



Sen. Robert Peters

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1 AMENDMENT TO HOUSE BILL 691

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 691 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Rust  
5 Belt to Green Belt Pilot Program Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds and determines that:

8 (1) Human-induced greenhouse gas emissions have been  
9 identified as contributing to global warming, the effects  
10 of which pose a threat to the public health, safety,  
11 welfare, and economy of the State of Illinois.

12 (2) The White House released a statement claiming  
13 that, in 2020, the United States endured 22 separate  
14 billion-dollar weather and climate disasters, costing  
15 \$95,000,000,000 in damages to homes, businesses, and  
16 public infrastructure.

(3) In order to meet the energy needs of the State of Illinois, keep its economy strong, and protect the environment while reducing its contribution to human-induced greenhouse gas emissions, the State of Illinois must be a leader in developing new low-carbon technologies.

(4) Offshore wind is an emerging source of large-scale renewable energy that is proximate to Illinois' major electric loads and very job intensive.

(5) Offshore wind produces high capacity factor power, making it a valuable resource complimentary to land-based wind and solar.

(6) In his first week in office, President Joseph R. Biden, Jr., issued an Executive Order (14008) on Tackling the Climate Crisis at Home and Abroad that directs the Secretary of the Interior to identify steps that can be taken to double offshore wind by 2030 while "ensuring robust protection for our lands, waters, and biodiversity and creating good jobs".

(7) The United States Departments of Interior, Energy, and Commerce announced a shared goal to deploy 30 gigawatts of offshore wind in the United States by 2030, while protecting biodiversity and promoting ocean co-use, which trigger more than \$12,000,000,000 per year in capital investment; create tens of thousands of good-paying, union jobs, with more than 44,000 workers

1       employed in offshore wind by 2030 and nearly 33,000  
2       additional jobs in communities supported by offshore wind  
3       activity; generate enough power to meet the demand of more  
4       than 10,000,000 American homes for a year; and avoid  
5       78,000,000 metric tons of carbon dioxide emissions.

6                 (8) The United States Department of Transportation's  
7       Maritime Administration has announced a Notice of Funding  
8       Opportunity for port authorities and other applicants to  
9       apply for \$230,000,000 for port and intermodal  
10      infrastructure-related projects through the Port  
11      Infrastructure Development Program to support projects  
12      that strengthen and modernize port infrastructure, and can  
13      support shore-side wind energy projects, such as storage  
14      areas, laydown areas, and docking of wind energy vessels  
15      to load and move items to offshore wind farms.

16                 (9) Extensive development of offshore wind on the East  
17      Coast is making offshore wind costs more competitive.

18                 (10) Lake Michigan is the fifth largest lake in the  
19      world, with a total surface area of 22,404 square miles  
20      across 4 states, with 1,576 square miles of surface area  
21      in Illinois.

22                 (11) The 1,576 square miles of Lake Michigan within  
23      the boundaries of the State of Illinois have a potential  
24      capacity of 4,528 megawatts of offshore wind.

25                 (12) The State of Illinois has excellent and available  
26      port infrastructure on the South Side of Chicago that can

1       be used as a base for construction, operations, and  
2       maintenance.

3                 (13) The State of Illinois seeks a leadership position  
4       in the offshore wind industry as it emerges in the Great  
5       Lakes.

6                 (14) Fostering development of a new industry on the  
7       South Side of Chicago will help create jobs for the most  
8       underserved and underrepresented segment of Illinois'  
9       population.

10                (15) Offshore wind developments will attract  
11       investment capital and will enable the development and  
12       preservation of a skilled and trained construction  
13       workforce to carry out projects, long-term job creation,  
14       and development of an offshore wind energy supply chain.

15               Therefore, the General Assembly finds that it is necessary  
16       to enact this Act to enable the responsible creation of an  
17       offshore wind industry in the State of Illinois with the  
18       creation of a single 200 megawatt pilot project to provide  
19       economic and environmental benefits to the State of Illinois.

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

21               "Department" means the Department of Commerce and Economic  
22       Opportunity.

23               "Disproportionately impacted area" means a census tract or  
24       comparable geographic area that satisfies criteria as  
25       determined by the Department.

1        "Minorities" has the same meaning as minority persons as  
2 defined in the Business Enterprise for Minorities, Women, and  
3 Persons with Disabilities Act.

4        "Offshore wind energy generation facility" means a wind  
5 renewable energy power generation facility that is located in  
6 Lake Michigan, is at least 200 megawatts in size, and is  
7 interconnected to PJM Interconnection's regional transmission  
8 system.

9        "Underrepresented populations" means populations  
10 identified by the Department that historically have had  
11 barriers to entry or advancement in the workforce and reside  
12 within a disproportionately impacted area that is within 3  
13 miles of the primary staging location of the subject project.  
14 "Underrepresented populations" includes, but is not limited  
15 to, minorities, women, and veterans.

16        Section 15. Rust Belt to Green Belt Fund; creation;  
17 distribution of proceeds.

18        (a) The Rust Belt to Green Belt Fund is created as a  
19 special fund in the State treasury. The Rust Belt to Green Belt  
20 Fund shall be administered by the Department and is created  
21 for the purpose of receiving and disbursing moneys in  
22 accordance with this Section. The Department may accept  
23 private and public funds, including federal funds, for deposit  
24 into the Rust Belt to Green Belt Fund.

25        (b) The Rust Belt to Green Belt Fund shall be used by the

1 Department to recruit and prepare underrepresented populations  
2 for careers in the building and construction trades to build  
3 clean energy, renewable energy, energy efficiency, climate  
4 change mitigation, and climate change adaptation construction  
5 projects.

6 Grants and other financial assistance may be made  
7 available on a competitive annual basis to organizations that  
8 demonstrate a capacity to recruit, prescreen, and provide  
9 appropriate preapprenticeship training to entities  
10 specifically focused on recruiting residents of  
11 disproportionately impacted areas, including, but not limited  
12 to, community based organizations, educational institutions,  
13 workforce investment boards, and community action agencies.

14 Grants and other financial assistance shall be awarded on  
15 a competitive and annual basis to organizations that provide  
16 the following:

17 (1) employment services to underrepresented  
18 populations;

19 (2) recruiting, prescreening, and preapprenticeship  
20 training to prepare underrepresented populations for a  
21 career in clean energy in the construction and building  
22 trades;

23 (3) preapprenticeship training to participants free of  
24 charge and provide participants a stipend during the term  
25 of the program;

26 (4) job placement services for participants during and

1           after completion of the preapprenticeship program; and

2           (5) financial, administrative, and management  
3           assistance for organizations engaged in these activities.

4           Section 20. Offshore wind generation.

5           (a) The developer of an offshore wind energy generation  
6           facility may apply to the Department for certification that it  
7           provides economic and environmental benefits to the State of  
8           Illinois in furtherance of the intent of the Act, including  
9           jobs for underrepresented populations. The Department shall  
10          consider issuing a certification to an applicant who has  
11          established:

12           (1) that the applicant has identified a suitable site  
13           for its offshore wind energy generation facility and has a  
14           comprehensive plan to develop, finance, construct, own,  
15           and operate the facility;

16           (2) that the applicant or any of the applicant's  
17           affiliates have experience and knowledge in owning an  
18           offshore wind energy generation facility;

19           (3) that the applicant has an equity and inclusion  
20           plan crafted to create opportunities for underrepresented  
21           populations in the building and construction trades;

22           (4) that the applicant has the financial ability to  
23           operate an offshore wind energy generation facility;

24           (5) that the applicant has a fully executed project  
25           labor agreement with the applicable local building and

1 construction trades council; and

2 (6) that the applicant has a comprehensive plan to  
3 conduct essential research around the compatibility of  
4 offshore wind and the lake ecology and historical lake  
5 uses that can become the basis for future decision making  
6 around prudent expansion of offshore wind into Lake  
7 Michigan.

8 (b) Prior to issuing a certification to an applicant, the  
9 Department shall enter into an impact mitigation agreement  
10 with the applicant that contains construction and  
11 deconstruction standards and policies and appropriate  
12 financial assurance mechanisms for deconstruction or  
13 abandonment.

14 Section 25. Emergency rulemaking. To provide for the  
15 expeditious and timely implementation of this Act, emergency  
16 rules to implement any provision of this Act may be adopted by  
17 the Department subject to the provisions of Section 5-45 of  
18 the Illinois Administrative Procedure Act.

19 Section 80. The Illinois Administrative Procedure Act is  
20 amended by adding Sections 5-45.8 and 5-45.9 as follows:

21 (5 ILCS 100/5-45.8 new)

22 Sec. 5-45.8. Emergency rulemaking; Rust Belt to Green Belt  
23 Pilot Program Act. To provide for the expeditious and timely

1       implementation of the Rust Belt to Green Belt Pilot Program  
2       Act, emergency rules implementing the Rust Belt to Green Belt  
3       Pilot Program Act may be adopted in accordance with Section  
4       5-45 by the Department of Commerce and Economic Opportunity.  
5       The adoption of emergency rules authorized by Section 5-45 and  
6       this Section is deemed to be necessary for the public  
7       interest, safety, and welfare.

8       This Section is repealed on January 1, 2027.

9                   (5 ILCS 100/5-45.9 new)

10      Sec. 5-45.9. Emergency rulemaking; Illinois Power Agency  
11      Act. To provide for the expeditious and timely implementation  
12      of changes made to Section 1-75 of the Illinois Power Agency  
13      Act by this amendatory Act of the 102nd General Assembly,  
14      emergency rules implementing the changes made to Section 1-75  
15      of the Illinois Power Agency Act by this amendatory Act of the  
16      102nd General Assembly may be adopted in accordance with  
17      Section 5-45 by the Illinois Power Agency. The adoption of  
18      emergency rules authorized by Section 5-45 and this Section is  
19      deemed to be necessary for the public interest, safety, and  
20      welfare.

21       This Section is repealed on January 1, 2027.

22                  Section 85. The Illinois Power Agency Act is amended by  
23                  changing Section 1-75 as follows:

(20 ILCS 3855/1-75)

Sec. 1-75. Planning and Procurement Bureau. The Planning and Procurement Bureau has the following duties and responsibilities:

(a) The Planning and Procurement Bureau shall each year, beginning in 2008, develop procurement plans and conduct competitive procurement processes in accordance with the requirements of Section 16-111.5 of the Public Utilities Act for the eligible retail customers of electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois. Beginning with the delivery year commencing on June 1, 2017, the Planning and Procurement Bureau shall develop plans and processes for the procurement of zero emission credits from zero emission facilities in accordance with the requirements of subsection (d-5) of this Section. The Planning and Procurement Bureau shall also develop procurement plans and conduct competitive procurement processes in accordance with the requirements of Section 16-111.5 of the Public Utilities Act for the eligible retail customers of small multi-jurisdictional electric utilities that (i) on December 31, 2005 served less than 100,000 customers in Illinois and (ii) request a procurement plan for their Illinois jurisdictional load. This Section shall not apply to a small multi-jurisdictional utility until such time as a small multi-jurisdictional utility requests the Agency to prepare a procurement plan for their Illinois jurisdictional

1 load. For the purposes of this Section, the term "eligible  
2 retail customers" has the same definition as found in Section  
3 16-111.5(a) of the Public Utilities Act.

4 Beginning with the plan or plans to be implemented in the  
5 2017 delivery year, the Agency shall no longer include the  
6 procurement of renewable energy resources in the annual  
7 procurement plans required by this subsection (a), except as  
8 provided in subsection (q) of Section 16-111.5 of the Public  
9 Utilities Act, and shall instead develop a long-term renewable  
10 resources procurement plan in accordance with subsection (c)  
11 of this Section and Section 16-111.5 of the Public Utilities  
12 Act.

13 (1) The Agency shall each year, beginning in 2008, as  
14 needed, issue a request for qualifications for experts or  
15 expert consulting firms to develop the procurement plans  
16 in accordance with Section 16-111.5 of the Public  
17 Utilities Act. In order to qualify an expert or expert  
18 consulting firm must have:

19 (A) direct previous experience assembling  
20 large-scale power supply plans or portfolios for  
21 end-use customers;

22 (B) an advanced degree in economics, mathematics,  
23 engineering, risk management, or a related area of  
24 study;

25 (C) 10 years of experience in the electricity  
26 sector, including managing supply risk;

1                         (D) expertise in wholesale electricity market  
2 rules, including those established by the Federal  
3 Energy Regulatory Commission and regional transmission  
4 organizations;

5                         (E) expertise in credit protocols and familiarity  
6 with contract protocols;

7                         (F) adequate resources to perform and fulfill the  
8 required functions and responsibilities; and

9                         (G) the absence of a conflict of interest and  
10 inappropriate bias for or against potential bidders or  
11 the affected electric utilities.

