

AN ACT concerning regulation.

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

Section 10. The Civil Administrative Code of Illinois is amended by changing Section 5-222 as follows:

(20 ILCS 5/5-222)

Sec. 5-222. Director of the Illinois Power Agency. The Director of the Illinois Power Agency must have at least 10 ~~15~~ years of combined experience in the electric industry, electricity policy, or electricity markets and must possess: (i) general knowledge of the responsibilities of being a director, (ii) managerial experience, and (iii) an advanced degree in economics, risk management, law, business, engineering, or a related field. The Director of Illinois Power Agency must have experience with the renewable energy industry and understanding of the programs established by Public Act 102-662 intended to promote equity in the renewable energy industry.

(Source: P.A. 95-481, eff. 8-28-07.)

Section 15. The Department of Commerce and Economic Opportunity Law is amended by adding Section 1105 as follows:

(20 ILCS 605/1105 new)

Sec. 1105. Power price mitigation assistance. Subject to appropriation from such funds made available, the Department shall reimburse up to \$200,000,000 to an eligible electric utility serving adversely impacted residential and small commercial customers pursuant to Section 16-107.7 of the Public Utilities Act. This Section is repealed December 31, 2024.

Section 20. The Energy Transition Act is amended by changing Section 5-40 as follows:

(20 ILCS 730/5-40)

(Section scheduled to be repealed on September 15, 2045)

Sec. 5-40. Illinois Climate Works Preapprenticeship Program.

(a) Subject to appropriation, the Department shall develop, and through Regional Administrators administer, the Illinois Climate Works Preapprenticeship Program. The goal of the Illinois Climate Works Preapprenticeship Program is to create a network of hubs throughout the State that will recruit, prescreen, and provide preapprenticeship skills training, for which participants may attend free of charge and receive a stipend, to create a qualified, diverse pipeline of workers who are prepared for careers in the construction and building trades and clean energy jobs opportunities therein.

Upon completion of the Illinois Climate Works Preapprenticeship Program, the candidates will be connected to and prepared to successfully complete an apprenticeship program.

(b) Each Climate Works Hub that receives funding from the Energy Transition Assistance Fund shall provide an annual report to the Illinois Works Review Panel by April 1 of each calendar year. The annual report shall include the following information:

(1) a description of the Climate Works Hub's recruitment, screening, and training efforts, including a description of training related to construction and building trades opportunities in clean energy jobs;

(2) the number of individuals who apply to, participate in, and complete the Climate Works Hub's program, broken down by race, gender, age, and veteran status;

(3) the number of the individuals referenced in paragraph (2) of this subsection who are initially accepted and placed into apprenticeship programs in the construction and building trades; and

(4) the number of individuals referenced in paragraph (2) of this subsection who remain in apprenticeship programs in the construction and building trades or have become journeymen one calendar year after their placement, as referenced in paragraph (3) of this subsection.

(c) Subject to appropriation, the Department shall provide funding to 3 Climate Works Hubs throughout the State, including one to the Illinois Department of Transportation Region 1, one to the Illinois Department of Transportation Regions 2 and 3, and one to the Illinois Department of Transportation Regions 4 and 5. An eligible organization may serve as the designated Climate Works Hub for all 5 regions.

Climate Works Hubs shall be awarded grants in multi-year increments not to exceed 36 months. Each grant shall come with a one year initial term, with the Department renewing each year for 2 additional years unless the grantee either declines to continue or fails to meet reasonable performance measures that consider apprenticeship programs timeframes. ~~The Department shall initially select a community-based provider in each region and shall subsequently select a community-based provider in each region every 3 years.~~ The Department may take into account experience and performance as a previous grantee of the Climate Works Hub as part of the selection criteria for subsequent years.

(d) Each Climate Works Hub that receives funding from the Energy Transition Assistance Fund shall:

(1) recruit, prescreen, and provide preapprenticeship training to equity investment eligible persons;

(2) provide training information related to opportunities and certifications relevant to clean energy jobs in the construction and building trades; and

(3) provide preapprentices with stipends they receive that may vary depending on the occupation the individual is training for.

