



Rep. Bill Mitchell

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09600HB3217ham001

LRB096 06230 MJR 22558 a

1 AMENDMENT TO HOUSE BILL 3217

2 AMENDMENT NO. _____. Amend House Bill 3217 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 2-101 as follows:

6 (220 ILCS 5/2-101) (from Ch. 111 2/3, par. 2-101)

7 Sec. 2-101. Commerce Commission created. There is created
8 an Illinois Commerce Commission consisting of 5 members not
9 more than 3 of whom shall be members of the same political
10 party at the time of appointment. The Governor shall appoint
11 the members of such Commission by and with the advice and
12 consent of the Senate. In case of a vacancy in such office
13 during the recess of the Senate the Governor shall make a
14 temporary appointment until the next meeting of the Senate,
15 when he shall nominate some person to fill such office; and any
16 person so nominated who is confirmed by the Senate, shall hold

1 his office during the remainder of the term and until his
2 successor shall be appointed and qualified. Each member of the
3 Commission shall hold office for a term of 5 years from the
4 third Monday in January of the year in which his predecessor's
5 term expires.

6 Notwithstanding any provision of this Section to the
7 contrary, the term of office of each member of the Commission
8 is terminated on the effective date of this amendatory Act of
9 1995, but the incumbent members shall continue to exercise all
10 of the powers and be subject to all of the duties of members of
11 the Commission until their respective successors are appointed
12 and qualified. Of the members initially appointed under the
13 provisions of this amendatory Act of 1995, one member shall be
14 appointed for a term of office which shall expire on the third
15 Monday of January, 1997; 2 members shall be appointed for terms
16 of office which shall expire on the third Monday of January,
17 1998; one member shall be appointed for a term of office which
18 shall expire on the third Monday of January, 1999; and one
19 member shall be appointed for a term of office which shall
20 expire on the third Monday of January, 2000. Each respective
21 successor shall be appointed for a term of 5 years from the
22 third Monday of January of the year in which his predecessor's
23 term expires in accordance with the provisions of the first
24 paragraph of this Section.

25 Each member shall serve until his successor is appointed
26 and qualified, except that if the Senate refuses to consent to

1 the appointment of any member, such office shall be deemed
2 vacant, and within 2 weeks of the date the Senate refuses to
3 consent to the reappointment of any member, such member shall
4 vacate such office. The Governor shall from time to time
5 designate the member of the Commission who shall be its
6 chairman. Consistent with the provisions of this Act, the
7 Chairman shall be the chief executive officer of the Commission
8 for the purpose of ensuring that the Commission's policies are
9 properly executed.

10 If there is no vacancy on the Commission, 4 members of the
11 Commission shall constitute a quorum to transact business;
12 otherwise, a majority of the Commission shall constitute a
13 quorum to transact business, and no vacancy shall impair the
14 right of the remaining commissioners to exercise all of the
15 powers of the Commission. Every finding, order, or decision
16 approved by a majority of the members of the Commission shall
17 be deemed to be the finding, order, or decision of the
18 Commission.

19 Beginning after the effective date of this amendatory Act
20 of the 96th General Assembly and unless 2 members currently
21 reside in an area served by an electric utility that serves
22 more than 100,000 customers but fewer than 2 million customers
23 in this State, vacancies must be filled by appointees that
24 reside in areas served by an electric utility that serves more
25 than 100,000 customers but fewer than 2 million customers in
26 this State.

1 (Source: P.A. 92-22, eff. 6-30-01.)

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