

## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2902

Introduced 2/6/2025, by Rep. Janet Yang Rohr

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Municipal and Cooperative Electric Utility Planning and Transparency Act. Sets forth legislative findings and objectives. Provides that beginning on November 1, 2025, and every 3 years thereafter on November 1, all electric cooperatives with members in the State, municipal power agencies, and municipalities shall file with the Illinois Power Agency an integrated resource plan. Includes provisions regarding the purposes and available resources for the integrated resource plan and rulemaking powers of the Agency. Requires the Agency to maintain a list of qualified experts or expert consulting firms for the purpose of developing integrated resource plans. Sets forth meeting requirements for an electric cooperative and publishing and posting requirements for specific information related to an electric cooperative. Amends the Open Meetings Act. Provides that a public body may hold closed meetings to consider the operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves certain topics. Amends the Illinois Municipal Code. Allows any additional municipality which operates an electric utility system to join a municipal power agency consistent with the bylaws of the municipal power agency, and upon payment of any termination obligations. Outlines a number of requirements for a municipal power agency. Makes other changes. Amends the Public Utilities Act. In a provision regarding net electricity metering, defines "electricity provider" and "electric utility". Makes other changes. Amends the Eminent Domain Act. Provides that for all acquisitions where the property, or any right or interest in property, is to be used for utility purposes, and where the condemning authority is an entity required to submit an integrated resource plan under the Municipal and Cooperative Electric Utility Planning and Transparency Act, the rebuttable presumption that such acquisition of that property is primarily for the benefit, use, or enjoyment of the public and necessary for a public purpose shall only apply if the most recent integrated resource plan filed by the condemning authority identified the facility or articulated a need for a facility similar capacity and type to the facility for which the property or right or interest is sought. Effective immediately.

LRB104 09457 AAS 19518 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the  
5 Municipal and Cooperative Electric Utility Planning and  
6 Transparency Act.

7 Section 5. Legislative findings and objectives. The  
8 General Assembly finds:

9 (1) Municipal and cooperative electric utilities  
10 provide electricity to more than 1,000,000 State  
11 residents.

12 (2) These utilities are managed by elected officials,  
13 elected board members, or their appointees. Due to their  
14 governance structures, municipal and cooperative electric  
15 utilities are exempt from certain regulatory requirements  
16 and oversight under State and federal law.

17 (3) State residents who are served by these utilities,  
18 and who pay rates for electricity set by these utilities,  
19 often lack access to important information about these  
20 utilities' generation portfolios, procurement, management  
21 practices, and budgets. Because democratic elections by  
22 member-ratepayers or customers are the ultimate guarantor  
23 of the integrity and cost-effectiveness of these

1 utilities' operations, access to this information is  
2 crucial to ensuring management of these utilities is  
3 prudent and responsive.

4 (4) Good utility practice entails long-term planning  
5 on the part of a utility, including anticipating  
6 retirement of existing generation resources, planning new  
7 generation build or purchase well in advance of any  
8 capacity shortfall, and developing rigorous estimates of  
9 future load to inform procurement, construction, and  
10 retirement decisions.

11 (5) In many other states, integrated resource planning  
12 processes have been used to avoid capacity shortfalls,  
13 minimize ratepayer costs, and increase public  
14 participation in and knowledge of electric generation  
15 portfolio choices, even where the planning utility is not  
16 otherwise subject to rate approval by the state.

17 (6) It is in the best interests of State electricity  
18 customers and member-ratepayers that electricity is  
19 provided by a portfolio of generation and storage  
20 resources and demand-side programs that minimizes both  
21 cost and environmental impacts and that long-term utility  
22 planning can and should facilitate the achievement of such  
23 portfolios.

24 (7) With the enactment of the Inflation Reduction Act  
25 of 2022, municipal and cooperative electric utilities have  
26 access to a variety of federal funding streams designed to

1 facilitate transition from fossil fuel to renewable  
2 generation. Consistent with Congress's intent, municipal  
3 and cooperative electric utilities should perform a  
4 comprehensive analysis of their existing portfolio and  
5 have a duty, as utility managers, to identify  
6 opportunities to minimize member-ratepayer and customer  
7 costs.

8 (8) To ensure utilities minimize ratepayer costs,  
9 maximize opportunities for transition from fossil fuels to  
10 renewable resources, and to increase transparency and  
11 democratic participation, it is important that municipal  
12 and cooperative electric utilities participate in an  
13 integrated resource planning process with public  
14 participation and Illinois Power Agency oversight.

15 Section 10. Definitions. As used in this Act:

16 "Agency" means the Illinois Power Agency.

17 "Demand-side program" means a program implemented by or on  
18 behalf of a utility to reduce retail customer consumption  
19 (MWh) or shift the time of consumption of energy (MW) from end  
20 users, including energy efficiency programs, demand response  
21 programs, and programs for the promotion or aggregation of  
22 distributed generation.

23 "Electric cooperative" has the meaning given to that term  
24 in Section 3-119 of the Public Utilities Act.

25 "Generation resource" means a facility for the generation

1 of electricity.

2 "Municipal power agency" has the meaning given to that  
3 term in Section 11-119.1-3 of the Illinois Municipal Code.

4 "Municipality" has the meaning given to that term in  
5 Section 11-119.1-3 of the Illinois Municipal Code.

6 "Renewable generation resource" means a resource for  
7 generating electricity that uses wind, solar, or geothermal  
8 energy.

9 "Storage resource" means a commercially available  
10 technology that uses mechanical, chemical, or thermal  
11 processes to store energy and deliver the stored energy as  
12 electricity for use at a later time and is capable of being  
13 controlled by the distribution or transmission entity managing  
14 it, to enable and optimize the safe and reliable operation of  
15 the electric system.

16 "Utility" means a municipal power agency, municipality, or  
17 electric cooperative.

18 Section 15. Purpose and contents of integrated resource  
19 plan.

20 (a) Beginning on November 1, 2025, and every 3 years  
21 thereafter on November 1, all electric cooperatives with  
22 members in this State, municipal power agencies, and  
23 municipalities shall file with the Agency an integrated  
24 resource plan, except that municipalities and electric  
25 cooperatives that are members of, and have a full requirements

1 contract with, a municipal power agency or electric  
2 cooperative subject to this Act may file a statement adopting  
3 such other utility's integrated resource plan.

4 (b) The purposes of the integrated resource plan are to  
5 provide a comprehensive description of the utility's current  
6 portfolio of electrical generation, storage, demand-side  
7 programs, and transmission resources, to forecast future load  
8 changes to facilitate prudent planning with respect to  
9 resource procurement and retirement, to determine what  
10 resource portfolio will meet ratepayers' needs while  
11 minimizing cost and environmental impact, and to articulate  
12 steps the utility will take to reduce customer costs and  
13 environmental impacts through changes to its current  
14 generation portfolio through construction, procurement,  
15 retirement, or demand-side programs.

16 (c) As part of the integrated resource plan development  
17 process, a utility shall consider all resources reasonably  
18 available or reasonably likely to be available during the  
19 relevant time period to satisfy the demand for electricity  
20 services for a 20-year planning period, taking into account  
21 both supply-side and demand-side electric power resources.

22 (d) An integrated resource plan shall include, at a  
23 minimum:

24 (1) A list of all electricity generation facilities  
25 owned by the utility, in whole or in part. For each such  
26 facility, the integrated resource plan shall report:

- 1 (A) general location;
- 2 (B) ownership information, if ownership is shared  
3 with another entity;
- 4 (C) type of fuel;
- 5 (D) the date of commercial operation;
- 6 (E) expected useful life;
- 7 (F) expected retirement date for any resource  
8 expected to retire within the next 10 years, and an  
9 explanation of the reason for the retirement;
- 10 (G) nameplate and peak available capacity;
- 11 (H) total MWh generated at the facility during the  
12 previous calendar year;
- 13 (I) the date on which the facility is anticipated  
14 to be fully depreciated; and
- 15 (J) any compliance obligations, or compliance  
16 obligations expected to apply within the next 10  
17 years, and any proposed or anticipated expenditures  
18 intended to meet those obligations.
- 19 (2) A list of all power purchase agreements to which  
20 the utility is a party, whether as purchaser or seller,  
21 including the counterparty, general location and type of  
22 generation resource providing power per the agreement,  
23 date on which the agreement was entered into, duration of  
24 the agreement, and the energy and capacity terms of the  
25 agreement.
- 26 (3) A list of any sale transactions of any energy or

1 capacity to any purchaser.

2 (4) A list of any demand-side programs and total  
3 distributed generation.

4 (5) A narrative description of all existing  
5 transmission facilities owned by the utility, in whole or  
6 in part, that identifies any transmission constraints or  
7 critical contingencies, and identification of the regional  
8 transmission organization, if any, which exercises  
9 operational control over the transmission facility.

10 (6) A list of all capital expenditures exceeding  
11 \$1,000,000 in the previous calendar year that includes a  
12 brief description of the expenditure, the total amount  
13 expended, and whether the expenditure was required to  
14 conform with State or federal law, rule, or regulation;

15 (7) A description of all transmission costs,  
16 disaggregated by expenditure, that identifies all capital  
17 expenditures on physical infrastructure and contracts for  
18 rights costing greater than \$1,000,000 over the term of  
19 the agreement.

20 (8) A copy of the most recent FERC Form 1 filed by the  
21 utility. If no such FERC Form 1 has been filed, the utility  
22 shall complete a FERC Form 1 for the prior calendar year.

23 (9) A range of load forecasts for the 5-year planning  
24 period that includes hourly data representing a high-load,  
25 low-load, and expected-load scenario for all retail  
26 customers, consistent with the requirements of paragraph

1 (1) of subsection (d) of Section 16-111.5 of the Public  
2 Utilities Act and any associated rules or regulations.

3 Such forecasts shall include:

4 (A) all underlying assumptions;

5 (B) an hourly load analysis consistent with the  
6 requirements of paragraph (1) of subsection (b) of  
7 Section 16-111.5 of the Public Utilities Act;

8 (C) analysis of the impact of any demand-side  
9 programs, consistent with paragraph (2) of subsection  
10 (b) of Section 16-111.5 of the Public Utilities Act;

11 (D) any reserve margin or other obligations placed  
12 on the utility by regional transmission organizations  
13 to which it is a member; and

14 (E) to the extent the information is available, an  
15 assessment of the accuracy of any past load forecasts  
16 submitted pursuant to this Section and an explanation  
17 of any deviation of greater than 10% in either  
18 direction from the forecasted load.

19 (10) The results of an all-source request for  
20 proposals for generation resources and capacity contracts.

21 (11) A 5-year action plan for meeting the forecasted  
22 load that minimizes customer cost and adverse  
23 environmental impacts. As part of the action plan, the  
24 utility shall:

25 (A) Identify any generation or storage resources  
26 anticipated to be removed from service in the 5 years

1 following the date on which the integrated resource  
2 plan is submitted.

3 (B) Determine whether given forecasted load growth  
4 or unit retirements, or both, the utility will need to  
5 procure additional capacity and energy, and provide a  
6 quantitative estimate of any such gap between  
7 forecasted load and supply-side resources.

8 (C) Provide a narrative description of the  
9 utility's process for evaluating possible resources to  
10 secure this additional capacity and energy.

11 (D) Provide a narrative description of the  
12 utility's processes for assessing the present economic  
13 value of existing generation and state whether,  
14 consistent with this methodology, any currently  
15 operating units, if any, could be replaced by other  
16 resources at lower cost to ratepayers.

17 (E) Identify a preferred portfolio of generation,  
18 storage, and demand-side programs that, in the  
19 utility's judgment, meets its forecasted load while  
20 minimizing the ratepayer cost and environmental  
21 impacts to the extent reasonably achievable in the 5  
22 years covered by the action plan. The portfolio shall  
23 incorporate any capacity or other reliability  
24 requirements of any regional transmission organization  
25 of which the utility is a member.

26 (F) If the preferred portfolio includes the

1 construction of new generation or storage resources or  
2 transmission facilities, identify the preferred site  
3 for all new construction of generation, storage, or  
4 transmission facilities.

