



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3935

Introduced 4/29/2024, by Sen. Celina Villanueva

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Public Utilities Act. Provides that a gas utility may cease providing service if the Illinois Commerce Commission determines that adequate substitute service is available at a reasonable cost to support the existing end uses of the affected utility customers. Provides for cost-effective energy efficiency measures for natural gas utilities that supersede existing provisions concerning natural gas energy efficiency programs and take effect beginning January 1, 2025. Provides that gas main and gas service extension policies shall be based on the principle that the full incremental cost associated with new development and growth shall be borne by the customers that cause those incremental costs. Provides that, no later than 60 days after the effective date of the amendatory Act, the Commission shall initiate a docketed rulemaking reviewing each gas public utility tariff that provides for gas main and gas service extensions without additional charge to new customers in excess of the default extensions as specified in administrative rule. Adds the Clean Building Heating Law Article to the Act, with provisions concerning emissions standards for heating in buildings, as well as related and other provisions. Adds the 2050 Heat Decarbonization Standard Article to the Act, with provisions concerning options for compliance, measures for customer emission reduction, customer emission reductions, tradable clean heat credits, banking of emission reductions, equity in emission reductions, enforcement, the 2050 Heat Decarbonization Pathways Study, gas infrastructure planning, a study on gas utility financial incentive reform, and reporting requirements. Adds the Statewide Navigator Program Law Article to the Act, with provisions concerning creation of a statewide navigator program, as well as related and other provisions. Amends the Energy Transition Act to add electrification industries to clean energy jobs. Effective immediately.

LRB103 40383 LNS 72670 b

1 AN ACT concerning regulation.

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

4 Section 5. The Energy Transition Act is amended by  
5 changing Section 5-25 as follows:

6 (20 ILCS 730/5-25)

7 (Section scheduled to be repealed on September 15, 2045)

8 Sec. 5-25. Clean Jobs Curriculum.

9 (a) As used in this Section, "clean energy jobs", subject  
10 to administrative rules, means jobs in the solar energy, wind  
11 energy, energy efficiency, energy storage, solar thermal,  
12 green hydrogen, geothermal, electric vehicle industries,  
13 electrification industries, other renewable energy industries,  
14 industries achieving emission reductions, and other related  
15 sectors including related industries that manufacture,  
16 develop, build, maintain, or provide ancillary services to  
17 renewable energy resources or energy efficiency products or  
18 services, including the manufacture and installation of  
19 healthier building materials that contain fewer hazardous  
20 chemicals. "Clean energy jobs" includes administrative, sales,  
21 other support functions within these industries and other  
22 related sector industries.

23 (b) The Department shall convene a comprehensive

1 stakeholder process that includes representatives from the  
2 State Board of Education, the Illinois Community College  
3 Board, the Department of Labor, community-based organizations,  
4 workforce development providers, labor unions, building  
5 trades, educational institutions, residents of BIPOC and  
6 low-income communities, residents of environmental justice  
7 communities, clean energy businesses, nonprofit organizations,  
8 worker-owned cooperatives, other groups that provide clean  
9 energy jobs opportunities, groups that provide construction  
10 and building trades job opportunities, and other participants  
11 to identify the career pathways and training curriculum needed  
12 for participants to be skilled, work ready, and able to enter  
13 clean energy jobs. The curriculum shall:

14 (1) identify the core training curricular competency  
15 areas needed to prepare workers to enter clean energy and  
16 related sector jobs;

17 (2) identify a set of required core cross-training  
18 competencies provided in each training area for clean  
19 energy jobs with the goal of enabling any trainee to  
20 receive a standard set of skills common to multiple  
21 training areas that would provide a foundation for  
22 pursuing a career composed of multiple clean energy job  
23 types;

24 (3) include approaches to integrate broad occupational  
25 training to provide career entry into the general  
26 construction and building trades sector and any remedial

1 education and work readiness support necessary to achieve  
2 educational and professional eligibility thresholds; and

3 (4) identify on-the-job training formats, where  
4 relevant, and identify suggested trainer certification  
5 standards, where relevant.

6 (c) The Department shall publish a report that includes  
7 the findings, recommendations, and core curriculum identified  
8 by the stakeholder group and shall post a copy of the report on  
9 its public website. The Department shall convene the process  
10 described to update and modify the recommended curriculum  
11 every 3 years to ensure the curriculum contents are current to  
12 the evolving clean energy industries, practices, and  
13 technologies.

14 (d) Organizations that receive funding to provide training  
15 under the Clean Jobs Workforce Network Program, including, but  
16 not limited to, community-based and labor-based training  
17 providers, and educational institutions must use the core  
18 curriculum that is developed under this Section.

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

20 Section 10. The Public Utilities Act is amended by  
21 changing Sections 1-102, 8-101, 9-229, 9-241, and 16-111.10  
22 and by adding Sections 1-103, 3-127, 8-104B, 9-228.5, 9-235,  
23 9-254, and 9-255, and Articles XXIII, XXIV, and XXV as  
24 follows:

1 (220 ILCS 5/1-102) (from Ch. 111 2/3, par. 1-102)

2 Sec. 1-102. Findings and Intent. The General Assembly  
3 finds that the health, welfare, and prosperity of all Illinois  
4 citizens require the provision of adequate, efficient,  
5 reliable, affordable, environmentally safe, and least-cost  
6 public utility services at prices which accurately reflect the  
7 long-term cost of such services and which are equitable to all  
8 citizens. It is therefore declared to be the policy of the  
9 State that public utilities shall continue to be regulated  
10 effectively and comprehensively. It is further declared that  
11 the goals and objectives of such regulation shall be to  
12 ensure:

13 (a) Efficiency: the provision of reliable and  
14 affordable energy services that meet the State's climate  
15 and emissions reduction targets at the lowest societal  
16 ~~least possible~~ cost to the citizens of the State; in such  
17 manner that:

18 (i) physical, human, and financial resources are  
19 allocated efficiently and equitably;

20 (ii) all supply and demand options are considered  
21 and evaluated using comparable terms and methods in  
22 order to determine how utilities shall meet State  
23 emissions reduction targets and their customers'  
24 demands for public utility services at the lowest  
25 societal ~~least~~ cost;

26 (iii) utilities are allowed a sufficient return on

1 investment so as to enable them to attract capital in  
2 financial markets at competitive rates;

3 (iv) tariff rates for the sale of various public  
4 utility services are authorized such that they  
5 accurately reflect the cost of delivering those  
6 services and allow utilities to recover the total  
7 costs prudently and reasonably incurred;

8 (v) variation in costs by customer class and time  
9 of use is taken into consideration in authorizing  
10 rates for each class.

11 (b) Environmental Quality: the protection of the  
12 environment, people, and communities from the adverse  
13 external costs of public utility services, including  
14 environmental costs, so that:

15 (i) environmental costs of proposed actions having  
16 a significant impact on the environment and the  
17 environmental impact of the alternatives are  
18 identified, documented, monetized, included in  
19 assessments of cost, and considered in all aspects of  
20 the regulatory process;

21 (ii) the prudently and reasonably incurred costs  
22 of environmental controls are recovered.

23 (c) Reliability: the ability of utilities to provide  
24 consumers with public utility services under varying  
25 demand conditions in such manner that suppliers of public  
26 utility services are able to provide service at varying

1 levels of economic reliability giving appropriate  
2 consideration to the costs likely to be incurred as a  
3 result of service interruptions, and to the costs of  
4 increasing or maintaining current levels of reliability  
5 consistent with commitments to consumers.

6 (d) Equity: the fair treatment of consumers, including  
7 equity investment eligible persons and equity investment  
8 eligible communities, as defined in the Energy Transition  
9 Act, and investors in order that

10 (i) the public health, safety, and welfare shall  
11 be protected;

12 (ii) the application of rates is based on public  
13 understandability and acceptance of the reasonableness  
14 of the rate structure and level;

15 (iii) the cost of supplying public utility  
16 services is allocated to those who cause the costs to  
17 be incurred;

18 (iv) if factors other than cost of service are  
19 considered in regulatory decisions, the rationale for  
20 these actions is set forth;

21 (v) regulation allows for orderly transition  
22 periods to accommodate changes in public utility  
23 service markets;

24 (vi) regulation does not result in undue ~~or~~  
25 ~~sustained~~ adverse impact on utility earnings;

26 (vii) the impacts of regulatory actions on all

1 sectors of the State are carefully weighed;

2 (viii) the rates for utility services are  
3 affordable and, therefore, ensure and preserve the  
4 availability and accessibility of such services to all  
5 customers, and customers are not energy burdened or  
6 severely energy burdened citizens.

7 As used in this subsection (d):

8 (I) "Energy burdened" means, with respect to a  
9 customer's household, that the household pays 6% or  
10 more of its income toward electricity and gas bills.

11 (II) "Severely energy burdened" means, with  
12 respect to a customer's household, that the household  
13 pays 10% or more of its income toward electricity and  
14 gas bills.

15 (e) Affordability: the ability of utilities to ensure  
16 uninterrupted access to essential utility service; to  
17 minimize and reduce over time the number of households who  
18 are energy burdened and severely energy burdened, as  
19 defined in this Act, ideally to zero; and to minimize  
20 disconnections to residential customers in a manner which  
21 ensures that:

22 (i) all low-income customers, defined as those  
23 whose income is less than or equal to 80% of the area  
24 median income, as defined by the United States  
25 Department of Housing and Urban Development, have  
26 access to a discounted utility rate;



1           (ii) low-income customers 65 years of age or older  
2           are not disconnected from essential utility service  
3           due to inability to afford the monthly bill;

4           (iii) low-income customers with children under the  
5           age of 6 are not disconnected from essential utility  
6           service due to inability to afford the monthly bill;

7           (iv) persons with medical conditions are not  
8           disconnected from essential utility service if a  
9           medical or qualified professional as described in  
10           subsection (b) of Section 8-202.7 certifies that the  
11           condition will be exacerbated by disconnection from  
12           essential utility service;

13           (v) disconnection of essential utility service is  
14           not accelerated based on a utility's payment risk  
15           assessment of a customer; and

16           (vi) a utility assesses whether a customer may be  
17           eligible for energy assistance programs under the  
18           Energy Assistance Act, provides the customer with  
19           specific information on where and how to obtain energy  
20           assistance, and ceases disconnection activity for 60  
21           days to allow the customer to apply for and establish  
22           eligibility for the energy assistance.

23           It is further declared to be the policy of the State that  
24           this Act shall not apply in relation to motor carriers and rail  
25           carriers as defined in the Illinois Commercial Transportation  
26           Law, or to the Commission in the regulation of such carriers.

1 Nothing in this Act shall be construed to limit, restrict,  
2 or mitigate in any way the power and authority of the State's  
3 Attorneys or the Attorney General under the Consumer Fraud and  
4 Deceptive Business Practices Act.

5 (Source: P.A. 92-22, eff. 6-30-01.)

6 (220 ILCS 5/1-103 new)

7 Sec. 1-103. Commission methodologies and metrics. The  
8 Commission shall oversee the objectives identified in Section  
9 1-102 by establishing and implementing methodologies for  
10 tracking each of the following metrics:

11 (1) Environmental costs: The Commission shall  
12 establish a social cost of greenhouse gases, measured in  
13 dollars per ton of carbon dioxide equivalent, that shall  
14 serve as a monetary estimate of the value of not emitting a  
15 ton of greenhouse gas emissions. The Commission shall  
16 consider prior or existing estimates of the social cost of  
17 carbon issued or adopted by the federal government,  
18 appropriate international bodies, or other appropriate and  
19 reputable scientific organizations. The social cost of  
20 greenhouse gases shall:

21 (A) estimate the emissions for all relevant  
22 greenhouse gases, including carbon, methane, nitrous  
23 oxide, hydrofluorocarbons and hydrofluoroolefins,  
24 perfluorocarbons, sulfur hexafluoride, and nitrogen  
25 trifluoride;

1           (B) consider the fullest geographic and temporal  
2           scope of damages;

3           (C) for the purposes of this Act, the cost of  
4           greenhouse gas emissions is no less than the cost per  
5           metric ton of carbon dioxide equivalent emissions,  
6           using the 2.5% discount rate, listed in Table ES-1 of  
7           "Technical Support Document: Social Cost of Carbon,  
8           Methane, and Nitrous Oxide Interim Estimates under  
9           Executive Order 13990", a report prepared in support  
10          of federal Executive Order 13990 and dated February  
11          2021.