(d-5) Priority shall be given to Climate Works Hubs that have an agreement with North American Building Trades Unions (NABTU) to utilize the Multi-Craft Core Curriculum or successor curriculums.

(e) Funding for the Program is subject to appropriation from the Energy Transition Assistance Fund.

(f) The Department shall adopt any rules deemed necessary to implement this Section.

(Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)

Section 25. The Illinois Power Agency Act is amended by changing Section 1-70 as follows:

(20 ILCS 3855/1-70)

Sec. 1-70. Agency officials.

(a) The Agency shall have a Director who meets the qualifications specified in Section 5-222 of the Civil Administrative Code of Illinois.

(b) Within the Illinois Power Agency, the Agency shall establish a Planning and Procurement Bureau and may establish a Resource Development Bureau. Each Bureau shall report to the Director.

(c) The Chief of the Planning and Procurement Bureau shall

be appointed by the Director, at the Director's sole discretion, and (i) shall have at least 5 years of direct experience in electricity supply planning and procurement and (ii) shall also hold an advanced degree in risk management, law, business, or a related field.

(d) The Chief of the Resource Development Bureau may be appointed by the Director and (i) shall have at least 5 years of direct experience in electric generating project development and (ii) shall also hold an advanced degree in economics, engineering, law, business, or a related field.

(e) For terms beginning on or after the effective date of this amendatory Act of the 102nd General Assembly ending before December 31, 2019, the Director shall receive an annual salary in an amount equal to the annual salary provided to the Director of the Environmental Protection Agency under Section 4 of the Environmental Protection Act ~~of \$100,000~~ or as set by the Executive Ethics Commission based on a review of comparable State agency director salaries, whichever is higher. No annual salary for the Director or a Bureau Chief shall exceed the amount of salary set by law for the Governor that is in effect on July 1 of that fiscal year.

(f) The Director and Bureau Chiefs shall not, for 2 years prior to employment ~~appointment or for 2 years after he or she leaves his or her position~~, be employed as a full time employee of ~~by~~ an electric utility, independent power producer, power marketer, or alternative retail electric supplier regulated by

the Commission or the Federal Energy Regulatory Commission. The Director and Bureau Chiefs shall not, for 2 years after he or she leaves his or her position, be employed by an electric utility, independent power producer, power marketer, or alternative retail electric supplier regulated by the Commission or the Federal Energy Regulatory Commission.

(g) The Director and Bureau Chiefs are prohibited from:

- (i) owning, directly or indirectly, 5% or more of the voting capital stock of an electric utility, independent power producer, power marketer, or alternative retail electric supplier;
- (ii) being in any chain of successive ownership of 5% or more of the voting capital stock of any electric utility, independent power producer, power marketer, or alternative retail electric supplier;
- (iii) receiving any form of compensation, fee, payment, or other consideration from an electric utility, independent power producer, power marketer, or alternative retail electric supplier, including legal fees, consulting fees, bonuses, or other sums. These limitations do not apply to any compensation received pursuant to a defined benefit plan or other form of deferred compensation, provided that the individual has otherwise severed all ties to the utility, power producer, power marketer, or alternative retail electric supplier.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 30. The Counties Code is amended by changing

Section 5-12020 as follows:

(55 ILCS 5/5-12020)

Sec. 5-12020. Commercial ~~Wind farms, electric-generating wind devices, and commercial~~ wind energy facilities and commercial solar energy facilities.

(a) As used in this Section:

"Commercial solar energy facility" means a "commercial solar energy system" as defined in Section 10-720 of the Property Tax Code. "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.

"Commercial wind energy facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. "Commercial wind energy facility" includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of this amendatory Act of the 102nd General Assembly.

"Facility owner" means (i) a person with a direct ownership interest in a commercial wind energy facility or a commercial solar energy facility, or both, regardless of whether the person is involved in acquiring the necessary



rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

"Nonparticipating property" means real property that is not a participating property.

"Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

"Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

"Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or

supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities.

"Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

"Protected lands" means real property that is:

(1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act;

or

(2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"Supporting facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility or commercial solar energy facility.