12                         (2) The Agency shall each year, as needed, issue a  
13 request for qualifications for a procurement administrator  
14 to conduct the competitive procurement processes in  
15 accordance with Section 16-111.5 of the Public Utilities  
16 Act. In order to qualify an expert or expert consulting  
17 firm must have:

18                         (A) direct previous experience administering a  
19 large-scale competitive procurement process;

20                         (B) an advanced degree in economics, mathematics,  
21 engineering, or a related area of study;

22                         (C) 10 years of experience in the electricity  
23 sector, including risk management experience;

24                         (D) expertise in wholesale electricity market  
25 rules, including those established by the Federal  
26 Energy Regulatory Commission and regional transmission

1                   organizations;

2                   (E) expertise in credit and contract protocols;

3                   (F) adequate resources to perform and fulfill the  
4                   required functions and responsibilities; and

5                   (G) the absence of a conflict of interest and  
6                   inappropriate bias for or against potential bidders or  
7                   the affected electric utilities.

8                 (3) The Agency shall provide affected utilities and  
9                   other interested parties with the lists of qualified  
10                  experts or expert consulting firms identified through the  
11                  request for qualifications processes that are under  
12                  consideration to develop the procurement plans and to  
13                  serve as the procurement administrator. The Agency shall  
14                  also provide each qualified expert's or expert consulting  
15                  firm's response to the request for qualifications. All  
16                  information provided under this subparagraph shall also be  
17                  provided to the Commission. The Agency may provide by rule  
18                  for fees associated with supplying the information to  
19                  utilities and other interested parties. These parties  
20                  shall, within 5 business days, notify the Agency in  
21                  writing if they object to any experts or expert consulting  
22                  firms on the lists. Objections shall be based on:

23                   (A) failure to satisfy qualification criteria;

24                   (B) identification of a conflict of interest; or

25                   (C) evidence of inappropriate bias for or against  
26                   potential bidders or the affected utilities.

1           The Agency shall remove experts or expert consulting  
2       firms from the lists within 10 days if there is a  
3       reasonable basis for an objection and provide the updated  
4       lists to the affected utilities and other interested  
5       parties. If the Agency fails to remove an expert or expert  
6       consulting firm from a list, an objecting party may seek  
7       review by the Commission within 5 days thereafter by  
8       filing a petition, and the Commission shall render a  
9       ruling on the petition within 10 days. There is no right of  
10      appeal of the Commission's ruling.

11           (4) The Agency shall issue requests for proposals to  
12       the qualified experts or expert consulting firms to  
13       develop a procurement plan for the affected utilities and  
14       to serve as procurement administrator.

15           (5) The Agency shall select an expert or expert  
16       consulting firm to develop procurement plans based on the  
17       proposals submitted and shall award contracts of up to 5  
18       years to those selected.

19           (6) The Agency shall select an expert or expert  
20       consulting firm, with approval of the Commission, to serve  
21       as procurement administrator based on the proposals  
22       submitted. If the Commission rejects, within 5 days, the  
23       Agency's selection, the Agency shall submit another  
24       recommendation within 3 days based on the proposals  
25       submitted. The Agency shall award a 5-year contract to the  
26       expert or expert consulting firm so selected with

1                   Commission approval.

2                   (b) The experts or expert consulting firms retained by the  
3 Agency shall, as appropriate, prepare procurement plans, and  
4 conduct a competitive procurement process as prescribed in  
5 Section 16-111.5 of the Public Utilities Act, to ensure  
6 adequate, reliable, affordable, efficient, and environmentally  
7 sustainable electric service at the lowest total cost over  
8 time, taking into account any benefits of price stability, for  
9 eligible retail customers of electric utilities that on  
10 December 31, 2005 provided electric service to at least  
11 100,000 customers in the State of Illinois, and for eligible  
12 Illinois retail customers of small multi-jurisdictional  
13 electric utilities that (i) on December 31, 2005 served less  
14 than 100,000 customers in Illinois and (ii) request a  
15 procurement plan for their Illinois jurisdictional load.

16                   (c) Renewable portfolio standard.

17                   (1) (A) The Agency shall develop a long-term renewable  
18 resources procurement plan that shall include procurement  
19 programs and competitive procurement events necessary to  
20 meet the goals set forth in this subsection (c). The  
21 initial long-term renewable resources procurement plan  
22 shall be released for comment no later than 160 days after  
23 June 1, 2017 (the effective date of Public Act 99-906).  
24 The Agency shall review, and may revise on an expedited  
25 basis, the long-term renewable resources procurement plan  
26 at least every 2 years, which shall be conducted in

1 conjunction with the procurement plan under Section  
2 16-111.5 of the Public Utilities Act to the extent  
3 practicable to minimize administrative expense. The  
4 long-term renewable resources procurement plans shall be  
5 subject to review and approval by the Commission under  
6 Section 16-111.5 of the Public Utilities Act.

7 (B) Subject to subparagraph (F) of this paragraph (1),  
8 the long-term renewable resources procurement plan shall  
9 include the goals for procurement of renewable energy  
10 credits to meet at least the following overall  
11 percentages: 13% by the 2017 delivery year; increasing by  
12 at least 1.5% each delivery year thereafter to at least  
13 25% by the 2025 delivery year; and continuing at no less  
14 than 25% for each delivery year thereafter. In the event  
15 of a conflict between these goals and the new wind and new  
16 photovoltaic procurement requirements described in items  
17 (i) through (iii) of subparagraph (C) of this paragraph  
18 (1), the long-term plan shall prioritize compliance with  
19 the new wind and new photovoltaic procurement requirements  
20 described in items (i) through (iii) of subparagraph (C)  
21 of this paragraph (1) over the annual percentage targets  
22 described in this subparagraph (B).

23 For the delivery year beginning June 1, 2017, the  
24 procurement plan shall include cost-effective renewable  
25 energy resources equal to at least 13% of each utility's  
26 load for eligible retail customers and 13% of the

1           applicable portion of each utility's load for retail  
2           customers who are not eligible retail customers, which  
3           applicable portion shall equal 50% of the utility's load  
4           for retail customers who are not eligible retail customers  
5           on February 28, 2017.

6           For the delivery year beginning June 1, 2018, the  
7           procurement plan shall include cost-effective renewable  
8           energy resources equal to at least 14.5% of each utility's  
9           load for eligible retail customers and 14.5% of the  
10          applicable portion of each utility's load for retail  
11          customers who are not eligible retail customers, which  
12          applicable portion shall equal 75% of the utility's load  
13          for retail customers who are not eligible retail customers  
14          on February 28, 2017.

15          For the delivery year beginning June 1, 2019, and for  
16          each year thereafter, the procurement plans shall include  
17          cost-effective renewable energy resources equal to a  
18          minimum percentage of each utility's load for all retail  
19          customers as follows: 16% by June 1, 2019; increasing by  
20          1.5% each year thereafter to 25% by June 1, 2025; and 25%  
21          by June 1, 2026 and each year thereafter.

22          For each delivery year, the Agency shall first  
23          recognize each utility's obligations for that delivery  
24          year under existing contracts. Any renewable energy  
25          credits under existing contracts, including renewable  
26          energy credits as part of renewable energy resources,

1       shall be used to meet the goals set forth in this  
2 subsection (c) for the delivery year.

3                     (C) Of the renewable energy credits procured under  
4 this subsection (c), at least 75% shall come from wind and  
5 photovoltaic projects. The long-term renewable resources  
6 procurement plan described in subparagraph (A) of this  
7 paragraph (1) shall include the procurement of renewable  
8 energy credits in amounts equal to at least the following:

9                         (i) By the end of the 2020 delivery year:

10                         At least 2,000,000 renewable energy credits  
11 for each delivery year shall come from new wind  
12 projects; and

13                         At least 2,000,000 renewable energy credits  
14 for each delivery year shall come from new  
15 photovoltaic projects; of that amount, to the  
16 extent possible, the Agency shall procure: at  
17 least 50% from solar photovoltaic projects using  
18 the program outlined in subparagraph (K) of this  
19 paragraph (1) from distributed renewable energy  
20 generation devices or community renewable  
21 generation projects; at least 40% from  
22 utility-scale solar projects; at least 2% from  
23 brownfield site photovoltaic projects that are not  
24 community renewable generation projects; and the  
25 remainder shall be determined through the  
26 long-term planning process described in

1                   subparagraph (A) of this paragraph (1).

2                   (ii) By the end of the 2025 delivery year:

3                   At least 3,000,000 renewable energy credits  
4                   for each delivery year shall come from new wind  
5                   projects; and

6                   At least 3,000,000 renewable energy credits  
7                   for each delivery year shall come from new  
8                   photovoltaic projects; of that amount, to the  
9                   extent possible, the Agency shall procure: at  
10                  least 50% from solar photovoltaic projects using  
11                  the program outlined in subparagraph (K) of this  
12                  paragraph (1) from distributed renewable energy  
13                  devices or community renewable generation  
14                  projects; at least 40% from utility-scale solar  
15                  projects; at least 2% from brownfield site  
16                  photovoltaic projects that are not community  
17                  renewable generation projects; and the remainder  
18                  shall be determined through the long-term planning  
19                  process described in subparagraph (A) of this  
20                  paragraph (1).

21                   (iii) By the end of the 2030 delivery year:

22                   At least 4,000,000 renewable energy credits  
23                   for each delivery year shall come from new wind  
24                   projects; and

25                   At least 4,000,000 renewable energy credits  
26                   for each delivery year shall come from new

1 photovoltaic projects; of that amount, to the  
2 extent possible, the Agency shall procure: at  
3 least 50% from solar photovoltaic projects using  
4 the program outlined in subparagraph (K) of this  
5 paragraph (1) from distributed renewable energy  
6 devices or community renewable generation  
7 projects; at least 40% from utility-scale solar  
8 projects; at least 2% from brownfield site  
9 photovoltaic projects that are not community  
10 renewable generation projects; and the remainder  
11 shall be determined through the long-term planning  
12 process described in subparagraph (A) of this  
13 paragraph (1).

14 For purposes of this Section:

15 "New wind projects" means wind renewable  
16 energy facilities that are energized after June 1,  
17 2017 for the delivery year commencing June 1, 2017  
18 or within 3 years after the date the Commission  
19 approves contracts for subsequent delivery years.

20 "New photovoltaic projects" means photovoltaic  
21 renewable energy facilities that are energized  
22 after June 1, 2017. Photovoltaic projects  
23 developed under Section 1-56 of this Act shall not  
24 apply towards the new photovoltaic project  
25 requirements in this subparagraph (C).

26 (D) Renewable energy credits shall be cost effective.

1       For purposes of this subsection (c), "cost effective"  
2       means that the costs of procuring renewable energy  
3       resources do not cause the limit stated in subparagraph  
4       (E) of this paragraph (1) to be exceeded and, for  
5       renewable energy credits procured through a competitive  
6       procurement event, do not exceed benchmarks based on  
7       market prices for like products in the region. For  
8       purposes of this subsection (c), "like products" means  
9       contracts for renewable energy credits from the same or  
10      substantially similar technology, same or substantially  
11      similar vintage (new or existing), the same or  
12      substantially similar quantity, and the same or  
13      substantially similar contract length and structure.  
14      Benchmarks shall be developed by the procurement  
15      administrator, in consultation with the Commission staff,  
16      Agency staff, and the procurement monitor and shall be  
17      subject to Commission review and approval. If price  
18      benchmarks for like products in the region are not  
19      available, the procurement administrator shall establish  
20      price benchmarks based on publicly available data on  
21      regional technology costs and expected current and future  
22      regional energy prices. The benchmarks in this Section  
23      shall not be used to curtail or otherwise reduce  
24      contractual obligations entered into by or through the  
25      Agency prior to June 1, 2017 (the effective date of Public  
26      Act 99-906).

1                         (E) For purposes of this subsection (c), the required  
2 procurement of cost-effective renewable energy resources  
3 for a particular year commencing prior to June 1, 2017  
4 shall be measured as a percentage of the actual amount of  
5 electricity (megawatt-hours) supplied by the electric  
6 utility to eligible retail customers in the delivery year  
7 ending immediately prior to the procurement, and, for  
8 delivery years commencing on and after June 1, 2017, the  
9 required procurement of cost-effective renewable energy  
10 resources for a particular year shall be measured as a  
11 percentage of the actual amount of electricity  
12 (megawatt-hours) delivered by the electric utility in the  
13 delivery year ending immediately prior to the procurement,  
14 to all retail customers in its service territory. For  
15 purposes of this subsection (c), the amount paid per  
16 kilowatthour means the total amount paid for electric  
17 service expressed on a per kilowatthour basis. For  
18 purposes of this subsection (c), the total amount paid for  
19 electric service includes without limitation amounts paid  
20 for supply, transmission, distribution, surcharges, and  
21 add-on taxes.