12          The Commission must annually adjust the costs  
13          established in this Section to reflect the effect of  
14          inflation and may, at its discretion, set the price at a  
15          higher level than described above, but no lower.

16          (2) Impacts to public health: The Commission shall  
17          develop a methodology for measuring and monetizing in cost  
18          assessments the public health impacts of pollutants,  
19          including impacts of both indoor and outdoor air quality,  
20          including carbon monoxide and carbon dioxide, nitrogen  
21          oxides, including nitrogen dioxide, particulate matter,  
22          formaldehyde, sulfur dioxide, ozone, and lead. The  
23          Commission shall integrate its methodology into  
24          assessments of utility system planning and supply and  
25          demand-side resource selection.

26          It is further declared to be the policy of the State that

1 this Section does not apply to motor carriers and rail  
2 carriers as defined in the Illinois Commercial Transportation  
3 Law or to the Commission in the regulation of such carriers.

4 Nothing in this Section shall be construed to limit,  
5 restrict, or mitigate in any way the power and authority of the  
6 State's Attorneys or the Attorney General under the Consumer  
7 Fraud and Deceptive Business Practices Act.

8 (220 ILCS 5/3-127 new)

9 Sec. 3-127. Fixed charge. "Fixed charge" means a charge  
10 that is assessed by a public utility as part of its rates, is  
11 equal across all customers or customers of a certain class,  
12 and is not directly proportional to a customer's usage.

13 (220 ILCS 5/8-101) (from Ch. 111 2/3, par. 8-101)

14 Sec. 8-101. Duties of public utilities; nondiscrimination.  
15 A public utility shall furnish, provide, and maintain such  
16 service instrumentalities, equipment, and facilities as shall  
17 promote the safety, health, comfort, and convenience of its  
18 patrons, employees, and public and as shall be in all respects  
19 adequate, efficient, just, and reasonable.

20 All rules and regulations made by a public utility  
21 affecting or pertaining to its charges or service to the  
22 public shall be just and reasonable.

23 An electric ~~A public~~ utility shall, and a gas utility may,  
24 upon reasonable notice, furnish to all persons who may apply

1 therefor and be reasonably entitled thereto, suitable  
2 facilities and service, without discrimination and without  
3 delay. Notwithstanding any other provision of law, a gas  
4 utility may cease providing service if the Commission  
5 determines that adequate substitute service is available at a  
6 reasonable cost to support the existing end uses of the  
7 affected utility customers. Any applicant for gas service  
8 shall receive clear, timely information from the gas utility,  
9 written in plain language, and approved by the Commission  
10 after stakeholder input on incentives and opportunities for  
11 installing, as alternatives to gas, energy-efficient electric  
12 technologies and incentives and opportunities for other energy  
13 efficiency measures, weatherization, demand management, and  
14 distributed energy resource programs. The information provided  
15 must include, among other things, information detailing  
16 electrification incentives in the Inflation Reduction Act and  
17 describing how the applicant can elect to receive the upfront  
18 discounts or tax incentives applicable to the applicant's  
19 electric purchases.

20 Nothing in this Section shall be construed to prevent a  
21 public utility from accepting payment electronically or by the  
22 use of a customer-preferred financially accredited credit or  
23 debit methodology.

24 (Source: P.A. 92-22, eff. 6-30-01.)

1       Sec. 8-104B. Gas energy efficiency.

2       (a) As used in this Section:

3       "Benefit-cost ratio" means the ratio of the net present  
4 value of the total benefits of the measures to the net present  
5 value of the total costs as calculated over the lifetime of the  
6 measures.

7       "Cost-effective measure" means a measure that satisfies  
8 the total resource cost test.

9       "Energy efficiency measure" means a measure that reduces  
10 (i) the total Btus of electricity and natural gas and other  
11 utility-delivered gaseous fuels needed to meet an end use or  
12 end uses and (ii) the amount of natural gas and other  
13 utility-delivered gaseous fuels consumed on site, at the home  
14 or business facility, to meet an end use or end uses.

15       "Total resource cost test" means a standard that is met  
16 if, for an investment in an energy efficiency measure, the  
17 benefit-cost ratio is greater than one. The total resource  
18 cost test quantifies the net savings obtained through the  
19 substitution of demand-side measures for supply resources by  
20 comparing (i) the sum of avoided natural gas utility costs,  
21 representing the benefits that accrue to the natural gas  
22 system and the participant in the delivery of those energy  
23 efficiency measures and including avoided costs associated  
24 with the use of electricity or other fuels, avoided costs  
25 associated with reduced water consumption, and avoided  
26 operation and maintenance costs, as well as other quantifiable

1 societal benefits and (ii) the sum of all incremental costs of  
2 end-use measures, including both utility and participant  
3 contribution costs to administer, deliver, and evaluate each  
4 demand-side measure. In calculating avoided costs, reasonable  
5 estimates shall be included for financial costs likely to be  
6 imposed by future regulation of emissions of greenhouse gases.  
7 In discounting future societal costs and benefits for the  
8 purpose of calculating net present values, a societal discount  
9 rate based on actual, long-term U.S. Treasury bond yields  
10 shall be used. The income-qualified measures described in  
11 paragraphs (5) and (6) of subsection (d) shall not be required  
12 to meet the total resource cost test.

13 (b) It is the policy of the State for gas utilities to be  
14 required to use cost-effective energy efficiency measures to  
15 reduce delivery load. Requiring investment in cost-effective  
16 energy efficiency measures will reduce direct and indirect  
17 costs to consumers by decreasing environmental impacts,  
18 reducing the amount of natural gas and other utility-delivered  
19 gaseous fuels that need to be purchased, and avoiding or  
20 delaying the need for new transmission, distribution, storage,  
21 and other related infrastructure. Moreover, the public  
22 interest is served by allowing gas utilities to recover costs  
23 for reasonably and prudently incurred expenditures for energy  
24 efficiency measures.

25 (c) This Section applies to all gas distribution utilities  
26 in the State and supersedes Section 8-104 beginning January 1,

1 2024.

2 (d) Natural gas utilities shall implement cost-effective  
3 energy efficiency measures to achieve all of the following  
4 requirements:

5 (1) Total incremental annual savings shall be equal to  
6 at least 0.6% of annual sales to distribution customers in  
7 2025, 0.8% of such sales in 2026, and at least 1% of such  
8 sales in 2027 and each subsequent year. For the purpose of  
9 calculating savings as a percent of sales to distribution  
10 customers for a given program year, the denominator of  
11 sales to distribution customers shall be annual average  
12 sales over the second, third, and fourth full calendar  
13 years prior to the beginning of the program year.

14 (2) The savings achieved must have an average life of  
15 at least 12 years.

16 (3) Savings may not be applied toward achievement of  
17 utility savings goals if the savings arise from the  
18 installation of efficient new gas furnaces, gas boilers,  
19 gas water heaters, or other gas-consuming equipment in a  
20 residential building, such as a single-family,  
21 individually metered multifamily building or a  
22 master-metered multifamily building.

23 (4) At least 50% of the entire budget for efficiency  
24 programs shall be spent on energy efficiency measures that  
25 reduce space heating needs through improvements to the  
26 efficiency of building envelopes, including, but not



1 limited to, insulation measures and efficient windows and  
2 energy efficiency measures that reduce air leakage through  
3 improvements to systems for distributing heat, including,  
4 but not limited to, duct leakage reduction, duct  
5 insulation, or pipe insulation in buildings or through  
6 improved heating systems controls, including, but not  
7 limited to, advanced thermostats and demand control  
8 ventilation. Spending on efficient furnaces, efficient  
9 boilers, or other efficient heating systems is permitted  
10 within business efficiency programs but does not count  
11 toward this minimum requirement for spending on building  
12 envelope, heating distribution, and control efficiencies.  
13 Spending on income-qualified building envelope measures,  
14 heating distribution system measures, and heating controls  
15 does count toward this requirement. The portion of  
16 portfolio spending on program marketing, training of  
17 installers, audits of buildings, inspections of work  
18 performed, and other administrative and technical expenses  
19 that are clearly tied to promotion or installation of  
20 building envelope or heating distribution system measures  
21 shall count toward this requirement. If this minimum  
22 requirement is not met, any performance incentive earned  
23 under subsection (h) should be reduced by the percentage  
24 point level of shortfall in meeting this requirement.

25 (5) The portion of the entire budget for efficiency  
26 programs that is spent on efficiency measures for

1 income-qualified households shall be the greater of 20% or  
2 5 percentage points more than the proportion of total  
3 residential and business customer gas sales going to  
4 income-qualified households. For purposes of this Section,  
5 households at or below 80% of area median income are  
6 income-qualified. At least 80% of spending on measures in  
7 programs targeted at income-qualified households shall be  
8 delivered through whole building weatherization programs  
9 and spent on measures that reduce space heating needs  
10 through improvements to the building envelope, heating  
11 distribution systems, or heating controls. The utilities  
12 shall invest in health and safety measures appropriate and  
13 necessary for comprehensively weatherizing the homes and  
14 multifamily buildings of income-qualified households, with  
15 up to 15% of income-qualified program spending made  
16 available for such purposes. The ratio of spending on  
17 efficiency programs targeted at multifamily buildings of  
18 income-qualified households to spending on energy  
19 efficiency programs targeted at single-family buildings of  
20 income-qualified households shall be designed to achieve  
21 levels of savings from each building type that are  
22 approximately proportional to the magnitude of  
23 cost-effective lifetime savings potential in each building  
24 type. The gas utilities shall participate in a Low-Income  
25 Energy Efficiency Accountability Committee as established  
26 in Section 8-103B.

1           Gas utilities must conduct customer outreach and  
2           education efforts in equity investment eligible  
3           communities in order to provide notice of and explanations  
4           concerning the following types of programs:

5                   (A) energy efficiency programs, the Illinois Solar  
6                   for All Program, and whole home retrofit programs that  
7                   reduce natural gas usage;

8                   (B) income-qualified financial assistance  
9                   programs, including rebate programs from the federal  
10                   government; and

11                   (C) general education programs designed to explain  
12                   utility bills and the decisions customers can make to  
13                   lower energy usage.

14           These outreach and education efforts must be brought  
15           to communities in a diversity of ways, must be created  
16           with input from members of the communities, and must be  
17           provided through, among other things:

18                   (i) information on customers' bills in the main  
19                   languages spoken in the communities;

20                   (ii) a quarterly posting in local newspapers that  
21                   cover the service area;

22                   (iii) a dedicated section on the investor-owned  
23                   utility's website; and

24                   (iv) in-person and virtual educational sessions  
25                   that take place in the income-qualified and Justice40  
26                   community, provide food and child care for

1 participating customers, and are codesigned with  
2 interested community-based organization  
3 representatives.

4 (6) Implementation of energy efficiency measures and  
5 programs targeted at income-qualified households shall be  
6 contracted, when practicable, to independent third parties  
7 that have demonstrated the capability of serving those  
8 households, with a preference for not-for-profit entities  
9 and government agencies that have existing relationships  
10 with, experience serving, or working directly within and  
11 alongside income-qualified communities in the State. Each  
12 gas utility shall develop and implement reporting  
13 procedures that address and assist in determining the  
14 amount of energy savings that can be applied to the  
15 income-qualified procurement and expenditure requirements  
16 set forth in this paragraph.

17 (7) A minimum of 10% of the utility's entire portfolio  
18 funding level for a given year shall be used to procure  
19 cost-effective energy efficiency measures from units of  
20 local government, municipal corporations, school  
21 districts, public housing, community college districts,  
22 and nonprofit-owned buildings as long as a minimum  
23 percentage of available funds shall be used to procure  
24 energy efficiency from public housing, which percentage  
25 shall be, at a minimum, equal to public housing's share of  
26 public building energy consumption. Spending on public

1       housing may count toward minimum spending requirements on  
2       efficiency improvements for income-qualified households.

3       (e) Notwithstanding any other provision of law, a utility  
4       providing approved energy efficiency measures in the State may  
5       recover all reasonable and prudently incurred costs of those  
6       measures from its retail customers. However, nothing in this  
7       subsection permits the double recovery of such costs from  
8       customers.