5 (G) If the utility states that it intends to  
6 remove a generation resource from service, include in  
7 the integrated resource plan a statement describing  
8 the utility's plan to minimize economic impacts to  
9 workers due to facility retirement. This statement  
10 shall include a description of:

11 (i) the utility's efforts to collaborate with  
12 the workers and their designated representatives,  
13 if any;

14 (ii) a transition timeline or date certain on  
15 which such a transition timeline shall be made  
16 available to ensure certainty for workers;

17 (iii) the utility's efforts to protect pension  
18 benefits and extend or replace health insurance,  
19 life insurance, and other employment benefits;

20 (iv) all training and skill development  
21 programs to be made available for workers who will  
22 see their employment reduced or eliminated as a  
23 result of the retirement; and

24 (v) any agreements with local governments  
25 regarding continuing tax or other transfer  
26 payments following the facility's retirement

1 intended to minimize the impact on local services.

2 (H) Describe any anticipated capital expenditures  
3 in excess of \$1,000,000 at existing generation  
4 facilities and the reason for such expenditures.

5 (12) A description of all models and methodologies  
6 used in performing the integrated resource planning  
7 process. The utility shall provide to the Agency, upon  
8 request, reasonable access to any computer models used in  
9 the analysis and workpapers, in electronic form, relied on  
10 in preparation of the report.

11 (e) As part of all integrated resource plans submitted in  
12 2026, the utility shall identify all programs, grants, loans,  
13 or tax benefits for which the utility is eligible pursuant to  
14 the Inflation Reduction Act of 2022, and state whether the  
15 utility has applied for or otherwise used the program, grant,  
16 loan, or tax benefit. If the utility has not yet applied for or  
17 utilized the benefit, the utility shall state whether it  
18 intends to do so.

19 (f) Each utility shall submit, as part of its integrated  
20 resource plan, a least cost plan for constructing or procuring  
21 renewable energy resources to meet a minimum percentage of its  
22 load for all retail customers as follows: 25% by June 1, 2027,  
23 increasing by at least 3% each delivery year thereafter to at  
24 least 40% by the 2031 delivery year, and continuing at no less  
25 than 40% for each delivery year thereafter.

26 (g) Beginning in 2032, each utility shall submit, as part

1 of its integrated resource plan, a least cost plan for  
2 supplying 100% of its total projected load through renewable  
3 generation resources in combination with storage resources and  
4 demand-side programs by 2045. This least cost plan shall  
5 provide for the retirement of all coal and gas generation  
6 resources by January 1, 2046.

7 (h) The Agency may adopt rules establishing additional  
8 requirements as to the form and content of integrated resource  
9 plans, including, but not limited to, specifying forecast  
10 methodologies.

11 Section 20. Stakeholder process. Prior to the submission  
12 of an integrated resource plan, a municipality, municipal  
13 power agency, or electric cooperative required to submit an  
14 integrated resource plan shall hold at least 2 stakeholder  
15 meetings open to all ratepayers and members of the public.  
16 Notice of the meetings shall be sent to all customers not less  
17 than 30 days prior to the meeting. During the meetings the  
18 utility shall describe its processes for developing the  
19 integrated resource plan and its core assumptions and  
20 constraints, present its proposed preferred portfolio, and  
21 describe any planned retirements, capital expenditures on  
22 existing generation resources likely to exceed \$1,000,000, and  
23 planned construction. Each meeting shall allow time for public  
24 comment and the utility shall provide attendees with a means  
25 of providing public comment in writing following the meeting.

1           Section 25. Procedures for submission of integrated  
2 resource plan.

3           (a) Each municipality, municipal power agency, and  
4 electric cooperative shall submit its integrated resource  
5 plan, as set forth in this Act, to the Agency by October 1 of  
6 the calendar year.

7           (b) The Agency may request further information from the  
8 utility. Any such requests shall be made in writing. If the  
9 Agency requests additional information, the utility shall  
10 provide responses no later than 15 days following the request.

11           (c) The Agency shall facilitate public comment on the  
12 integrated resource plan, as follows:

13                 (1) upon submission of the integrated resource plan,  
14 the Agency shall post the integrated resource plan  
15 publicly on its website. The plan shall remain publicly  
16 accessible for at least 60 days.

17                 (2) the utility shall hold at least 2 public meetings,  
18 one in person and one remotely, where it shall make a  
19 representative available to address questions about the  
20 resource plan. The meetings shall be held no sooner than  
21 15 days, and no later than 45 days, after the integrated  
22 resource plan is made available to the public.

23                 (3) the Agency shall accept public comments on the  
24 integrated resource plan for 60 days following its public  
25 posting via website, email, or mail. The Agency may extend

1           this public comment period by an additional 60 days upon  
2           request by members of the public; and

3                   (4) after the conclusion of the public comment period,  
4           as determined by the Agency, the Agency shall transmit  
5           copies of all public comments received to the utility.

6           (d) The utility shall review public comments and provide  
7           responses that reasonably address all issues or questions  
8           raised by such comments. The utility may modify its integrated  
9           resource plan in response to these comments. The utility shall  
10          prepare a document with responses to public comments and  
11          submit this response document to the Agency no later than 90  
12          days after receiving the comments from the agency. This  
13          response document shall be posted publicly on the Agency's  
14          website along with the original integrated resource plan, as  
15          submitted, and any revisions made by the utility in response  
16          to public comments.

17          (e) The Agency shall maintain public access to all  
18          integrated resource plans submitted pursuant to this Act,  
19          accessible through the Agency's website, for no less than 10  
20          years following each integrated resource plan's initial  
21          submission.

22                   Section 30. Use of independent expert.

23                   (a) The Agency shall maintain a list of qualified experts  
24           or expert consulting firms for the purpose of developing  
25           integrated resource plans on behalf of municipalities,

1 municipal power agencies, and cooperatives. In order to  
2 qualify an expert or expert consulting firm must have:

3 (1) direct previous experience assembling power supply  
4 plans or portfolios for utilities;

5 (2) an advanced degree in economics, mathematics,  
6 engineering, risk management, or a related area of study;

7 (3) 10 years of experience in the electricity sector;

8 (4) expertise in wholesale electricity market rules,  
9 including those established by the federal Energy  
10 Regulatory Commission and regional transmission  
11 organizations; and

12 (5) adequate resources to perform and fulfill the  
13 required functions and responsibilities.

14 (b) The Agency may assemble the list as part of the process  
15 for developing a list of qualified experts for experts to  
16 develop procurement plans, as set forth in subsection (a) of  
17 Section 1-75 of the Illinois Power Agency Act.

18 (c) The Agency shall provide affected utilities and other  
19 interested parties with the lists of qualified experts or  
20 expert consulting firms identified through the request for  
21 qualifications processes that are under consideration to  
22 prepare the integrated resource plan on behalf of the utility.  
23 The Agency shall also provide each qualified expert's or  
24 expert consulting firm's response to the request for  
25 qualifications. A utility shall, within 5 business days,  
26 notify the Agency in writing if it objects to any experts or

1 expert consulting firms on the lists. Objections shall be  
2 based on:

- 3 (1) the failure to satisfy qualification criteria;  
4 (2) the identification of a conflict of interest; or  
5 (3) the evidence of inappropriate bias for or against  
6 potential bidders or the affected utilities.

7 The Agency shall remove experts or expert consulting firms  
8 from the lists within 10 days if there is a reasonable basis  
9 for an objection and provide the updated lists to the affected  
10 utilities and other interested parties. If the Agency fails to  
11 remove an expert or expert consulting firm from the list, the  
12 objecting utility may withdraw its application and develop its  
13 integrated resource plan without agency assistance.

14 (d) A utility required to submit an integrated resource  
15 plan may elect to rely on an expert or expert consulting firm  
16 selected by the Agency to develop the plan and conduct  
17 stakeholder processes.

18 (e) A utility may submit a request to the Agency, not less  
19 than 6 months prior to the date on which the integrated  
20 resource plan is due, for such an expert or expert consulting  
21 firm.

22 (f) Upon receipt of such a request, the Agency shall issue  
23 requests for proposals to the qualified experts on the list  
24 assembled as set forth in subsections (a) through (c) to  
25 develop an integrated resource plan for that utility. The  
26 Agency shall select an expert or expert consulting firm to

1 develop the integrated resource plan on behalf of the utility  
2 based on the proposals submitted.

3 (g) Subject to appropriation, if a utility elects to rely  
4 on an expert or expert consulting firm selected by the Agency,  
5 90% of the costs assessed by the expert for development of the  
6 integrated resource plan shall be paid by the Agency, up to  
7 \$250,000, and the remainder paid by the utility.

8 Section 35. Electric cooperatives member access.

9 (a) As used in this Section, "meeting" has the meaning  
10 given to that term in Section 1.02 of the Open Meetings Act.

11 (b) As used in this Section, except for subsection (j),  
12 "member" includes all members of an electric cooperative in  
13 accordance with the cooperative's bylaws. Where a generation  
14 and transmission electric cooperative's members are electric  
15 cooperatives rather than individuals, members of those  
16 member-cooperatives are members of the generation and  
17 transmission electric cooperative for purposes of this  
18 Section. As used in subsection (j), "member" includes only  
19 members of an electric cooperative with individual members.

20 (c) All meetings of an electric cooperative shall be open  
21 to all members, except that a cooperative, by a two-thirds  
22 affirmative vote of the board members present, may go into  
23 executive session for consideration of documents or  
24 information deemed to be confidential for legal, commercial,  
25 or personnel purposes.

1           (1) Before a board of directors convenes in executive  
2 session, the board shall announce the general topic of the  
3 executive session.

4           (2) Notice of all meetings of an electric cooperative  
5 shall be posted on the website of the electric cooperative  
6 at least 15 days prior to the meeting. Minutes of all  
7 meetings of an electric cooperative shall be posted on the  
8 website of the electric cooperative as soon as they have  
9 been approved and shall remain posted for at least one  
10 year after the date of the meeting. Upon request of a  
11 member, the electric cooperative shall make minutes of any  
12 meeting held after the effective date of this Act  
13 available. Minutes shall include the votes of each member  
14 of the board on all items for which approval was not  
15 unanimous.

16           (3) At every regular meeting of the governing body of  
17 an electric cooperative, members of the cooperative shall  
18 be given an opportunity to address the board on any matter  
19 concerning the policies and businesses of the cooperative.  
20 The board may place reasonable, viewpoint-neutral  
21 restrictions on the amount and duration of member comment.

22           (d) Each electric cooperative shall post on its website  
23 its current rates. The electric cooperative shall keep and  
24 make available to any member, upon request, all financial  
25 audits of the electric cooperative conducted in the last 3  
26 fiscal years.

1           (e) Each electric cooperative shall adopt and post a  
2 written policy governing the election of directors on its  
3 website. The electric cooperative shall provide notice of the  
4 policy at the time a person becomes a member, as a bill insert  
5 at least once per year, and on request. The policy shall  
6 contain true and complete information on the following:

7           (1) Who is entitled to vote in an election, including  
8 how member-cooperatives may vote.

9           (2) How a member may obtain and cast a ballot.

10          (3) How a member may become a candidate for the board  
11 or any other elected leadership positions.

12          (f) At least 60 days before each board election, the  
13 electric cooperative shall post a list of candidates and  
14 deadline to return ballots on its website and leave the  
15 information posted until the election has concluded. The same  
16 information shall be included as part of a bill insert for a  
17 billing cycle occurring at no more than 60 but no fewer than 15  
18 days prior to the deadline to return ballots.

19          (g) Each candidate for a position on the board of  
20 directors who has qualified under the electric cooperative's  
21 bylaws is entitled to receive a membership list in electronic  
22 format upon receipt and verification of any candidacy  
23 requirements. The membership list must include the names and  
24 addresses of all members as they appear in the electric  
25 cooperative's records.

1 Section 40. Conflict of interest disclosures.

2 (a) Each electric cooperative, municipality, and municipal  
3 power agency shall adopt, and post publicly on its website,  
4 written policies concerning:

5 (1) The compensation provided to a director on the  
6 board of directors, including information on any  
7 authorized per diem amounts, and the values of other  
8 benefits, services, or goods that a director receives.

9 (2) The disclosure of any gifts received by a director  
10 in excess of a de minimis amount.

11 (3) The requirements and procedures for a director on  
12 the board of directors to disclose in writing any  
13 conflicts of interest. At a minimum, the policy must  
14 require disclosure when a decision before the board could  
15 provide directly and as a proximate result of the decision  
16 a financial or other material benefit to:

17 (A) The director, if the benefit is unique to that  
18 director and not shared by similarly situated  
19 cooperative members.

20 (B) A parent, grandparent, spouse, partner in a  
21 civil union, child, or sibling of the director, if the  
22 benefit is unique to that director and not shared by  
23 similarly situated cooperative members.