22                         Notwithstanding the requirements of this subsection  
23 (c), the total of renewable energy resources procured  
24 under the procurement plan for any single year shall be  
25 subject to the limitations of this subparagraph (E). Such  
26 procurement shall be reduced for all retail customers

1       based on the amount necessary to limit the annual  
2       estimated average net increase due to the costs of these  
3       resources included in the amounts paid by eligible retail  
4       customers in connection with electric service to no more  
5       than the greater of 2.015% of the amount paid per  
6       kilowatthour by those customers during the year ending May  
7       31, 2007 or the incremental amount per kilowatthour paid  
8       for these resources in 2011. To arrive at a maximum dollar  
9       amount of renewable energy resources to be procured for  
10      the particular delivery year, the resulting per  
11      kilowatthour amount shall be applied to the actual amount  
12      of kilowatthours of electricity delivered, or applicable  
13      portion of such amount as specified in paragraph (1) of  
14      this subsection (c), as applicable, by the electric  
15      utility in the delivery year immediately prior to the  
16      procurement to all retail customers in its service  
17      territory. The calculations required by this subparagraph  
18      (E) shall be made only once for each delivery year at the  
19      time that the renewable energy resources are procured.  
20      Once the determination as to the amount of renewable  
21      energy resources to procure is made based on the  
22      calculations set forth in this subparagraph (E) and the  
23      contracts procuring those amounts are executed, no  
24      subsequent rate impact determinations shall be made and no  
25      adjustments to those contract amounts shall be allowed.  
26      All costs incurred under such contracts shall be fully

1       recoverable by the electric utility as provided in this  
2       Section.

3                 (F) If the limitation on the amount of renewable  
4       energy resources procured in subparagraph (E) of this  
5       paragraph (1) prevents the Agency from meeting all of the  
6       goals in this subsection (c), the Agency's long-term plan  
7       shall prioritize compliance with the requirements of this  
8       subsection (c) regarding renewable energy credits in the  
9       following order:

10                         (i) renewable energy credits under existing  
11       contractual obligations;

12                         (i-5) funding for the Illinois Solar for All  
13       Program, as described in subparagraph (O) of this  
14       paragraph (1);

15                         (ii) renewable energy credits necessary to comply  
16       with the new wind and new photovoltaic procurement  
17       requirements described in items (i) through (iii) of  
18       subparagraph (C) of this paragraph (1); and

19                         (iii) renewable energy credits necessary to meet  
20       the remaining requirements of this subsection (c).

21                 (G) The following provisions shall apply to the  
22       Agency's procurement of renewable energy credits under  
23       this subsection (c):

24                         (i) Notwithstanding whether a long-term renewable  
25       resources procurement plan has been approved, the  
26       Agency shall conduct an initial forward procurement

for renewable energy credits from new utility-scale wind projects within 160 days after June 1, 2017 (the effective date of Public Act 99-906). For the purposes of this initial forward procurement, the Agency shall solicit 15-year contracts for delivery of 1,000,000 renewable energy credits delivered annually from new utility-scale wind projects to begin delivery on June 1, 2019, if available, but not later than June 1, 2021, unless the project has delays in the establishment of an operating interconnection with the applicable transmission or distribution system as a result of the actions or inactions of the transmission or distribution provider, or other causes for force majeure as outlined in the procurement contract, in which case, not later than June 1, 2022. Payments to suppliers of renewable energy credits shall commence upon delivery. Renewable energy credits procured under this initial procurement shall be included in the Agency's long-term plan and shall apply to all renewable energy goals in this subsection (c).

(ii) Notwithstanding whether a long-term renewable resources procurement plan has been approved, the Agency shall conduct an initial forward procurement for renewable energy credits from new utility-scale solar projects and brownfield site photovoltaic projects within one year after June 1, 2017 (the

1 effective date of Public Act 99-906). For the purposes  
2 of this initial forward procurement, the Agency shall  
3 solicit 15-year contracts for delivery of 1,000,000  
4 renewable energy credits delivered annually from new  
5 utility-scale solar projects and brownfield site  
6 photovoltaic projects to begin delivery on June 1,  
7 2019, if available, but not later than June 1, 2021,  
8 unless the project has delays in the establishment of  
9 an operating interconnection with the applicable  
10 transmission or distribution system as a result of the  
11 actions or inactions of the transmission or  
12 distribution provider, or other causes for force  
13 majeure as outlined in the procurement contract, in  
14 which case, not later than June 1, 2022. The Agency may  
15 structure this initial procurement in one or more  
16 discrete procurement events. Payments to suppliers of  
17 renewable energy credits shall commence upon delivery.  
18 Renewable energy credits procured under this initial  
19 procurement shall be included in the Agency's  
20 long-term plan and shall apply to all renewable energy  
21 goals in this subsection (c).

22 (iii) Subsequent forward procurements for  
23 utility-scale wind projects shall solicit at least  
24 1,000,000 renewable energy credits delivered annually  
25 per procurement event and shall be planned, scheduled,  
26 and designed such that the cumulative amount of

1           renewable energy credits delivered from all new wind  
2           projects in each delivery year shall not exceed the  
3           Agency's projection of the cumulative amount of  
4           renewable energy credits that will be delivered from  
5           all new photovoltaic projects, including utility-scale  
6           and distributed photovoltaic devices, in the same  
7           delivery year at the time scheduled for wind contract  
8           delivery.

9                 (iv) If, at any time after the time set for  
10            delivery of renewable energy credits pursuant to the  
11            initial procurements in items (i) and (ii) of this  
12            subparagraph (G), the cumulative amount of renewable  
13            energy credits projected to be delivered from all new  
14            wind projects in a given delivery year exceeds the  
15            cumulative amount of renewable energy credits  
16            projected to be delivered from all new photovoltaic  
17            projects in that delivery year by 200,000 or more  
18            renewable energy credits, then the Agency shall within  
19            60 days adjust the procurement programs in the  
20            long-term renewable resources procurement plan to  
21            ensure that the projected cumulative amount of  
22            renewable energy credits to be delivered from all new  
23            wind projects does not exceed the projected cumulative  
24            amount of renewable energy credits to be delivered  
25            from all new photovoltaic projects by 200,000 or more  
26            renewable energy credits, provided that nothing in

1           this Section shall preclude the projected cumulative  
2           amount of renewable energy credits to be delivered  
3           from all new photovoltaic projects from exceeding the  
4           projected cumulative amount of renewable energy  
5           credits to be delivered from all new wind projects in  
6           each delivery year and provided further that nothing  
7           in this item (iv) shall require the curtailment of an  
8           executed contract. The Agency shall update, on a  
9           quarterly basis, its projection of the renewable  
10          energy credits to be delivered from all projects in  
11          each delivery year. Notwithstanding anything to the  
12          contrary, the Agency may adjust the timing of  
13          procurement events conducted under this subparagraph  
14          (G). The long-term renewable resources procurement  
15          plan shall set forth the process by which the  
16          adjustments may be made.

17           (v) All procurements under this subparagraph (G)  
18          shall comply with the geographic requirements in  
19          subparagraph (I) of this paragraph (1) and shall  
20          follow the procurement processes and procedures  
21          described in this Section and Section 16-111.5 of the  
22          Public Utilities Act to the extent practicable, and  
23          these processes and procedures may be expedited to  
24          accommodate the schedule established by this  
25          subparagraph (G).

26           (H) The procurement of renewable energy resources for

1       a given delivery year shall be reduced as described in  
2       this subparagraph (H) if an alternative retail electric  
3       supplier meets the requirements described in this  
4       subparagraph (H).

5                 (i) Within 45 days after June 1, 2017 (the  
6       effective date of Public Act 99-906), an alternative  
7       retail electric supplier or its successor shall submit  
8       an informational filing to the Illinois Commerce  
9       Commission certifying that, as of December 31, 2015,  
10      the alternative retail electric supplier owned one or  
11      more electric generating facilities that generates  
12      renewable energy resources as defined in Section 1-10  
13      of this Act, provided that such facilities are not  
14      powered by wind or photovoltaics, and the facilities  
15      generate one renewable energy credit for each  
16      megawatthour of energy produced from the facility.

17                 The informational filing shall identify each  
18       facility that was eligible to satisfy the alternative  
19       retail electric supplier's obligations under Section  
20      16-115D of the Public Utilities Act as described in  
21      this item (i).

22                 (ii) For a given delivery year, the alternative  
23       retail electric supplier may elect to supply its  
24       retail customers with renewable energy credits from  
25       the facility or facilities described in item (i) of  
26       this subparagraph (H) that continue to be owned by the

1                   alternative retail electric supplier.

2                   (iii) The alternative retail electric supplier  
3                   shall notify the Agency and the applicable utility, no  
4                   later than February 28 of the year preceding the  
5                   applicable delivery year or 15 days after June 1, 2017  
6                   (the effective date of Public Act 99-906), whichever  
7                   is later, of its election under item (ii) of this  
8                   subparagraph (H) to supply renewable energy credits to  
9                   retail customers of the utility. Such election shall  
10                  identify the amount of renewable energy credits to be  
11                  supplied by the alternative retail electric supplier  
12                  to the utility's retail customers and the source of  
13                  the renewable energy credits identified in the  
14                  informational filing as described in item (i) of this  
15                  subparagraph (H), subject to the following  
16                  limitations:

17                  For the delivery year beginning June 1, 2018,  
18                  the maximum amount of renewable energy credits to  
19                  be supplied by an alternative retail electric  
20                  supplier under this subparagraph (H) shall be 68%  
21                  multiplied by 25% multiplied by 14.5% multiplied  
22                  by the amount of metered electricity  
23                  (megawatt-hours) delivered by the alternative  
24                  retail electric supplier to Illinois retail  
25                  customers during the delivery year ending May 31,  
26                  2016.

1                   For delivery years beginning June 1, 2019 and  
2                   each year thereafter, the maximum amount of  
3                   renewable energy credits to be supplied by an  
4                   alternative retail electric supplier under this  
5                   subparagraph (H) shall be 68% multiplied by 50%  
6                   multiplied by 16% multiplied by the amount of  
7                   metered electricity (megawatt-hours) delivered by  
8                   the alternative retail electric supplier to  
9                   Illinois retail customers during the delivery year  
10                  ending May 31, 2016, provided that the 16% value  
11                  shall increase by 1.5% each delivery year  
12                  thereafter to 25% by the delivery year beginning  
13                  June 1, 2025, and thereafter the 25% value shall  
14                  apply to each delivery year.

15                  For each delivery year, the total amount of  
16                  renewable energy credits supplied by all alternative  
17                  retail electric suppliers under this subparagraph (H)  
18                  shall not exceed 9% of the Illinois target renewable  
19                  energy credit quantity. The Illinois target renewable  
20                  energy credit quantity for the delivery year beginning  
21                  June 1, 2018 is 14.5% multiplied by the total amount of  
22                  metered electricity (megawatt-hours) delivered in the  
23                  delivery year immediately preceding that delivery  
24                  year, provided that the 14.5% shall increase by 1.5%  
25                  each delivery year thereafter to 25% by the delivery  
26                  year beginning June 1, 2025, and thereafter the 25%

1 value shall apply to each delivery year.

2 If the requirements set forth in items (i) through  
3 (iii) of this subparagraph (H) are met, the charges  
4 that would otherwise be applicable to the retail  
5 customers of the alternative retail electric supplier  
6 under paragraph (6) of this subsection (c) for the  
7 applicable delivery year shall be reduced by the ratio  
8 of the quantity of renewable energy credits supplied  
9 by the alternative retail electric supplier compared  
10 to that supplier's target renewable energy credit  
11 quantity. The supplier's target renewable energy  
12 credit quantity for the delivery year beginning June  
13 1, 2018 is 14.5% multiplied by the total amount of  
14 metered electricity (megawatt-hours) delivered by the  
15 alternative retail supplier in that delivery year,  
16 provided that the 14.5% shall increase by 1.5% each  
17 delivery year thereafter to 25% by the delivery year  
18 beginning June 1, 2025, and thereafter the 25% value  
19 shall apply to each delivery year.