9       (f) Beginning in 2024, each gas utility shall file an  
10       energy efficiency plan with the Commission to meet the energy  
11       efficiency standards in subsection (d) for the next applicable  
12       multiyear period beginning January 1 of the year following the  
13       filing, according to the schedule set forth in paragraphs (1)  
14       through (4). If a utility does not file such a plan on or  
15       before the applicable filing deadline for the plan, the  
16       utility shall be liable for a civil penalty of \$100,000 per day  
17       until the plan is filed.

18       (1) No later than 120 days after the effective date of  
19       this amendatory Act of the 103rd General Assembly, each  
20       gas utility shall file an energy efficiency plan to  
21       supersede its previously filed energy efficiency plan for  
22       calendar year 2025 that is designed to achieve through  
23       implementation of energy efficiency measures the  
24       incremental annual savings goals, minimum average savings  
25       life, and other requirements specified in paragraphs (1)  
26       through (7) of subsection (d). An energy efficiency plan

1 submitted by a gas utility under this paragraph supersedes  
2 any energy efficiency plan previously filed by the gas  
3 utility for calendar year 2025.

4 (2) No later than March 1, 2025, each gas utility  
5 shall file a 4-year energy efficiency plan that takes  
6 effect on January 1, 2026 and is designed to achieve,  
7 through implementation of emergency efficiency measures,  
8 the incremental annual savings goals, minimum average  
9 savings life, and other requirements specified in  
10 paragraphs (1) through (7) of subsection (d). However, the  
11 incremental annual savings goals may be reduced if the  
12 plan's analysis and forecasts of the utility's ability to  
13 acquire energy savings demonstrate by clear and convincing  
14 evidence and through independent analysis that achievement  
15 of such goals is not cost-effective. In no event may  
16 incremental annual savings goals for any year be reduced  
17 to levels below (i) those actually achieved in calendar  
18 year 2024, (ii) those forecast to be achieved in calendar  
19 year 2025, or (iii) 0.75% of sales. The Commission shall  
20 review any proposed goal reduction as part of its review  
21 and approval of the utility's proposed plan.

22 (3) Beginning in 2029 and every 4 years thereafter,  
23 each gas utility shall file by no later than March 1 of the  
24 applicable year, a 4-year energy efficiency plan that  
25 takes effect on the following January 1 and is designed to  
26 achieve, through implementation of energy efficiency

1 measures, the incremental annual savings goals, minimum  
2 average savings life, and other requirements specified in  
3 paragraphs (1) through (7) of subsection (d). However, the  
4 incremental annual savings goals may be reduced if the  
5 plan's analysis and forecasts of the utility's ability to  
6 acquire energy savings demonstrate by clear and convincing  
7 evidence and through independent analysis that achievement  
8 of such goals is not cost-effective. In no event may  
9 incremental annual savings goals for any year be reduced  
10 to levels below (i) those actually achieved in the  
11 calendar year before the plan filing, (ii) those forecast  
12 to be achieved in the calendar year in which the plan  
13 filing is made, or (iii) 0.75% of sales. The Commission  
14 shall review any proposed goal reduction as part of its  
15 review and approval of the utility's proposed plan.

16 (4) Each utility's plan shall set forth the utility's  
17 proposals to meet the energy efficiency standards  
18 identified in subsection (d). The Commission shall seek  
19 public comment on each plan that takes effect on January  
20 1, 2024 and before January 1, 2026 and shall issue an order  
21 approving or disapproving the plan no later than November  
22 30, 2023, or 225 days after the effective date of this  
23 amendatory Act of the 103rd General Assembly, whichever is  
24 later. The Commission shall seek public comment on each  
25 plan that takes effect on January 1, 2026 and shall issue  
26 an order approving or disapproving the plan within 6

1 months after its submission. If the Commission disapproves  
2 a plan, the Commission shall, within 30 days, describe in  
3 detail the reasons for the disapproval and describe a path  
4 by which the utility may file a revised draft of the plan  
5 to address the Commission's concerns satisfactorily. If  
6 the utility does not refile with the Commission within 60  
7 days, the utility shall be subject to civil penalties at a  
8 rate of \$100,000 per day until the plan is refiled. This  
9 process shall continue, and penalties shall accrue, until  
10 the utility has successfully filed a portfolio of energy  
11 efficiency measures. Penalties shall be deposited into the  
12 Energy Efficiency Trust Fund.

13 (g) In submitting proposed plans and funding levels under  
14 subsection (f) to meet the savings goals identified in  
15 subsection (d), the utility shall:

16 (1) demonstrate that its proposed energy efficiency  
17 measures will achieve the requirements that are identified  
18 in subsection (d);

19 (2) demonstrate consideration of program options for  
20 supporting efforts to improve compliance with new building  
21 codes, appliance standards, and municipal regulations as  
22 potentially cost-effective means of acquiring energy  
23 savings to count toward energy savings goals;

24 (3) demonstrate that its overall portfolio of measures  
25 and programs, not including income-qualified programs  
26 described in subsection (d), is cost-effective using the



1 total resource cost test and represents a diverse cross  
2 section of opportunities for customers of all rate classes  
3 to participate in programs. Individual measures need not  
4 be cost-effective;

5 (4) demonstrate that the utility's plan integrates the  
6 delivery of energy efficiency programs with electric  
7 efficiency programs, programs promoting demand response,  
8 and other efforts to address bill payment issues,  
9 including, but not limited to, the Low Income Home Energy  
10 Assistance Program and the Percentage of Income Payment  
11 Plans;

12 (5) include a proposed or revised cost-recovery  
13 mechanism to fund the proposed energy efficiency measures  
14 and ensure the recovery of the prudently and reasonably  
15 incurred costs of Commission-approved programs;

16 (6) provide, using not more than 3% of portfolio  
17 resources in any given year, an annual independent  
18 evaluation of the performance and cost-effectiveness of  
19 the utility's portfolio of measures and programs;

20 (7) demonstrate how it will ensure that program  
21 implementation contractors and energy efficiency  
22 installation vendors will promote workforce equity and  
23 quality jobs. Utilities shall collect, and make publicly  
24 available at least quarterly, data necessary to  
25 demonstrate how efforts are advancing workforce equity.  
26 Utilities shall work with relevant vendors providing

1 education, training, and other resources needed to ensure  
2 compliance and, where necessary, adjusting or terminating  
3 work with vendors that cannot assist with compliance; and

4 (8) include any plans for research, development, or  
5 pilot deployment of new measures or program approaches.

6 For utilities with unmodified savings goals, no more than  
7 4% of energy efficiency portfolio spending may be

8 allocated for such purposes. For utilities with modified  
9 savings goals, no more than 2% of energy efficiency

10 portfolio spending may be allocated for such purposes.

11 Utilities shall work with interested stakeholders to  
12 formulate a plan for how any proposed funds should be

13 spent, incorporate statewide approaches for these  
14 allocations whenever such approaches would be more

15 effective or cost-efficient, and demonstrate such  
16 collaboration in the utilities' plans.

17 (h) Each gas utility shall be eligible to earn a  
18 shareholder incentive for effective implementation of its

19 efficiency programs. The incentive shall be tied to each  
20 utility's annual energy efficiency spending and its savings.

21 There shall be no incentive if the independent evaluator  
22 determines the utility either (i) failed to achieve the

23 minimum average savings life specified in paragraph (2) of  
24 subsection (d), (ii) did not fully meet all of the

25 requirements specified in paragraphs (3) through (7) of  
26 subsection (d), or (iii) failed to achieve incremental annual

1 savings equal to at least 90% of the incremental savings goal  
2 specified in paragraph (1) of subsection (d). If a utility  
3 meets all of the requirements specified in paragraphs (2)  
4 through (7) of subsection (d), it can earn an incentive equal  
5 0.5% of total annual efficiency spending in the year being  
6 evaluated for every one percentage point above 90% of its  
7 incremental annual savings goal that it achieves for that  
8 year, with a maximum incentive of 15% for achieving 120% of its  
9 incremental annual savings goal.

10 (i) The utility shall submit energy savings data to the  
11 independent evaluator no later than 30 days after the close of  
12 the plan year. The independent evaluator shall determine the  
13 incremental annual savings and average savings life, as well  
14 as an estimate of the job impacts and other macroeconomic  
15 impacts of the efficiency programs for that year, achieved no  
16 later than 120 days after the close of the plan year. The  
17 utility shall submit an informational filing to the Commission  
18 no later than 160 days after the close of the plan year that  
19 attaches the independent evaluator's final report identifying  
20 the incremental annual savings for the year, identifying  
21 average savings life for the year, documenting compliance with  
22 other requirements in subsection (d), and, as applicable, the  
23 magnitude of any shareholder incentive which the utility has  
24 earned.

25 (j) Gas utilities shall report annually to the Commission  
26 and General Assembly on how hiring, contracting, job training,

1 and other practices related to its energy efficiency programs  
2 enhance the diversity of vendors working on such programs.  
3 These reports must include data on vendor and employee  
4 diversity.

5 (k) The independent evaluator shall follow the guidelines  
6 and use the savings set forth in Commission-approved energy  
7 efficiency policy manuals and technical reference manuals, as  
8 each may be updated from time to time. Until measure life  
9 values for energy efficiency measures implemented for  
10 income-qualified households are separately incorporated into  
11 such Commission-approved manuals, the income-qualified  
12 measures shall have the same measure life values that are  
13 established for the same measures implemented in households  
14 that are not income-qualified households.

15 (220 ILCS 5/9-228.5 new)

16 Sec. 9-228.5. Consideration of gas main and gas service  
17 extension costs. Gas main and gas service extension policies  
18 shall be based on the principle that the full incremental cost  
19 associated with new development and growth shall be borne by  
20 the customers that cause those incremental costs. Gas main and  
21 gas service extension policies, procedures, and conditions  
22 shall align with the greenhouse gas emission reduction goals  
23 established in Article XXIV.

24 (220 ILCS 5/9-229)

1           Sec. 9-229. Consideration of attorney and expert  
2 compensation as an expense and intervenor compensation fund.

3           (a) The Commission shall specifically assess the justness  
4 and reasonableness of any amount expended by a public utility  
5 to compensate attorneys or technical experts to prepare and  
6 litigate a general rate case filing. This issue shall be  
7 expressly addressed in the Commission's final order.

8           (b) The State of Illinois shall create a Consumer  
9 Intervenor Compensation Fund subject to the following:

10           (1) Provision of compensation for Consumer Interest  
11 Representatives that intervene in Illinois Commerce  
12 Commission proceedings will increase public engagement,  
13 encourage additional transparency, expand the information  
14 available to the Commission, and improve decision-making.

15           (2) As used in this Section, "consumer ~~Consumer~~  
16 interest representative" means:

17           (A) a residential utility customer or group of  
18 residential utility customers represented by a  
19 not-for-profit group or organization registered with  
20 the Illinois Attorney General under the Solicitation  
21 for ~~of~~ Charity Act;

22           (B) representatives of not-for-profit groups or  
23 organizations whose membership is limited to  
24 residential utility customers; or

25           (C) representatives of not-for-profit groups or  
26 organizations whose membership includes Illinois

1 residents and that address the community, economic,  
2 environmental, or social welfare of Illinois  
3 residents, except government agencies or intervenors  
4 specifically authorized by Illinois law to participate  
5 in Commission proceedings on behalf of Illinois  
6 consumers.

7 (3) A consumer interest representative is eligible to  
8 receive compensation from the consumer intervenor  
9 compensation fund if its participation included lay or  
10 expert testimony or legal briefing and argument concerning  
11 the expenses, investments, rate design, rate impact, or  
12 other matters affecting the pricing, rates, costs or other  
13 charges associated with utility service, ~~the Commission~~  
14 ~~adopts a material recommendation related to a significant~~  
15 ~~issue in the docket,~~ and participation caused a  
16 significant financial cost ~~hardship~~ to the participant;  
17 however, no consumer interest representative shall be  
18 eligible to receive an award pursuant to this Section if  
19 the consumer interest representative receives any  
20 compensation, funding, or donations, directly or  
21 indirectly, from parties that have a financial interest in  
22 the outcome of the proceeding.

23 (4) Within 30 days after September 15, 2021 (the  
24 effective date of Public Act 102-662) ~~this amendatory Act~~  
25 ~~of the 102nd General Assembly,~~ each utility that files a  
26 request for an increase in rates under Article IX or

1 Article XVI shall deposit an amount equal to one half of  
2 the rate case attorney and expert expense allowed by the  
3 Commission, but not to exceed \$500,000, into the fund  
4 within 35 days of the date of the Commission's Final ~~final~~  
5 Order in the rate case or 20 days after the denial of  
6 rehearing under Section 10-113 of this Act, whichever is  
7 later. The Consumer Intervenor Compensation Fund shall be  
8 used to provide payment to consumer interest  
9 representatives as described in this Section.

