



1 Section 10. The Illinois Investment and Development  
2 Authority Act is amended by changing Section 15 as follows:

3 (20 ILCS 3820/15)

4 Sec. 15. Creation of Illinois Investment and Development  
5 Authority; members.

6 (a) There is created a political subdivision, body  
7 politic and corporate, to be known as the Illinois Investment  
8 and Development Authority. The exercise by the Authority of  
9 the powers conferred by law shall be an essential public  
10 function. The governing powers of the Authority shall be  
11 vested in a body consisting of 11 members, including, as ex  
12 officio members, the Lieutenant Governor, who shall act as  
13 chair, the Commissioner of Banks and Real Estate and the  
14 Director of Commerce and Community Affairs or their  
15 designees. The other 8 9 members of the Authority shall be  
16 appointed by the Governor, with the advice and consent of the  
17 Senate, and shall be designated "public members". The public  
18 members shall include representatives from banks and other  
19 private financial services industries, community development  
20 finance experts, small business development experts, and  
21 other community leaders. Not more than 6 members of the  
22 Authority may be of the same political party. The  
23 ~~Chairperson--of--the--Authority--shall--be--designated--by--the~~  
24 ~~Governor--from--among--its--public--members.~~

25 (b) Six members of the Authority shall constitute a  
26 quorum. However, when a quorum of members of the Authority is  
27 physically present at the meeting site, other Authority  
28 members may participate in and act at any meeting through the  
29 use of a conference telephone or other communications  
30 equipment by means of which all persons participating in the  
31 meeting can hear each other. Participation in such meeting  
32 shall constitute attendance and presence in person at the  
33 meeting of the person or persons so participating. All

1 official acts of the Authority shall require the approval of  
2 at least 5 members.

3 (c) Of the members initially appointed by the Governor  
4 pursuant to this Act, 3 shall serve until the third Monday in  
5 January, 2004, 3 shall serve until the third Monday in  
6 January, 2005, and 3 shall serve until the third Monday in  
7 January, 2006 and all shall serve until their successors are  
8 appointed and qualified. Of the 3 members initially appointed  
9 to serve until the third Monday in January, 2004, successors  
10 shall be appointed for only 2 of the members and the other  
11 member shall not be replaced after his or her term expires.

12 All successors shall hold office for a term of 3 years  
13 commencing on the third Monday in January of the year in  
14 which their term commences, except in case of an appointment  
15 to fill a vacancy. Each member appointed under this Section  
16 who is confirmed by the Senate shall hold office during the  
17 specified term and until his or her successor is appointed  
18 and qualified. In case of vacancy in the office when the  
19 Senate is not in session, the Governor may make a temporary  
20 appointment until the next meeting of the Senate, when the  
21 Governor shall nominate such person to fill the office, and  
22 any person so nominated who is confirmed by the Senate, shall  
23 hold his or her office during the remainder of the term and  
24 until his or her successor is appointed and qualified.

25 (d) Members of the Authority shall not be entitled to  
26 compensation for their services as members, but shall be  
27 entitled to reimbursement for all necessary expenses incurred  
28 in connection with the performance of their duties as  
29 members.

30 (e) The Governor may remove any public member of the  
31 Authority in case of incompetency, neglect of duty, or  
32 malfeasance in office, after service on the member of a copy  
33 of the written charges against him or her and an opportunity  
34 to be publicly heard in person or by counsel in his or her

1 own defense upon not less than 10 days notice.

2 (Source: P.A. 92-864, eff. 6-1-03.)

3 Section 15. The Public Utilities Act is amended by  
4 changing Section 16-111.1 as follows:

5 (220 ILCS 5/16-111.1)

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

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

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

30 (1) The Lieutenant Governor shall be chairman of  
31 the Trust. There shall be 7 6 voting trustees of the  
32 trust or foundation, one of whom shall be the Lieutenant

1 Governor, one of whom shall be appointed by the Governor,  
2 one of whom shall be appointed by the President of the  
3 Illinois Senate, one of whom shall be appointed by the  
4 Minority Leader of the Illinois Senate, one of whom shall  
5 be appointed by the Speaker of the Illinois House of  
6 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.)

22 Section 20. The Illinois Community Development Finance  
23 Corporation Act is amended by changing Section 2 as follows:

24 (315 ILCS 15/2) (from Ch. 67 1/2, par. 712)

25 Sec. 2. There is hereby created a body politic and  
26 corporate to be known as the Illinois Community Development  
27 Finance Corporation or CDFC.

28 The Corporation shall consist of 9 directors, one of whom  
29 shall be the Lieutenant Governor ~~Director--of--Commerce--and~~  
30 ~~Community--Affairs~~ or his or her designee who shall serve as  
31 chairman. The Governor shall appoint the remaining 8 members  
32 and these appointees must possess experience in business,

1 labor, management, finance, or community economic  
2 development. Membership in a CDC will not preclude  
3 appointment as a Director, but neither shall such membership  
4 be a prerequisite for appointment. Each member appointed by  
5 the Governor shall serve a term of 5 years, except that in  
6 making his initial appointments the Governor shall appoint  
7 one member to serve for a term of one year, one member to  
8 serve for a term of 2 years, one member for a term of 3  
9 years, 2 members for a term of 4 years, and one member for a  
10 term of 5 years. The additional member appointed by the  
11 Governor pursuant to this amendatory Act of the 91st General  
12 Assembly shall serve for an initial term of 2 years;  
13 thereafter, each such member shall serve for a term of 5  
14 years as in the case of the other members.

15 Any person appointed to fill a vacancy in the office of a  
16 member shall be appointed in a like manner and shall serve  
17 for only the unexpired term. Any member shall be eligible for  
18 reappointment. Any member may be removed from his  
19 appointment by the Governor only for good cause. The  
20 directors shall annually elect one of their members as  
21 vice-chairman and designate a secretary-treasurer who need  
22 not be a member of the board. The secretary-treasurer shall  
23 keep a record of the proceedings of the corporation and shall  
24 be the custodian of all books, documents, and papers filed  
25 with the corporation, the minute books of the corporation and  
26 of its official seal.

27 Five of the directors of the corporation shall constitute  
28 a quorum and 5 affirmative votes shall be necessary for the  
29 transaction of business or the exercise of any power or  
30 function of the corporation. Each director shall be entitled  
31 to reimbursement for his actual and necessary expenses  
32 incurred in the performance of his official duties.

33 The corporation may contract with or otherwise deal with  
34 any public nonprofit community development corporation or

1 cooperative organized to carry out the purposes of this Act  
2 of which any director of the corporation is also a member or  
3 officer, provided that such interest is disclosed in advance  
4 to members of the board and recorded in the minutes of the  
5 corporation and provided further that no director having such  
6 a financial interest may participate in any decision  
7 affecting such transaction.

8 The president of the corporation shall be appointed and  
9 his salary established by the board of directors. The  
10 president shall be the chief administrative and operational  
11 officer of the corporation and shall direct and supervise  
12 administrative affairs and the general management of the  
13 corporation. The president may employ such other employees  
14 as shall be designated by the board of directors, shall  
15 attend meetings of the board of directors, shall cause copies  
16 to be made of all minutes and other records and documents of  
17 the corporation and shall certify that such copies are true  
18 copies, and all persons dealing with the corporation may rely  
19 upon such certification.

20 (Source: P.A. 91-804, eff. 6-13-00.)".