20 On or before April 1 of each year, the Agency shall  
21 annually publish a report on its website that  
22 identifies the aggregate amount of renewable energy  
23 credits supplied by alternative retail electric  
24 suppliers under this subparagraph (H).

25 (I) The Agency shall design its long-term renewable  
26 energy procurement plan to maximize the State's interest

1       in the health, safety, and welfare of its residents,  
2       including but not limited to minimizing sulfur dioxide,  
3       nitrogen oxide, particulate matter and other pollution  
4       that adversely affects public health in this State,  
5       increasing fuel and resource diversity in this State,  
6       enhancing the reliability and resiliency of the  
7       electricity distribution system in this State, meeting  
8       goals to limit carbon dioxide emissions under federal or  
9       State law, and contributing to a cleaner and healthier  
10      environment for the citizens of this State. In order to  
11      further these legislative purposes, renewable energy  
12      credits shall be eligible to be counted toward the  
13      renewable energy requirements of this subsection (c) if  
14      they are generated from facilities located in this State.  
15      The Agency may qualify renewable energy credits from  
16      facilities located in states adjacent to Illinois if the  
17      generator demonstrates and the Agency determines that the  
18      operation of such facility or facilities will help promote  
19      the State's interest in the health, safety, and welfare of  
20      its residents based on the public interest criteria  
21      described above. To ensure that the public interest  
22      criteria are applied to the procurement and given full  
23      effect, the Agency's long-term procurement plan shall  
24      describe in detail how each public interest factor shall  
25      be considered and weighted for facilities located in  
26      states adjacent to Illinois.

(J) In order to promote the competitive development of renewable energy resources in furtherance of the State's interest in the health, safety, and welfare of its residents, renewable energy credits shall not be eligible to be counted toward the renewable energy requirements of this subsection (c) if they are sourced from a generating unit whose costs were being recovered through rates regulated by this State or any other state or states on or after January 1, 2017. Each contract executed to purchase renewable energy credits under this subsection (c) shall provide for the contract's termination if the costs of the generating unit supplying the renewable energy credits subsequently begin to be recovered through rates regulated by this State or any other state or states; and each contract shall further provide that, in that event, the supplier of the credits must return 110% of all payments received under the contract. Amounts returned under the requirements of this subparagraph (J) shall be retained by the utility and all of these amounts shall be used for the procurement of additional renewable energy credits from new wind or new photovoltaic resources as defined in this subsection (c). The long-term plan shall provide that these renewable energy credits shall be procured in the next procurement event.

Notwithstanding the limitations of this subparagraph (J), renewable energy credits sourced from generating

1       units that are constructed, purchased, owned, or leased by  
2       an electric utility as part of an approved project,  
3       program, or pilot under Section 1-56 of this Act shall be  
4       eligible to be counted toward the renewable energy  
5       requirements of this subsection (c), regardless of how the  
6       costs of these units are recovered.

7                 (K) The long-term renewable resources procurement plan  
8       developed by the Agency in accordance with subparagraph  
9       (A) of this paragraph (1) shall include an Adjustable  
10      Block program for the procurement of renewable energy  
11      credits from new photovoltaic projects that are  
12      distributed renewable energy generation devices or new  
13      photovoltaic community renewable generation projects. The  
14      Adjustable Block program shall be designed to provide a  
15      transparent schedule of prices and quantities to enable  
16      the photovoltaic market to scale up and for renewable  
17      energy credit prices to adjust at a predictable rate over  
18      time. The prices set by the Adjustable Block program can  
19      be reflected as a set value or as the product of a formula.

20                 The Adjustable Block program shall include for each  
21      category of eligible projects: a schedule of standard  
22      block purchase prices to be offered; a series of steps,  
23      with associated nameplate capacity and purchase prices  
24      that adjust from step to step; and automatic opening of  
25      the next step as soon as the nameplate capacity and  
26      available purchase prices for an open step are fully

1 committed or reserved. Only projects energized on or after  
2 June 1, 2017 shall be eligible for the Adjustable Block  
3 program. For each block group the Agency shall determine  
4 the number of blocks, the amount of generation capacity in  
5 each block, and the purchase price for each block,  
6 provided that the purchase price provided and the total  
7 amount of generation in all blocks for all block groups  
8 shall be sufficient to meet the goals in this subsection  
9 (c). The Agency may periodically review its prior  
10 decisions establishing the number of blocks, the amount of  
11 generation capacity in each block, and the purchase price  
12 for each block, and may propose, on an expedited basis,  
13 changes to these previously set values, including but not  
14 limited to redistributing these amounts and the available  
15 funds as necessary and appropriate, subject to Commission  
16 approval as part of the periodic plan revision process  
17 described in Section 16-111.5 of the Public Utilities Act.  
18 The Agency may define different block sizes, purchase  
19 prices, or other distinct terms and conditions for  
20 projects located in different utility service territories  
21 if the Agency deems it necessary to meet the goals in this  
22 subsection (c).

23 The Adjustable Block program shall include at least  
24 the following block groups in at least the following  
25 amounts, which may be adjusted upon review by the Agency  
26 and approval by the Commission as described in this

1           subparagraph (K) :

2               (i) At least 25% from distributed renewable energy  
3               generation devices with a nameplate capacity of no  
4               more than 10 kilowatts.

5               (ii) At least 25% from distributed renewable  
6               energy generation devices with a nameplate capacity of  
7               more than 10 kilowatts and no more than 2,000  
8               kilowatts. The Agency may create sub-categories within  
9               this category to account for the differences between  
10          projects for small commercial customers, large  
11          commercial customers, and public or non-profit  
12          customers.

13              (iii) At least 25% from photovoltaic community  
14          renewable generation projects.

15              (iv) The remaining 25% shall be allocated as  
16          specified by the Agency in the long-term renewable  
17          resources procurement plan.

18           The Adjustable Block program shall be designed to  
19          ensure that renewable energy credits are procured from  
20          photovoltaic distributed renewable energy generation  
21          devices and new photovoltaic community renewable energy  
22          generation projects in diverse locations and are not  
23          concentrated in a few geographic areas.

24           (L) The procurement of photovoltaic renewable energy  
25          credits under items (i) through (iv) of subparagraph (K)  
26          of this paragraph (1) shall be subject to the following

1 contract and payment terms:

2 (i) The Agency shall procure contracts of at least  
3 15 years in length.

4 (ii) For those renewable energy credits that  
5 qualify and are procured under item (i) of  
6 subparagraph (K) of this paragraph (1), the renewable  
7 energy credit purchase price shall be paid in full by  
8 the contracting utilities at the time that the  
9 facility producing the renewable energy credits is  
10 interconnected at the distribution system level of the  
11 utility and energized. The electric utility shall  
12 receive and retire all renewable energy credits  
13 generated by the project for the first 15 years of  
14 operation.

15 (iii) For those renewable energy credits that  
16 qualify and are procured under item (ii) and (iii) of  
17 subparagraph (K) of this paragraph (1) and any  
18 additional categories of distributed generation  
19 included in the long-term renewable resources  
20 procurement plan and approved by the Commission, 20  
21 percent of the renewable energy credit purchase price  
22 shall be paid by the contracting utilities at the time  
23 that the facility producing the renewable energy  
24 credits is interconnected at the distribution system  
25 level of the utility and energized. The remaining  
26 portion shall be paid ratably over the subsequent

1           4-year period. The electric utility shall receive and  
2           retire all renewable energy credits generated by the  
3           project for the first 15 years of operation.

4           (iv) Each contract shall include provisions to  
5           ensure the delivery of the renewable energy credits  
6           for the full term of the contract.

7           (v) The utility shall be the counterparty to the  
8           contracts executed under this subparagraph (L) that  
9           are approved by the Commission under the process  
10          described in Section 16-111.5 of the Public Utilities  
11          Act. No contract shall be executed for an amount that  
12          is less than one renewable energy credit per year.

13          (vi) If, at any time, approved applications for  
14          the Adjustable Block program exceed funds collected by  
15          the electric utility or would cause the Agency to  
16          exceed the limitation described in subparagraph (E) of  
17          this paragraph (1) on the amount of renewable energy  
18          resources that may be procured, then the Agency shall  
19          consider future uncommitted funds to be reserved for  
20          these contracts on a first-come, first-served basis,  
21          with the delivery of renewable energy credits required  
22          beginning at the time that the reserved funds become  
23          available.

24          (vii) Nothing in this Section shall require the  
25          utility to advance any payment or pay any amounts that  
26          exceed the actual amount of revenues collected by the

1               utility under paragraph (6) of this subsection (c) and  
2               subsection (k) of Section 16-108 of the Public  
3               Utilities Act, and contracts executed under this  
4               Section shall expressly incorporate this limitation.

5               (M) The Agency shall be authorized to retain one or  
6               more experts or expert consulting firms to develop,  
7               administer, implement, operate, and evaluate the  
8               Adjustable Block program described in subparagraph (K) of  
9               this paragraph (1), and the Agency shall retain the  
10               consultant or consultants in the same manner, to the  
11               extent practicable, as the Agency retains others to  
12               administer provisions of this Act, including, but not  
13               limited to, the procurement administrator. The selection  
14               of experts and expert consulting firms and the procurement  
15               process described in this subparagraph (M) are exempt from  
16               the requirements of Section 20-10 of the Illinois  
17               Procurement Code, under Section 20-10 of that Code. The  
18               Agency shall strive to minimize administrative expenses in  
19               the implementation of the Adjustable Block program.

20               The Agency and its consultant or consultants shall  
21               monitor block activity, share program activity with  
22               stakeholders and conduct regularly scheduled meetings to  
23               discuss program activity and market conditions. If  
24               necessary, the Agency may make prospective administrative  
25               adjustments to the Adjustable Block program design, such  
26               as redistributing available funds or making adjustments to

1 purchase prices as necessary to achieve the goals of this  
2 subsection (c). Program modifications to any price,  
3 capacity block, or other program element that do not  
4 deviate from the Commission's approved value by more than  
5 25% shall take effect immediately and are not subject to  
6 Commission review and approval. Program modifications to  
7 any price, capacity block, or other program element that  
8 deviate more than 25% from the Commission's approved value  
9 must be approved by the Commission as a long-term plan  
10 amendment under Section 16-111.5 of the Public Utilities  
11 Act. The Agency shall consider stakeholder feedback when  
12 making adjustments to the Adjustable Block design and  
13 shall notify stakeholders in advance of any planned  
14 changes.

15 (N) The long-term renewable resources procurement plan  
16 required by this subsection (c) shall include a community  
17 renewable generation program. The Agency shall establish  
18 the terms, conditions, and program requirements for  
19 community renewable generation projects with a goal to  
20 expand renewable energy generating facility access to a  
21 broader group of energy consumers, to ensure robust  
22 participation opportunities for residential and small  
23 commercial customers and those who cannot install  
24 renewable energy on their own properties. Any plan  
25 approved by the Commission shall allow subscriptions to  
26 community renewable generation projects to be portable and

1 transferable. For purposes of this subparagraph (N),  
2 "portable" means that subscriptions may be retained by the  
3 subscriber even if the subscriber relocates or changes its  
4 address within the same utility service territory; and  
5 "transferable" means that a subscriber may assign or sell  
6 subscriptions to another person within the same utility  
7 service territory.

8 Electric utilities shall provide a monetary credit to  
9 a subscriber's subsequent bill for service for the  
10 proportional output of a community renewable generation  
11 project attributable to that subscriber as specified in  
12 Section 16-107.5 of the Public Utilities Act.

13 The Agency shall purchase renewable energy credits  
14 from subscribed shares of photovoltaic community renewable  
15 generation projects through the Adjustable Block program  
16 described in subparagraph (K) of this paragraph (1) or  
17 through the Illinois Solar for All Program described in  
18 Section 1-56 of this Act. The electric utility shall  
19 purchase any unsubscribed energy from community renewable  
20 generation projects that are Qualifying Facilities ("QF")  
21 under the electric utility's tariff for purchasing the  
22 output from QFs under Public Utilities Regulatory Policies  
23 Act of 1978.

24 The owners of and any subscribers to a community  
25 renewable generation project shall not be considered  
26 public utilities or alternative retail electricity

1       suppliers under the Public Utilities Act solely as a  
2       result of their interest in or subscription to a community  
3       renewable generation project and shall not be required to  
4       become an alternative retail electric supplier by  
5       participating in a community renewable generation project  
6       with a public utility.