10 (5) An electric public utility with 3,000,000 or more  
11 retail customers shall contribute \$450,000 to the Consumer  
12 Intervenor Compensation Fund within 60 days after  
13 September 15, 2021 (the effective date of Public Act  
14 102-662) ~~this amendatory Act of the 102nd General~~  
15 ~~Assembly~~. A combined electric and gas public utility  
16 serving fewer than 3,000,000 but more than 500,000 retail  
17 customers shall contribute \$225,000 to the Consumer  
18 Intervenor Compensation Fund within 60 days after  
19 September 15, 2021 (the effective date of Public Act  
20 102-662) ~~this amendatory Act of the 102nd General~~  
21 ~~Assembly~~. A gas public utility with 1,500,000 or more  
22 retail customers that is not a combined electric and gas  
23 public utility shall contribute \$225,000 to the Consumer  
24 Intervenor Compensation Fund within 60 days after  
25 September 15, 2021 (the effective date of Public Act  
26 102-662) ~~this amendatory Act of the 102nd General~~

1 ~~Assembly~~. A gas public utility with fewer than 1,500,000  
2 retail customers but more than 300,000 retail customers  
3 that is not a combined electric and gas public utility  
4 shall contribute \$80,000 to the Consumer Intervenor  
5 Compensation Fund within 60 days after September 15, 2021  
6 (the effective date of Public Act 102-662) ~~this amendatory~~  
7 ~~Act of the 102nd General Assembly~~. A gas public utility  
8 with fewer than 300,000 retail customers that is not a  
9 combined electric and gas public utility shall contribute  
10 \$20,000 to the Consumer Intervenor Compensation Fund  
11 within 60 days after September 15, 2021 (the effective  
12 date of Public Act 102-662) ~~this amendatory Act of the~~  
13 ~~102nd General Assembly~~. A combined electric and gas public  
14 utility serving fewer than 500,000 retail customers shall  
15 contribute \$20,000 to the Consumer Intervenor Compensation  
16 Fund within 60 days after September 15, 2021 (the  
17 effective date of Public Act 102-662) ~~this amendatory Act~~  
18 ~~of the 102nd General Assembly~~. A water or sewer public  
19 utility serving more than 100,000 retail customers shall  
20 contribute \$80,000, and a water or sewer public utility  
21 serving fewer than 100,000 but more than 10,000 retail  
22 customers shall contribute \$20,000.

23 (6) (A) Prior to the entry of a Final Order in a  
24 docketed case, the Commission Administrator shall provide  
25 a payment to a consumer interest representative that  
26 demonstrates through a verified application for funding



1 that the consumer interest representative's participation  
2 or intervention without an award of fees or costs imposes  
3 a significant financial hardship based on a schedule to be  
4 developed by the Commission. The Administrator may require  
5 verification of costs incurred, including statements of  
6 hours spent, as a condition to paying the consumer  
7 interest representative prior to the entry of a Final  
8 Order in a docketed case.

9 (B) If ~~the Commission adopts a material recommendation~~  
10 ~~related to a significant issue in the docket and~~  
11 participation caused a significant financial cost ~~hardship~~  
12 to the participant, then the consumer interest  
13 representative shall be allowed payment for some or all of  
14 the consumer interest representative's reasonable  
15 attorney's or advocate's fees, reasonable expert witness  
16 fees, and other reasonable costs of preparation for and  
17 participation in a hearing or proceeding. Expenses related  
18 to travel or meals shall not be compensable.

19 (C) The consumer interest representative shall submit  
20 an itemized request for compensation to the Consumer  
21 Intervenor Compensation Fund, including the advocate's or  
22 attorney's reasonable fee rate, the number of hours  
23 expended, reasonable expert and expert witness fees, and  
24 other reasonable costs for the preparation for and  
25 participation in the hearing and briefing within 30 days  
26 of the Commission's final order after denial or decision

1 on rehearing, if any.

2 (7) Administration of the Fund.

3 (A) The Consumer Intervenor Compensation Fund is  
4 created as a special fund in the State treasury. All  
5 disbursements from the Consumer Intervenor Compensation  
6 Fund shall be made only upon warrants of the Comptroller  
7 drawn upon the Treasurer as custodian of the Fund upon  
8 vouchers signed by the Executive Director of the  
9 Commission or by the person or persons designated by the  
10 Director for that purpose. The Comptroller is authorized  
11 to draw the warrant upon vouchers so signed. The Treasurer  
12 shall accept all warrants so signed and shall be released  
13 from liability for all payments made on those warrants.  
14 The Consumer Intervenor Compensation Fund shall be  
15 administered by an Administrator that is a person or  
16 entity that is independent of the Commission. The  
17 administrator will be responsible for the prudent  
18 management of the Consumer Intervenor Compensation Fund  
19 and for recommendations for the award of consumer  
20 intervenor compensation from the Consumer Intervenor  
21 Compensation Fund. The Commission shall issue a request  
22 for qualifications for a third-party program administrator  
23 to administer the Consumer Intervenor Compensation Fund.  
24 The third-party administrator shall be chosen through a  
25 competitive bid process based on selection criteria and  
26 requirements developed by the Commission. The Illinois

1 Procurement Code does not apply to the hiring or payment  
2 of the Administrator. All Administrator costs may be paid  
3 for using monies from the Consumer Intervenor Compensation  
4 Fund, but the Program Administrator shall strive to  
5 minimize costs in the implementation of the program.

6 (B) The computation of compensation awarded from the  
7 fund shall take into consideration the market rates paid  
8 to persons of comparable training and experience who offer  
9 similar services, but may not exceed the comparable market  
10 rate for services paid by the public utility as part of its  
11 rate case expense.

12 (C) (1) Recommendations on the award of compensation by  
13 the administrator shall include consideration of whether  
14 the participation raised ~~Commission adopted~~ a ~~material~~  
15 recommendation related to a significant issue in the  
16 docket and whether participation caused a significant  
17 financial cost hardship to the participant and the payment  
18 of compensation is fair, just, and reasonable.

19 (2) Recommendations on the award of compensation by  
20 the administrator shall be submitted to the Commission for  
21 approval. Unless the Commission initiates an investigation  
22 within 45 days after the notice to the Commission, the  
23 award of compensation shall be allowed 45 days after  
24 notice to the Commission. Such notice shall be given by  
25 filing with the Commission on the Commission's e-docket  
26 system, and keeping open for public inspection the award

1 for compensation proposed by the Administrator. The  
2 Commission shall have power, and it is hereby given  
3 authority, either upon complaint or upon its own  
4 initiative without complaint, at once, and if it so  
5 orders, without answer or other formal pleadings, but upon  
6 reasonable notice, to enter upon a hearing concerning the  
7 propriety of the award.

8 (c) The Commission may adopt rules to implement this  
9 Section.

10 (Source: P.A. 102-662, eff. 9-15-21; revised 1-20-24.)

11 (220 ILCS 5/9-235 new)

12 Sec. 9-235. Tariffed gas main and gas service extension  
13 provisions. No later than 60 days after the effective date of  
14 this amendatory Act of the 103rd General Assembly, the  
15 Commission shall initiate a docketed rulemaking reviewing each  
16 gas public utility tariff that provides for gas main and gas  
17 service extensions without additional charge to new customers  
18 in excess of the default extensions without charge as  
19 specified in 83 Ill. Adm. Code 501. The focus of the rulemaking  
20 shall be to modify each gas utility's gas main and gas service  
21 extension tariff to align with the provisions set forth in  
22 Section 9-228.5.

23 (220 ILCS 5/9-241) (from Ch. 111 2/3, par. 9-241)

24 Sec. 9-241. No public utility shall, as to rates or other

1 charges, services, facilities, or in other respect, make or  
2 grant any preference or advantage to any corporation or person  
3 or subject any corporation or person to any prejudice or  
4 disadvantage. No public utility shall establish or maintain  
5 any unreasonable difference as to rates or other charges,  
6 services, facilities, or in any other respect, either as  
7 between localities or as between classes of service.

8 However, nothing in this Section shall be construed as  
9 limiting the authority of the Commission to permit the  
10 establishment of economic development rates as incentives to  
11 economic development either in enterprise zones as designated  
12 by the State of Illinois or in other areas of a utility's  
13 service area. Such rates should be available to existing  
14 businesses which demonstrate an increase to existing load as  
15 well as new businesses which create new load for a utility so  
16 as to create a more balanced utilization of generating  
17 capacity. The Commission shall ensure that such rates are  
18 established at a level which provides a net benefit to  
19 customers within a public utility's service area.

20 On or before January 1, 2025 ~~2023~~, the Commission shall  
21 conduct a comprehensive study to assess whether low-income  
22 discount rates for electric and natural gas residential  
23 customers are appropriate and the potential design and  
24 implementation of any such rates. The Commission shall include  
25 its findings, together with the appropriate recommendations,  
26 in a report to be provided to the General Assembly. Upon

1 completion of the study, the Commission shall have the  
2 authority to permit or require electric and natural gas  
3 utilities to file a tariff establishing low-income discount  
4 rates.

5 Such study shall assess, at a minimum, the following:

6 (1) customer eligibility requirements, including  
7 income-based eligibility and eligibility based on  
8 participation in or eligibility for certain public  
9 assistance programs;

10 (2) appropriate rate structures, including  
11 consideration of tiered discounts for different income  
12 levels;

13 (3) appropriate recovery mechanisms, including the  
14 consideration of volumetric charges and customer charges;

15 (4) appropriate verification mechanisms;

16 (5) measures to ensure customer confidentiality and  
17 data safeguards;

18 (6) outreach and consumer education procedures; and

19 (7) the impact that a low-income discount rate would  
20 have on the affordability of delivery service to  
21 low-income customers and customers overall.

22 On or before January 1, 2026, the Commission shall begin a  
23 docketed rulemaking process to implement low-income discount  
24 rates for electric and natural gas residential customers,  
25 incorporating the recommendations of the report required by  
26 this Section, released by the Commission in December 2022 and

1 titled the "Illinois Commerce Commission Low-Income Discount  
2 Rate Study Report to the Illinois General Assembly".

3 The Commission shall adopt rules requiring utility  
4 companies to produce information, in the form of a mailing,  
5 and other approved methods of distribution, to its consumers,  
6 to inform the consumers of available rebates, discounts,  
7 credits, and other cost-saving mechanisms that can help them  
8 lower their monthly utility bills, and send out such  
9 information semi-annually, unless otherwise provided by this  
10 Article.

11 Prior to October 1, 1989, no public utility providing  
12 electrical or gas service shall consider the use of solar or  
13 other nonconventional renewable sources of energy by a  
14 customer as a basis for establishing higher rates or charges  
15 for any service or commodity sold to such customer; nor shall a  
16 public utility subject any customer utilizing such energy  
17 source or sources to any other prejudice or disadvantage on  
18 account of such use. No public utility shall without the  
19 consent of the Commission, charge or receive any greater  
20 compensation in the aggregate for a lesser commodity, product,  
21 or service than for a greater commodity, product, or service  
22 of like character.

23 The Commission, in order to expedite the determination of  
24 rate questions, or to avoid unnecessary and unreasonable  
25 expense, or to avoid unjust or unreasonable discrimination  
26 between classes of customers, or, whenever in the judgment of

1 the Commission public interest so requires, may, for rate  
2 making and accounting purposes, or either of them, consider  
3 one or more municipalities either with or without the adjacent  
4 or intervening rural territory as a regional unit where the  
5 same public utility serves such region under substantially  
6 similar conditions, and may within such region prescribe  
7 uniform rates for consumers or patrons of the same class.

8 Any public utility, with the consent and approval of the  
9 Commission, may as a basis for the determination of the  
10 charges made by it classify its service according to the  
11 amount used, the time when used, the purpose for which used,  
12 and other relevant factors.

