



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4751

Introduced 2/6/2024, by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

220 ILCS 5/8-402.2

Amends the Public Utilities Act. Provides that "confidential information" means, for purposes of a provision requiring the results of each public school's Carbon-Free Assessment to be memorialized in a non-confidential report that redacts confidential information, information or facts exempt from disclosure under the Freedom of Information Act. Provides that "confidential information" does not include program offerings, solar opportunities, health and safety certifications, energy efficiency recommendations, information about transportation and other funding offerings. Provides that a copy of the Public Schools Carbon-Free Assessment report shall be provided to the applicable public school by the utility or the third party acting on behalf of the utility.

LRB103 37698 CES 67825 b

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

6 (220 ILCS 5/8-402.2)

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

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

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

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

1 all public schools in the utility's service territory by
2 December 31, 2029.

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

7 (3) The Public Schools Carbon-Free Assessment shall
8 include, but not be limited to, comprehensive analyses of
9 the following subjects:

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

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

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

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

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

26 (4) The Public Schools Carbon-Free Assessment also

1 shall include, but not be limited to, mechanical
2 insulation evaluation inspection and inspection of the
3 building envelope(s).

4 (5) With respect to those public school construction
5 projects for public schools within the service territory
6 of a utility serving over 500,000 retail customers in this
7 State and for which a public school district applies for a
8 grant under Section 5-40 of the School Construction Law on
9 or after June 1, 2023, the district must submit a copy of
10 the applicable Public Schools Carbon-Free Assessment
11 report, or, if no such Public Schools Carbon-Free
12 Assessment has been performed, request the applicable
13 utility to perform such a Public Schools Carbon-Free
14 Assessment and submit a copy of the Public Schools
15 Carbon-Free Assessment report promptly when it becomes
16 available. The Public Schools Carbon-Free Assessment
17 report shall include, but not limited to, an energy audit
18 of both the building envelope and the building's
19 mechanical insulation system. It shall also include an
20 inspection of both the building envelope and the
21 mechanical insulation system. The district must
22 demonstrate how the construction project is designed and
23 managed to achieve the goals that all public elementary
24 and secondary school facilities in the State are able to
25 be powered by clean energy by 2030, and for such
26 facilities to achieve carbon-free energy sources for space

1 heat, water heat, and transportation by 2050.

2 (6) The results of each Public Schools Carbon-Free
3 Assessment shall be memorialized by the utility or by a
4 third party acting on behalf of the utility in a
5 non-confidential report form that includes recommendations
6 and redacts all confidential information. For purposes of
7 this Section, "confidential information" means information
8 or facts expected and intended to be exempt from
9 disclosure under the Freedom of Information Act.
10 "Confidential information" does not include program
11 offerings, solar opportunities, health and safety
12 certifications, energy efficiency recommendations,
13 information about transportation and other funding
14 offerings. The non-confidential form ~~and~~ shall be provided
15 to the applicable public school by the utility or the
16 third party acting on behalf of the utility. Each utility
17 shall be required to retain a copy of each Public Schools
18 Carbon-Free Assessment report and to provide copies of
19 each non-confidential report to the Illinois Power Agency
20 and the Illinois Capital Development Board within 3 months
21 after ~~of~~ its completion. The Illinois Power Agency shall
22 promptly make the results of each non-confidential report
23 available for public inspection on its website.

24 (7) The Public Schools Carbon-Free Assessment shall be
25 conducted in coordination with each utility's energy
26 efficiency and demand-response plans under Sections 8-103,

1 8-103A, and 8-103B of this Act, to the extent applicable.
2 Nothing in this Section is intended to modify or require
3 modification of those plans. However, the utility may
4 request a modification of a plan approved by the
5 Commission, and the Commission may approve the requested
6 modification, if the modification is consistent with the
7 provisions of this Section and Section 8-103B of this Act.

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

15 (9) The Public Schools Carbon-Free Assessment shall be
16 offered to and performed for public schools in the
17 utility's service territory on a complimentary basis by
18 each utility, with no Assessment fee charged to the public
19 schools for the Assessments. Nothing in this Section is
20 intended to prohibit the utility from recovering through
21 rates approved by the Commission the utility's prudent and
22 reasonable costs of complying with this Section.

23 (10) Utilities shall make efforts to prioritize the
24 completion of Public Schools Carbon-Free Assessments for
25 the following school districts by December 31, 2022: East
26 St. Louis School District 189, Harvey School District 152,

1 Thornton Township High School District 205. Utilities
2 shall also prioritize the completion of Public Schools
3 Carbon-Free Assessments for schools located within
4 environmental justice communities or schools that are
5 categorized as a Tier 1 or Tier 2 school based on the
6 latest annual evidence-based funding distribution process
7 by the State Board of Education.

8 (Source: P.A. 102-662, eff. 9-15-21; 102-1123, eff. 1-27-23.)