7                 (O) For the delivery year beginning June 1, 2018, the  
8       long-term renewable resources procurement plan required by  
9       this subsection (c) shall provide for the Agency to  
10      procure contracts to continue offering the Illinois Solar  
11      for All Program described in subsection (b) of Section  
12      1-56 of this Act, and the contracts approved by the  
13      Commission shall be executed by the utilities that are  
14      subject to this subsection (c). The long-term renewable  
15      resources procurement plan shall allocate 5% of the funds  
16      available under the plan for the applicable delivery year,  
17      or \$10,000,000 per delivery year, whichever is greater, to  
18      fund the programs, and the plan shall determine the amount  
19      of funding to be apportioned to the programs identified in  
20      subsection (b) of Section 1-56 of this Act; provided that  
21      for the delivery years beginning June 1, 2017, June 1,  
22      2021, and June 1, 2025, the long-term renewable resources  
23      procurement plan shall allocate 10% of the funds available  
24      under the plan for the applicable delivery year, or  
25      \$20,000,000 per delivery year, whichever is greater, and  
26      \$10,000,000 of such funds in such year shall be used by an

1       electric utility that serves more than 3,000,000 retail  
2       customers in the State to implement a Commission-approved  
3       plan under Section 16-108.12 of the Public Utilities Act.  
4       In making the determinations required under this  
5       subparagraph (O), the Commission shall consider the  
6       experience and performance under the programs and any  
7       evaluation reports. The Commission shall also provide for  
8       an independent evaluation of those programs on a periodic  
9       basis that are funded under this subparagraph (O).

10       (P) The Agency shall adopt rules to procure sourcing  
11       agreements with electric utilities and alternative retail  
12       electric suppliers required to comply with subsection (c)  
13       of this Section and paragraph (5) of subsection (d) of  
14       Section 16-115 of the Public Utilities Act to procure  
15       electricity from an offshore wind energy generation  
16       facility that has been certified by the Department of  
17       Commerce and Economic Opportunity pursuant to Section 20  
18       of the Rust Belt to Green Belt Pilot Program Act.

19       To provide for the expeditious and timely  
20       implementation of this subparagraph (P), emergency rules  
21       to implement this subparagraph (P) may be adopted by the  
22       Agency subject to the provisions of Section 5-45 of the  
23       Illinois Administrative Procedure Act.

24               (2) (Blank).

25               (3) (Blank).

26               (4) The electric utility shall retire all renewable

1           energy credits used to comply with the standard.

2           (5) Beginning with the 2010 delivery year and ending  
3         June 1, 2017, an electric utility subject to this  
4         subsection (c) shall apply the lesser of the maximum  
5         alternative compliance payment rate or the most recent  
6         estimated alternative compliance payment rate for its  
7         service territory for the corresponding compliance period,  
8         established pursuant to subsection (d) of Section 16-115D  
9         of the Public Utilities Act to its retail customers that  
10        take service pursuant to the electric utility's hourly  
11        pricing tariff or tariffs. The electric utility shall  
12        retain all amounts collected as a result of the  
13        application of the alternative compliance payment rate or  
14        rates to such customers, and, beginning in 2011, the  
15        utility shall include in the information provided under  
16        item (1) of subsection (d) of Section 16-111.5 of the  
17        Public Utilities Act the amounts collected under the  
18        alternative compliance payment rate or rates for the prior  
19        year ending May 31. Notwithstanding any limitation on the  
20        procurement of renewable energy resources imposed by item  
21        (2) of this subsection (c), the Agency shall increase its  
22        spending on the purchase of renewable energy resources to  
23        be procured by the electric utility for the next plan year  
24        by an amount equal to the amounts collected by the utility  
25        under the alternative compliance payment rate or rates in  
26        the prior year ending May 31.

1                         (6) The electric utility shall be entitled to recover  
2                         all of its costs associated with the procurement of  
3                         renewable energy credits under plans approved under this  
4                         Section and Section 16-111.5 of the Public Utilities Act.  
5                         These costs shall include associated reasonable expenses  
6                         for implementing the procurement programs, including, but  
7                         not limited to, the costs of administering and evaluating  
8                         the Adjustable Block program, through an automatic  
9                         adjustment clause tariff in accordance with subsection (k)  
10                         of Section 16-108 of the Public Utilities Act.

11                         (7) Renewable energy credits procured from new  
12                         photovoltaic projects or new distributed renewable energy  
13                         generation devices under this Section after June 1, 2017  
14                         (the effective date of Public Act 99-906) must be procured  
15                         from devices installed by a qualified person in compliance  
16                         with the requirements of Section 16-128A of the Public  
17                         Utilities Act and any rules or regulations adopted  
18                         thereunder.

19                         In meeting the renewable energy requirements of this  
20                         subsection (c), to the extent feasible and consistent with  
21                         State and federal law, the renewable energy credit  
22                         procurements, Adjustable Block solar program, and  
23                         community renewable generation program shall provide  
24                         employment opportunities for all segments of the  
25                         population and workforce, including minority-owned and  
26                         female-owned business enterprises, and shall not,

1       consistent with State and federal law, discriminate based  
2       on race or socioeconomic status.

3           (d) Clean coal portfolio standard.

4              (1) The procurement plans shall include electricity  
5       generated using clean coal. Each utility shall enter into  
6       one or more sourcing agreements with the initial clean  
7       coal facility, as provided in paragraph (3) of this  
8       subsection (d), covering electricity generated by the  
9       initial clean coal facility representing at least 5% of  
10      each utility's total supply to serve the load of eligible  
11      retail customers in 2015 and each year thereafter, as  
12      described in paragraph (3) of this subsection (d), subject  
13      to the limits specified in paragraph (2) of this  
14      subsection (d). It is the goal of the State that by January  
15      1, 2025, 25% of the electricity used in the State shall be  
16      generated by cost-effective clean coal facilities. For  
17      purposes of this subsection (d), "cost-effective" means  
18      that the expenditures pursuant to such sourcing agreements  
19      do not cause the limit stated in paragraph (2) of this  
20      subsection (d) to be exceeded and do not exceed cost-based  
21      benchmarks, which shall be developed to assess all  
22      expenditures pursuant to such sourcing agreements covering  
23      electricity generated by clean coal facilities, other than  
24      the initial clean coal facility, by the procurement  
25      administrator, in consultation with the Commission staff,  
26      Agency staff, and the procurement monitor and shall be

1                   subject to Commission review and approval.

2                 A utility party to a sourcing agreement shall  
3                 immediately retire any emission credits that it receives  
4                 in connection with the electricity covered by such  
5                 agreement.

6                 Utilities shall maintain adequate records documenting  
7                 the purchases under the sourcing agreement to comply with  
8                 this subsection (d) and shall file an accounting with the  
9                 load forecast that must be filed with the Agency by July 15  
10                of each year, in accordance with subsection (d) of Section  
11                16-111.5 of the Public Utilities Act.

12                A utility shall be deemed to have complied with the  
13                clean coal portfolio standard specified in this subsection  
14                (d) if the utility enters into a sourcing agreement as  
15                required by this subsection (d).

16               (2) For purposes of this subsection (d), the required  
17               execution of sourcing agreements with the initial clean  
18               coal facility for a particular year shall be measured as a  
19               percentage of the actual amount of electricity  
20               (megawatt-hours) supplied by the electric utility to  
21               eligible retail customers in the planning year ending  
22               immediately prior to the agreement's execution. For  
23               purposes of this subsection (d), the amount paid per  
24               kilowatthour means the total amount paid for electric  
25               service expressed on a per kilowatthour basis. For  
26               purposes of this subsection (d), the total amount paid for

1       electric service includes without limitation amounts paid  
2       for supply, transmission, distribution, surcharges and  
3       add-on taxes.

4             Notwithstanding the requirements of this subsection  
5       (d), the total amount paid under sourcing agreements with  
6       clean coal facilities pursuant to the procurement plan for  
7       any given year shall be reduced by an amount necessary to  
8       limit the annual estimated average net increase due to the  
9       costs of these resources included in the amounts paid by  
10      eligible retail customers in connection with electric  
11      service to:

12                 (A) in 2010, no more than 0.5% of the amount paid  
13       per kilowatthour by those customers during the year  
14       ending May 31, 2009;

15                 (B) in 2011, the greater of an additional 0.5% of  
16       the amount paid per kilowatthour by those customers  
17       during the year ending May 31, 2010 or 1% of the amount  
18       paid per kilowatthour by those customers during the  
19       year ending May 31, 2009;

20                 (C) in 2012, the greater of an additional 0.5% of  
21       the amount paid per kilowatthour by those customers  
22       during the year ending May 31, 2011 or 1.5% of the  
23       amount paid per kilowatthour by those customers during  
24       the year ending May 31, 2009;

25                 (D) in 2013, the greater of an additional 0.5% of  
26       the amount paid per kilowatthour by those customers

1                   during the year ending May 31, 2012 or 2% of the amount  
2                   paid per kilowatthour by those customers during the  
3                   year ending May 31, 2009; and

4                   (E) thereafter, the total amount paid under  
5                   sourcing agreements with clean coal facilities  
6                   pursuant to the procurement plan for any single year  
7                   shall be reduced by an amount necessary to limit the  
8                   estimated average net increase due to the cost of  
9                   these resources included in the amounts paid by  
10                  eligible retail customers in connection with electric  
11                  service to no more than the greater of (i) 2.015% of  
12                  the amount paid per kilowatthour by those customers  
13                  during the year ending May 31, 2009 or (ii) the  
14                  incremental amount per kilowatthour paid for these  
15                  resources in 2013. These requirements may be altered  
16                  only as provided by statute.

17                  No later than June 30, 2015, the Commission shall  
18                  review the limitation on the total amount paid under  
19                  sourcing agreements, if any, with clean coal facilities  
20                  pursuant to this subsection (d) and report to the General  
21                  Assembly its findings as to whether that limitation unduly  
22                  constrains the amount of electricity generated by  
23                  cost-effective clean coal facilities that is covered by  
24                  sourcing agreements.

25                  (3) Initial clean coal facility. In order to promote  
26                  development of clean coal facilities in Illinois, each

1       electric utility subject to this Section shall execute a  
2       sourcing agreement to source electricity from a proposed  
3       clean coal facility in Illinois (the "initial clean coal  
4       facility") that will have a nameplate capacity of at least  
5       500 MW when commercial operation commences, that has a  
6       final Clean Air Act permit on June 1, 2009 (the effective  
7       date of Public Act 95-1027), and that will meet the  
8       definition of clean coal facility in Section 1-10 of this  
9       Act when commercial operation commences. The sourcing  
10      agreements with this initial clean coal facility shall be  
11      subject to both approval of the initial clean coal  
12      facility by the General Assembly and satisfaction of the  
13      requirements of paragraph (4) of this subsection (d) and  
14      shall be executed within 90 days after any such approval  
15      by the General Assembly. The Agency and the Commission  
16      shall have authority to inspect all books and records  
17      associated with the initial clean coal facility during the  
18      term of such a sourcing agreement. A utility's sourcing  
19      agreement for electricity produced by the initial clean  
20      coal facility shall include:

21                     (A) a formula contractual price (the "contract  
22                     price") approved pursuant to paragraph (4) of this  
23                     subsection (d), which shall:

24                             (i) be determined using a cost of service  
25                             methodology employing either a level or deferred  
26                             capital recovery component, based on a capital

1                         structure consisting of 45% equity and 55% debt,  
2                         and a return on equity as may be approved by the  
3                         Federal Energy Regulatory Commission, which in any  
4                         case may not exceed the lower of 11.5% or the rate  
5                         of return approved by the General Assembly  
6                         pursuant to paragraph (4) of this subsection (d);  
7                         and

8                         (ii) provide that all miscellaneous net  
9                         revenue, including but not limited to net revenue  
10                         from the sale of emission allowances, if any,  
11                         substitute natural gas, if any, grants or other  
12                         support provided by the State of Illinois or the  
13                         United States Government, firm transmission  
14                         rights, if any, by-products produced by the  
15                         facility, energy or capacity derived from the  
16                         facility and not covered by a sourcing agreement  
17                         pursuant to paragraph (3) of this subsection (d)  
18                         or item (5) of subsection (d) of Section 16-115 of  
19                         the Public Utilities Act, whether generated from  
20                         the synthesis gas derived from coal, from SNG, or  
21                         from natural gas, shall be credited against the  
22                         revenue requirement for this initial clean coal  
23                         facility;

24                         (B) power purchase provisions, which shall:

25                         (i) provide that the utility party to such  
26                         sourcing agreement shall pay the contract price

1                   for electricity delivered under such sourcing  
2                   agreement;

3                   (ii) require delivery of electricity to the  
4                   regional transmission organization market of the  
5                   utility that is party to such sourcing agreement;