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

14 (220 ILCS 5/9-254 new)

15 Sec. 9-254. Independent gas system assessment.

16 (a) The General Assembly finds that an independent audit  
17 of the current state of the gas distribution system, and of the  
18 expenditures made since 2012, will need to be made.  
19 Specifically, the General Assembly finds:

20 (1) Pursuant to 2013 legislation establishing the  
21 qualifying infrastructure plant charge, gas utilities in  
22 this State that serve over 700,000 retail customers have  
23 spent significant amounts of ratepayer dollars on system  
24 investments purporting to refurbish, rebuild, modernize,  
25 and expand gas system infrastructure.



1           (2) The qualifying infrastructure plant charge is set  
2           to conclude at its statutory deadline of December 31,  
3           2023, and it is in the interest of this State and in the  
4           interest of gas utilities' customers to understand the  
5           benefits of these investments to the gas system and to  
6           customers and to evaluate the current condition of the gas  
7           system.

8           (3) It is also necessary for gas utilities, the  
9           Commission, and stakeholders to have an independently  
10          verified set of data to draw upon for future gas rate cases  
11          and any other proposed gas system spending.

12          (4) Meeting the State's climate goals will require an  
13          ordered transition away from gas, and toward electric  
14          heating and appliances, for all or nearly all buildings,  
15          and planning this transition will require a thorough  
16          understanding of the current state of the gas system.

17          (5) The Commission has authority to order and  
18          implement the requirements of this Section under Section  
19          8-102.

20          (b) Terms used in this Section shall have the meanings  
21          given to them in Section 19-105.

22          (c) Within 30 days after the effective date of this  
23          amendatory Act of the 103rd General Assembly, the Commission  
24          shall issue an order initiating an audit of each gas utility  
25          serving over 700,000 retail customers in the State, which  
26          shall examine the following:

1           (1) An assessment of the gas distribution system, as  
2           described in paragraph (2) of subsection (a). The  
3           Commission shall have the authority to require additional  
4           items that it deems necessary.

5           (2) An analysis of the utility's capital projects  
6           placed into service in the preceding 10 years, including,  
7           but not limited to, an assessment of the value and safety  
8           impact of pipe replacement, increased system pressure, and  
9           pipe capacity expansion.

10           (3) An assessment of the utility's emissions  
11           reductions to date and what preparations the utility has  
12           made to meet the terms of the Paris Climate Agreement,  
13           with which it is the policy of the State to comply.

14           (4) The creation of a visual, geographic map of the  
15           gas system displaying the level of risk of various  
16           pipelines and showing the areas where pipelines have  
17           already been replaced.

18           (5) The identifying areas of the gas system where the  
19           cost to replace pipeline is likely to be high, including,  
20           but not limited to, identifying places where  
21           decommissioning a portion of the gas system and planning  
22           to provide for electric heating and appliance needs in  
23           that area may be preferable, considering the costs and  
24           benefits for affordability, health, and climate.

25           (d) It is contemplated that the auditor will use materials  
26           filed with the Commission by the utilities with respect to the

1 auditor's expenditures in the preceding 10 years; however, the  
2 auditor may also, with Commission approval, assess other  
3 information deemed necessary to make its report. The results  
4 of the audit described in this Section shall be reflected in a  
5 report delivered to the Commission, describing the information  
6 specified in this Section. The report is to be delivered no  
7 later than 180 days after the Commission enters its order  
8 under subsection (c). It is understood that any public report  
9 may not contain items that are confidential or proprietary.

10 (e) The costs of a gas utility's audit described in this  
11 Section shall not exceed \$500,000 and shall be paid for by the  
12 electric utility that is the subject of the audit. Such costs  
13 shall be a recoverable expense.

14 (f) The Commission shall have the authority to retain the  
15 services of an auditor to assist with the distribution  
16 planning process, as well as in docketed proceedings. Such  
17 expenses for these activities shall also be borne by the  
18 Commission.

19 (220 ILCS 5/9-255 new)

20 Sec. 9-255. Phase-out of gas fixed charges. Beginning  
21 January 1, 2035, a public utility providing gas service may  
22 not assess fixed charges as part of its rates. Beginning  
23 January 1, 2030, a public utility providing gas service must  
24 limit, for each customer class, any fixed charges in its rates  
25 to no greater than 50% of the average of monthly fixed charges

1 for that customer class during the period January 1, 2019 to  
2 December 31, 2021.

3 (220 ILCS 5/16-111.10)

4 Sec. 16-111.10. Equitable Energy Upgrade Program.

5 (a) The General Assembly finds and declares that Illinois  
6 homes and businesses can contribute to the creation of a clean  
7 energy economy, conservation of natural resources, and  
8 reliability of the electricity grid through the installation  
9 of cost-effective renewable energy generation, energy  
10 efficiency and demand response equipment, and energy storage  
11 systems. Further, a large portion of Illinois residents and  
12 businesses that would benefit from the installation of energy  
13 efficiency, storage, and renewable energy generation systems  
14 are unable to purchase systems due to capital or credit  
15 barriers. This State should pursue options to enable many more  
16 Illinoisans to access the health, environmental, and financial  
17 benefits of new clean energy technology.

18 (b) As used in this Section:

19 "Commission" means the Illinois Commerce Commission.

20 "Energy project" means renewable energy generation  
21 systems, including solar projects, energy efficiency upgrades,  
22 decarbonization and electrification measures, energy storage  
23 systems, demand response equipment, or any combination  
24 thereof.

25 "Fund" means the Clean Energy Jobs and Justice Fund

1 established in the Clean Energy Jobs and Justice Fund Act.

2 "Program" means the Equitable Energy Upgrade Program  
3 established under subsection (c).

4 "Utility" means electric public utilities providing  
5 services to 500,000 or more customers under this Act.

6 (c) The Commission shall open an investigation into and  
7 direct all electric and gas public utilities in this State to  
8 adopt an Equitable Energy Upgrade Program that permits  
9 customers to finance the construction of energy projects  
10 through an optional tariff payable directly through their  
11 utility bill, modeled after the Pay As You Save system,  
12 developed by the Energy Efficiency Institute. The Program  
13 model shall enable utilities to offer to make investments in  
14 energy projects to customer properties with low-cost capital  
15 and use an opt-in tariff to recover the costs. The Program  
16 shall be designed to provide customers with immediate  
17 financial savings if they choose to participate. The Program  
18 shall allow residential electric and gas utility customers  
19 that own the property, or renters that have permission of the  
20 property owner, for which they subscribe to utility service to  
21 agree to the installation of an energy project. The Program  
22 shall ensure:

23 (1) eligible projects do not require upfront payments;  
24 however, customers may pay down the costs for projects  
25 with a payment to the installing contractor in order to  
26 qualify projects that would otherwise require upfront

1 payments;

2 (2) eligible projects have sufficient estimated  
3 savings and estimated life span to produce significant,  
4 immediate net savings;

5 (3) participants shall agree the utility can recover  
6 its costs for the projects at their location by paying for  
7 the project through an optional tariff directly through  
8 the participant's utility ~~electricity~~ bill, allowing  
9 participants to benefit from installation of energy  
10 projects without traditional loans;

11 (4) accessibility by lower-income residents and  
12 environmental justice community residents; ~~and~~

13 (5) the utility must ensure that customers who are  
14 interested in participating are notified that if they are  
15 income qualified, they may also be eligible for the  
16 Percentage of Income Payment Plan program and free energy  
17 improvements through other programs and facilitate  
18 interested customers' enrollment in those programs; and  
19 ~~provide contact information.~~

20 (6) coordination with existing utility, state, and  
21 federal energy efficiency, solar, electrification, and  
22 other energy savings funding and implementation programs.

23 (d) The Commission shall establish Program guidelines with  
24 the anticipated schedule of Program availability as follows:

25 (1) Year 1: Beginning in the first year of operation,  
26 each utility with greater than 100,000 retail customers is

1 required to obtain low-cost capital of at least  
2 \$20,000,000 annually for investments in energy projects.

3 (2) Year 2: Beginning in the second year of operation,  
4 each utility with greater than 100,000 retail customers is  
5 required to obtain low-cost capital for investments in  
6 energy projects of at least \$40,000,000 annually.

7 (3) Year 3: Beginning in the third year of operation,  
8 each utility with greater than 100,000 retail customers is  
9 required to obtain low-cost capital for investments in as  
10 many systems as customers demand, subject to available  
11 capital provided by the utility, State, or other lenders.

12 (e) In the design of the Program, the Commission shall:

13 (1) Within 90 days after the effective date of this  
14 amendatory Act of the 103rd General Assembly, begin a  
15 process to update the Program guidelines for  
16 implementation of the Program. Any such process shall  
17 allow for participation from interested stakeholders.  
18 ~~Within 270 days after the effective date of this~~  
19 ~~amendatory Act of the 102nd General Assembly, convene a~~  
20 ~~workshop during which interested participants may discuss~~  
21 ~~issues and submit comments related to the Program.~~

22 (2) Establish Program guidelines for implementation of  
23 the Program in accordance with the Pay As You Save  
24 Essential Elements and Minimum Program Requirements that  
25 electric and gas utilities must abide by when implementing  
26 the Program. Program guidelines established by the

1 Commission shall include the following elements:

2 (A) The Commission shall establish conditions  
3 under which utilities secure capital to fund the  
4 energy projects. The Commission may allow utilities to  
5 raise capital independently, work with third-party  
6 lenders to secure the capital for participants, or a  
7 combination thereof. Any process the Commission  
8 approves must use a market mechanism to identify the  
9 least costly sources of capital funds so as to pass on  
10 maximum savings to participants. The State or the  
11 Clean Energy Jobs and Justice Fund may also provide  
12 capital for the Program.

13 (B) Customer protection guidelines should be  
14 designed consistent with Pay As You Save Essential  
15 Elements and Minimum Program Requirements.

16 (C) The Commission shall establish conditions by  
17 which utilities may connect Program participants to  
18 energy project vendors. In setting conditions for  
19 connection, the Commission may prioritize vendors that  
20 have a history of good relations with the State,  
21 including vendors that have hired participants from  
22 State-created job training programs.

23 (D) Guarantee that conservative estimates of  
24 financial savings will immediately and significantly  
25 exceed estimated Program costs for Program  
26 participants.



1           (E) Require any customer data sharing between  
2           electric and gas utilities and third-party vendors  
3           needed to evaluate the energy and demand saving and  
4           energy services revenue opportunities of all customers  
5           and otherwise facilitate a positive customer  
6           experience. Such data sharing may include but shall  
7           not be limited to historical and ongoing customer  
8           usage data and billing rates. The Commission may allow  
9           utilities to recover the costs associated with data  
10           sharing from all customers.

11           (F) Notwithstanding the method used to estimate  
12           site-specific energy savings or measure direct energy  
13           savings for Program participants, the utility will  
14           report aggregate savings to the Commission for  
15           regulatory filings in the same or a similar manner as  
16           other energy efficiency or clean energy programs.

17           (f) Within 90 ~~120~~ days after the Commission releases the  
18 Program conditions established under this Section, each  
19 utility subject to the requirements of this Section shall  
20 submit an informational filing to the Commission that  
21 describes its plan for implementing the provisions of this  
22 Section. If the Commission finds that the submission does not  
23 properly comply with the statutory or regulatory requirements  
24 of the Program, the Commission may require that the utility  
25 make modifications to its filing.

26           (g) An independent process evaluation shall be conducted

1 after one year of the Program's operation. An independent  
2 impact evaluation shall be conducted after 3 years of  
3 operation, excluding one-time startup costs and results from  
4 the first 12 months of the Program. The Commission shall  
5 convene an advisory council of stakeholders, including  
6 representation of low-income and environmental justice  
7 community members to make recommendations in response to the  
8 findings of the independent evaluation.

9 (h) The Program shall be designed using the Pay As You Save  
10 system guidelines to be cost-effective for customers. Only  
11 projects that are deemed to be cost-effective and can be  
12 reasonably expected to ensure customer savings are eligible  
13 for funding through the Program, unless, as specified in  
14 paragraph (1) of subsection (c), customers able to make  
15 upfront copayments to installers buy down the cost of projects  
16 so it can be deemed cost-effective.

17 (i) Eligible customers must be:

18 (1) property renters with permission of the property  
19 owner; or

20 (2) property owners.

21 (j) The calculation of project cost-effectiveness shall be  
22 based upon the Pay As You Save system requirements.

23 (1) The calculation of cost-effectiveness must be  
24 conducted by an objective process approved by the  
25 Commission and based on rates in effect at the time of  
26 installation.

