LRB9212292JSmb

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AN ACT concerning public utilities.

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

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

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(220 ILCS 5/16-111.1)

Sec. 16-111.1. Illinois Clean Energy Community Trust.
(a) An electric utility <u>that</u> which has sold or

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

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

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

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

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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 to reimbursement for reasonable expenses incurred on 5 behalf of the trust in the performance of their duties as 6 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 minimum amount of \$250,000,000, with the allocation and 24 25 disbursement of funds for the various purposes for which the trust or foundation is established to be determined 26 by the trustees in accordance with the declaration of 27 trust or the articles of incorporation and bylaws; 28 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 funded, a corresponding amount is contributed by the 31 electric utility establishing the trust or foundation to 32 the Board of Trustees of Southern Illinois University for 33 the purpose of funding programs or projects related to 34

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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.

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

(8) The trustees may create and appoint advisory 17 boards committees 18 or to assist them with the administration of the trust or foundation, and to advise 19 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 funds for the purposes set forth in subsection (a) of 24 25 this Section, the trustees of the trust or foundation shall annually contribute funds in amounts set forth in 26 27 subparagraph (2) of this subsection to the Citizens Utility Board created by the Citizens Utility Board Act; 28 29 provided, however, that any such funds shall be used solely for the representation of the interests of utility 30 consumers before the Illinois Commerce Commission, the 31 Federal Energy Regulatory Commission, and the Federal 32 Communications Commission and for the provision of 33 34 consumer education on utility service and prices and on

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

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

33 (3) The Citizens Utility Board shall file a report34 with the chairman of such trust or foundation for each

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

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