

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

6 (20 ILCS 5/5-222)

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

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

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

1 (20 ILCS 605/1105 new)

2 Sec. 1105. Power price mitigation assistance. Subject to  
3 appropriation from such funds made available, the Department  
4 shall reimburse up to \$200,000,000 to an eligible electric  
5 utility serving adversely impacted residential and small  
6 commercial customers pursuant to Section 16-107.7 of the  
7 Public Utilities Act. This Section is repealed December 31,  
8 2024.

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

11 (20 ILCS 730/5-40)

12 (Section scheduled to be repealed on September 15, 2045)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15                 (20 ILCS 3855/1-70)

16                 Sec. 1-70. Agency officials.

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

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

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

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

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

11 (e) For terms beginning on or after the effective date of  
12 this amendatory Act of the 102nd General Assembly ending  
13 ~~before December 31, 2019~~, the Director shall receive an annual  
14 salary in an amount equal to the annual salary provided to the  
15 Director of the Environmental Protection Agency under Section  
16 4 of the Environmental Protection Act ~~of \$100,000~~ or as set by  
17 the Executive Ethics Commission based on a review of  
18 comparable State agency director salaries, whichever is  
19 higher. No annual salary for the Director or a Bureau Chief  
20 shall exceed the amount of salary set by law for the Governor  
21 that is in effect on July 1 of that fiscal year.

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

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

7 (g) The Director and Bureau Chiefs are prohibited from:  
8 (i) owning, directly or indirectly, 5% or more of the voting  
9 capital stock of an electric utility, independent power  
10 producer, power marketer, or alternative retail electric  
11 supplier; (ii) being in any chain of successive ownership of  
12 5% or more of the voting capital stock of any electric utility,  
13 independent power producer, power marketer, or alternative  
14 retail electric supplier; (iii) receiving any form of  
15 compensation, fee, payment, or other consideration from an  
16 electric utility, independent power producer, power marketer,  
17 or alternative retail electric supplier, including legal fees,  
18 consulting fees, bonuses, or other sums. These limitations do  
19 not apply to any compensation received pursuant to a defined  
20 benefit plan or other form of deferred compensation, provided  
21 that the individual has otherwise severed all ties to the  
22 utility, power producer, power marketer, or alternative retail  
23 electric supplier.

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

25 Section 30. The Counties Code is amended by changing

1 Section 5-12020 as follows:

2 (55 ILCS 5/5-12020)

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

6 (a) As used in this Section:

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

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

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



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

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

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

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

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

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

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

10 "Protected lands" means real property that is:

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

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

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

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

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

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

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

1 special use permit an opportunity to present evidence and to  
2 cross-examine witnesses at the hearing, but the county may  
3 impose reasonable restrictions on the public hearing,  
4 including reasonable time limitations on the presentation of  
5 evidence and the cross-examination of witnesses. The county  
6 shall also allow public comment at the public hearing in  
7 accordance with the Open Meetings Act. The county shall make  
8 its siting and permitting decisions not more than 30 days  
9 after the conclusion of the public hearing ~~prior to a siting~~  
10 ~~decision by the county board.~~ Notice of the hearing shall be  
11 published in a newspaper of general circulation in the county.  
12 A ~~commercial wind energy~~ facility owner, ~~as defined in the~~  
13 ~~Renewable Energy Facilities Agricultural Impact Mitigation~~  
14 ~~Act,~~ must enter into an agricultural impact mitigation  
15 agreement with the Department of Agriculture prior to the date  
16 of the required public hearing. A commercial wind energy  
17 facility owner seeking an extension of a permit granted by a  
18 county prior to July 24, 2015 (the effective date of Public Act  
19 99-132) must enter into an agricultural impact mitigation  
20 agreement with the Department of Agriculture prior to a  
21 decision by the county to grant the permit extension. Counties  
22 may allow test wind towers or test solar energy systems to be  
23 sited without formal approval by the county board. ~~Any~~  
24 ~~provision of a county zoning ordinance pertaining to wind~~  
25 ~~farms that is in effect before August 16, 2007 (the effective~~  
26 ~~date of Public Act 95 203) may continue in effect~~