1           (2) A project shall be considered cost-effective ~~only~~  
2 if it is estimated to produce significant immediate net  
3 savings, not counting copayments voluntarily made by  
4 customers. The Commission may establish guidelines by  
5 which this required savings is estimated.

6           (3) Net savings shall include savings across all fuel  
7 sources, not limited to electricity and natural gas.

8           (4) The calculation of project cost-effectiveness  
9 shall not exclude projects that:

10           (A) would raise customer costs in a particular  
11 month so long as customers see annual project savings;  
12 or

13           (B) increase electric load and accompanying costs  
14 when a heating electrification project results in the  
15 ability to cool part or all of a home that was not  
16 previously cooled. In such cases, the increased  
17 electricity consumption associated with that added  
18 cooling shall not be included in calculations of net  
19 savings. Extreme heat poses an increasing risk to  
20 Illinois communities. As such, it is in the public  
21 interest to mitigate that risk through the addition of  
22 building cooling systems.

23           However, any expected increase in electric load and  
24 customer costs should be clearly communicated to impacted  
25 customers, along with any options for mitigating that  
26 increase.

1           (k) The Program should be modeled after the Pay As You Save  
2 system, by which Program participants finance energy projects  
3 using the savings that the energy project creates with a  
4 tariffed on-bill program. Eligible projects shall not create  
5 personal debt for the customer, result in a lien in the event  
6 of nonpayment, or require customers to pay monthly charges for  
7 any upgrade that fails and is not repaired within 21 days. The  
8 utility may restart charges once the upgrade is repaired and  
9 functioning and extend the term of payments to recover its  
10 costs for missed payments and deferred cost recovery,  
11 providing the upgrade continues to function.

12           (l) Any energy project that is defective or damaged due to  
13 no fault of the participant must be either replaced or  
14 repaired with parts that meet industry standards at the cost  
15 of the utility or vendor, as specified by the Commission, and  
16 charges shall be suspended until repairs or replacement is  
17 completed. The Commission may establish, increase, or replace  
18 the requirements imposed in this subsection. The Commission  
19 may determine that this responsibility is best handled by  
20 participating project vendors in the form of insurance,  
21 contractual guarantees, or other mechanisms, and issue rules  
22 detailing this requirement. Customers shall not be charged  
23 monthly payments for upgrades that are no longer functioning.

24           (m) In the event of nonpayment, the remaining balance due  
25 to pay off the system shall remain with the utility meter at an  
26 upgraded location. The Commission shall establish conditions

1 subject to this constraint in the event of nonpayment that are  
2 in accordance with the Pay As You Save system.

3 (n) The utility shall make every effort to ensure that  
4 customers who are income-qualified for free energy upgrade  
5 programs take full advantage of those programs first before  
6 using the Equitable Energy Upgrade Program. ~~If the demand by~~  
7 ~~utility customers exceeds the Program capital supply in a~~  
8 ~~given year, utilities shall ensure that 50% of participants~~  
9 ~~are:~~

10 ~~(1) customers in neighborhoods where a majority of~~  
11 ~~households make 150% or less of area median income; or~~

12 ~~(2) residents of environmental justice communities.~~

13 (o) Utilities shall endeavor to inform customers about the  
14 availability of the Program, their potential eligibility for  
15 participation in the Program, and whether they are likely to  
16 save money on the basis of an estimate conducted using  
17 variables consistent with the Program that the utility has at  
18 its disposal. The Commission may establish guidelines by which  
19 utilities must abide by this directive and alternatives if the  
20 Commission deems utilities' efforts as inadequate.

21 (p) Subject to Commission specifications under subsection  
22 (c), each utility shall work with certified project vendors  
23 selected using a request for proposals process to establish  
24 the terms and processes under which a utility can install  
25 eligible renewable energy generation and energy storage  
26 systems using the capital to fit the Equitable Energy Upgrade

1 model. The utility ~~certified project vendor~~ shall explain and  
2 offer the approved upgrades to customers and shall assist  
3 customers in applying for financing through the Program. As  
4 part of the process, utilities ~~vendors~~ shall also provide  
5 participants with information about any other relevant  
6 incentives that may be available and customer service  
7 regarding the effective use of the upgrades.

8 Nothing shall preclude gas and electric utilities that  
9 have overlapping service territories from jointly implementing  
10 and delivering the Program.

11 (q) A participating ~~An electric~~ utility shall recover all  
12 of the prudently incurred costs of offering a program approved  
13 by the Commission under this Section. For investor-owned  
14 utilities, shareholder incentives will be proportional to  
15 meeting Commission approved thresholds for the number of  
16 customers served and the amount of its investments in those  
17 locations.

18 (r) The Commission shall adopt all rules necessary for the  
19 administration of this Section.

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

21 (220 ILCS 5/Art. XXIII heading new)

22 ARTICLE XXIII. CLEAN BUILDING HEATING LAW

23 (220 ILCS 5/23-101 new)

24 Sec. 23-101. Short title. This Article may be cited as the

1 Clean Building Heating Law. References in this Article to  
2 "this Act" mean this Article.

3 (220 ILCS 5/23-102 new)

4 Sec. 23-102. Findings. The General Assembly finds that the  
5 adoption and use of clean, zero-pollution space and water  
6 heating appliances in residential and commercial buildings  
7 would benefit the State by (i) protecting the air that  
8 Illinoisans breathe through reducing unhealthy levels of smog  
9 and ozone, (ii) minimizing health risks associated with air  
10 pollution, including respiratory ailments, cardiovascular  
11 illnesses, and premature death, which are linked to exposure  
12 to fine particulate matter and nitrogen dioxide, (iii)  
13 assisting the State in achieving attainment of federal  
14 National Ambient Air Quality Standards for ozone and meeting  
15 the State's obligations under the federal Regional Haze Rule,  
16 (iv) reducing climate pollution in service to the State's  
17 net-zero greenhouse gas goals, and (v) contributing to the  
18 State's economy through building and mobilizing a trained and  
19 competitive workforce to install and maintain newly purchased  
20 appliances.

21 (220 ILCS 5/23-103 new)

22 Sec. 23-103. Definitions. As used in this Article:

23 "Annual fuel utilization efficiency" or "AFUE" means the  
24 efficiency as defined by Section 4.2.35 of the Code of Federal

1 Regulations, Title 10, Part 430, Subpart B, Appendix N.

2 "Boiler" or "water heater" means a product used to heat  
3 water or produce steam and that is not exclusively used to  
4 produce electricity for sale. "Boiler" does not include any  
5 waste heat recovery boiler that is used to recover sensible  
6 heat from the exhaust of a combustion turbine or any unfired  
7 waste heat recovery boiler that is used to recover sensible  
8 heat from the exhaust of any combustion equipment.

9 "Btu" means British thermal unit, which is a scientific  
10 unit of measurement equal to the quantity of heat required to  
11 raise the temperature of one pound of water by one degree  
12 Fahrenheit at approximately 60 degrees Fahrenheit.

13 "Director" means the Director of the Environmental  
14 Protection Agency or the Director's designee.

15 "Fan-type central furnace" means a self-contained space  
16 heater providing for circulation of heated air at pressures  
17 other than atmospheric through ducts more than 25 cm (10 in) in  
18 length.

19 "Furnace" means a product designed to be a source of  
20 interior space heating.

21 "Heat input" means the heat released by the combustion of  
22 fuels in a unit based on the higher heating value of fuel,  
23 excluding the enthalpy of incoming combustion air.

24 "Heat output" means the product obtained by multiplying  
25 the recovery efficiency, as defined by Section 6.1.3 of the  
26 Code of Federal Regulation, Title 10, Part 430, Subpart B,



1 Appendix E, by the input rating of the unit.

2 "NO<sub>x</sub>" and "NO<sub>x</sub> emissions" means the sum of nitric oxide and  
3 nitrogen dioxide in the unit's flue gas, collectively  
4 expressed as nitrogen dioxide.

5 "Rated heat input capacity" means the heat input capacity  
6 specified on the nameplate of the combustion unit. If a unit  
7 has been altered or modified such that its maximum heat input  
8 is different from the heat input capacity specified on the  
9 nameplate, the new maximum heat input is the unit's rated heat  
10 input capacity.

11 "Useful heat delivered to the heated space" means the  
12 annual fuel utilization efficiency (expressed as a fraction)  
13 multiplied by the heat input.

14 (220 ILCS 5/23-104 new)

15 Sec. 23-104. Applicability. This Article applies to any  
16 person who sells, installs, offers for sale, leases, or offers  
17 for lease the following products in this State, as well as any  
18 manufacturer who intends to sell or distribute for sale or  
19 installation the following products in this State: (i) new  
20 water heaters and boilers with a rated heat input capacity of  
21 2,000,000 Btus per hour or less; and (ii) new furnaces with a  
22 rated heat input capacity of 175,000 Btus per hour or less,  
23 and, in the case of combination heating and cooling units, a  
24 cooling rate of 65,000 Btus per hour or less.

1 (220 ILCS 5/23-105 new)

2 Sec. 23-105. Emissions standards for new building heating  
3 and water heating appliances.

4 (a) On and after January 1, 2025, a person shall not sell,  
5 install, offer for sale, lease, or offer for lease, and a  
6 manufacturer shall not sell or distribute for sale or  
7 installation, the following new products in this State:

8 (1) water heaters with a rated heat input capacity of  
9 75,000 Btus per hour or less, and any water heaters with  
10 power assist, that emit more than 10 nanograms of NO<sub>x</sub> per  
11 joule of heat output;

12 (2) water heaters and boilers with a rated heat input  
13 capacity from 75,001 to 2,000,000 Btus per hour,  
14 inclusive, that emit more than 14 nanograms of NO<sub>x</sub> per  
15 joule of heat output; or

16 (3) fan-type central furnaces with a rated heat input  
17 capacity of 175,000 Btus per hour or less that emit more  
18 than 14 nanograms of NO<sub>x</sub> per joule of heat output.

19 (b) On and after January 1, 2030, a person shall not sell,  
20 install, offer for sale, lease, or offer for lease, and a  
21 manufacturer shall not sell or distribute for sale or  
22 installation, the following new products in this State:

23 (1) water heaters and boilers with a rated heat input  
24 capacity of 2,000,000 Btus per hour or less that emit more  
25 than 0.0 nanograms of NO<sub>x</sub> per joule of heat output; or

26 (2) furnaces with a rated heat input capacity of

1       175,000 Btus per hour or less that emit more than 0.0  
2       nanograms of NO<sub>x</sub> per joule of heat output. This includes  
3       non-central installations, such as wall furnaces, as well  
4       as units installed in non-residential applications.

5           (220 ILCS 5/23-106 new)

6       Sec. 23-106. Certification and identification of compliant  
7       products.

8       (a) The manufacturer shall obtain confirmation from an  
9       independent testing laboratory that each water heater, boiler,  
10       or furnace model that is subject to the requirements of this  
11       Article and that the manufacturer intends to sell or  
12       distribute for sale or installation into the State has been  
13       tested in accordance with the procedures in Section 23-107.  
14       This confirmation shall include the following statement signed  
15       and dated by the person responsible for the report at the  
16       independent testing laboratory: "Based on my inquiry of those  
17       individuals with primary responsibility for obtaining the  
18       information, I certify that the statements and information in  
19       this source test report are to the best of my knowledge and  
20       belief true, accurate, and complete. I am aware that there are  
21       significant civil and criminal penalties for submitting false  
22       statements or information or omitting required statements or  
23       information, including the possibility of fine or  
24       imprisonment."

25       (b) For each such product model, the manufacturer shall

1 submit to the Director either of the following:

2 (1) A statement that each product model meets the  
3 emission standards set forth in Section 23-105. The  
4 statement must:

5 (A) provide the following general information:  
6 name and address of manufacturer, brand name, trade  
7 name, model number, and rated heat input capacity;

8 (B) provide a description of the model being  
9 certified;

10 (C) include a complete certification source test  
11 report demonstrating that the product model was tested  
12 in accordance with procedures in Section 23-107 and a  
13 written statement that the model complies with Section  
14 23-105;

15 (D) include the following statement signed and  
16 dated by a managerial level employee responsible for  
17 the certification request at the manufacturer: "Based  
18 on my inquiry of those individuals with primary  
19 responsibility for obtaining the information, I  
20 certify that the statements and information in this  
21 request for certification are to the best of my  
22 knowledge and belief true, accurate, and complete. I  
23 am aware that there are significant civil and criminal  
24 penalties for submitting false statements or  
25 information or omitting required statements or  
26 information, including the possibility of fine or

1 imprisonment.";

2 (E) be submitted to the Director no more than 90  
3 days after the date of the emissions compliance test  
4 conducted in accordance with Section 23-107; and

5 (F) be submitted to the Director no less than 90  
6 days before the intention to sell or distribute a new  
7 product model within the State or no less than 90 days  
8 before the dates described in Section 23-105.