24 (C) An entity in which the director is an officer  
25 or director or has a financial interest not shared by  
26 similarly situated cooperative members.

1           (b) Each electric cooperative shall disclose on its  
2 website all lobbying activities as defined by Section 2 of the  
3 Lobbyist Registration Act and the amount of expenditures on  
4 such activities on an annual basis. Where the electric  
5 cooperative is a member of a trade association or other  
6 organization that engages in lobbying activities, the electric  
7 cooperative shall post the amount of dues or other  
8 expenditures paid by the cooperative to such an organization  
9 and what percentage of the organization or association's  
10 budget is spent on lobbying activities.

11           Section 45. The Open Meetings Act is amended by changing  
12 Section 2 as follows:

13           (5 ILCS 120/2) (from Ch. 102, par. 42)

14           Sec. 2. Open meetings.

15           (a) Openness required. All meetings of public bodies shall  
16 be open to the public unless excepted in subsection (c) and  
17 closed in accordance with Section 2a.

18           (b) Construction of exceptions. The exceptions contained  
19 in subsection (c) are in derogation of the requirement that  
20 public bodies meet in the open, and therefore, the exceptions  
21 are to be strictly construed, extending only to subjects  
22 clearly within their scope. The exceptions authorize but do  
23 not require the holding of a closed meeting to discuss a  
24 subject included within an enumerated exception.

1 (c) Exceptions. A public body may hold closed meetings to  
2 consider the following subjects:

3 (1) The appointment, employment, compensation,  
4 discipline, performance, or dismissal of specific  
5 employees, specific individuals who serve as independent  
6 contractors in a park, recreational, or educational  
7 setting, or specific volunteers of the public body or  
8 legal counsel for the public body, including hearing  
9 testimony on a complaint lodged against an employee, a  
10 specific individual who serves as an independent  
11 contractor in a park, recreational, or educational  
12 setting, or a volunteer of the public body or against  
13 legal counsel for the public body to determine its  
14 validity. However, a meeting to consider an increase in  
15 compensation to a specific employee of a public body that  
16 is subject to the Local Government Wage Increase  
17 Transparency Act may not be closed and shall be open to the  
18 public and posted and held in accordance with this Act.

19 (2) Collective negotiating matters between the public  
20 body and its employees or their representatives, or  
21 deliberations concerning salary schedules for one or more  
22 classes of employees.

23 (3) The selection of a person to fill a public office,  
24 as defined in this Act, including a vacancy in a public  
25 office, when the public body is given power to appoint  
26 under law or ordinance, or the discipline, performance or

1 removal of the occupant of a public office, when the  
2 public body is given power to remove the occupant under  
3 law or ordinance.

4 (4) Evidence or testimony presented in open hearing,  
5 or in closed hearing where specifically authorized by law,  
6 to a quasi-adjudicative body, as defined in this Act,  
7 provided that the body prepares and makes available for  
8 public inspection a written decision setting forth its  
9 determinative reasoning.

10 (4.5) Evidence or testimony presented to a school  
11 board regarding denial of admission to school events or  
12 property pursuant to Section 24-24 of the School Code,  
13 provided that the school board prepares and makes  
14 available for public inspection a written decision setting  
15 forth its determinative reasoning.

16 (5) The purchase or lease of real property for the use  
17 of the public body, including meetings held for the  
18 purpose of discussing whether a particular parcel should  
19 be acquired.

20 (6) The setting of a price for sale or lease of  
21 property owned by the public body.

22 (7) The sale or purchase of securities, investments,  
23 or investment contracts. This exception shall not apply to  
24 the investment of assets or income of funds deposited into  
25 the Illinois Prepaid Tuition Trust Fund.

26 (8) Security procedures, school building safety and

1 security, and the use of personnel and equipment to  
2 respond to an actual, a threatened, or a reasonably  
3 potential danger to the safety of employees, students,  
4 staff, the public, or public property.

5 (9) Student disciplinary cases.

6 (10) The placement of individual students in special  
7 education programs and other matters relating to  
8 individual students.

9 (11) Litigation, when an action against, affecting or  
10 on behalf of the particular public body has been filed and  
11 is pending before a court or administrative tribunal, or  
12 when the public body finds that an action is probable or  
13 imminent, in which case the basis for the finding shall be  
14 recorded and entered into the minutes of the closed  
15 meeting.

16 (12) The establishment of reserves or settlement of  
17 claims as provided in the Local Governmental and  
18 Governmental Employees Tort Immunity Act, if otherwise the  
19 disposition of a claim or potential claim might be  
20 prejudiced, or the review or discussion of claims, loss or  
21 risk management information, records, data, advice or  
22 communications from or with respect to any insurer of the  
23 public body or any intergovernmental risk management  
24 association or self insurance pool of which the public  
25 body is a member.

26 (13) Conciliation of complaints of discrimination in

1 the sale or rental of housing, when closed meetings are  
2 authorized by the law or ordinance prescribing fair  
3 housing practices and creating a commission or  
4 administrative agency for their enforcement.

5 (14) Informant sources, the hiring or assignment of  
6 undercover personnel or equipment, or ongoing, prior or  
7 future criminal investigations, when discussed by a public  
8 body with criminal investigatory responsibilities.

9 (15) Professional ethics or performance when  
10 considered by an advisory body appointed to advise a  
11 licensing or regulatory agency on matters germane to the  
12 advisory body's field of competence.

13 (16) Self evaluation, practices and procedures or  
14 professional ethics, when meeting with a representative of  
15 a statewide association of which the public body is a  
16 member.

17 (17) The recruitment, credentialing, discipline or  
18 formal peer review of physicians or other health care  
19 professionals, or for the discussion of matters protected  
20 under the federal Patient Safety and Quality Improvement  
21 Act of 2005, and the regulations promulgated thereunder,  
22 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
23 Health Insurance Portability and Accountability Act of  
24 1996, and the regulations promulgated thereunder,  
25 including 45 C.F.R. Parts 160, 162, and 164, by a  
26 hospital, or other institution providing medical care,

1 that is operated by the public body.

2 (18) Deliberations for decisions of the Prisoner  
3 Review Board.

4 (19) Review or discussion of applications received  
5 under the Experimental Organ Transplantation Procedures  
6 Act.

7 (20) The classification and discussion of matters  
8 classified as confidential or continued confidential by  
9 the State Government Suggestion Award Board.

10 (21) Discussion of minutes of meetings lawfully closed  
11 under this Act, whether for purposes of approval by the  
12 body of the minutes or semi-annual review of the minutes  
13 as mandated by Section 2.06.

14 (22) Deliberations for decisions of the State  
15 Emergency Medical Services Disciplinary Review Board.

16 (23) The operation by a municipality of a municipal  
17 utility or the operation of a municipal power agency or  
18 municipal natural gas agency when the discussion involves  
19 (i) trade secrets, (ii) ongoing contract negotiations or  
20 results of a request for proposals relating to the  
21 purchase, sale, or delivery of electricity or natural gas  
22 from nonaffiliate entities, or (iii) information  
23 prohibited from disclosure by a regional transmission  
24 organization to ensure the integrity of competitive  
25 markets ~~contracts relating to the purchase, sale, or~~  
26 ~~delivery of electricity or natural gas or (ii) the results~~

1 ~~or conclusions of load forecast studies.~~

2 (24) Meetings of a residential health care facility  
3 resident sexual assault and death review team or the  
4 Executive Council under the Abuse Prevention Review Team  
5 Act.

6 (25) Meetings of an independent team of experts under  
7 Brian's Law.

8 (26) Meetings of a mortality review team appointed  
9 under the Department of Juvenile Justice Mortality Review  
10 Team Act.

11 (27) (Blank).

12 (28) Correspondence and records (i) that may not be  
13 disclosed under Section 11-9 of the Illinois Public Aid  
14 Code or (ii) that pertain to appeals under Section 11-8 of  
15 the Illinois Public Aid Code.

16 (29) Meetings between internal or external auditors  
17 and governmental audit committees, finance committees, and  
18 their equivalents, when the discussion involves internal  
19 control weaknesses, identification of potential fraud risk  
20 areas, known or suspected frauds, and fraud interviews  
21 conducted in accordance with generally accepted auditing  
22 standards of the United States of America.

23 (30) (Blank).

24 (31) Meetings and deliberations for decisions of the  
25 Concealed Carry Licensing Review Board under the Firearm  
26 Concealed Carry Act.

1           (32) Meetings between the Regional Transportation  
2 Authority Board and its Service Boards when the discussion  
3 involves review by the Regional Transportation Authority  
4 Board of employment contracts under Section 28d of the  
5 Metropolitan Transit Authority Act and Sections 3A.18 and  
6 3B.26 of the Regional Transportation Authority Act.

7           (33) Those meetings or portions of meetings of the  
8 advisory committee and peer review subcommittee created  
9 under Section 320 of the Illinois Controlled Substances  
10 Act during which specific controlled substance prescriber,  
11 dispenser, or patient information is discussed.

12           (34) Meetings of the Tax Increment Financing Reform  
13 Task Force under Section 2505-800 of the Department of  
14 Revenue Law of the Civil Administrative Code of Illinois.

15           (35) Meetings of the group established to discuss  
16 Medicaid capitation rates under Section 5-30.8 of the  
17 Illinois Public Aid Code.

18           (36) Those deliberations or portions of deliberations  
19 for decisions of the Illinois Gaming Board in which there  
20 is discussed any of the following: (i) personal,  
21 commercial, financial, or other information obtained from  
22 any source that is privileged, proprietary, confidential,  
23 or a trade secret; or (ii) information specifically  
24 exempted from the disclosure by federal or State law.

25           (37) Deliberations for decisions of the Illinois Law  
26 Enforcement Training Standards Board, the Certification

1 Review Panel, and the Illinois State Police Merit Board  
2 regarding certification and decertification.

3 (38) Meetings of the Ad Hoc Statewide Domestic  
4 Violence Fatality Review Committee of the Illinois  
5 Criminal Justice Information Authority Board that occur in  
6 closed executive session under subsection (d) of Section  
7 35 of the Domestic Violence Fatality Review Act.

8 (39) Meetings of the regional review teams under  
9 subsection (a) of Section 75 of the Domestic Violence  
10 Fatality Review Act.

11 (40) Meetings of the Firearm Owner's Identification  
12 Card Review Board under Section 10 of the Firearm Owners  
13 Identification Card Act.

14 (d) Definitions. For purposes of this Section:

15 "Employee" means a person employed by a public body whose  
16 relationship with the public body constitutes an  
17 employer-employee relationship under the usual common law  
18 rules, and who is not an independent contractor.

19 "Public office" means a position created by or under the  
20 Constitution or laws of this State, the occupant of which is  
21 charged with the exercise of some portion of the sovereign  
22 power of this State. The term "public office" shall include  
23 members of the public body, but it shall not include  
24 organizational positions filled by members thereof, whether  
25 established by law or by a public body itself, that exist to  
26 assist the body in the conduct of its business.

1 "Quasi-adjudicative body" means an administrative body  
2 charged by law or ordinance with the responsibility to conduct  
3 hearings, receive evidence or testimony and make  
4 determinations based thereon, but does not include local  
5 electoral boards when such bodies are considering petition  
6 challenges.

7 (e) Final action. No final action may be taken at a closed  
8 meeting. Final action shall be preceded by a public recital of  
9 the nature of the matter being considered and other  
10 information that will inform the public of the business being  
11 conducted.

12 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;  
13 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.  
14 7-28-23; 103-626, eff. 1-1-25.)