6                   (iii) require the utility party to such  
7                   sourcing agreement to buy from the initial clean  
8                   coal facility in each hour an amount of energy  
9                   equal to all clean coal energy made available from  
10                  the initial clean coal facility during such hour  
11                  times a fraction, the numerator of which is such  
12                  utility's retail market sales of electricity  
13                  (expressed in kilowatthours sold) in the State  
14                  during the prior calendar month and the  
15                  denominator of which is the total retail market  
16                  sales of electricity (expressed in kilowatthours  
17                  sold) in the State by utilities during such prior  
18                  month and the sales of electricity (expressed in  
19                  kilowatthours sold) in the State by alternative  
20                  retail electric suppliers during such prior month  
21                  that are subject to the requirements of this  
22                  subsection (d) and paragraph (5) of subsection (d)  
23                  of Section 16-115 of the Public Utilities Act,  
24                  provided that the amount purchased by the utility  
25                  in any year will be limited by paragraph (2) of  
26                  this subsection (d); and

(iv) be considered pre-existing contracts in such utility's procurement plans for eligible retail customers;

(C) contract for differences provisions, which shall:

(i) require the utility party to such sourcing agreement to contract with the initial clean coal facility in each hour with respect to an amount of energy equal to all clean coal energy made available from the initial clean coal facility during such hour times a fraction, the numerator of which is such utility's retail market sales of electricity (expressed in kilowatthours sold) in the utility's service territory in the State during the prior calendar month and the denominator of which is the total retail market sales of electricity (expressed in kilowatthours sold) in the State by utilities during such prior month and the sales of electricity (expressed in kilowatthours sold) in the State by alternative retail electric suppliers during such prior month that are subject to the requirements of this subsection (d) and paragraph (5) of subsection (d) of Section 16-115 of the Public Utilities Act, provided that the amount paid by the utility in any year will be limited by paragraph (2) of this

1 subsection (d);

2 (ii) provide that the utility's payment  
3 obligation in respect of the quantity of  
4 electricity determined pursuant to the preceding  
5 clause (i) shall be limited to an amount equal to  
6 (1) the difference between the contract price  
7 determined pursuant to subparagraph (A) of  
8 paragraph (3) of this subsection (d) and the  
9 day-ahead price for electricity delivered to the  
10 regional transmission organization market of the  
11 utility that is party to such sourcing agreement  
12 (or any successor delivery point at which such  
13 utility's supply obligations are financially  
14 settled on an hourly basis) (the "reference  
15 price") on the day preceding the day on which the  
16 electricity is delivered to the initial clean coal  
17 facility busbar, multiplied by (2) the quantity of  
18 electricity determined pursuant to the preceding  
19 clause (i); and

20 (iii) not require the utility to take physical  
21 delivery of the electricity produced by the  
22 facility;

23 (D) general provisions, which shall:

24 (i) specify a term of no more than 30 years,  
25 commencing on the commercial operation date of the  
26 facility;

1                         (ii) provide that utilities shall maintain  
2                         adequate records documenting purchases under the  
3                         sourcing agreements entered into to comply with  
4                         this subsection (d) and shall file an accounting  
5                         with the load forecast that must be filed with the  
6                         Agency by July 15 of each year, in accordance with  
7                         subsection (d) of Section 16-111.5 of the Public  
8                         Utilities Act;

9                         (iii) provide that all costs associated with  
10                         the initial clean coal facility will be  
11                         periodically reported to the Federal Energy  
12                         Regulatory Commission and to purchasers in  
13                         accordance with applicable laws governing  
14                         cost-based wholesale power contracts;

15                         (iv) permit the Illinois Power Agency to  
16                         assume ownership of the initial clean coal  
17                         facility, without monetary consideration and  
18                         otherwise on reasonable terms acceptable to the  
19                         Agency, if the Agency so requests no less than 3  
20                         years prior to the end of the stated contract  
21                         term;

22                         (v) require the owner of the initial clean  
23                         coal facility to provide documentation to the  
24                         Commission each year, starting in the facility's  
25                         first year of commercial operation, accurately  
26                         reporting the quantity of carbon emissions from

1                   the facility that have been captured and  
2                   sequestered and report any quantities of carbon  
3                   released from the site or sites at which carbon  
4                   emissions were sequestered in prior years, based  
5                   on continuous monitoring of such sites. If, in any  
6                   year after the first year of commercial operation,  
7                   the owner of the facility fails to demonstrate  
8                   that the initial clean coal facility captured and  
9                   sequestered at least 50% of the total carbon  
10                  emissions that the facility would otherwise emit  
11                  or that sequestration of emissions from prior  
12                  years has failed, resulting in the release of  
13                  carbon dioxide into the atmosphere, the owner of  
14                  the facility must offset excess emissions. Any  
15                  such carbon offsets must be permanent, additional,  
16                  verifiable, real, located within the State of  
17                  Illinois, and legally and practicably enforceable.  
18                  The cost of such offsets for the facility that are  
19                  not recoverable shall not exceed \$15 million in  
20                  any given year. No costs of any such purchases of  
21                  carbon offsets may be recovered from a utility or  
22                  its customers. All carbon offsets purchased for  
23                  this purpose and any carbon emission credits  
24                  associated with sequestration of carbon from the  
25                  facility must be permanently retired. The initial  
26                  clean coal facility shall not forfeit its

1 designation as a clean coal facility if the  
2 facility fails to fully comply with the applicable  
3 carbon sequestration requirements in any given  
4 year, provided the requisite offsets are  
5 purchased. However, the Attorney General, on  
6 behalf of the People of the State of Illinois, may  
7 specifically enforce the facility's sequestration  
8 requirement and the other terms of this contract  
9 provision. Compliance with the sequestration  
10 requirements and offset purchase requirements  
11 specified in paragraph (3) of this subsection (d)  
12 shall be reviewed annually by an independent  
13 expert retained by the owner of the initial clean  
14 coal facility, with the advance written approval  
15 of the Attorney General. The Commission may, in  
16 the course of the review specified in item (vii),  
17 reduce the allowable return on equity for the  
18 facility if the facility willfully fails to comply  
19 with the carbon capture and sequestration  
20 requirements set forth in this item (v);

21 (vi) include limits on, and accordingly  
22 provide for modification of, the amount the  
23 utility is required to source under the sourcing  
24 agreement consistent with paragraph (2) of this  
25 subsection (d);

(vii) require Commission review: (1) to

1           determine the justness, reasonableness, and  
2           prudence of the inputs to the formula referenced  
3           in subparagraphs (A)(i) through (A)(iii) of  
4           paragraph (3) of this subsection (d), prior to an  
5           adjustment in those inputs including, without  
6           limitation, the capital structure and return on  
7           equity, fuel costs, and other operations and  
8           maintenance costs and (2) to approve the costs to  
9           be passed through to customers under the sourcing  
10          agreement by which the utility satisfies its  
11          statutory obligations. Commission review shall  
12          occur no less than every 3 years, regardless of  
13          whether any adjustments have been proposed, and  
14          shall be completed within 9 months;

15           (viii) limit the utility's obligation to such  
16          amount as the utility is allowed to recover  
17          through tariffs filed with the Commission,  
18          provided that neither the clean coal facility nor  
19          the utility waives any right to assert federal  
20          pre-emption or any other argument in response to a  
21          purported disallowance of recovery costs;

22           (ix) limit the utility's or alternative retail  
23          electric supplier's obligation to incur any  
24          liability until such time as the facility is in  
25          commercial operation and generating power and  
26          energy and such power and energy is being

1                   delivered to the facility busbar;

2                   (x) provide that the owner or owners of the  
3                   initial clean coal facility, which is the  
4                   counterparty to such sourcing agreement, shall  
5                   have the right from time to time to elect whether  
6                   the obligations of the utility party thereto shall  
7                   be governed by the power purchase provisions or  
8                   the contract for differences provisions;

9                   (xi) append documentation showing that the  
10                  formula rate and contract, insofar as they relate  
11                  to the power purchase provisions, have been  
12                  approved by the Federal Energy Regulatory  
13                  Commission pursuant to Section 205 of the Federal  
14                  Power Act;

15                  (xii) provide that any changes to the terms of  
16                  the contract, insofar as such changes relate to  
17                  the power purchase provisions, are subject to  
18                  review under the public interest standard applied  
19                  by the Federal Energy Regulatory Commission  
20                  pursuant to Sections 205 and 206 of the Federal  
21                  Power Act; and

22                  (xiii) conform with customary lender  
23                  requirements in power purchase agreements used as  
24                  the basis for financing non-utility generators.

25                  (4) Effective date of sourcing agreements with the  
26                  initial clean coal facility. Any proposed sourcing

1 agreement with the initial clean coal facility shall not  
2 become effective unless the following reports are prepared  
3 and submitted and authorizations and approvals obtained:

4 (i) Facility cost report. The owner of the initial  
5 clean coal facility shall submit to the Commission,  
6 the Agency, and the General Assembly a front-end  
7 engineering and design study, a facility cost report,  
8 method of financing (including but not limited to  
9 structure and associated costs), and an operating and  
10 maintenance cost quote for the facility (collectively  
11 "facility cost report"), which shall be prepared in  
12 accordance with the requirements of this paragraph (4)  
13 of subsection (d) of this Section, and shall provide  
14 the Commission and the Agency access to the work  
15 papers, relied upon documents, and any other backup  
16 documentation related to the facility cost report.

17 (ii) Commission report. Within 6 months following  
18 receipt of the facility cost report, the Commission,  
19 in consultation with the Agency, shall submit a report  
20 to the General Assembly setting forth its analysis of  
21 the facility cost report. Such report shall include,  
22 but not be limited to, a comparison of the costs  
23 associated with electricity generated by the initial  
24 clean coal facility to the costs associated with  
25 electricity generated by other types of generation  
26 facilities, an analysis of the rate impacts on

residential and small business customers over the life of the sourcing agreements, and an analysis of the likelihood that the initial clean coal facility will commence commercial operation by and be delivering power to the facility's busbar by 2016. To assist in the preparation of its report, the Commission, in consultation with the Agency, may hire one or more experts or consultants, the costs of which shall be paid for by the owner of the initial clean coal facility. The Commission and Agency may begin the process of selecting such experts or consultants prior to receipt of the facility cost report.

(iii) General Assembly approval. The proposed sourcing agreements shall not take effect unless, based on the facility cost report and the Commission's report, the General Assembly enacts authorizing legislation approving (A) the projected price, stated in cents per kilowatthour, to be charged for electricity generated by the initial clean coal facility, (B) the projected impact on residential and small business customers' bills over the life of the sourcing agreements, and (C) the maximum allowable return on equity for the project; and

(iv) Commission review. If the General Assembly enacts authorizing legislation pursuant to subparagraph (iii) approving a sourcing agreement, the

Commission shall, within 90 days of such enactment, complete a review of such sourcing agreement. During such time period, the Commission shall implement any directive of the General Assembly, resolve any disputes between the parties to the sourcing agreement concerning the terms of such agreement, approve the form of such agreement, and issue an order finding that the sourcing agreement is prudent and reasonable.

The facility cost report shall be prepared as follows:

(A) The facility cost report shall be prepared by duly licensed engineering and construction firms detailing the estimated capital costs payable to one or more contractors or suppliers for the engineering, procurement and construction of the components comprising the initial clean coal facility and the estimated costs of operation and maintenance of the facility. The facility cost report shall include:

(i) an estimate of the capital cost of the core plant based on one or more front end engineering and design studies for the gasification island and related facilities. The core plant shall include all civil, structural, mechanical, electrical, control, and safety systems.

(ii) an estimate of the capital cost of the balance of the plant, including any capital costs

1                   associated with sequestration of carbon dioxide  
2                   emissions and all interconnects and interfaces  
3                   required to operate the facility, such as  
4                   transmission of electricity, construction or  
5                   backfeed power supply, pipelines to transport  
6                   substitute natural gas or carbon dioxide, potable  
7                   water supply, natural gas supply, water supply,  
8                   water discharge, landfill, access roads, and coal  
9                   delivery.

10                  The quoted construction costs shall be expressed  
11                  in nominal dollars as of the date that the quote is  
12                  prepared and shall include capitalized financing costs  
13                  during construction, taxes, insurance, and other  
14                  owner's costs, and an assumed escalation in materials  
15                  and labor beyond the date as of which the construction  
16                  cost quote is expressed.

17                  (B) The front end engineering and design study for  
18                  the gasification island and the cost study for the  
19                  balance of plant shall include sufficient design work  
20                  to permit quantification of major categories of  
21                  materials, commodities and labor hours, and receipt of  
22                  quotes from vendors of major equipment required to  
23                  construct and operate the clean coal facility.