"Wind tower" includes the wind turbine tower, nacelle, and blades.

(b) Notwithstanding any other provision of law or whether the county has formed a zoning commission and adopted formal zoning under Section 5-12007, a county may establish standards

for commercial wind energy facilities, commercial solar energy facilities, or both ~~wind farms and electric generating wind devices~~. The standards may include all of the requirements specified in this Section but may not include requirements for commercial wind energy facilities or commercial solar energy facilities that are more restrictive than specified in this Section, ~~without limitation, the height of the devices and the number of devices that may be located within a geographic area~~. A county may also regulate the siting of commercial wind energy facilities with standards that are not more restrictive than the requirements specified in this Section ~~wind farms and electric generating wind devices~~ in unincorporated areas of the county that are outside ~~of~~ the zoning jurisdiction of a municipality and that are outside the 1.5-mile radius surrounding the zoning jurisdiction of a municipality.

(c) If a county has elected to establish standards under subsection (b), before the county grants siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, the county board of the county in which the facility is to be sited or the zoning board of appeals for the county shall hold ~~There shall be~~ at least one public hearing. The public hearing shall be conducted in accordance with the Open Meetings Act and shall be held not more than 45 days after the filing of the application for the facility. The county shall allow interested parties to a

special use permit an opportunity to present evidence and to cross-examine witnesses at the hearing, but the county may impose reasonable restrictions on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. The county shall also allow public comment at the public hearing in accordance with the Open Meetings Act. The county shall make its siting and permitting decisions not more than 30 days ~~after the conclusion of the public hearing prior to a siting decision by the county board.~~ Notice of the hearing shall be published in a newspaper of general circulation in the county. A ~~commercial wind energy facility owner, as defined in the Renewable Energy Facilities Agricultural Impact Mitigation Act,~~ must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a county prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to a decision by the county to grant the permit extension. Counties may allow test wind towers or test solar energy systems to be sited without formal approval by the county board. ~~Any provision of a county zoning ordinance pertaining to wind farms that is in effect before August 16, 2007 (the effective date of Public Act 95-203) may continue in effect~~

~~notwithstanding any requirements of this Section.~~

(d) A county with an existing zoning ordinance in conflict with this Section shall amend that zoning ordinance to be in compliance with this Section within 120 days after the effective date of this amendatory Act of the 102nd General Assembly.

(e) A county may ~~not~~ require:

(1) a wind tower of a commercial wind energy facility to be sited as follows, with setback distances measured from the center of the base of the wind tower: ~~or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line.~~

Setback Description

Setback Distance

Occupied Community Buildings

2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure

Participating Residences

1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure

Nonparticipating Residences      2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure

Boundary Lines of Participating Property      None

Boundary Lines of Nonparticipating Property      1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property

Public Road Rights-of-Way      1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way

Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead way Utility Service Lines to Individual Houses or      1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right of containing the overhead line

Outbuildings)

Overhead Utility Service                      None

Lines to Individual

Houses or Outbuildings

<u>Fish and Wildlife Areas</u>	<u>2.1 times the maximum blade</u>
<u>and Illinois Nature</u>	<u>tip height of the wind tower</u>
<u>Preserve Commission</u>	<u>to the nearest point on the</u>
<u>Protected Lands</u>	<u>property line of the fish and</u>
	<u>wildlife area or protected</u>
	<u>land</u>

This Section does not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

(2) a wind tower of a commercial wind energy facility to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions;

(3) a commercial solar energy facility to be sited as follows, with setback distances measured from the nearest

edge of any component of the facility:

<u>Setback Description</u>	<u>Setback Distance</u>
<u>Occupied Community Buildings and Dwellings on Nonparticipating Properties</u>	<u>150 feet from the nearest point on the outside wall of the structure</u>
<u>Boundary Lines of Participating Property</u>	<u>None</u>
<u>Public Road Rights-of-Way</u>	<u>50 feet from the nearest edge</u>
<u>Boundary Lines of Nonparticipating Property</u>	<u>50 feet to the nearest point on the property line of the nonparticipating property</u>

(4) a commercial solar energy facility to be sited so that the facility's perimeter is enclosed by fencing having a height of at least 6 feet and no more than 25 feet; and

(5) a commercial solar energy facility to be sited so that no component of a solar panel has a height of more than 20 feet above ground when the solar energy facility's



arrays are at full tilt.