15 Section 50. The Illinois Municipal Code is amended by  
16 changing Sections 11-119.1-4 and 11-119.1-10 and by adding  
17 Section 11-119.1-5.5 as follows:

18 (65 ILCS 5/11-119.1-4) (from Ch. 24, par. 11-119.1-4)

19 Sec. 11-119.1-4. Municipal Power Agencies.

20 A. Any 2 or more municipalities, contiguous or  
21 noncontiguous, and which operate an electric utility system,  
22 may form a municipal power agency by the execution of an agency  
23 agreement authorized by an ordinance adopted by the governing  
24 body of each municipality. The agency agreement may state:

1           (1) that the municipal power agency is created and  
2           incorporated under the provisions of this Division as a  
3           body politic and corporate, municipal corporation and unit  
4           of local government of the State of Illinois;

5           (2) the name of the agency and the date of its  
6           establishment;

7           (3) that names of the municipalities which have  
8           adopted the agency agreement and constitute the initial  
9           members of the municipal power agency;

10          (4) the names and addresses of the persons initially  
11          appointed in the ordinances adopting the agency agreement  
12          to serve on the Board of Directors and act as the  
13          representatives of the municipalities, respectively, in  
14          the exercise of their powers as members;

15          (5) the limitations, if any, upon the terms of office  
16          of the directors, provided that such directors shall  
17          always be selected and vacancies in their offices declared  
18          and filled by ordinances adopted by the governing body of  
19          the respective municipalities;

20          (6) the location by city, village or incorporated town  
21          in the State of Illinois of the principal office of the  
22          municipal power agency;

23          (7) provisions for the disposition, division or  
24          distribution of obligations, property and assets of the  
25          municipal power agency upon dissolution; and

26          (8) any other provisions for regulating the business

1 of the municipal power agency or the conduct of its  
2 affairs which may be agreed to by the member  
3 municipalities, consistent with this Division, including,  
4 without limitation, any provisions for weighted voting  
5 among the member municipalities or by the directors.

6 B. The presiding officer of the Board of Directors of any  
7 municipal power agency established pursuant to this Division  
8 or such other officer selected by the Board of Directors,  
9 within 3 months after establishment, shall file a certified  
10 copy of the agency agreement and a list of the municipalities  
11 which have adopted the agreement with the recorder of deeds of  
12 the county in which the principal office is located. The  
13 recorder of deeds shall record this certified copy and list  
14 and shall immediately transmit the certified copy and list to  
15 the Secretary of State, together with his certificate of  
16 recordation. The Secretary of State shall file these documents  
17 and issue his certificate of approval over his signature and  
18 the Great Seal of the State. The Secretary of State shall make  
19 and keep a register of municipal power agencies established  
20 under this Division.

21 C. Each municipality which becomes a member of the  
22 municipal power agency shall appoint a representative to serve  
23 on the Board of Directors, which representative may be a  
24 member of the governing body of the municipality. Each  
25 appointment shall be made by the mayor, or president, subject  
26 to the confirmation of the governing body. The directors so

1 appointed shall hold office for a term of 3 years, or until a  
2 successor has been duly appointed and qualified, except that  
3 the directors first appointed shall determine by lot at their  
4 initial meeting the respective directors which shall serve for  
5 a term of one, 2 or 3 years from the date of that meeting. A  
6 vacancy shall be filled for the balance of the unexpired term  
7 in the same manner as the original appointment.

8 The Board of Directors is the corporate authority of the  
9 municipal power agency and shall exercise all the powers and  
10 manage and control all of the affairs and property of the  
11 agency. The Board of Directors shall have full power to pass  
12 all necessary ordinances, resolutions, rules and regulations  
13 for the proper management and conduct of the business of the  
14 board, and for carrying into effect the objects for which the  
15 agency was established.

16 At the initial meeting of the Board of Directors to be held  
17 within 30 days after the date of establishment of the  
18 municipal power agency, the directors shall elect from their  
19 members a presiding officer to preside over the meetings of  
20 the Board of Directors and an alternative presiding officer  
21 and may elect an executive board. The Board of Directors shall  
22 determine and designate in the agency's bylaws the titles for  
23 the presiding officers. The directors shall also elect a  
24 secretary and treasurer, who need not be directors. The board  
25 may select such other officers, employees and agents as deemed  
26 to be necessary, who need not be directors or residents of any

1 of the municipalities which are members of the municipal power  
2 agency. The board may designate appropriate titles for all  
3 other officers, employees, and agents. All persons selected by  
4 the board shall hold their respective offices during the  
5 pleasure of the board, and give such bond as may be required by  
6 the board.

7 D. The bylaws of the municipal power agency, and any  
8 amendments thereto, shall be adopted by the Board of Directors  
9 by a majority vote (adjusted for weighted voting, if provided  
10 in the Agency Agreement) to provide the following:

11 (1) the conditions and obligations of membership, if  
12 any;

13 (2) the manner and time of calling regular and special  
14 meetings of the Board of Directors;

15 (3) the procedural rules of the Board of Directors;

16 (4) the composition, powers and responsibilities of  
17 any committee or executive board;

18 (5) the rights and obligations of new members,  
19 conditions for the termination of membership, including a  
20 formula for the determination of required termination  
21 payments, if any, and the disposition of rights and  
22 obligations upon termination of membership; and

23 (6) such other rules or provisions for regulating the  
24 affairs of the municipal power agency as the board shall  
25 determine to be necessary.

26 E. Every municipal power agency shall maintain an office

1 in the State of Illinois to be known as its principal office.  
2 When a municipal power agency desires to change the location  
3 of such office, it shall file with the Secretary of State a  
4 certificate of change of location, stating the new address and  
5 the effective date of change. Meetings of the Board of  
6 Directors may be held at any place within the State of  
7 Illinois, designated by the Board of Directors, after notice.  
8 Unless otherwise provided by the bylaws, an act of the  
9 majority of the directors present at a meeting at which a  
10 quorum is present is the act of the Board of Directors.

11 F. The Board of Directors shall hold at least one meeting  
12 each year for the election of officers and for the transaction  
13 of any other business. Special meetings of the Board of  
14 Directors may be called for any purpose upon written request  
15 to the presiding officer of the Board of Directors or  
16 secretary to call the meeting. Such officer shall give notice  
17 of the meeting to be held not less than 10 days and not more  
18 than 60 days after receipt of such request. Unless the bylaws  
19 provide for a different percentage, a quorum for a meeting of  
20 the Board of Directors is a majority of all members then in  
21 office. All meetings of the board shall be held in compliance  
22 with the provisions of "An Act in relation to meetings",  
23 approved July 11, 1957, as amended.

24 G. The agency agreement may be amended as proposed at any  
25 meeting of the Board of Directors for which notice, stating  
26 the purpose, shall be given to each director and, unless the

1 bylaws prescribe otherwise, such amendment shall become  
2 effective when ratified by ordinances adopted by a majority of  
3 the governing bodies of the member municipalities. Each  
4 amendment, duly certified, shall be recorded and filed in the  
5 same manner as for the original agreement.

6 H. Each member municipality shall have full power and  
7 authority, subject to the provisions of its charter and laws  
8 regarding local finance, to appropriate money for the payment  
9 of the expenses of the municipal power agency and of its  
10 representative in exercising its functions as a member of the  
11 municipal power agency.

12 I. Any additional municipality which operates an electric  
13 utility system may join the municipal power agency, or any  
14 member municipality may withdraw therefrom consistent with the  
15 bylaws of the municipal power agency, and upon payment of any  
16 termination obligations as described in subsection D ~~upon the~~  
17 ~~approval by ordinance adopted by the governing body of the~~  
18 ~~majority of the municipalities which are then members of the~~  
19 ~~municipal power agency.~~ Any new member shall agree to assume  
20 its proportionate share of the outstanding obligations of the  
21 municipal power agency and any member permitted to withdraw  
22 shall remain obligated to make payments under any outstanding  
23 contract or agreement with the municipal power agency or to  
24 comply with any exit or early termination provisions set forth  
25 in that contract or agreement. Any such change in membership  
26 shall be recorded and filed in the same manner as for the

1 original agreement.

2 J. Any 2 or more municipal power agencies organized  
3 pursuant to this Division may consolidate to form a new  
4 municipal power agency when approved by ordinance adopted by  
5 the governing body of each municipality which is a member of  
6 the respective municipal power agency and by the execution of  
7 an agency agreement as provided in this Section.

8 (Source: P.A. 96-204, eff. 1-1-10.)

9 (65 ILCS 5/11-119.1-5.5 new)

10 Sec. 11-119.1-5.5. Agency records, budgets, and quarterly  
11 reports.

12 (a) A municipal power agency shall keep accurate accounts  
13 and records of its assets, liabilities, revenues, and  
14 expenditures in accordance with generally accepted accounting  
15 principles. Such accounts and records shall include, but are  
16 not limited to, depreciation, operating and maintenance  
17 expenses for all generation and transmission assets, fuel  
18 costs, cost and revenue from the purchase or sale of  
19 environmental compliance credits, revenue from energy,  
20 capacity, and ancillary market sales, all payments received  
21 from member municipalities, membership dues or other payments  
22 made to trade associations or industry organizations, and  
23 lobbying expenditures. Such records shall be audited on an  
24 annual basis by an independent auditor using generally  
25 accepted auditing standards and shall include contents as set

1 forth in Section 8-8-5, and shall be filed with the  
2 Comptroller as described by Section 8-8-7.

3 (b) A municipal power agency shall, on an annual basis,  
4 prepare one-year and 5-year budgets that include all revenues  
5 and expenses, including, but not limited to, those categories  
6 described in subsection (a). As part of each one-year budget,  
7 the municipal power agency shall include a report identifying  
8 and explaining any variance from the previous annual budget of  
9 5% or greater in any expenditure or revenue line item. Such  
10 budgets shall be provided to member municipalities no less  
11 than 60 days prior to any meeting of the municipal power agency  
12 during which action on the budget is or will be part of the  
13 agency agenda.

14 (c) The municipal power agency shall post, on a publicly  
15 available website, all one-year and 5-year budgets required  
16 under subsection (b) and the annual audited financial  
17 statements required under subsection (a).

18 (d) The municipal power agency shall make available, upon  
19 request to any of its member municipalities, access to all  
20 municipal power agency all records and accounts and all  
21 financial information relating to ownership and operation of  
22 agency assets and the generation, procurement, and delivery of  
23 electricity to which the agency has access, including, but not  
24 limited to, unit scheduling information, market revenue and  
25 off-system sales data, and fuel and other variable cost  
26 information. Such information shall be provided in a timely

1 manner and through reasonable means, and members shall be  
2 permitted to make copies of any documents retained solely by  
3 the agency. Such access shall be provided without regard to  
4 any nondisclosure agreement that has been or may be adopted by  
5 the municipal power agency.

6 (e) The municipal power agency shall prepare, on a  
7 quarterly basis, a report to its member municipalities  
8 describing all expenditures made for the purpose of lobbying,  
9 as both terms are defined by Section 2 of the Lobbyist  
10 Registration Act, and a brief summary of the topics and  
11 positions on which lobbying activities were undertaken. Where  
12 the municipal power agency is a member of an organization or  
13 trade association that expends some or all of membership dues  
14 on lobbying activities, the municipal power agency shall  
15 include in this report the amount of those membership dues,  
16 what proportion of those dues were spent on lobbying  
17 activities, and the topics and positions on which lobbying  
18 activities were undertaken by the organization or trade  
19 association of which the municipal power agency is a member.

20 (65 ILCS 5/11-119.1-10) (from Ch. 24, par. 11-119.1-10)

21 Sec. 11-119.1-10. Exercise of powers. A municipal power  
22 agency may exercise any and all of the powers enumerated in  
23 this Division, except the power of eminent domain, without the  
24 consent and approval of the Illinois Commerce Commission. The  
25 exercise of the power of eminent domain by a municipal power

1 agency shall be subject to the consent and approval of the  
2 Illinois Commerce Commission in the same manner and to the  
3 same extent as public utilities under the Public Utilities  
4 Act, including the issuance of a certificate of public  
5 convenience and necessity as provided for in Section 8-406 of  
6 that Act. During the consideration of any petition for  
7 authority to exercise the power of eminent domain the Illinois  
8 Commerce Commission shall evaluate and give due consideration  
9 to whether the project for which eminent domain is sought is  
10 part of the preferred portfolio as described in subsection (d)  
11 of Section 15 of the Municipal and Cooperative Electric  
12 Utility Planning and Transparency Act, or least cost plans for  
13 procuring renewable resources as described in subsections (f)  
14 and (g) of Section 20 of the Municipal and Cooperative  
15 Electric Utility Planning and Transparency Act and to the  
16 impact of the acquisition on farmlands in the State with the  
17 goal of preserving the land to the fullest extent reasonably  
18 possible.

19 (Source: P.A. 90-416, eff. 1-1-98.)

20 Section 55. The Public Utilities Act is amended by  
21 changing Sections 16-107.5 and 17-500 as follows:

22 (220 ILCS 5/16-107.5)

23 Sec. 16-107.5. Net electricity metering.

24 (a) The General Assembly finds and declares that a program

1 to provide net electricity metering, as defined in this  
2 Section, for eligible customers can encourage private  
3 investment in renewable energy resources, stimulate economic  
4 growth, enhance the continued diversification of Illinois'  
5 energy resource mix, and protect the Illinois environment.  
6 Further, to achieve the goals of this Act that robust options  
7 for customer-site distributed generation continue to thrive in  
8 Illinois, the General Assembly finds that a predictable  
9 transition must be ensured for customers between full net  
10 metering at the retail electricity rate to the distribution  
11 generation rebate described in Section 16-107.6.