24                  (C) The facility cost report shall also include an  
25                  operating and maintenance cost quote that will provide  
26                  the estimated cost of delivered fuel, personnel,

1           maintenance contracts, chemicals, catalysts,  
2 consumables, spares, and other fixed and variable  
3 operations and maintenance costs. The delivered fuel  
4 cost estimate will be provided by a recognized third  
5 party expert or experts in the fuel and transportation  
6 industries. The balance of the operating and  
7 maintenance cost quote, excluding delivered fuel  
8 costs, will be developed based on the inputs provided  
9 by duly licensed engineering and construction firms  
10 performing the construction cost quote, potential  
11 vendors under long-term service agreements and plant  
12 operating agreements, or recognized third party plant  
13 operator or operators.

14           The operating and maintenance cost quote  
15 (including the cost of the front end engineering and  
16 design study) shall be expressed in nominal dollars as  
17 of the date that the quote is prepared and shall  
18 include taxes, insurance, and other owner's costs, and  
19 an assumed escalation in materials and labor beyond  
20 the date as of which the operating and maintenance  
21 cost quote is expressed.

22           (D) The facility cost report shall also include an  
23 analysis of the initial clean coal facility's ability  
24 to deliver power and energy into the applicable  
25 regional transmission organization markets and an  
26 analysis of the expected capacity factor for the

1 initial clean coal facility.

2 (E) Amounts paid to third parties unrelated to the  
3 owner or owners of the initial clean coal facility to  
4 prepare the core plant construction cost quote,  
5 including the front end engineering and design study,  
6 and the operating and maintenance cost quote will be  
7 reimbursed through Coal Development Bonds.

8 (5) Re-powering and retrofitting coal-fired power  
9 plants previously owned by Illinois utilities to qualify  
10 as clean coal facilities. During the 2009 procurement  
11 planning process and thereafter, the Agency and the  
12 Commission shall consider sourcing agreements covering  
13 electricity generated by power plants that were previously  
14 owned by Illinois utilities and that have been or will be  
15 converted into clean coal facilities, as defined by  
16 Section 1-10 of this Act. Pursuant to such procurement  
17 planning process, the owners of such facilities may  
18 propose to the Agency sourcing agreements with utilities  
19 and alternative retail electric suppliers required to  
20 comply with subsection (d) of this Section and item (5) of  
21 subsection (d) of Section 16-115 of the Public Utilities  
22 Act, covering electricity generated by such facilities. In  
23 the case of sourcing agreements that are power purchase  
24 agreements, the contract price for electricity sales shall  
25 be established on a cost of service basis. In the case of  
26 sourcing agreements that are contracts for differences,

the contract price from which the reference price is subtracted shall be established on a cost of service basis. The Agency and the Commission may approve any such utility sourcing agreements that do not exceed cost-based benchmarks developed by the procurement administrator, in consultation with the Commission staff, Agency staff and the procurement monitor, subject to Commission review and approval. The Commission shall have authority to inspect all books and records associated with these clean coal facilities during the term of any such contract.

(6) Costs incurred under this subsection (d) or pursuant to a contract entered into under this subsection (d) shall be deemed prudently incurred and reasonable in amount and the electric utility shall be entitled to full cost recovery pursuant to the tariffs filed with the Commission.

(d-5) Zero emission standard.

(1) Beginning with the delivery year commencing on June 1, 2017, the Agency shall, for electric utilities that serve at least 100,000 retail customers in this State, procure contracts with zero emission facilities that are reasonably capable of generating cost-effective zero emission credits in an amount approximately equal to 16% of the actual amount of electricity delivered by each electric utility to retail customers in the State during calendar year 2014. For an electric utility serving fewer

than 100,000 retail customers in this State that requested, under Section 16-111.5 of the Public Utilities Act, that the Agency procure power and energy for all or a portion of the utility's Illinois load for the delivery year commencing June 1, 2016, the Agency shall procure contracts with zero emission facilities that are reasonably capable of generating cost-effective zero emission credits in an amount approximately equal to 16% of the portion of power and energy to be procured by the Agency for the utility. The duration of the contracts procured under this subsection (d-5) shall be for a term of 10 years ending May 31, 2027. The quantity of zero emission credits to be procured under the contracts shall be all of the zero emission credits generated by the zero emission facility in each delivery year; however, if the zero emission facility is owned by more than one entity, then the quantity of zero emission credits to be procured under the contracts shall be the amount of zero emission credits that are generated from the portion of the zero emission facility that is owned by the winning supplier.

The 16% value identified in this paragraph (1) is the average of the percentage targets in subparagraph (B) of paragraph (1) of subsection (c) of this Section for the 5 delivery years beginning June 1, 2017.

The procurement process shall be subject to the following provisions:

(A) Those zero emission facilities that intend to participate in the procurement shall submit to the Agency the following eligibility information for each zero emission facility on or before the date established by the Agency:

(i) the in-service date and remaining useful life of the zero emission facility;

(ii) the amount of power generated annually for each of the years 2005 through 2015, and the projected zero emission credits to be generated over the remaining useful life of the zero emission facility, which shall be used to determine the capability of each facility;

(iii) the annual zero emission facility cost projections, expressed on a per megawatthour basis, over the next 6 delivery years, which shall include the following: operation and maintenance expenses; fully allocated overhead costs, which shall be allocated using the methodology developed by the Institute for Nuclear Power Operations; fuel expenditures; non-fuel capital expenditures; spent fuel expenditures; a return on working capital; the cost of operational and market risks that could be avoided by ceasing operation; and any other costs necessary for continued operations, provided that "necessary" means, for

1                   purposes of this item (iii), that the costs could  
2                   reasonably be avoided only by ceasing operations  
3                   of the zero emission facility; and

4                   (iv) a commitment to continue operating, for  
5                   the duration of the contract or contracts executed  
6                   under the procurement held under this subsection  
7                   (d-5), the zero emission facility that produces  
8                   the zero emission credits to be procured in the  
9                   procurement.

10                  The information described in item (iii) of this  
11                 subparagraph (A) may be submitted on a confidential  
12                 basis and shall be treated and maintained by the  
13                 Agency, the procurement administrator, and the  
14                 Commission as confidential and proprietary and exempt  
15                 from disclosure under subparagraphs (a) and (g) of  
16                 paragraph (1) of Section 7 of the Freedom of  
17                 Information Act. The Office of Attorney General shall  
18                 have access to, and maintain the confidentiality of,  
19                 such information pursuant to Section 6.5 of the  
20                 Attorney General Act.

21                  (B) The price for each zero emission credit  
22                 procured under this subsection (d-5) for each delivery  
23                 year shall be in an amount that equals the Social Cost  
24                 of Carbon, expressed on a price per megawatthour  
25                 basis. However, to ensure that the procurement remains  
26                 affordable to retail customers in this State if

electricity prices increase, the price in an applicable delivery year shall be reduced below the Social Cost of Carbon by the amount ("Price Adjustment") by which the market price index for the applicable delivery year exceeds the baseline market price index for the consecutive 12-month period ending May 31, 2016. If the Price Adjustment is greater than or equal to the Social Cost of Carbon in an applicable delivery year, then no payments shall be due in that delivery year. The components of this calculation are defined as follows:

(i) Social Cost of Carbon: The Social Cost of Carbon is \$16.50 per megawatthour, which is based on the U.S. Interagency Working Group on Social Cost of Carbon's price in the August 2016 Technical Update using a 3% discount rate, adjusted for inflation for each year of the program. Beginning with the delivery year commencing June 1, 2023, the price per megawatthour shall increase by \$1 per megawatthour, and continue to increase by an additional \$1 per megawatthour each delivery year thereafter.

(ii) Baseline market price index: The baseline market price index for the consecutive 12-month period ending May 31, 2016 is \$31.40 per

megawatthour, which is based on the sum of (aa) the average day-ahead energy price across all hours of such 12-month period at the PJM Interconnection LLC Northern Illinois Hub, (bb) 50% multiplied by the Base Residual Auction, or its successor, capacity price for the rest of the RTO zone group determined by PJM Interconnection LLC, divided by 24 hours per day, and (cc) 50% multiplied by the Planning Resource Auction, or its successor, capacity price for Zone 4 determined by the Midcontinent Independent System Operator, Inc., divided by 24 hours per day.

(iii) Market price index: The market price index for a delivery year shall be the sum of projected energy prices and projected capacity prices determined as follows:

(aa) Projected energy prices: the projected energy prices for the applicable delivery year shall be calculated once for the year using the forward market price for the PJM Interconnection, LLC Northern Illinois Hub. The forward market price shall be calculated as follows: the energy forward prices for each month of the applicable delivery year averaged for each trade date during the calendar year immediately preceding

that delivery year to produce a single energy forward price for the delivery year. The forward market price calculation shall use data published by the Intercontinental Exchange, or its successor.

(bb) Projected capacity prices:

(I) For the delivery years commencing June 1, 2017, June 1, 2018, and June 1, 2019, the projected capacity price shall be equal to the sum of (1) 50% multiplied by the Base Residual Auction, or its successor, price for the rest of the RTO zone group as determined by PJM Interconnection LLC, divided by 24 hours per day and, (2) 50% multiplied by the resource auction price determined in the resource auction administered by the Midcontinent Independent System Operator, Inc., in which the largest percentage of load cleared for Local Resource Zone 4, divided by 24 hours per day, and where such price is determined by the Midcontinent Independent System Operator, Inc.

(II) For the delivery year commencing June 1, 2020, and each year thereafter,

the projected capacity price shall be equal to the sum of (1) 50% multiplied by the Base Residual Auction, or its successor, price for the ComEd zone as determined by PJM Interconnection LLC, divided by 24 hours per day, and (2) 50% multiplied by the resource auction price determined in the resource auction administered by the Midcontinent Independent System Operator, Inc., in which the largest percentage of load cleared for Local Resource Zone 4, divided by 24 hours per day, and where such price is determined by the Midcontinent Independent System Operator, Inc.

For purposes of this subsection (d-5):

"Rest of the RTO" and "ComEd Zone" shall have the meaning ascribed to them by PJM Interconnection, LLC.

"RTO" means regional transmission organization.

(C) No later than 45 days after June 1, 2017 (the effective date of Public Act 99-906), the Agency shall publish its proposed zero emission standard procurement plan. The plan shall be consistent with the provisions of this paragraph (1) and shall provide

1           that winning bids shall be selected based on public  
2           interest criteria that include, but are not limited  
3           to, minimizing carbon dioxide emissions that result  
4           from electricity consumed in Illinois and minimizing  
5           sulfur dioxide, nitrogen oxide, and particulate matter  
6           emissions that adversely affect the citizens of this  
7           State. In particular, the selection of winning bids  
8           shall take into account the incremental environmental  
9           benefits resulting from the procurement, such as any  
10          existing environmental benefits that are preserved by  
11          the procurements held under Public Act 99-906 and  
12          would cease to exist if the procurements were not  
13          held, including the preservation of zero emission  
14          facilities. The plan shall also describe in detail how  
15          each public interest factor shall be considered and  
16          weighted in the bid selection process to ensure that  
17          the public interest criteria are applied to the  
18          procurement and given full effect.

19           For purposes of developing the plan, the Agency  
20          shall consider any reports issued by a State agency,  
21          board, or commission under House Resolution 1146 of  
22          the 98th General Assembly and paragraph (4) of  
23          subsection (d) of this Section, as well as publicly  
24          available analyses and studies performed by or for  
25          regional transmission organizations that serve the  
26          State and their independent market monitors.

1           Upon publishing of the zero emission standard  
2 procurement plan, copies of the plan shall be posted  
3 and made publicly available on the Agency's website.  
4 All interested parties shall have 10 days following  
5 the date of posting to provide comment to the Agency on  
6 the plan. All comments shall be posted to the Agency's  
7 website. Following the end of the comment period, but  
8 no more than 60 days later than June 1, 2017 (the  
9 effective date of Public Act 99-906), the Agency shall  
10 revise the plan as necessary based on the comments  
11 received and file its zero emission standard  
12 procurement plan with the Commission.

13           If the Commission determines that the plan will  
14 result in the procurement of cost-effective zero  
15 emission credits, then the Commission shall, after  
16 notice and hearing, but no later than 45 days after the  
17 Agency filed the plan, approve the plan or approve  
18 with modification. For purposes of this subsection  
19 (d-5), "cost effective" means the projected costs of  
20 procuring zero emission credits from zero emission  
21 facilities do not cause the limit stated in paragraph  
22 (2) of this subsection to be exceeded.