The requirements set forth in this subsection (e) may be waived subject to the written consent of the owner of each affected nonparticipating property.

(f) A county may not set a sound limitation for wind towers in commercial wind energy facilities or any components in commercial solar energy facility that is more restrictive than the sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

(g) A county may not place any restriction on the installation or use of a commercial wind energy facility or a commercial solar energy facility unless it adopts an ordinance that complies with this Section. A county may not establish siting standards for supporting facilities that preclude development of commercial wind energy facilities or commercial solar energy facilities.

A request for siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, shall be approved if the request is in compliance with the standards and conditions imposed in this Act, the zoning ordinance adopted consistent with this Code, and the conditions imposed under State and federal statutes and regulations.

(h) A county may not adopt zoning regulations that disallow, permanently or temporarily, commercial wind energy

facilities or commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.

(i) A county may not require permit application fees for a commercial wind energy facility or commercial solar energy facility that are unreasonable. All application fees imposed by the county shall be consistent with fees for projects in the county with similar capital value and cost.

(j) Except as otherwise provided in this Section, a county shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy facility or commercial solar energy facility or related financial assurances that are more restrictive than those included in the Department of Agriculture's standard wind farm agricultural impact mitigation agreement, template 81818, or standard solar agricultural impact mitigation agreement, version 8.19.19, as applicable and in effect on December 31, 2022. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by those agricultural impact mitigation agreements, minus the salvage value of the project.

(k) A county may not condition approval of a commercial wind energy facility or commercial solar energy facility on a property value guarantee and may not require a facility owner to pay into a neighboring property devaluation escrow account.

(l) A county may require certain vegetative screening

surrounding a commercial wind energy facility or commercial solar energy facility but may not require earthen berms or similar structures.

(m) A county may set blade tip height limitations for wind towers in commercial wind energy facilities but may not set a blade tip height limitation that is more restrictive than the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.

(n) A county may require that a commercial wind energy facility owner or commercial solar energy facility owner provide:

(1) the results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and

(2) the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines" and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

~~Only a county may establish standards for wind farms, electric generating wind devices, and commercial wind energy~~

~~facilities, as that term is defined in Section 10 of the Renewable Energy Facilities Agricultural Impact Mitigation Act, in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and outside the 1.5 mile radius surrounding the zoning jurisdiction of a municipality.~~

(o) A county may require a commercial wind energy facility or commercial solar energy facility to adhere to the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

(p) A county may require a facility owner to:

(1) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or

(2) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

(q) A county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

(r) To maximize community benefits, including, but not limited to, reduced stormwater runoff, flooding, and erosion at the ground mounted solar energy system, improved soil

health, and increased foraging habitat for game birds, songbirds, and pollinators, a county may (1) require a commercial solar energy facility owner to plant, establish, and maintain for the life of the facility vegetative ground cover, consistent with the goals of the Pollinator-Friendly Solar Site Act and (2) require the submittal of a vegetation management plan in the application to construct and operate a commercial solar energy facility in the county.

No later than 90 days after the effective date of this amendatory Act of the 102nd General Assembly, the Illinois Department of Natural Resources shall develop guidelines for vegetation management plans that may be required under this subsection for commercial solar energy facilities. The guidelines must include guidance for short-term and long-term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators.

(s) If a facility owner enters into a road use agreement with the Illinois Department of Transportation, a road district, or other unit of local government relating to a commercial wind energy facility or a commercial solar energy facility, the road use agreement shall require the facility owner to be responsible for (i) the reasonable cost of improving roads used by the facility owner to construct the commercial wind energy facility or the commercial solar energy facility and (ii) the reasonable cost of repairing roads used

by the facility owner during construction of the commercial wind energy facility or the commercial solar energy facility so that those roads are in a condition that is safe for the driving public after the completion of the facility's construction. Roadways improved in preparation for and during the construction of the commercial wind energy facility or commercial solar energy facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

The road use agreement shall not require the facility owner to pay costs, fees, or charges for road work that is not specifically and uniquely attributable to the construction of the commercial wind energy facility or the commercial solar energy facility. Road-related fees, permit fees, or other charges imposed by the Illinois Department of Transportation, a road district, or other unit of local government under a road use agreement with the facility owner shall be reasonably related to the cost of administration of the road use agreement.