12 (b) As used in this Section, (i) "community renewable  
13 generation project" shall have the meaning set forth in  
14 Section 1-10 of the Illinois Power Agency Act; (ii) "eligible  
15 customer" means a retail customer that owns, hosts, or  
16 operates, including any third-party owned systems, a solar,  
17 wind, or other eligible renewable electrical generating  
18 facility that is located on the customer's premises or  
19 customer's side of the billing meter and is intended primarily  
20 to offset the customer's own current or future electrical  
21 requirements; (iii) "electricity provider" means an electric  
22 utility or alternative retail electric supplier; (iv)  
23 "eligible renewable electrical generating facility" means a  
24 generator, which may include the co-location of an energy  
25 storage system, that is interconnected under rules adopted by  
26 the Commission and is powered by solar electric energy, wind,

1 dedicated crops grown for electricity generation, agricultural  
2 residues, untreated and unadulterated wood waste, livestock  
3 manure, anaerobic digestion of livestock or food processing  
4 waste, fuel cells or microturbines powered by renewable fuels,  
5 or hydroelectric energy; (v) "net electricity metering" (or  
6 "net metering") means the measurement, during the billing  
7 period applicable to an eligible customer, of the net amount  
8 of electricity supplied by an electricity provider to the  
9 customer or provided to the electricity provider by the  
10 customer or subscriber; (vi) "subscriber" shall have the  
11 meaning as set forth in Section 1-10 of the Illinois Power  
12 Agency Act; (vii) "subscription" shall have the meaning set  
13 forth in Section 1-10 of the Illinois Power Agency Act; (viii)  
14 "energy storage system" means commercially available  
15 technology that is capable of absorbing energy and storing it  
16 for a period of time for use at a later time, including, but  
17 not limited to, electrochemical, thermal, and  
18 electromechanical technologies, and may be interconnected  
19 behind the customer's meter or interconnected behind its own  
20 meter; ~~and~~ (ix) "future electrical requirements" means modeled  
21 electrical requirements upon occupation of a new or vacant  
22 property, and other reasonable expectations of future  
23 electrical use, as well as, for occupied properties, a  
24 reasonable approximation of the annual load of 2 electric  
25 vehicles and, for non-electric heating customers, a reasonable  
26 approximation of the incremental electric load associated with

1 fuel switching. The approximations shall be applied to the  
2 appropriate net metering tariff and do not need to be unique to  
3 each individual eligible customer. The utility shall submit  
4 these approximations to the Commission for review,  
5 modification, and approval; and (x) "electricity provider" and  
6 "electric utility" includes municipalities and municipal power  
7 agencies as defined in Section 11-119.3-1 of the Illinois  
8 Municipal Code and electric cooperatives as defined in Section  
9 3-119 of this Act.

10 (c) A net metering facility shall be equipped with  
11 metering equipment that can measure the flow of electricity in  
12 both directions at the same rate.

13 (1) For eligible customers whose electric service has  
14 not been declared competitive pursuant to Section 16-113  
15 of this Act as of July 1, 2011 and whose electric delivery  
16 service is provided and measured on a kilowatt-hour basis  
17 and electric supply service is not provided based on  
18 hourly pricing, this shall typically be accomplished  
19 through use of a single, bi-directional meter. If the  
20 eligible customer's existing electric revenue meter does  
21 not meet this requirement, the electricity provider shall  
22 arrange for the local electric utility or a meter service  
23 provider to install and maintain a new revenue meter at  
24 the electricity provider's expense, which may be the smart  
25 meter described by subsection (b) of Section 16-108.5 of  
26 this Act.

1           (2) For eligible customers whose electric service has  
2 not been declared competitive pursuant to Section 16-113  
3 of this Act as of July 1, 2011 and whose electric delivery  
4 service is provided and measured on a kilowatt demand  
5 basis and electric supply service is not provided based on  
6 hourly pricing, this shall typically be accomplished  
7 through use of a dual channel meter capable of measuring  
8 the flow of electricity both into and out of the  
9 customer's facility at the same rate and ratio. If such  
10 customer's existing electric revenue meter does not meet  
11 this requirement, then the electricity provider shall  
12 arrange for the local electric utility or a meter service  
13 provider to install and maintain a new revenue meter at  
14 the electricity provider's expense, which may be the smart  
15 meter described by subsection (b) of Section 16-108.5 of  
16 this Act.

17           (3) For all other eligible customers, until such time  
18 as the local electric utility installs a smart meter, as  
19 described by subsection (b) of Section 16-108.5 of this  
20 Act, the electricity provider may arrange for the local  
21 electric utility or a meter service provider to install  
22 and maintain metering equipment capable of measuring the  
23 flow of electricity both into and out of the customer's  
24 facility at the same rate and ratio, typically through the  
25 use of a dual channel meter. If the eligible customer's  
26 existing electric revenue meter does not meet this

1 requirement, then the costs of installing such equipment  
2 shall be paid for by the customer.

3 (d) An electricity provider shall measure and charge or  
4 credit for the net electricity supplied to eligible customers  
5 or provided by eligible customers whose electric service has  
6 not been declared competitive pursuant to Section 16-113 of  
7 this Act as of July 1, 2011 and whose electric delivery service  
8 is provided and measured on a kilowatt-hour basis and electric  
9 supply service is not provided based on hourly pricing in the  
10 following manner:

11 (1) If the amount of electricity used by the customer  
12 during the billing period exceeds the amount of  
13 electricity produced by the customer, the electricity  
14 provider shall charge the customer for the net electricity  
15 supplied to and used by the customer as provided in  
16 subsection (e-5) of this Section.

17 (2) If the amount of electricity produced by a  
18 customer during the billing period exceeds the amount of  
19 electricity used by the customer during that billing  
20 period, the electricity provider supplying that customer  
21 shall apply a 1:1 kilowatt-hour credit to a subsequent  
22 bill for service to the customer for the net electricity  
23 supplied to the electricity provider. The electricity  
24 provider shall continue to carry over any excess  
25 kilowatt-hour credits earned and apply those credits to  
26 subsequent billing periods to offset any

1 customer-generator consumption in those billing periods  
2 until all credits are used or until the end of the  
3 annualized period.

4 (3) At the end of the year or annualized over the  
5 period that service is supplied by means of net metering,  
6 or in the event that the retail customer terminates  
7 service with the electricity provider prior to the end of  
8 the year or the annualized period, any remaining credits  
9 in the customer's account shall expire.

10 (d-5) An electricity provider shall measure and charge or  
11 credit for the net electricity supplied to eligible customers  
12 or provided by eligible customers whose electric service has  
13 not been declared competitive pursuant to Section 16-113 of  
14 this Act as of July 1, 2011 and whose electric delivery service  
15 is provided and measured on a kilowatt-hour basis and electric  
16 supply service is provided based on hourly pricing or  
17 time-of-use rates in the following manner:

18 (1) If the amount of electricity used by the customer  
19 during any hourly period or time-of-use period exceeds the  
20 amount of electricity produced by the customer, the  
21 electricity provider shall charge the customer for the net  
22 electricity supplied to and used by the customer according  
23 to the terms of the contract or tariff to which the same  
24 customer would be assigned to or be eligible for if the  
25 customer was not a net metering customer.

26 (2) If the amount of electricity produced by a

1 customer during any hourly period or time-of-use period  
2 exceeds the amount of electricity used by the customer  
3 during that hourly period or time-of-use period, the  
4 energy provider shall apply a credit for the net  
5 kilowatt-hours produced in such period. The credit shall  
6 consist of an energy credit and a delivery service credit.  
7 The energy credit shall be valued at the same price per  
8 kilowatt-hour as the electric service provider would  
9 charge for kilowatt-hour energy sales during that same  
10 hourly period or time-of-use period. The delivery credit  
11 shall be equal to the net kilowatt-hours produced in such  
12 hourly period or time-of-use period times a credit that  
13 reflects all kilowatt-hour based charges in the customer's  
14 electric service rate, excluding energy charges.

15 (e) An electricity provider shall measure and charge or  
16 credit for the net electricity supplied to eligible customers  
17 whose electric service has not been declared competitive  
18 pursuant to Section 16-113 of this Act as of July 1, 2011 and  
19 whose electric delivery service is provided and measured on a  
20 kilowatt demand basis and electric supply service is not  
21 provided based on hourly pricing in the following manner:

22 (1) If the amount of electricity used by the customer  
23 during the billing period exceeds the amount of  
24 electricity produced by the customer, then the electricity  
25 provider shall charge the customer for the net electricity  
26 supplied to and used by the customer as provided in

1 subsection (e-5) of this Section. The customer shall  
2 remain responsible for all taxes, fees, and utility  
3 delivery charges that would otherwise be applicable to the  
4 net amount of electricity used by the customer.

5 (2) If the amount of electricity produced by a  
6 customer during the billing period exceeds the amount of  
7 electricity used by the customer during that billing  
8 period, then the electricity provider supplying that  
9 customer shall apply a 1:1 kilowatt-hour credit that  
10 reflects the kilowatt-hour based charges in the customer's  
11 electric service rate to a subsequent bill for service to  
12 the customer for the net electricity supplied to the  
13 electricity provider. The electricity provider shall  
14 continue to carry over any excess kilowatt-hour credits  
15 earned and apply those credits to subsequent billing  
16 periods to offset any customer-generator consumption in  
17 those billing periods until all credits are used or until  
18 the end of the annualized period.

19 (3) At the end of the year or annualized over the  
20 period that service is supplied by means of net metering,  
21 or in the event that the retail customer terminates  
22 service with the electricity provider prior to the end of  
23 the year or the annualized period, any remaining credits  
24 in the customer's account shall expire.

25 (e-5) An electricity provider shall provide electric  
26 service to eligible customers who utilize net metering at

1 non-discriminatory rates that are identical, with respect to  
2 rate structure, retail rate components, and any monthly  
3 charges, to the rates that the customer would be charged if not  
4 a net metering customer. An electricity provider shall not  
5 charge net metering customers any fee or charge or require  
6 additional equipment, insurance, or any other requirements not  
7 specifically authorized by interconnection standards  
8 authorized by the Commission, unless the fee, charge, or other  
9 requirement would apply to other similarly situated customers  
10 who are not net metering customers. The customer will remain  
11 responsible for all taxes, fees, and utility delivery charges  
12 that would otherwise be applicable to the net amount of  
13 electricity used by the customer. Subsections (c) through (e)  
14 of this Section shall not be construed to prevent an  
15 arms-length agreement between an electricity provider and an  
16 eligible customer that sets forth different prices, terms, and  
17 conditions for the provision of net metering service,  
18 including, but not limited to, the provision of the  
19 appropriate metering equipment for non-residential customers.

20 (f) Notwithstanding the requirements of subsections (c)  
21 through (e-5) of this Section, an electricity provider must  
22 require dual-channel metering for customers operating eligible  
23 renewable electrical generating facilities to whom the  
24 provisions of neither subsection (d), (d-5), nor (e) of this  
25 Section apply. In such cases, electricity charges and credits  
26 shall be determined as follows:

1           (1) The electricity provider shall assess and the  
2 customer remains responsible for all taxes, fees, and  
3 utility delivery charges that would otherwise be  
4 applicable to the gross amount of kilowatt-hours supplied  
5 to the eligible customer by the electricity provider.

6           (2) Each month that service is supplied by means of  
7 dual-channel metering, the electricity provider shall  
8 compensate the eligible customer for any excess  
9 kilowatt-hour credits at the electricity provider's  
10 avoided cost of electricity supply over the monthly period  
11 or as otherwise specified by the terms of a power-purchase  
12 agreement negotiated between the customer and electricity  
13 provider.

14           (3) For all eligible net metering customers taking  
15 service from an electricity provider under contracts or  
16 tariffs employing hourly or time-of-use rates, any monthly  
17 consumption of electricity shall be calculated according  
18 to the terms of the contract or tariff to which the same  
19 customer would be assigned to or be eligible for if the  
20 customer was not a net metering customer. When those same  
21 customer-generators are net generators during any discrete  
22 hourly or time-of-use period, the net kilowatt-hours  
23 produced shall be valued at the same price per  
24 kilowatt-hour as the electric service provider would  
25 charge for retail kilowatt-hour sales during that same  
26 time-of-use period.