23           (C-5) As part of the Commission's review and  
24 acceptance or rejection of the procurement results,  
25 the Commission shall, in its public notice of  
26 successful bidders:

(i) identify how the winning bids satisfy the public interest criteria described in subparagraph (C) of this paragraph (1) of minimizing carbon dioxide emissions that result from electricity consumed in Illinois and minimizing sulfur dioxide, nitrogen oxide, and particulate matter emissions that adversely affect the citizens of this State;

(ii) specifically address how the selection of winning bids takes into account the incremental environmental benefits resulting from the procurement, including any existing environmental benefits that are preserved by the procurements held under Public Act 99-906 and would have ceased to exist if the procurements had not been held, such as the preservation of zero emission facilities;

(iii) quantify the environmental benefit of preserving the resources identified in item (ii) of this subparagraph (C-5), including the following:

(aa) the value of avoided greenhouse gas emissions measured as the product of the zero emission facilities' output over the contract term multiplied by the U.S. Environmental Protection Agency eGrid subregion carbon

dioxide emission rate and the U.S. Interagency Working Group on Social Cost of Carbon's price in the August 2016 Technical Update using a 3% discount rate, adjusted for inflation for each delivery year; and

(bb) the costs of replacement with other zero carbon dioxide resources, including wind and photovoltaic, based upon the simple average of the following:

(I) the price, or if there is more than one price, the average of the prices, paid for renewable energy credits from new utility-scale wind projects in the procurement events specified in item (i) of subparagraph (G) of paragraph (1) of subsection (c) of this Section; and

(II) the price, or if there is more than one price, the average of the prices, paid for renewable energy credits from new utility-scale solar projects and brownfield site photovoltaic projects in the procurement events specified in item (ii) of subparagraph (G) of paragraph (1) of subsection (c) of this Section and, after January 1, 2015, renewable energy credits from photovoltaic distributed

generation projects in procurement events held under subsection (c) of this Section.

Each utility shall enter into binding contractual arrangements with the winning suppliers.

The procurement described in this subsection (d-5), including, but not limited to, the execution of all contracts procured, shall be completed no later than May 10, 2017. Based on the effective date of Public Act 99-906, the Agency and Commission may, as appropriate, modify the various dates and timelines under this subparagraph and subparagraphs (C) and (D) of this paragraph (1). The procurement and plan approval processes required by this subsection (d-5) shall be conducted in conjunction with the procurement and plan approval processes required by subsection (c) of this Section and Section 16-111.5 of the Public Utilities Act, to the extent practicable. Notwithstanding whether a procurement event is conducted under Section 16-111.5 of the Public Utilities Act, the Agency shall immediately initiate a procurement process on June 1, 2017 (the effective date of Public Act 99-906).

(D) Following the procurement event described in this paragraph (1) and consistent with subparagraph (B) of this paragraph (1), the Agency shall calculate the payments to be made under each contract for the

1                   next delivery year based on the market price index for  
2                   that delivery year. The Agency shall publish the  
3                   payment calculations no later than May 25, 2017 and  
4                   every May 25 thereafter.

5                   (E) Notwithstanding the requirements of this  
6                   subsection (d-5), the contracts executed under this  
7                   subsection (d-5) shall provide that the zero emission  
8                   facility may, as applicable, suspend or terminate  
9                   performance under the contracts in the following  
10                  instances:

11                   (i) A zero emission facility shall be excused  
12                  from its performance under the contract for any  
13                  cause beyond the control of the resource,  
14                  including, but not restricted to, acts of God,  
15                  flood, drought, earthquake, storm, fire,  
16                  lightning, epidemic, war, riot, civil disturbance  
17                  or disobedience, labor dispute, labor or material  
18                  shortage, sabotage, acts of public enemy,  
19                  explosions, orders, regulations or restrictions  
20                  imposed by governmental, military, or lawfully  
21                  established civilian authorities, which, in any of  
22                  the foregoing cases, by exercise of commercially  
23                  reasonable efforts the zero emission facility  
24                  could not reasonably have been expected to avoid,  
25                  and which, by the exercise of commercially  
26                  reasonable efforts, it has been unable to

1                   overcome. In such event, the zero emission  
2 facility shall be excused from performance for the  
3 duration of the event, including, but not limited  
4 to, delivery of zero emission credits, and no  
5 payment shall be due to the zero emission facility  
6 during the duration of the event.

7                   (ii) A zero emission facility shall be  
8 permitted to terminate the contract if legislation  
9 is enacted into law by the General Assembly that  
10 imposes or authorizes a new tax, special  
11 assessment, or fee on the generation of  
12 electricity, the ownership or leasehold of a  
13 generating unit, or the privilege or occupation of  
14 such generation, ownership, or leasehold of  
15 generation units by a zero emission facility.  
16 However, the provisions of this item (ii) do not  
17 apply to any generally applicable tax, special  
18 assessment or fee, or requirements imposed by  
19 federal law.

20                  (iii) A zero emission facility shall be  
21 permitted to terminate the contract in the event  
22 that the resource requires capital expenditures in  
23 excess of \$40,000,000 that were neither known nor  
24 reasonably foreseeable at the time it executed the  
25 contract and that a prudent owner or operator of  
26 such resource would not undertake.

(iv) A zero emission facility shall be permitted to terminate the contract in the event the Nuclear Regulatory Commission terminates the resource's license.

(F) If the zero emission facility elects to terminate a contract under subparagraph (E) of this paragraph (1), then the Commission shall reopen the docket in which the Commission approved the zero emission standard procurement plan under subparagraph (C) of this paragraph (1) and, after notice and hearing, enter an order acknowledging the contract termination election if such termination is consistent with the provisions of this subsection (d-5).

(2) For purposes of this subsection (d-5), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (d-5), the total amount paid for electric service includes, without limitation, amounts paid for supply, transmission, distribution, surcharges, and add-on taxes.

Notwithstanding the requirements of this subsection (d-5), the contracts executed under this subsection (d-5) shall provide that the total of zero emission credits procured under a procurement plan shall be subject to the limitations of this paragraph (2). For each delivery year, the contractual volume receiving payments in such year

1 shall be reduced for all retail customers based on the  
2 amount necessary to limit the net increase that delivery  
3 year to the costs of those credits included in the amounts  
4 paid by eligible retail customers in connection with  
5 electric service to no more than 1.65% of the amount paid  
6 per kilowatthour by eligible retail customers during the  
7 year ending May 31, 2009. The result of this computation  
8 shall apply to and reduce the procurement for all retail  
9 customers, and all those customers shall pay the same  
10 single, uniform cents per kilowatthour charge under  
11 subsection (k) of Section 16-108 of the Public Utilities  
12 Act. To arrive at a maximum dollar amount of zero emission  
13 credits to be paid for the particular delivery year, the  
14 resulting per kilowatthour amount shall be applied to the  
15 actual amount of kilowatthours of electricity delivered by  
16 the electric utility in the delivery year immediately  
17 prior to the procurement, to all retail customers in its  
18 service territory. Unpaid contractual volume for any  
19 delivery year shall be paid in any subsequent delivery  
20 year in which such payments can be made without exceeding  
21 the amount specified in this paragraph (2). The  
22 calculations required by this paragraph (2) shall be made  
23 only once for each procurement plan year. Once the  
24 determination as to the amount of zero emission credits to  
25 be paid is made based on the calculations set forth in this  
26 paragraph (2), no subsequent rate impact determinations

1       shall be made and no adjustments to those contract amounts  
2       shall be allowed. All costs incurred under those contracts  
3       and in implementing this subsection (d-5) shall be  
4       recovered by the electric utility as provided in this  
5       Section.

6           No later than June 30, 2019, the Commission shall  
7       review the limitation on the amount of zero emission  
8       credits procured under this subsection (d-5) and report to  
9       the General Assembly its findings as to whether that  
10       limitation unduly constrains the procurement of  
11       cost-effective zero emission credits.

12           (3) Six years after the execution of a contract under  
13       this subsection (d-5), the Agency shall determine whether  
14       the actual zero emission credit payments received by the  
15       supplier over the 6-year period exceed the Average ZEC  
16       Payment. In addition, at the end of the term of a contract  
17       executed under this subsection (d-5), or at the time, if  
18       any, a zero emission facility's contract is terminated  
19       under subparagraph (E) of paragraph (1) of this subsection  
20       (d-5), then the Agency shall determine whether the actual  
21       zero emission credit payments received by the supplier  
22       over the term of the contract exceed the Average ZEC  
23       Payment, after taking into account any amounts previously  
24       credited back to the utility under this paragraph (3). If  
25       the Agency determines that the actual zero emission credit  
26       payments received by the supplier over the relevant period

1       exceed the Average ZEC Payment, then the supplier shall  
2       credit the difference back to the utility. The amount of  
3       the credit shall be remitted to the applicable electric  
4       utility no later than 120 days after the Agency's  
5       determination, which the utility shall reflect as a credit  
6       on its retail customer bills as soon as practicable;  
7       however, the credit remitted to the utility shall not  
8       exceed the total amount of payments received by the  
9       facility under its contract.

10       For purposes of this Section, the Average ZEC Payment  
11       shall be calculated by multiplying the quantity of zero  
12       emission credits delivered under the contract times the  
13       average contract price. The average contract price shall  
14       be determined by subtracting the amount calculated under  
15       subparagraph (B) of this paragraph (3) from the amount  
16       calculated under subparagraph (A) of this paragraph (3),  
17       as follows:

18               (A) The average of the Social Cost of Carbon, as  
19               defined in subparagraph (B) of paragraph (1) of this  
20               subsection (d-5), during the term of the contract.

21               (B) The average of the market price indices, as  
22               defined in subparagraph (B) of paragraph (1) of this  
23               subsection (d-5), during the term of the contract,  
24               minus the baseline market price index, as defined in  
25               subparagraph (B) of paragraph (1) of this subsection  
26               (d-5).

1           If the subtraction yields a negative number, then the  
2 Average ZEC Payment shall be zero.

3           (4) Cost-effective zero emission credits procured from  
4 zero emission facilities shall satisfy the applicable  
5 definitions set forth in Section 1-10 of this Act.

6           (5) The electric utility shall retire all zero  
7 emission credits used to comply with the requirements of  
8 this subsection (d-5).

9           (6) Electric utilities shall be entitled to recover  
10 all of the costs associated with the procurement of zero  
11 emission credits through an automatic adjustment clause  
12 tariff in accordance with subsection (k) and (m) of  
13 Section 16-108 of the Public Utilities Act, and the  
14 contracts executed under this subsection (d-5) shall  
15 provide that the utilities' payment obligations under such  
16 contracts shall be reduced if an adjustment is required  
17 under subsection (m) of Section 16-108 of the Public  
18 Utilities Act.

19           (7) This subsection (d-5) shall become inoperative on  
20 January 1, 2028.

21           (e) The draft procurement plans are subject to public  
22 comment, as required by Section 16-111.5 of the Public  
23 Utilities Act.

24           (f) The Agency shall submit the final procurement plan to  
25 the Commission. The Agency shall revise a procurement plan if  
26 the Commission determines that it does not meet the standards

1 set forth in Section 16-111.5 of the Public Utilities Act.

2       (g) The Agency shall assess fees to each affected utility  
3 to recover the costs incurred in preparation of the annual  
4 procurement plan for the utility.

5       (h) The Agency shall assess fees to each bidder to recover  
6 the costs incurred in connection with a competitive  
7 procurement process.

8       (i) A renewable energy credit, carbon emission credit, or  
9 zero emission credit can only be used once to comply with a  
10 single portfolio or other standard as set forth in subsection  
11 (c), subsection (d), or subsection (d-5) of this Section,  
12 respectively. A renewable energy credit, carbon emission  
13 credit, or zero emission credit cannot be used to satisfy the  
14 requirements of more than one standard. If more than one type  
15 of credit is issued for the same megawatt hour of energy, only  
16 one credit can be used to satisfy the requirements of a single  
17 standard. After such use, the credit must be retired together  
18 with any other credits issued for the same megawatt hour of  
19 energy.

20      (Source: P.A. 100-863, eff. 8-14-18; 101-81, eff. 7-12-19;  
21 101-113, eff. 1-1-20.)

22           Section 90. The State Finance Act is amended by adding  
23 Section 5.935 as follows:

24           (30 ILCS 105/5.935 new)

1           Sec. 5.935. The Rust Belt to Green Belt Fund.

2       Section 99. Effective date. This Act takes effect upon  
3 becoming law.".