1 ~~notwithstanding any requirements of this Section.~~

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

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

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

<u>Setback Description</u>	<u>Setback Distance</u>
15 <u>Occupied Community</u> 16 <u>Buildings</u>	<u>2.1 times the maximum blade tip</u> <u>height of the wind tower to the</u> 17 <u>nearest point on the outside</u> 18 <u>wall of the structure</u>
19 <u>Participating Residences</u>	<u>1.1 times the maximum blade tip</u> 20 <u>height of the wind tower to the</u> 21 <u>nearest point on the outside</u> 22 <u>wall of the structure</u>

1	<u>Nonparticipating Residences</u>	<u>2.1 times the maximum blade tip</u>
2		<u>height of the wind tower to the</u>
3		<u>nearest point on the outside</u>
4		<u>wall of the structure</u>
5	<u>Boundary Lines of</u>	<u>None</u>
6	<u>Participating Property</u>	
7	<u>Boundary Lines of</u>	<u>1.1 times the maximum blade tip</u>
8	<u>Nonparticipating Property</u>	<u>height of the wind tower to the</u>
9		<u>nearest point on the property</u>
10		<u>line of the nonparticipating</u>
11		<u>property</u>
12	<u>Public Road Rights-of-Way</u>	<u>1.1 times the maximum blade tip</u>
13		<u>height of the wind tower</u>
14		<u>to the center point of the</u>
15		<u>public road right-of-way</u>
16	<u>Overhead Communication and</u>	<u>1.1 times the maximum blade tip</u>
17	<u>Electric Transmission</u>	<u>height of the wind tower to the</u>
18	<u>and Distribution Facilities</u>	<u>nearest edge of the property</u>
19	<u>(Not Including Overhead</u>	<u>line, easement, or right of</u>
20	<u>way</u>	
21	<u>Utility Service Lines to</u>	<u>containing the overhead line</u>
22	<u>Individual Houses or</u>	

1 Outbuildings)

2 Overhead Utility Service            None

3 Lines to Individual

4 Houses or Outbuildings

5 Fish and Wildlife Areas            2.1 times the maximum blade  
6 and Illinois Nature                tip height of the wind tower  
7 Preserve Commission              to the nearest point on the  
8 Protected Lands                    property line of the fish and  
9    wildlife area or protected  
10    land

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

16        (2) a wind tower of a commercial wind energy facility  
17 to be sited so that industry standard computer modeling  
18 indicates that any occupied community building or  
19 nonparticipating residence will not experience more than  
20 30 hours per year of shadow flicker under planned  
21 operating conditions;

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

1 edge of any component of the facility:

2 <u>Setback Description</u>	<u>Setback Distance</u>
3 <u>Occupied Community</u> 4 <u>Buildings and Dwellings on</u> 5 <u>Nonparticipating Properties</u>	<u>150 feet from the nearest</u> <u>point on the outside wall</u> <u>of the structure</u>
6 <u>Boundary Lines of</u> 7 <u>Participating Property</u>	<u>None</u>
8 <u>Public Road Rights-of-Way</u>	<u>50 feet from the nearest</u> 9 <u>edge</u>
10 <u>Boundary Lines of</u> 11 <u>Nonparticipating Property</u>	<u>50 feet to the nearest</u> <u>point on the property</u> <u>line of the nonparticipating</u> 12 <u>property</u> 13

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

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



1 arrays are at full tilt.

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

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

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

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

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

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

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

9 (j) Except as otherwise provided in this Section, a county  
10 shall not require standards for construction, decommissioning,  
11 or deconstruction of a commercial wind energy facility or  
12 commercial solar energy facility or related financial  
13 assurances that are more restrictive than those included in  
14 the Department of Agriculture's standard wind farm  
15 agricultural impact mitigation agreement, template 81818, or  
16 standard solar agricultural impact mitigation agreement,  
17 version 8.19.19, as applicable and in effect on December 31,  
18 2022. The amount of any decommissioning payment shall be  
19 limited to the cost identified in the decommissioning or  
20 deconstruction plan, as required by those agricultural impact  
21 mitigation agreements, minus the salvage value of the project.

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

26 (l) A county may require certain vegetative screening

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (220 ILCS 5/8-402.2)

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

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

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

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

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

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



1 the following subjects:

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

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

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

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

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

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

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

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

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

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

8 (7) The Public Schools Carbon-Free Assessment shall be  
9 conducted in coordination with each utility's energy  
10 efficiency and demand-response plans under Sections 8-103,  
11 8-103A, and 8-103B of this Act, to the extent applicable.  
12 Nothing in this Section is intended to modify or require  
13 modification of those plans. However, the utility may  
14 request a modification of a plan approved by the  
15 Commission, and the Commission may approve the requested  
16 modification, if the modification is consistent with the  
17 provisions of this Section and Section 8-103B of this Act.