1           (g) For purposes of federal and State laws providing  
2 renewable energy credits or greenhouse gas credits, the  
3 eligible customer shall be treated as owning and having title  
4 to the renewable energy attributes, renewable energy credits,  
5 and greenhouse gas emission credits related to any electricity  
6 produced by the qualified generating unit. The electricity  
7 provider may not condition participation in a net metering  
8 program on the signing over of a customer's renewable energy  
9 credits; provided, however, this subsection (g) shall not be  
10 construed to prevent an arms-length agreement between an  
11 electricity provider and an eligible customer that sets forth  
12 the ownership or title of the credits.

13           (h) Within 120 days after the effective date of this  
14 amendatory Act of the 95th General Assembly, the Commission  
15 shall establish standards for net metering and, if the  
16 Commission has not already acted on its own initiative,  
17 standards for the interconnection of eligible renewable  
18 generating equipment to the utility system. The  
19 interconnection standards shall address any procedural  
20 barriers, delays, and administrative costs associated with the  
21 interconnection of customer-generation while ensuring the  
22 safety and reliability of the units and the electric utility  
23 system. The Commission shall consider the Institute of  
24 Electrical and Electronics Engineers (IEEE) Standard 1547 and  
25 the issues of (i) reasonable and fair fees and costs, (ii)  
26 clear timelines for major milestones in the interconnection

1 process, (iii) nondiscriminatory terms of agreement, and (iv)  
2 any best practices for interconnection of distributed  
3 generation.

4 (h-5) Within 90 days after the effective date of this  
5 amendatory Act of the 102nd General Assembly, the Commission  
6 shall:

7 (1) establish an Interconnection Working Group. The  
8 working group shall include representatives from electric  
9 utilities, developers of renewable electric generating  
10 facilities, other industries that regularly apply for  
11 interconnection with the electric utilities,  
12 representatives of distributed generation customers, the  
13 Commission Staff, and such other stakeholders with a  
14 substantial interest in the topics addressed by the  
15 Interconnection Working Group. The Interconnection Working  
16 Group shall address at least the following issues:

17 (A) cost and best available technology for  
18 interconnection and metering, including the  
19 standardization and publication of standard costs;

20 (B) transparency, accuracy and use of the  
21 distribution interconnection queue and hosting  
22 capacity maps;

23 (C) distribution system upgrade cost avoidance  
24 through use of advanced inverter functions;

25 (D) predictability of the queue management process  
26 and enforcement of timelines;

1 (E) benefits and challenges associated with group  
2 studies and cost sharing;

3 (F) minimum requirements for application to the  
4 interconnection process and throughout the  
5 interconnection process to avoid queue clogging  
6 behavior;

7 (G) process and customer service for  
8 interconnecting customers adopting distributed energy  
9 resources, including energy storage;

10 (H) options for metering distributed energy  
11 resources, including energy storage;

12 (I) interconnection of new technologies, including  
13 smart inverters and energy storage;

14 (J) collect, share, and examine data on Level 1  
15 interconnection costs, including cost and type of  
16 upgrades required for interconnection, and use this  
17 data to inform the final standardized cost of Level 1  
18 interconnection; and

19 (K) such other technical, policy, and tariff  
20 issues related to and affecting interconnection  
21 performance and customer service as determined by the  
22 Interconnection Working Group.

23 The Commission may create subcommittees of the  
24 Interconnection Working Group to focus on specific issues  
25 of importance, as appropriate. The Interconnection Working  
26 Group shall report to the Commission on recommended

1 improvements to interconnection rules and tariffs and  
2 policies as determined by the Interconnection Working  
3 Group at least every 6 months. Such reports shall include  
4 consensus recommendations of the Interconnection Working  
5 Group and, if applicable, additional recommendations for  
6 which consensus was not reached. The Commission shall use  
7 the report from the Interconnection Working Group to  
8 determine whether processes should be commenced to  
9 formally codify or implement the recommendations;

10 (2) create or contract for an Ombudsman to resolve  
11 interconnection disputes through non-binding arbitration.  
12 The Ombudsman may be paid in full or in part through fees  
13 levied on the initiators of the dispute; and

14 (3) determine a single standardized cost for Level 1  
15 interconnections, which shall not exceed \$200.

16 (i) All electricity providers shall begin to offer net  
17 metering no later than April 1, 2008.

18 (j) An electricity provider shall provide net metering to  
19 eligible customers according to subsections (d), (d-5), and  
20 (e). Eligible renewable electrical generating facilities for  
21 which eligible customers registered for net metering before  
22 January 1, 2025 shall continue to receive net metering  
23 services according to subsections (d), (d-5), and (e) of this  
24 Section for the lifetime of the system, regardless of whether  
25 those retail customers change electricity providers or whether  
26 the retail customer benefiting from the system changes. On and

1 after January 1, 2025, any eligible customer that applies for  
2 net metering and previously would have qualified under  
3 subsections (d), (d-5), or (e) shall only be eligible for net  
4 metering as described in subsection (n).

5 (k) Each electricity provider shall maintain records and  
6 report annually to the Commission the total number of net  
7 metering customers served by the provider, as well as the  
8 type, capacity, and energy sources of the generating systems  
9 used by the net metering customers. Nothing in this Section  
10 shall limit the ability of an electricity provider to request  
11 the redaction of information deemed by the Commission to be  
12 confidential business information.

13 (l)(1) Notwithstanding the definition of "eligible  
14 customer" in item (ii) of subsection (b) of this Section, each  
15 electricity provider shall allow net metering as set forth in  
16 this subsection (l) and for the following projects, provided  
17 that only electric utilities serving more than 200,000  
18 customers as of January 1, 2021 shall provide net metering for  
19 projects that are eligible for subparagraph (C) of this  
20 paragraph (l) and have energized after the effective date of  
21 this amendatory Act of the 102nd General Assembly:

22 (A) properties owned or leased by multiple customers  
23 that contribute to the operation of an eligible renewable  
24 electrical generating facility through an ownership or  
25 leasehold interest of at least 200 watts in such facility,  
26 such as a community-owned wind project, a community-owned

1 biomass project, a community-owned solar project, or a  
2 community methane digester processing livestock waste from  
3 multiple sources, provided that the facility is also  
4 located within the utility's service territory;

5 (B) individual units, apartments, or properties  
6 located in a single building that are owned or leased by  
7 multiple customers and collectively served by a common  
8 eligible renewable electrical generating facility, such as  
9 an office or apartment building, a shopping center or  
10 strip mall served by photovoltaic panels on the roof; and

11 (C) subscriptions to community renewable generation  
12 projects, including community renewable generation  
13 projects on the customer's side of the billing meter of a  
14 host facility and partially used for the customer's own  
15 load.

16 In addition, the nameplate capacity of the eligible  
17 renewable electric generating facility that serves the demand  
18 of the properties, units, or apartments identified in  
19 paragraphs (1) and (2) of this subsection (1) shall not exceed  
20 5,000 kilowatts in nameplate capacity in total. Any eligible  
21 renewable electrical generating facility or community  
22 renewable generation project that is powered by photovoltaic  
23 electric energy and installed after the effective date of this  
24 amendatory Act of the 99th General Assembly must be installed  
25 by a qualified person in compliance with the requirements of  
26 Section 16-128A of the Public Utilities Act and any rules or

1 regulations adopted thereunder.

2 (2) Notwithstanding anything to the contrary, an  
3 electricity provider shall provide credits for the electricity  
4 produced by the projects described in paragraph (1) of this  
5 subsection (1). The electricity provider shall provide credits  
6 that include at least energy supply, capacity, transmission,  
7 and, if applicable, the purchased energy adjustment on the  
8 subscriber's monthly bill equal to the subscriber's share of  
9 the production of electricity from the project, as determined  
10 by paragraph (3) of this subsection (1). For customers with  
11 transmission or capacity charges not charged on a  
12 kilowatt-hour basis, the electricity provider shall prepare a  
13 reasonable approximation of the kilowatt-hour equivalent value  
14 and provide that value as a monetary credit. The electricity  
15 provider shall submit these approximation methodologies to the  
16 Commission for review, modification, and approval.  
17 Notwithstanding anything to the contrary, customers on payment  
18 plans or participating in budget billing programs shall have  
19 credits applied on a monthly basis.

20 (3) Notwithstanding anything to the contrary and  
21 regardless of whether a subscriber to an eligible community  
22 renewable generation project receives power and energy service  
23 from the electric utility or an alternative retail electric  
24 supplier, for projects eligible under paragraph (C) of  
25 subparagraph (1) of this subsection (1), electric utilities  
26 serving more than 200,000 customers as of January 1, 2021

1 shall provide the monetary credits to a subscriber's  
2 subsequent bill for the electricity produced by community  
3 renewable generation projects. The electric utility shall  
4 provide monetary credits to a subscriber's subsequent bill at  
5 the utility's total price to compare equal to the subscriber's  
6 share of the production of electricity from the project, as  
7 determined by paragraph (5) of this subsection (1). For the  
8 purposes of this subsection, "total price to compare" means  
9 the rate or rates published by the Illinois Commerce  
10 Commission for energy supply for eligible customers receiving  
11 supply service from the electric utility, and shall include  
12 energy, capacity, transmission, and the purchased energy  
13 adjustment. Notwithstanding anything to the contrary,  
14 customers on payment plans or participating in budget billing  
15 programs shall have credits applied on a monthly basis. Any  
16 applicable credit or reduction in load obligation from the  
17 production of the community renewable generating projects  
18 receiving a credit under this subsection shall be credited to  
19 the electric utility to offset the cost of providing the  
20 credit. To the extent that the credit or load obligation  
21 reduction does not completely offset the cost of providing the  
22 credit to subscribers of community renewable generation  
23 projects as described in this subsection, the electric utility  
24 may recover the remaining costs through its Multi-Year Rate  
25 Plan. All electric utilities serving 200,000 or fewer  
26 customers as of January 1, 2021 shall only provide the

1 monetary credits to a subscriber's subsequent bill for the  
2 electricity produced by community renewable generation  
3 projects if the subscriber receives power and energy service  
4 from the electric utility. Alternative retail electric  
5 suppliers providing power and energy service to a subscriber  
6 located within the service territory of an electric utility  
7 not subject to Sections 16-108.18 and 16-118 shall provide the  
8 monetary credits to the subscriber's subsequent bill for the  
9 electricity produced by community renewable generation  
10 projects.

11 (4) If requested by the owner or operator of a community  
12 renewable generating project, an electric utility serving more  
13 than 200,000 customers as of January 1, 2021 shall enter into a  
14 net crediting agreement with the owner or operator to include  
15 a subscriber's subscription fee on the subscriber's monthly  
16 electric bill and provide the subscriber with a net credit  
17 equivalent to the total bill credit value for that generation  
18 period minus the subscription fee, provided the subscription  
19 fee is structured as a fixed percentage of bill credit value.  
20 The net crediting agreement shall set forth payment terms from  
21 the electric utility to the owner or operator of the community  
22 renewable generating project, and the electric utility may  
23 charge a net crediting fee to the owner or operator of a  
24 community renewable generating project that may not exceed 2%  
25 of the bill credit value. Notwithstanding anything to the  
26 contrary, an electric utility serving 200,000 customers or

1 fewer as of January 1, 2021 shall not be obligated to enter  
2 into a net crediting agreement with the owner or operator of a  
3 community renewable generating project.

4 (5) For the purposes of facilitating net metering, the  
5 owner or operator of the eligible renewable electrical  
6 generating facility or community renewable generation project  
7 shall be responsible for determining the amount of the credit  
8 that each customer or subscriber participating in a project  
9 under this subsection (1) is to receive in the following  
10 manner:

11 (A) The owner or operator shall, on a monthly basis,  
12 provide to the electric utility the kilowatthours of  
13 generation attributable to each of the utility's retail  
14 customers and subscribers participating in projects under  
15 this subsection (1) in accordance with the customer's or  
16 subscriber's share of the eligible renewable electric  
17 generating facility's or community renewable generation  
18 project's output of power and energy for such month. The  
19 owner or operator shall electronically transmit such  
20 calculations and associated documentation to the electric  
21 utility, in a format or method set forth in the applicable  
22 tariff, on a monthly basis so that the electric utility  
23 can reflect the monetary credits on customers' and  
24 subscribers' electric utility bills. The electric utility  
25 shall be permitted to revise its tariffs to implement the  
26 provisions of this amendatory Act of the 102nd General

1 Assembly. The owner or operator shall separately provide  
2 the electric utility with the documentation detailing the  
3 calculations supporting the credit in the manner set forth  
4 in the applicable tariff.

