined
27 by the trustees in accordance with the declaration of
28 trust or the articles of incorporation and bylaws;
29 provided, however, that this amount may be reduced by up
30 to \$25,000,000 if, at the time the trust or foundation is
31 funded, a corresponding amount is contributed by the
32 electric utility establishing the trust or foundation to
33 the Board of Trustees of Southern Illinois University for
34 the purpose of funding programs or projects related to

1 clean coal and provided further that \$25,000,000 of the
2 amount contributed to the trust or foundation shall be
3 available to fund programs or projects related to clean
4 coal.

5 (7) The trust or foundation shall be authorized to
6 employ an executive director and other employees, to
7 enter into leases, contracts and other obligations on
8 behalf of the trust or foundation, and to incur expenses
9 that the trustees deem necessary or appropriate for the
10 fulfillment of the purposes for which the trust or
11 foundation is established, provided, however, that
12 salaries and administrative expenses incurred on behalf
13 of the trust or foundation shall not exceed \$500,000 in
14 the first fiscal year after the trust or foundation is
15 established and shall not exceed \$1,000,000 in each
16 subsequent fiscal year.

17 (8) The trustees may create and appoint advisory
18 boards or committees to assist them with the
19 administration of the trust or foundation, and to advise
20 and make recommendations to them regarding the
21 contribution and disbursement of the trust or foundation
22 funds.

23 (c)(1) In addition to the allocation and disbursement of
24 funds for the purposes set forth in subsection (a) of
25 this Section, the trustees of the trust or foundation
26 shall annually contribute funds in amounts set forth in
27 subparagraph (2) of this subsection to the Citizens
28 Utility Board created by the Citizens Utility Board Act;
29 provided, however, that any such funds shall be used
30 solely for the representation of the interests of utility
31 consumers before the Illinois Commerce Commission, the
32 Federal Energy Regulatory Commission, and the Federal
33 Communications Commission and for the provision of
34 consumer education on utility service and prices and on

1 benefits and methods of energy conservation. Provided,
2 however, that no part of such funds shall be used to
3 support (i) any lobbying activity, (ii) activities
4 related to fundraising, (iii) advertising or other
5 marketing efforts regarding a particular utility, or (iv)
6 solicitation of support for, or advocacy of, a particular
7 position regarding any specific utility or a utility's
8 docketed proceeding.

9 (2) In the calendar year in which the trust or
10 foundation is first funded, the trustees shall contribute
11 \$1,000,000 to the Citizens Utility Board within 60 days
12 after such trust or foundation is established; provided,
13 however, that such contribution shall be made after
14 December 31, 1999. In each of the 6 calendar years
15 subsequent to the first contribution, if the trust or
16 foundation is in existence, the trustees shall contribute
17 to the Citizens Utility Board an amount equal to the
18 total expenditures by such organization in the prior
19 calendar year, as set forth in the report filed by the
20 Citizens Utility Board with the chairman of such trust or
21 foundation as required by subparagraph (3) of this
22 subsection. Such subsequent contributions shall be made
23 within 30 days of submission by the Citizens Utility
24 Board of such report to the Chairman of the trust or
25 foundation, but in no event shall any annual contribution
26 by the trustees to the Citizens Utility Board exceed
27 \$1,000,000. Following such 7-year period, an Illinois
28 statutory consumer protection agency may petition the
29 trust or foundation for contributions to fund
30 expenditures of the type identified in paragraph (1), but
31 in no event shall annual contributions by the trust or
32 foundation for such expenditures exceed \$1,000,000.

33 (3) The Citizens Utility Board shall file a report
34 with the chairman of such trust or foundation for each

1 year in which it expends any funds received from the
2 trust or foundation setting forth the amount of any
3 expenditures (regardless of the source of funds for such
4 expenditures) for: (i) the representation of the
5 interests of utility consumers before the Illinois
6 Commerce Commission, the Federal Energy Regulatory
7 Commission, and the Federal Communications Commission,
8 and (ii) the provision of consumer education on utility
9 service and prices and on benefits and methods of energy
10 conservation. Such report shall separately state the
11 total amount of expenditures for the purposes or
12 activities identified by items (i) and (ii) of this
13 paragraph, the name and address of the external recipient
14 of any such expenditure, if applicable, and the specific
15 purposes or activities (including internal purposes or
16 activities) for which each expenditure was made. Any
17 report required by this subsection shall be filed with
18 the chairman of such trust or foundation no later than
19 March 31 of the year immediately following the year for
20 which the report is required.

21 (Source: P.A. 91-50, eff. 6-30-99; 91-781, eff. 6-9-00.)