9 (2) An approved South Coast Air Quality Management  
10 District (SCAQMD) certification for each product model  
11 issued pursuant to SCAQMD Rules 1111, 1121, or 1146.2, to  
12 demonstrate compliance with subsection (a) of Section  
13 23-105.

14 (c) The manufacturer shall display the model number and  
15 the certification status of a product complying with this  
16 Article on the shipping carton and rating plate of each unit.

17 (220 ILCS 5/23-107 new)

18 Sec. 23-107. Determination of emissions. Emissions from  
19 products subject to the requirements of this Article shall be  
20 tested in accordance with the following provisions:

21 (1) Each product model shall receive certification  
22 based on emission tests of a randomly selected unit of  
23 that model.

24 (2) The measurement of NO<sub>x</sub> emissions shall be  
25 conducted in accordance with EPA Reference Method 7 (40

1 CFR Part 60, Appendix A), Test Methods 7A-7E.

2 (3) Each tested water heater shall be operated in  
3 accordance with Section 2.4 of American National Standards  
4 ANSI Z21.10.1-1990 at normal test pressure, input rates,  
5 and with a 5-foot exhaust stack installed during the NO<sub>x</sub>  
6 emissions tests.

7 (4) Each tested furnace shall be operated in  
8 accordance with the procedures specified in Section 3.1 of  
9 the Code of Federal Regulations, Title 10, Part 430,  
10 Subpart B, Appendix N.

11 (5) One of the 2 following formulas shall be used to  
12 calculate the NO<sub>x</sub> emission rate in nanograms of NO<sub>x</sub> per  
13 joule of heat output:

14  $N = 4.566 \times 10^4 P U H C E$

15 or

16  $N = 3.655 \times 10^{10} P^{20.9} Y Z E$

17 Where:

18 N = Calculated mass emissions of NO<sub>x</sub> per unit of useful  
19 heat (nanograms per joule of useful heat delivered to the  
20 heated space).

21 P = Measured concentration of NO<sub>x</sub> in flue gas (parts  
22 per million by volume).

23 Y = Measured concentration of O<sub>2</sub> in flue gas  
24 (percentage by volume).

25 Z = Gross heating value of gas (joules per cubic meter  
26 at 0.0 degrees Celsius, 1 atm).

1           E = AFUE (percentage), as defined in Section 23-103.

2           U = Concentration of CO<sub>2</sub> in water-free flue gas for  
3           stoichiometric combustion (percentage by volume).

4           H = Gross heating value of the fuel (Btu per cubic  
5           foot, 60 degrees Fahrenheit, 30-in Hg).

6           C = Measured concentration of CO<sub>2</sub> in flue gas  
7           (percentage by volume).

8           (220 ILCS 5/23-108 new)

9           Sec. 23-108. Enforcement and penalties.

10          (a) The Director may require the emission test results to  
11          be provided when deemed necessary to verify compliance and may  
12          periodically conduct on-site inspections and tests as are  
13          deemed necessary to ensure compliance. Such verifications  
14          shall be conducted at least once within 2 years of the date  
15          described in subsection (a) of Section 23-105 and again at  
16          least once every 5 years thereafter.

17          (b) If the Director determines that a manufacturer,  
18          distributor, retailer, installer, or other person is in  
19          violation of any provision of this Act, that violation is  
20          subject to fines and penalties according to the Director's  
21          authority.

22          (c) For purposes of this Section, fines or penalties may  
23          be levied against an installer who installs a product covered  
24          by this Article in violation of this Article, however they  
25          shall not be levied against such installer's nonmanagerial

1 employees, if any, who perform such installation.

2 (d) Fines and penalties collected under this Section may  
3 be used for supplemental environmental programs to offset the  
4 cost of furnace and water heater replacements in low-income  
5 and moderate-income households or households in environmental  
6 justice communities, according to the Director's authority to  
7 use fines and penalties.

8 (e) On or before the date described in subsection (a) of  
9 Section 23-105, the Director shall establish a process whereby  
10 individuals may anonymously report potential violations of  
11 this Act. The Director shall investigate any such reported  
12 potential violations.

13 (220 ILCS 5/23-109 new)

14 Sec. 23-109. Additional regulation. The Director may adopt  
15 rules as necessary to ensure the proper implementation and  
16 enforcement of this Article.

17 (220 ILCS 5/23-111 new)

18 Sec. 23-111. Revisions to building codes to comply with  
19 greenhouse gas emissions reduction requirements.

20 (a) Beginning no later than July 1, 2025, to support the  
21 State's achievement of its greenhouse gas emissions  
22 requirements and to improve public health outcomes, the State  
23 building code shall require that the site energy use intensity  
24 between minimally compliant but otherwise similar buildings of



1 differing fuel types shall not be significantly unequal in all  
2 new construction statewide. Beginning no later than July 1,  
3 2025, to the fullest extent feasible, the building code shall  
4 require that any area or service within a project where  
5 infrastructure, building systems, or equipment used for the  
6 combustion of fossil fuels are installed must be all-electric  
7 ready.

8 (b) Requirements for all-electric ready new construction  
9 for residential buildings shall include:

10 (1) a heat pump space heater ready. Systems using gas  
11 or propane furnaces to serve individual dwelling units  
12 shall include the following:

13 (A) a dedicated 240 volt branch circuit wiring  
14 shall be installed within 3 feet from the furnace and  
15 accessible to the furnace with no obstructions. The  
16 branch circuit conductors shall be rated at 30 amps  
17 minimum. The blank cover shall be identified as "240V  
18 ready"; and

19 (B) the main electrical service panel shall have a  
20 reserved space to allow for the installation of a  
21 double pole circuit breaker for a future heat pump  
22 space heater installation. The reserved space shall be  
23 permanently marked as "For Future 240V use";

24 (2) an electric cooktop ready. Systems using gas or  
25 propane cooktops to serve individual dwelling units shall  
26 include the following:

1           (A) a dedicated 240 volt branch circuit wiring  
2           shall be installed within 3 feet from the cooktop and  
3           accessible to the cooktop with no obstructions. The  
4           branch circuit conductors shall be rated at 50 amps  
5           minimum. The blank cover shall be identified as "240V  
6           ready"; and

7           (B) the main electrical service panel shall have a  
8           reserved space to allow for the installation of a  
9           double pole circuit breaker for a future electric  
10           cooktop installation. The reserved space shall be  
11           permanently marked as "For Future 240V Use";

12           (3) an electric clothes dryer ready. Clothes dryer  
13           locations with gas or propane plumbing shall include the  
14           following:

15           (A) systems serving individual dwelling units  
16           shall include:

17           (i) a dedicated 240 volt branch circuit wiring  
18           shall be installed within 3 feet from the clothes  
19           dryer location and accessible to the clothes dryer  
20           location with no obstructions. The branch circuit  
21           conductors shall be rated at 30 amps minimum. The  
22           blank cover shall be identified as "240V ready";  
23           and

24           (ii) the main electrical service panel shall  
25           have a reserved space to allow for the  
26           installation of a double pole circuit breaker for

1           a future electric clothes dryer installation. The  
2           reserved space shall be permanently marked as "For  
3           Future 240V Use"; and

4           (B) systems in common use areas shall include  
5           conductors or raceway shall be installed with  
6           termination points at the main electrical panel, via  
7           subpanels if applicable, to a location no more than 3  
8           feet from each gas outlet or a designated location of  
9           future electric replacement equipment. Both ends of  
10           the conductors or raceway shall be labeled "Future  
11           240V Use". The conductors or raceway and any  
12           intervening subpanels, panelboards, switchboards, and  
13           busbars shall be sized to meet the future electric  
14           power requirements, at the service voltage to the  
15           point at which the conductors serving the building  
16           connect to the utility distribution system. The  
17           capacity requirements may be adjusted for demand  
18           factors. Gas flow rates shall be determined in  
19           accordance with State plumbing code. Capacity shall be  
20           one of the following:

21                   (i) 0.24 amps at 208/240 volts per clothes  
22                   dryer;

23                   (ii) 2.6 kVA for each 10,000 Btu per hour of  
24                   rated gas input or gas pipe capacity; or

25                   (iii) the electrical power required to provide  
26                   equivalent functionality of the gas-powered

1 equipment as calculated and documented by the  
2 responsible person associated with the project;  
3 and

4 (4) a heat pump water heater ready. Systems using gas  
5 or propane service water heaters to serve individual  
6 dwelling units shall include the following:

7 (A) a dedicated 240 volt branch circuit wiring  
8 shall be installed within 3 feet from the furnace and  
9 accessible to the furnace with no obstructions. The  
10 branch circuit conductors shall be rated at 30 amps  
11 minimum. The blank cover shall be identified as "240V  
12 ready";

13 (B) the main electrical service panel shall have a  
14 reserved space to allow for the installation of a  
15 double pole circuit breaker for a future heat pump  
16 water heater installation. The reserved space shall be  
17 permanently marked as "For Future 240V use"; and

18 (C) an indoor space that is at least 3 feet by 3  
19 feet by 7 feet high shall be available surrounding or  
20 within 3 feet of the installed water heater, except  
21 where a tankless water heater is installed.

22 (c) Newly constructed commercial buildings shall meet the  
23 requirements of Appendix CH of the 2024 version of the  
24 International Energy Conservation Code.

25 (d) Beginning no later than January 1, 2026, the State  
26 building code must include a prescriptive requirement for

1 central air conditioning systems that are being removed due to  
2 equipment failure or as part of a larger renovation project,  
3 that they must be replaced with a heat pump capable of both  
4 heating and cooling in accordance with the following  
5 requirements:

6 (1) Requirements for residential buildings:

7 (A) If an existing central air conditioner is  
8 removed from a natural gas, propane, or fuel oil  
9 forced air system that is to remain in place, the  
10 replacement heat pump must be sized to meet the  
11 cooling load of the home with controls allowing the  
12 heat pump to provide the primary heating and furnace  
13 as "backup" heating.

14 (B) If an existing central air conditioner is  
15 connected to a natural gas, propane, or fuel oil  
16 forced air system that is to also be replaced, the  
17 replacement heat pump must be sized to meet all loads  
18 of the home. Exceptions may be given for replacement  
19 systems that require the main electrical service panel  
20 to be upgraded.

21 (C) If an existing central air conditioner and its  
22 accompanying ductwork are replaced, the replacement  
23 heat pump must be sized to meet all loads of the home.

24 (2) Requirements for commercial buildings: If an  
25 existing rooftop packaged unit is removed, the replacement  
26 unit must be a heat pump. This requirement only applies to

1 existing rooftop packaged units that are 65,000 Btu/h or  
2 less. Exceptions may be given for replacement systems that  
3 require the main electrical service panel to be upgraded.

4 (220 ILCS 5/23-112 new)

5 Sec. 23-112. Revisions to gas service line extensions to  
6 comply with greenhouse gas emissions reduction requirements.

7 (a) To support the State's achievement of its greenhouse  
8 gas emissions requirements, and to improve public health  
9 outcomes, no gas company may furnish or supply gas service,  
10 instrumentalities, and facilities to any commercial or  
11 residential location that did not receive gas service or did  
12 not file applications for gas service on or before June 30,  
13 2027.

14 (b) The following locations are exempt from the  
15 requirements of subsection (a):

16 (1) buildings that require gas systems for emergency  
17 backup power; and

18 (2) buildings specifically designated for occupancy by  
19 a commercial food establishment, laboratory, laundromat,  
20 hospital, or crematorium.

21 (220 ILCS 5/23-301 new)

22 Sec. 23-301. Severability. If any provision of this  
23 Article or the application of this Article to any person or  
24 circumstance is held invalid, such invalidity does not affect

1 other provisions or applications of the Article that can be  
2 given effect without the invalid provision or application, and  
3 to this end the provisions of this Article are declared to be  
4 severable.