(t) Notwithstanding any other provision of law, a facility owner with siting approval from a county to construct a commercial wind energy facility or a commercial solar energy facility is authorized to cross or impact a drainage system, including, but not limited to, drainage tiles, open drainage districts, culverts, and water gathering vaults, owned or

under the control of a drainage district under the Illinois Drainage Code without obtaining prior agreement or approval from the drainage district, except that the facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy facility or the commercial solar energy facility within a reasonable time after construction of the commercial wind energy facility or the commercial solar energy facility is complete.

(u) The amendments to this Section adopted in this amendatory Act of the 102nd General Assembly do not apply to (1) an application for siting approval or for a special use permit for a commercial wind energy facility or commercial solar energy facility if the application was submitted to a unit of local government before the effective date of this amendatory Act of the 102nd General Assembly or (2) a commercial wind energy facility or a commercial solar energy facility if the facility owner has submitted an agricultural impact mitigation agreement to the Department of Agriculture before the effective date of this amendatory Act of the 102nd General Assembly.

(Source: P.A. 100-598, eff. 6-29-18; 101-4, eff. 4-19-19.)

Section 35. The Public Utilities Act is amended by changing Section 8-402.2 as follows:

(220 ILCS 5/8-402.2)

Sec. 8-402.2. Public Schools Carbon-Free Assessment programs.

(a) Within one year after the effective date of this amendatory Act of the 102nd General Assembly, each electric utility serving over 500,000 retail customers in this State shall implement a Public Schools Carbon-Free Assessment program.

(b) Each utility's Public Schools Carbon-Free Assessment program shall include the following requirements:

(1) Each plan shall be designed to offer within the utility's service territory to assist public schools, as defined by Section 1-3 of the School Code, to increase the efficiency of their energy usage, to reduce the carbon emissions associated with their energy usage, and to move toward a goal of public schools being carbon-free in their energy usage by 2030. The program shall include a target of completing Public Schools Carbon-Free Assessment for all public schools in the utility's service territory by December 31, 2029.

(2) The Public Schools Carbon-Free Assessment shall be a generally standardized assessment, but may incorporate flexibility to reflect the circumstances of individual public schools and public school districts.

(3) The Public Schools Carbon-Free Assessment shall include, but not be limited to, comprehensive analyses of



the following subjects:

(A) The top energy efficiency savings opportunities for the public school, by energy saved;

(B) The total achievable solar energy potential on or nearby a public school's premises and able to provide power to a school;

(C) The infrastructure required to support electrification of the facility's space heating and water heating needs;

(D) The infrastructure requirements to support electrification of a school's transportation needs; and

(E) The investments required to achieve a WELL Certification or similar certification as determined through methods developed and updated by the International WELL Building Institute or similar or successor organizations.

(4) The Public Schools Carbon-Free Assessment also shall include, but not be limited to, mechanical insulation evaluation inspection and inspection of the building envelope(s).

(5) With respect to those public school construction projects for public schools within the service territory of a utility serving over 500,000 retail customers in this State and for which a public school district applies for a grant under Section 5-40 of the School Construction Law on

or after June 1, 2023, the district must submit a copy of the applicable Public Schools Carbon-Free Assessment report, or, if no such Public Schools Carbon-Free Assessment has been performed, request the applicable utility to perform such a Public Schools Carbon-Free Assessment and submit a copy of the Public Schools Carbon-Free Assessment report promptly when it becomes available. The Public Schools Carbon-Free Assessment report shall include, but not limited to, an energy audit of both the building envelope and the building's mechanical insulation system. It shall also include an inspection of both the building envelope and the mechanical insulation system. The district must demonstrate how the construction project is designed and managed to achieve the goals that all public elementary and secondary school facilities in the State are able to be powered by clean energy by 2030, and for such facilities to achieve carbon-free energy sources for space heat, water heat, and transportation by 2050.