5 (B) For those participating customers and subscribers  
6 who receive their energy supply from an alternative retail  
7 electric supplier, the electric utility shall remit to the  
8 applicable alternative retail electric supplier the  
9 information provided under subparagraph (A) of this  
10 paragraph (3) for such customers and subscribers in a  
11 manner set forth in such alternative retail electric  
12 supplier's net metering program, or as otherwise agreed  
13 between the utility and the alternative retail electric  
14 supplier. The alternative retail electric supplier shall  
15 then submit to the utility the amount of the charges for  
16 power and energy to be applied to such customers and  
17 subscribers, including the amount of the credit associated  
18 with net metering.

19 (C) A participating customer or subscriber may provide  
20 authorization as required by applicable law that directs  
21 the electric utility to submit information to the owner or  
22 operator of the eligible renewable electrical generating  
23 facility or community renewable generation project to  
24 which the customer or subscriber has an ownership or  
25 leasehold interest or a subscription. Such information  
26 shall be limited to the components of the net metering

1 credit calculated under this subsection (l), including the  
2 bill credit rate, total kilowatthours, and total monetary  
3 credit value applied to the customer's or subscriber's  
4 bill for the monthly billing period.

5 (l-5) Within 90 days after the effective date of this  
6 amendatory Act of the 102nd General Assembly, each electric  
7 utility subject to this Section shall file a tariff or tariffs  
8 to implement the provisions of subsection (l) of this Section,  
9 which shall, consistent with the provisions of subsection (l),  
10 describe the terms and conditions under which owners or  
11 operators of qualifying properties, units, or apartments may  
12 participate in net metering. The Commission shall approve, or  
13 approve with modification, the tariff within 120 days after  
14 the effective date of this amendatory Act of the 102nd General  
15 Assembly.

16 (m) Nothing in this Section shall affect the right of an  
17 electricity provider to continue to provide, or the right of a  
18 retail customer to continue to receive service pursuant to a  
19 contract for electric service between the electricity provider  
20 and the retail customer in accordance with the prices, terms,  
21 and conditions provided for in that contract. Either the  
22 electricity provider or the customer may require compliance  
23 with the prices, terms, and conditions of the contract.

24 (n) On and after January 1, 2025, the net metering  
25 services described in subsections (d), (d-5), and (e) of this  
26 Section shall no longer be offered, except as to those

1 eligible renewable electrical generating facilities for which  
2 retail customers are receiving net metering service under  
3 these subsections at the time the net metering services under  
4 those subsections are no longer offered; those systems shall  
5 continue to receive net metering services described in  
6 subsections (d), (d-5), and (e) of this Section for the  
7 lifetime of the system, regardless of if those retail  
8 customers change electricity providers or whether the retail  
9 customer benefiting from the system changes. The electric  
10 utility serving more than 200,000 customers as of January 1,  
11 2021 is responsible for ensuring the billing credits continue  
12 without lapse for the lifetime of systems, as required in  
13 subsection (o). Those retail customers that begin taking net  
14 metering service after the date that net metering services are  
15 no longer offered under such subsections shall be subject to  
16 the provisions set forth in the following paragraphs (1)  
17 through (3) of this subsection (n):

18 (1) An electricity provider shall charge or credit for  
19 the net electricity supplied to eligible customers or  
20 provided by eligible customers whose electric supply  
21 service is not provided based on hourly pricing in the  
22 following manner:

23 (A) If the amount of electricity used by the  
24 customer during the monthly billing period exceeds the  
25 amount of electricity produced by the customer, then  
26 the electricity provider shall charge the customer for

1 the net kilowatt-hour based electricity charges  
2 reflected in the customer's electric service rate  
3 supplied to and used by the customer as provided in  
4 paragraph (3) of this subsection (n).

5 (B) If the amount of electricity produced by a  
6 customer during the monthly billing period exceeds the  
7 amount of electricity used by the customer during that  
8 billing period, then the electricity provider  
9 supplying that customer shall apply a 1:1  
10 kilowatt-hour energy or monetary credit kilowatt-hour  
11 supply charges to the customer's subsequent bill. The  
12 customer shall choose between 1:1 kilowatt-hour or  
13 monetary credit at the time of application. For the  
14 purposes of this subsection, "kilowatt-hour supply  
15 charges" means the kilowatt-hour equivalent values for  
16 energy, capacity, transmission, and the purchased  
17 energy adjustment, if applicable. Notwithstanding  
18 anything to the contrary, customers on payment plans  
19 or participating in budget billing programs shall have  
20 credits applied on a monthly basis. The electricity  
21 provider shall continue to carry over any excess  
22 kilowatt-hour or monetary energy credits earned and  
23 apply those credits to subsequent billing periods. For  
24 customers with transmission or capacity charges not  
25 charged on a kilowatt-hour basis, the electricity  
26 provider shall prepare a reasonable approximation of

1 the kilowatt-hour equivalent value and provide that  
2 value as a monetary credit. The electricity provider  
3 shall submit these approximation methodologies to the  
4 Commission for review, modification, and approval.

5 (C) (Blank).

6 (2) An electricity provider shall charge or credit for  
7 the net electricity supplied to eligible customers or  
8 provided by eligible customers whose electric supply  
9 service is provided based on hourly pricing in the  
10 following manner:

11 (A) If the amount of electricity used by the  
12 customer during any hourly period exceeds the amount  
13 of electricity produced by the customer, then the  
14 electricity provider shall charge the customer for the  
15 net electricity supplied to and used by the customer  
16 as provided in paragraph (3) of this subsection (n).

17 (B) If the amount of electricity produced by a  
18 customer during any hourly period exceeds the amount  
19 of electricity used by the customer during that hourly  
20 period, the energy provider shall calculate an energy  
21 credit for the net kilowatt-hours produced in such  
22 period, and shall apply that credit as a monetary  
23 credit to the customer's subsequent bill. The value of  
24 the energy credit shall be calculated using the same  
25 price per kilowatt-hour as the electric service  
26 provider would charge for kilowatt-hour energy sales

1 during that same hourly period and shall also include  
2 values for capacity and transmission. For customers  
3 with transmission or capacity charges not charged on a  
4 kilowatt-hour basis, the electricity provider shall  
5 prepare a reasonable approximation of the  
6 kilowatt-hour equivalent value and provide that value  
7 as a monetary credit. The electricity provider shall  
8 submit these approximation methodologies to the  
9 Commission for review, modification, and approval.  
10 Notwithstanding anything to the contrary, customers on  
11 payment plans or participating in budget billing  
12 programs shall have credits applied on a monthly  
13 basis.

14 (3) An electricity provider shall provide electric  
15 service to eligible customers who utilize net metering at  
16 non-discriminatory rates that are identical, with respect  
17 to rate structure, retail rate components, and any monthly  
18 charges, to the rates that the customer would be charged  
19 if not a net metering customer. An electricity provider  
20 shall charge the customer for the net electricity supplied  
21 to and used by the customer according to the terms of the  
22 contract or tariff to which the same customer would be  
23 assigned or be eligible for if the customer was not a net  
24 metering customer. An electricity provider shall not  
25 charge net metering customers any fee or charge or require  
26 additional equipment, insurance, or any other requirements

1 not specifically authorized by interconnection standards  
2 authorized by the Commission, unless the fee, charge, or  
3 other requirement would apply to other similarly situated  
4 customers who are not net metering customers. The customer  
5 remains responsible for the gross amount of delivery  
6 services charges, supply-related charges that are kilowatt  
7 based, and all taxes and fees related to such charges. The  
8 customer also remains responsible for all taxes and fees  
9 that would otherwise be applicable to the net amount of  
10 electricity used by the customer. Paragraphs (1) and (2)  
11 of this subsection (n) shall not be construed to prevent  
12 an arms-length agreement between an electricity provider  
13 and an eligible customer that sets forth different prices,  
14 terms, and conditions for the provision of net metering  
15 service, including, but not limited to, the provision of  
16 the appropriate metering equipment for non-residential  
17 customers. Nothing in this paragraph (3) shall be  
18 interpreted to mandate that a utility that is only  
19 required to provide delivery services to a given customer  
20 must also sell electricity to such customer.

21 (o) Within 90 days after the effective date of this  
22 amendatory Act of the 102nd General Assembly, each electric  
23 utility subject to this Section shall file a tariff, which  
24 shall, consistent with the provisions of this Section, propose  
25 the terms and conditions under which a customer may  
26 participate in net metering. The tariff for electric utilities

1 serving more than 200,000 customers as of January 1, 2021  
2 shall also provide a streamlined and transparent bill  
3 crediting system for net metering to be managed by the  
4 electric utilities. The terms and conditions shall include,  
5 but are not limited to, that an electric utility shall manage  
6 and maintain billing of net metering credits and charges  
7 regardless of if the eligible customer takes net metering  
8 under an electric utility or alternative retail electric  
9 supplier. The electric utility serving more than 200,000  
10 customers as of January 1, 2021 shall process and approve all  
11 net metering applications, even if an eligible customer is  
12 served by an alternative retail electric supplier; and the  
13 utility shall forward application approval to the appropriate  
14 alternative retail electric supplier. Eligibility for net  
15 metering shall remain with the owner of the utility billing  
16 address such that, if an eligible renewable electrical  
17 generating facility changes ownership, the net metering  
18 eligibility transfers to the new owner. The electric utility  
19 serving more than 200,000 customers as of January 1, 2021  
20 shall manage net metering billing for eligible customers to  
21 ensure full crediting occurs on electricity bills, including,  
22 but not limited to, ensuring net metering crediting begins  
23 upon commercial operation date, net metering billing transfers  
24 immediately if an eligible customer switches from an electric  
25 utility to alternative retail electric supplier or vice versa,  
26 and net metering billing transfers between ownership of a

1 valid billing address. All transfers referenced in the  
2 preceding sentence shall include transfer of all banked  
3 credits. All electric utilities serving 200,000 or fewer  
4 customers as of January 1, 2021 shall manage net metering  
5 billing for eligible customers receiving power and energy  
6 service from the electric utility to ensure full crediting  
7 occurs on electricity bills, ensuring net metering crediting  
8 begins upon commercial operation date, net metering billing  
9 transfers immediately if an eligible customer switches from an  
10 electric utility to alternative retail electric supplier or  
11 vice versa, and net metering billing transfers between  
12 ownership of a valid billing address. Alternative retail  
13 electric suppliers providing power and energy service to  
14 eligible customers located within the service territory of an  
15 electric utility serving 200,000 or fewer customers as of  
16 January 1, 2021 shall manage net metering billing for eligible  
17 customers to ensure full crediting occurs on electricity  
18 bills, including, but not limited to, ensuring net metering  
19 crediting begins upon commercial operation date, net metering  
20 billing transfers immediately if an eligible customer switches  
21 from an electric utility to alternative retail electric  
22 supplier or vice versa, and net metering billing transfers  
23 between ownership of a valid billing address.

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

1           Sec. 17-500. Jurisdiction. Except as provided in the  
2 Electric Supplier Act, the Illinois Municipal Code, the  
3 Municipal and Cooperative Electric Utility Planning and  
4 Transparency Act, and this Article XVII, the Commission, or  
5 any other agency or subdivision thereof of the State of  
6 Illinois or any private entity shall have no jurisdiction over  
7 any electric cooperative or municipal system regardless of  
8 whether any election or elections as provided for herein have  
9 been made, and all control regarding an electric cooperative  
10 or municipal system shall be vested in the electric  
11 cooperative's board of directors or trustees or the applicable  
12 governing body of the municipal system.

13           (Source: P.A. 90-561, eff. 12-16-97.)

14           Section 60. The Eminent Domain Act is amended by changing  
15 Section 5-5-5 as follows:

16           (735 ILCS 30/5-5-5)

17           Sec. 5-5-5. Exercise of the power of eminent domain;  
18 public use; blight.

19           (a) In addition to all other limitations and requirements,  
20 a condemning authority may not take or damage property by the  
21 exercise of the power of eminent domain unless it is for a  
22 public use, as set forth in this Section.