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

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

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

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

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

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

21 (220 ILCS 5/16-107.7 new)

22 Sec. 16-107.7. Power price mitigation rebate.

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

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

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

1 comparing the total supply charge effective on June 1, 2021,  
2 as reported by the electric utility to the Commission pursuant  
3 to subsection (i) of Section 16-111.5, and the total supply  
4 charge effective on June 1, 2022, as reported to the  
5 Commission pursuant to subsection (i) of Section 16-111.5. The  
6 total supply charge effective on June 1, 2021, and June 1,  
7 2022, respectively, as reported pursuant to subsection (i) of  
8 Section 16-111.5, shall be used to calculate an electric  
9 utility's qualification under this Section and no other  
10 adjustments shall be made for purposes of the calculation,  
11 including, but not limited to, any transmission costs,  
12 purchased electricity adjustments, or any other credits. Any  
13 small multijurisdictional electric utility that relies upon  
14 company-owned generation resources, including fossil fueled  
15 generation, to supply the majority of its eligible State  
16 retail customers' energy and capacity needs shall be  
17 ineligible to file a notice or receive funding for rebate  
18 credits pursuant to this Section. The Commission shall have 5  
19 days from the date of receipt of the utility's notice to review  
20 the calculations and notify the electric utility as to whether  
21 it qualifies as an electric utility serving adversely impacted  
22 residential and small commercial customers under this Section.

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

1 small commercial customers, beginning as soon as is  
2 practicable following the effective date of this amendatory  
3 Act of the 102nd General Assembly. The tariff shall provide  
4 that the total funds appropriated by the Department of  
5 Commerce and Economic Opportunity shall be divided equally and  
6 issued to all of its active residential and small commercial  
7 customers, including customers that take supply service from  
8 alternative retail suppliers or real-time pricing tariffs. The  
9 tariff shall further provide that the monthly rebate credit  
10 will be reflected on, and applied to, customer bills beginning  
11 at the start of a monthly billing period and continue through  
12 the October 2023 billing period in a manner compliant with  
13 subsections (d) and (e). The tariff shall also provide that  
14 the utility may apply the monthly rebate credit to up to 5  
15 monthly billing periods ending in October 2023, and the  
16 utility may aggregate monthly rebate credits. To the extent a  
17 rebate credit is greater than a customer's bill in a given  
18 month, the excess rebate credit amount shall apply to the next  
19 billing period, even if the billing period is after October  
20 2023, until the customer's rebate credit has been fully  
21 applied.

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

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

10 (e) Each electric utility providing a monthly rebate  
11 credit to its customers pursuant to subsection (c) shall  
12 include at least the following statement as part of a bill  
13 insert or bill message provided with any bill reflecting a  
14 monthly rebate credit to customers: "Your bill has been  
15 reduced this month by the Power Price Mitigation Rebate Act  
16 passed by the Illinois General Assembly." The amount of the  
17 monthly rebate credit being applied for the billing period  
18 shall also be reflected on the customer's bill with the  
19 description "State Funded Power Price Mitigation Credit". The  
20 electric utility's obligation to reflect the information  
21 required by this subsection shall not extend past the October  
22 2023 billing period.

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



1 customers only to the extent there are funds available to the  
2 utility to provide the monthly rebate credits, as funded by  
3 the Department of Commerce and Economic Opportunity and  
4 subject to appropriation to the Department. Within 180 days  
5 from the date on which all allocated funds have been  
6 transferred to and applied by the electric utility, the  
7 electric utility shall notify the Commission and provide an  
8 accounting for all funds applied as a monthly rebate credit to  
9 its residential and small commercial customers. The electric  
10 utility shall take reasonable steps to apply all allocated  
11 funds it receives as monthly rebate credits. If any funds  
12 remain after the October 2023 billing period that have not  
13 been applied to residential or small commercial customers, the  
14 electric utility shall return such unapplied amounts to the  
15 Department of Commerce and Economic Opportunity by March 30,  
16 2024. If the electric utility provides rebate credits to  
17 customers that exceed the available funds, the electric  
18 utility shall account for such amounts and the utility shall  
19 recover those amounts not to exceed 2% of the total available  
20 funds made available for the rebate credits as part of its next  
21 base rates increase pursuant to Article XVI or Article IX.

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.