(6) The results of each Public Schools Carbon-Free Assessment shall be memorialized by the utility or by a third party acting on behalf of the utility in a non-confidential usable report form that includes recommendations and redacts all confidential information and shall be provided to the applicable public school. Each utility shall be required to retain a copy of each

Public Schools Carbon-Free Assessment report and to provide ~~confidential~~ copies of each non-confidential report to the Illinois Power Agency and the Illinois Capital Development Board within 3 months of its completion. The Illinois Power Agency shall promptly make the results of each non-confidential report available for public inspection on its website.

(7) The Public Schools Carbon-Free Assessment shall be conducted in coordination with each utility's energy efficiency and demand-response plans under Sections 8-103, 8-103A, and 8-103B of this Act, to the extent applicable. Nothing in this Section is intended to modify or require modification of those plans. However, the utility may request a modification of a plan approved by the Commission, and the Commission may approve the requested modification, if the modification is consistent with the provisions of this Section and Section 8-103B of this Act.

(8) If there are no other providers of assessments that are substantively the same as those being performed by utilities pursuant to this Section by 2024, a utility that has a Public Schools Carbon-Free Assessment program may offer assessments to public schools that are not served by a utility subject to this Section at the utility's cost.

(9) The Public Schools Carbon-Free Assessment shall be offered to and performed for public schools in the

utility's service territory on a complimentary basis by each utility, with no Assessment fee charged to the public schools for the Assessments. Nothing in this Section is intended to prohibit the utility from recovering through rates approved by the Commission the utility's prudent and reasonable costs of complying with this Section.

(10) Utilities shall make efforts to prioritize the completion of Public Schools Carbon-Free Assessments for the following school districts by December 31, 2022: East St. Louis School District 189, Harvey School District 152, Thornton Township High School District 205. Utilities shall also prioritize the completion of Public Schools Carbon-Free Assessments for schools located within environmental justice communities or schools that are categorized as a Tier 1 or Tier 2 school based on the latest annual evidence-based funding distribution process by the State Board of Education.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 40. The Public Utilities Act is amended by adding Section 16-107.7 as follows:

(220 ILCS 5/16-107.7 new)

Sec. 16-107.7. Power price mitigation rebate.

(a) Illinois electric utility customers have been impacted by unanticipated changes to electric power and capacity prices

during a period of economic hardship associated with recent global events, including increasing gas prices due to the Russian invasion of Ukraine and the COVID-19 pandemic. The recent power and capacity procurement events affect the market prices paid by customers. Accordingly, as many customers have experienced increased electric utility bill impacts due to the increase in electric power and capacity prices, it is the policy of the State to assist qualifying customers through a power price mitigation rebate for the June 2023 through October 2024 electric utility billing cycle. As used in this Section, "small commercial customer" means those nonresidential retail customers of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area whose service has not yet been declared competitive pursuant to Section 16-113.

(b) Any electric utility serving adversely impacted residential and small commercial customers shall notify the Commission by April 15, 2023 of the same and provide the results of the calculations set forth in this subsection. As used in this Section, "electric utility serving adversely impacted residential and small commercial customers" means any electric utility that can demonstrate that the utility default power supply rate procured from the Illinois Power Agency and available to its residential and small commercial customers has experienced, or will experience, a more than 90% year-over-year total supply charge increase, as calculated by

comparing the total supply charge effective on June 1, 2021, as reported by the electric utility to the Commission pursuant to subsection (i) of Section 16-111.5, and the total supply charge effective on June 1, 2022, as reported to the Commission pursuant to subsection (i) of Section 16-111.5. The total supply charge effective on June 1, 2021, and June 1, 2022, respectively, as reported pursuant to subsection (i) of Section 16-111.5, shall be used to calculate an electric utility's qualification under this Section and no other adjustments shall be made for purposes of the calculation, including, but not limited to, any transmission costs, purchased electricity adjustments, or any other credits. Any small multijurisdictional electric utility that relies upon company-owned generation resources, including fossil fueled generation, to supply the majority of its eligible State retail customers' energy and capacity needs shall be ineligible to file a notice or receive funding for rebate credits pursuant to this Section. The Commission shall have 5 days from the date of receipt of the utility's notice to review the calculations and notify the electric utility as to whether it qualifies as an electric utility serving adversely impacted residential and small commercial customers under this Section.