23           (a-5) Subsections (b), (c), (d), (e), and (f) of this  
24 Section do not apply to the acquisition of property under the

1 O'Hare Modernization Act. A condemning authority may exercise  
2 the power of eminent domain for the acquisition or damaging of  
3 property under the O'Hare Modernization Act as provided for by  
4 law in effect prior to the effective date of this Act.

5 (a-10) Subsections (b), (c), (d), (e), and (f) of this  
6 Section do not apply to the acquisition or damaging of  
7 property in furtherance of the goals and objectives of an  
8 existing tax increment allocation redevelopment plan. A  
9 condemning authority may exercise the power of eminent domain  
10 for the acquisition of property in furtherance of an existing  
11 tax increment allocation redevelopment plan as provided for by  
12 law in effect prior to the effective date of this Act.

13 As used in this subsection, "existing tax increment  
14 allocation redevelopment plan" means a redevelopment plan that  
15 was adopted under the Tax Increment Allocation Redevelopment  
16 Act (Article 11, Division 74.4 of the Illinois Municipal Code)  
17 prior to April 15, 2006 and for which property assembly costs  
18 were, before that date, included as a budget line item in the  
19 plan or described in the narrative portion of the plan as part  
20 of the redevelopment project, but does not include (i) any  
21 additional area added to the redevelopment project area on or  
22 after April 15, 2006, (ii) any subsequent extension of the  
23 completion date of a redevelopment plan beyond the estimated  
24 completion date established in that plan prior to April 15,  
25 2006, (iii) any acquisition of property in a conservation area  
26 for which the condemnation complaint is filed more than 12

1 years after the effective date of this Act, or (iv) any  
2 acquisition of property in an industrial park conservation  
3 area.

4 As used in this subsection, "conservation area" and  
5 "industrial park conservation area" have the same meanings as  
6 under Section 11-74.4-3 of the Illinois Municipal Code.

7 (b) If the exercise of eminent domain authority is to  
8 acquire property for public ownership and control, then the  
9 condemning authority must prove that (i) the acquisition of  
10 the property is necessary for a public purpose and (ii) the  
11 acquired property will be owned and controlled by the  
12 condemning authority or another governmental entity.

13 (c) Except when the acquisition is governed by subsection  
14 (b) or is primarily for one of the purposes specified in  
15 subsection (d), (e), or (f) and the condemning authority  
16 elects to proceed under one of those subsections, if the  
17 exercise of eminent domain authority is to acquire property  
18 for private ownership or control, or both, then the condemning  
19 authority must prove by clear and convincing evidence that the  
20 acquisition of the property for private ownership or control  
21 is (i) primarily for the benefit, use, or enjoyment of the  
22 public and (ii) necessary for a public purpose.

23 An acquisition of property primarily for the purpose of  
24 the elimination of blight is rebuttably presumed to be for a  
25 public purpose and primarily for the benefit, use, or  
26 enjoyment of the public under this subsection.

1 Any challenge to the existence of blighting factors  
2 alleged in a complaint to condemn under this subsection shall  
3 be raised within 6 months of the filing date of the complaint  
4 to condemn, and if not raised within that time the right to  
5 challenge the existence of those blighting factors shall be  
6 deemed waived.

7 Evidence that the Illinois Commerce Commission has granted  
8 a certificate or otherwise made a finding of public  
9 convenience and necessity for an acquisition of property (or  
10 any right or interest in property) for private ownership or  
11 control (including, without limitation, an acquisition for  
12 which the use of eminent domain is authorized under the Public  
13 Utilities Act, the Telephone Company Act, or the Electric  
14 Supplier Act) to be used for utility purposes creates a  
15 rebuttable presumption that such acquisition of that property  
16 (or right or interest in property) is (i) primarily for the  
17 benefit, use, or enjoyment of the public and (ii) necessary  
18 for a public purpose.

19 In the case of an acquisition of property (or any right or  
20 interest in property) for private ownership or control to be  
21 used for utility, pipeline, or railroad purposes for which no  
22 certificate or finding of public convenience and necessity by  
23 the Illinois Commerce Commission is required, evidence that  
24 the acquisition is one for which the use of eminent domain is  
25 authorized under one of the following laws creates a  
26 rebuttable presumption that the acquisition of that property

1 (or right or interest in property) is (i) primarily for the  
2 benefit, use, or enjoyment of the public and (ii) necessary  
3 for a public purpose:

4 (1) the Public Utilities Act,

5 (2) the Telephone Company Act,

6 (3) the Electric Supplier Act,

7 (4) the Railroad Terminal Authority Act,

8 (5) the Grand Avenue Railroad Relocation Authority  
9 Act,

10 (6) the West Cook Railroad Relocation and Development  
11 Authority Act,

12 (7) Section 4-505 of the Illinois Highway Code,

13 (8) Section 17 or 18 of the Railroad Incorporation  
14 Act,

15 (9) Section 18c-7501 of the Illinois Vehicle Code.

16 (d) If the exercise of eminent domain authority is to  
17 acquire property for private ownership or control and if the  
18 primary basis for the acquisition is the elimination of blight  
19 and the condemning authority elects to proceed under this  
20 subsection, then the condemning authority must: (i) prove by a  
21 preponderance of the evidence that acquisition of the property  
22 for private ownership or control is necessary for a public  
23 purpose; (ii) prove by a preponderance of the evidence that  
24 the property to be acquired is located in an area that is  
25 currently designated as a blighted area or conservation area  
26 under an applicable statute; (iii) if the existence of blight

1 or blighting factors is challenged in an appropriate motion  
2 filed within 6 months after the date of filing of the complaint  
3 to condemn, prove by a preponderance of the evidence that the  
4 required blighting factors existed in the area so designated  
5 (but not necessarily in the particular property to be  
6 acquired) at the time of the designation under item (ii) or at  
7 any time thereafter; and (iv) prove by a preponderance of the  
8 evidence at least one of the following:

9 (A) that it has entered into an express written  
10 agreement in which a private person or entity agrees to  
11 undertake a development project within the blighted area  
12 that specifically details the reasons for which the  
13 property or rights in that property are necessary for the  
14 development project;

15 (B) that the exercise of eminent domain power and the  
16 proposed use of the property by the condemning authority  
17 are consistent with a regional plan that has been adopted  
18 within the past 5 years in accordance with Section 5-14001  
19 of the Counties Code or Section 11-12-6 of the Illinois  
20 Municipal Code or with a local land resource management  
21 plan adopted under Section 4 of the Local Land Resource  
22 Management Planning Act; or

23 (C) that (1) the acquired property will be used in the  
24 development of a project that is consistent with the land  
25 uses set forth in a comprehensive redevelopment plan  
26 prepared in accordance with the applicable statute

1 authorizing the condemning authority to exercise the power  
2 of eminent domain and is consistent with the goals and  
3 purposes of that comprehensive redevelopment plan, and (2)  
4 an enforceable written agreement, deed restriction, or  
5 similar encumbrance has been or will be executed and  
6 recorded against the acquired property to assure that the  
7 project and the use of the property remain consistent with  
8 those land uses, goals, and purposes for a period of at  
9 least 40 years, which execution and recording shall be  
10 included as a requirement in any final order entered in  
11 the condemnation proceeding.

12 The existence of an ordinance, resolution, or other  
13 official act designating an area as blighted is not prima  
14 facie evidence of the existence of blight. A finding by the  
15 court in a condemnation proceeding that a property or area has  
16 not been proven to be blighted does not apply to any other case  
17 or undermine the designation of a blighted area or  
18 conservation area or the determination of the existence of  
19 blight for any other purpose or under any other statute,  
20 including without limitation under the Tax Increment  
21 Allocation Redevelopment Act (Article 11, Division 74.4 of the  
22 Illinois Municipal Code).

23 Any challenge to the existence of blighting factors  
24 alleged in a complaint to condemn under this subsection shall  
25 be raised within 6 months of the filing date of the complaint  
26 to condemn, and if not raised within that time the right to

1 challenge the existence of those blighting factors shall be  
2 deemed waived.

3 (e) If the exercise of eminent domain authority is to  
4 acquire property for private ownership or control and if the  
5 primary purpose of the acquisition is one of the purposes  
6 specified in item (iii) of this subsection and the condemning  
7 authority elects to proceed under this subsection, then the  
8 condemning authority must prove by a preponderance of the  
9 evidence that: (i) the acquisition of the property is  
10 necessary for a public purpose; (ii) an enforceable written  
11 agreement, deed restriction, or similar encumbrance has been  
12 or will be executed and recorded against the acquired property  
13 to assure that the project and the use of the property remain  
14 consistent with the applicable purpose specified in item (iii)  
15 of this subsection for a period of at least 40 years, which  
16 execution and recording shall be included as a requirement in  
17 any final order entered in the condemnation proceeding; and  
18 (iii) the acquired property will be one of the following:

19 (1) included in the project site for a residential  
20 project, or a mixed-use project including residential  
21 units, where not less than 20% of the residential units in  
22 the project are made available, for at least 15 years, by  
23 deed restriction, long-term lease, regulatory agreement,  
24 extended use agreement, or a comparable recorded  
25 encumbrance, to low-income households and very low-income  
26 households, as defined in Section 3 of the Illinois

1 Affordable Housing Act;

2 (2) used primarily for public airport, road, parking,  
3 or mass transportation purposes and sold or leased to a  
4 private party in a sale-leaseback, lease-leaseback, or  
5 similar structured financing;

6 (3) owned or used by a public utility or electric  
7 cooperative for utility purposes;

8 (4) owned or used by a railroad for passenger or  
9 freight transportation purposes;

10 (5) sold or leased to a private party that operates a  
11 water supply, waste water, recycling, waste disposal,  
12 waste-to-energy, or similar facility;

13 (6) sold or leased to a not-for-profit corporation  
14 whose purposes include the preservation of open space, the  
15 operation of park space, and similar public purposes;

16 (7) used as a library, museum, or related facility, or  
17 as infrastructure related to such a facility;

18 (8) used by a private party for the operation of a  
19 charter school open to the general public; or

20 (9) a historic resource, as defined in Section 3 of  
21 the Illinois State Agency Historic Resources Preservation  
22 Act, a landmark designated as such under a local  
23 ordinance, or a contributing structure within a local  
24 landmark district listed on the National Register of  
25 Historic Places, that is being acquired for purposes of  
26 preservation or rehabilitation.

1 (f) If the exercise of eminent domain authority is to  
2 acquire property for public ownership and private control and  
3 if the primary purpose of the acquisition is one of the  
4 purposes specified in item (iii) of this subsection and the  
5 condemning authority elects to proceed under this subsection,  
6 then the condemning authority must prove by a preponderance of  
7 the evidence that: (i) the acquisition of the property is  
8 necessary for a public purpose; (ii) the acquired property  
9 will be owned by the condemning authority or another  
10 governmental entity; and (iii) the acquired property will be  
11 controlled by a private party that operates a business or  
12 facility related to the condemning authority's operation of a  
13 university, medical district, hospital, exposition or  
14 convention center, mass transportation facility, or airport,  
15 including, but not limited to, a medical clinic, research and  
16 development center, food or commercial concession facility,  
17 social service facility, maintenance or storage facility,  
18 cargo facility, rental car facility, bus facility, taxi  
19 facility, flight kitchen, fixed based operation, parking  
20 facility, refueling facility, water supply facility, and  
21 railroad tracks and stations.

22 (f-5) For all acquisitions governed by subsection (c)  
23 where the property, or any right or interest in property, is to  
24 be used for utility purposes, and where the condemning  
25 authority is an entity required to submit an integrated  
26 resource plan under the Municipal and Cooperative Electric

1 Utility Planning and Transparency Act, the rebuttable  
2 presumption described in subsection (c) shall only apply if  
3 the most recent integrated resource plan filed by the  
4 condemning authority identified the facility or articulated a  
5 need for a facility of similar capacity and type to the  
6 facility for which the property or right or interest is  
7 sought.

8 (g) This Article is a limitation on the exercise of the  
9 power of eminent domain, but is not an independent grant of  
10 authority to exercise the power of eminent domain.

11 (Source: P.A. 94-1055, eff. 1-1-07.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 120/2 from Ch. 102, par. 42

5 65 ILCS 5/11-119.1-4 from Ch. 24, par. 11-119.1-4

6 65 ILCS 5/11-119.1-5.5 new

7 65 ILCS 5/11-119.1-10 from Ch. 24, par. 11-119.1-10

8 220 ILCS 5/16-107.5

9 220 ILCS 5/17-500

10 735 ILCS 30/5-5-5