(c) Any electric utility that provides notice to the Commission of qualification under subsection (b) shall concurrently file a tariff with the Commission that provides for a monthly rebate credit to be given to all residential and

small commercial customers, beginning as soon as is practicable following the effective date of this amendatory Act of the 102nd General Assembly. The tariff shall provide that the total funds appropriated by the Department of Commerce and Economic Opportunity shall be divided equally and issued to all of its active residential and small commercial customers, including customers that take supply service from alternative retail suppliers or real-time pricing tariffs. The tariff shall further provide that the monthly rebate credit will be reflected on, and applied to, customer bills beginning at the start of a monthly billing period and continue through the October 2023 billing period in a manner compliant with subsections (d) and (e). The tariff shall also provide that the utility may apply the monthly rebate credit to up to 5 monthly billing periods ending in October 2023, and the utility may aggregate monthly rebate credits. To the extent a rebate credit is greater than a customer's bill in a given month, the excess rebate credit amount shall apply to the next billing period, even if the billing period is after October 2023, until the customer's rebate credit has been fully applied.

(d) The Commission shall have 5 days from the date an electric utility files the tariff pursuant to subsection (c) to review the tariff for compliance with this Section, and, subject to appropriation to the Department of Commerce and Economic Opportunity for purposes of the power price

mitigation, the tariff shall go into effect no later than 7 days from the original tariff filing date or one day from the date of any compliance filing, whichever is later. Upon the tariff becoming effective, the Commission shall notify the Department of Commerce and Economic Opportunity of any electric utility serving adversely impacted residential and small commercial customers with an approved tariff that is eligible to receive funds to be used to pay for the monthly rebate credits issued pursuant to this Section.

(e) Each electric utility providing a monthly rebate credit to its customers pursuant to subsection (c) shall include at least the following statement as part of a bill insert or bill message provided with any bill reflecting a monthly rebate credit to customers: "Your bill has been reduced this month by the Power Price Mitigation Rebate Act passed by the Illinois General Assembly." The amount of the monthly rebate credit being applied for the billing period shall also be reflected on the customer's bill with the description "State Funded Power Price Mitigation Credit". The electric utility's obligation to reflect the information required by this subsection shall not extend past the October 2023 billing period.

(f) An electric utility with a tariff approved pursuant to subsection (c) shall be entitled to recover the reasonable and prudent expenses incurred to comply with this Section and shall have an obligation to provide monthly rebate credits to



customers only to the extent there are funds available to the utility to provide the monthly rebate credits, as funded by the Department of Commerce and Economic Opportunity and subject to appropriation to the Department. Within 180 days from the date on which all allocated funds have been transferred to and applied by the electric utility, the electric utility shall notify the Commission and provide an accounting for all funds applied as a monthly rebate credit to its residential and small commercial customers. The electric utility shall take reasonable steps to apply all allocated funds it receives as monthly rebate credits. If any funds remain after the October 2023 billing period that have not been applied to residential or small commercial customers, the electric utility shall return such unapplied amounts to the Department of Commerce and Economic Opportunity by March 30, 2024. If the electric utility provides rebate credits to customers that exceed the available funds, the electric utility shall account for such amounts and the utility shall recover those amounts not to exceed 2% of the total available funds made available for the rebate credits as part of its next base rates increase pursuant to Article XVI or Article IX.

(g) This Section, except for this subsection and subsection (f), is inoperative on and after January 1, 2025.

(h) This Section may be referred to as the Power Price Mitigation Rebate Act.

Section 99. Effective date. This Act takes effect upon

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HB4412 Enrolled

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becoming law.