5 (220 ILCS 5/Art. XXIV heading new)

6 ARTICLE XXIV. 2050 HEAT DECARBONIZATION STANDARD

7 (220 ILCS 5/24-101 new)

8 Sec. 24-101. Legislative policy. To provide the highest  
9 quality of life for the residents of this State and to provide  
10 for a clean and healthy environment, it is the policy of this  
11 State that natural gas utilities, otherwise referred to as  
12 "obligated parties", shall transition to 100% zero emissions  
13 by 2050. Under the heat decarbonization standard, each gas  
14 utility has an annual obligation, beginning in 2030, to reduce  
15 the greenhouse gas emissions resulting from the combustion of  
16 the fuels it delivers to its customers. The emission reduction  
17 obligation for 2030 shall be 20% relative to each utility's  
18 2020 greenhouse gas emissions levels on a weather-normalized  
19 basis. The emission reduction obligation shall grow by 4  
20 percentage points per year every year thereafter, such that  
21 the annual emission reduction requirement will reach 24% in  
22 2031, 28% in 2032, 32% in 2033, 36% in 2034, 40% by 2035, 44%  
23 by 2036, 48% by 2037, 52% by 2038, 56% by 2039, 60% by 2040,  
24 64% by 2041, 68% by 2042, 72% by 2043, 76% by 2044, 80% by

1 2045, 84% by 2046, 88% by 2047, 92% by 2048, 96% by 2049, and  
2 100% by 2050. This obligation shall be referred to as the "heat  
3 decarbonization standard". The heat decarbonization standard  
4 must be met by the lowest societal cost combination of supply  
5 and demand-side resources. References in this Article to "this  
6 Act" means this Article.

7 (220 ILCS 5/24-102 new)

8 Sec. 24-102. Options for compliance.

9 (a) Obligated parties must demonstrate compliance with the  
10 heat decarbonization standard using a combination of:

11 (1) emission reductions achieved from the obligated  
12 parties' own customers; and

13 (2) clean heat credits purchased from other gas  
14 utilities that are also obligated parties in this State.

15 (b) Prior to 2035, at least 70% of each obligated party's  
16 emission reduction obligation must be met through emission  
17 reductions achieved from its own customers, with no more than  
18 30% of the emission reduction obligation in any year met  
19 through the purchase of clean heat credits. From 2035 through  
20 2040, at least 80% of each obligated party's emission  
21 reduction requirement must be met through emission reductions  
22 from its own customers, with no more than 20% met through the  
23 purchase of clean heat credits. After 2040, at least 90% of  
24 each obligated party's emission reduction requirement must be  
25 met through emission reductions achieved from its own



1 customers, with no more than 10% met through the purchase of  
2 clean heat credits.

3 (220 ILCS 5/24-103 new)

4 Sec. 24-103. Measures for customer emission reduction.

5 Emissions must be achieved through improvements in customers'

6 energy conservation practices, improvements in customers'

7 end-use efficiency, full or partial electrification of any end

8 use, or switching from fossil methane to lower-emitting liquid

9 or gaseous fuels that are delivered by the obligated party and

10 directly consumed by end-use customers at the customers' homes

11 or businesses. Lower-emitting liquid or gaseous fuels may

12 include biomethane, but lower-emitting liquid or gaseous fuels

13 may not include hydrogen except for industrial applications.

14 For emission reductions from lower-emitting liquid or gaseous

15 fuels to be counted toward an obligated party's emission

16 reduction obligation, the obligated party must both acquire

17 the lower-emitting fuel, including its environmental

18 attributes, and demonstrate a contractual pathway for the

19 physical delivery of the fuel from the point of injection into

20 a pipeline to the obligated party's delivery system. Gas

21 utilities may not use reductions in emissions from sources

22 unrelated to combustion of fossil gas at customers' homes and

23 businesses in this State as emissions offsets or alternatives

24 to reductions in the customers' own emissions.

25 Obligated parties must meet the heat decarbonization

1 standard with the lowest societal cost combination of  
2 resources, where societal cost includes infrastructure costs,  
3 utility return on capital, the social cost of greenhouse gas  
4 emissions and leakage, and the cost of health impacts  
5 attributable to pollution from a given measure.

6 (220 ILCS 5/24-104 new)

7 Sec. 24-104. Demonstrating customer emission reductions.

8 (a) Each obligated party's emissions in each year shall be  
9 calculated as:

10 (1) a weather-normalized estimate of emissions from  
11 the actual amount of fossil methane consumed by its  
12 customers in the year, plus;

13 (2) a weather-normalized estimate of emissions from  
14 the leakage of methane, hydrogen, or other greenhouse  
15 gases from front or behind-the-meter sources in a given  
16 year, plus;

17 (3) a weather-normalized estimate of the magnitude of  
18 remaining emissions resulting from switching from fossil  
19 methane to lower-emitting liquid or gaseous fuels that are  
20 delivered by the obligated party and directly consumed by  
21 customers at the customers' homes or businesses in the  
22 year. The magnitude of remaining emissions resulting from  
23 switching from fossil methane to lower-emitting liquid or  
24 gaseous fuels shall be calculated as (i) the magnitude of  
25 emissions that would have occurred had fossil methane

1 continued to be consumed, multiplied by (ii) one minus the  
2 percent reduction in life cycle emissions resulting from  
3 the fuel substitution. Life cycle emission calculations  
4 shall account for emissions associated with the entire  
5 pathway of a fuel, including extraction, production,  
6 transportation, distribution, and combustion of the fuel  
7 by the consumer.

8 (b) Obligated parties shall calculate these figures  
9 annually, and electronically submit the figures in an easily  
10 accessible digital format, such as .PDF, .DOCX, or XLSX, to  
11 the Environmental Protection Agency, the Commission, the  
12 Governor, and the General Assembly.

13 (c) The Environmental Protection Agency shall post these  
14 figures for each utility on a website readily accessible to  
15 the public, within 30 days of obligated parties submitting the  
16 figures to the Agency, and shall maintain all previous years'  
17 records for similar public access.

18 (d) The Environmental Protection Agency shall also assess  
19 the emissions figures submitted by obligated parties to assess  
20 those parties' compliance or lack thereof with the heat  
21 decarbonization standard. If an obligated party does not  
22 comply, the obligated party shall be subject to enforcement  
23 mechanisms described in Section 24-108.

24 (220 ILCS 5/24-105 new)

25 Sec. 24-105. Tradable clean heat credits. A tradable clean

1 heat credit is a tradable, intangible commodity that  
2 represents an amount of greenhouse gas reduction, measured in  
3 tons of CO<sub>2</sub>, achieved by a gas utility from its customers in  
4 this State. An obligated party must achieve excess emission  
5 reductions, over and above its annual obligation, to sell  
6 tradable clean heat credits to another obligated party. The  
7 number of tradable clean heat credits sold by an obligated  
8 party in any year may not exceed the magnitude of the obligated  
9 party's excess emission reductions in that year.

10 (220 ILCS 5/24-106 new)

11 Sec. 24-106. Banking of emission reductions. An obligated  
12 party that achieves emission reductions in a given year that  
13 are in excess of its emission reduction obligation in that  
14 year may, in lieu of selling them to another obligated party,  
15 bank them. Emission reductions that are banked in a given year  
16 may be used to comply with emission reduction obligations in  
17 any of the following 3 years. Excess emission reductions may  
18 not be banked for more than 3 years or used as part of an  
19 obligated party's annual compliance more than 3 years after  
20 they were generated. No obligated party may achieve more than  
21 20% of any annual emission reduction obligation using banked  
22 emission reductions.

23 (220 ILCS 5/24-107 new)

24 Sec. 24-107. Equity in emission reductions.

1       (a) As used in this Section:

2       "Equity investment eligible communities" has the meaning  
3 given to that term in the Energy Transition Act.

4       "Income-qualified households" means those households whose  
5 annual incomes are at or below 80% of the area median income.

6       (b) Each obligated party must achieve real emission  
7 reductions from income-qualified households and environmental  
8 justice communities that are at least 5 percentage points  
9 greater than a proportional percentage of the annual gas  
10 consumption of such customers multiplied by each obligated  
11 party's annual emissions reduction requirements. At least half  
12 of the emission reductions from equity investment eligible  
13 communities shall be from measures that require capital  
14 investments in homes, have expected lives of at least 10  
15 years, and are estimated to lower annual energy bills.  
16 Emission reductions in equity investment eligible communities  
17 shall include codelivery and coordinated implementation of all  
18 relevant programs, measures, and complementary services. This  
19 includes, but is not limited to, pairing high efficiency  
20 electrification measures and programs with energy efficiency,  
21 building envelope improvements, the Illinois Solar for All  
22 Program, energy assistance, health and safety improvements,  
23 and federal incentives targeted to disadvantaged communities.  
24 Emission reductions from income-qualified and environmental  
25 justice communities, including efforts to codeliver and  
26 coordinate other programs and services, shall be reported on

1 at least annually to the Commission. Tradable clean heat  
2 credits cannot be used to fulfill this requirement.

3 (220 ILCS 5/24-108 new)

4 Sec. 24-108. Enforcement.

5 (a) The Commission shall order an obligated party that  
6 fails to achieve its emission reduction obligation in a given  
7 year, including required amounts from income-qualified  
8 customers and front-line communities, to make a noncompliance  
9 payment. The noncompliance payment shall be equal to 3 times  
10 the estimated cost per unit of emission reduction incurred by  
11 all obligated parties in the State for the emission reductions  
12 the obligated parties achieved in the prior year.

13 (b) The Commission may waive the noncompliance payment if:

14 (1) it finds that the obligated party made a good  
15 faith effort to achieve the required amount of emission  
16 reduction and its failure to achieve the required  
17 reduction resulted from market factors beyond its control,  
18 that could not have reasonably been anticipated, and for  
19 which the obligated party could not have planned; and

20 (2) it directs the obligated party to add the  
21 difference between its obligated level of emission  
22 reduction and actual emission reduction achieved to its  
23 required emission reduction amount in subsequent years,  
24 with the shortfall being made up in no more than 3 years.

25 (c) Payments received pursuant to the noncompliance

1 penalty shall be directed to the Commission.

2 (d) The Commission shall use any noncompliance payments to  
3 contract with an independent third party to achieve emission  
4 reductions in the service territory of the noncomplying  
5 utility. The Commission shall prioritize achieving such  
6 reductions from weatherization or electrification of  
7 income-qualified households, to the extent that such  
8 reductions would lower annual energy bills.

9 (220 ILCS 5/24-109 new)

10 Sec. 24-109. 2050 Heat Decarbonization Pathways Study.

11 (a) In order to ensure sufficient planning for achieving  
12 this goal, the Commission shall complete a 2050 Heat  
13 Decarbonization Pathways Study by June 1, 2025, to examine  
14 feasible and practical pathways for investor-owned natural gas  
15 utilities to achieve the State's decarbonization requirement  
16 to be net zero by 2050, and the impacts of decarbonization on  
17 customers and the electric and natural gas utilities that  
18 serve the customers.

19 (b) The Commission shall host the study in collaboration  
20 with a technical working group whose members are appointed by  
21 the Governor and a consultant selected by the technical  
22 working group. The Commission and technical working group  
23 shall host a public process for stakeholder input regarding  
24 (i) the proposed scope of the study, (ii) initial draft  
25 assumptions for the study, (iii) draft study results, and (iv)

1 the draft study report. The technical working group shall  
2 consist of the following members:

3 (1) one representative of natural gas utilities;

4 (2) one representative of electric utilities;

5 (3) the chair of the Commission, or the chair's  
6 designee;

7 (4) one representative of the Office of  
8 Decarbonization Planning within the Illinois Commerce  
9 Commission;

10 (5) one representative of the Environmental Protection  
11 Agency;

12 (6) one representative of an environmental advocacy  
13 group;

14 (7) one representative of a labor organization;

15 (8) one representative of commercial and industrial  
16 gas customers;

17 (9) one representative of an organization that  
18 represents residential ratepayer advocates;

19 (10) one representative of a group that represents  
20 environmental justice or front-line communities;

21 (11) one representative of a group that represents  
22 low-income residents;

23 (12) one representative of an organization that  
24 focuses on access to and promotion of energy efficiency;  
25 and

26 (13) one climate scientist from a national laboratory



1 or institution of higher education in the State.

2 (c) The 2050 Heat Decarbonization Pathways Study shall  
3 consider:

4 (1) future clean heating strategies for residential,  
5 commercial, and industrial customers, including  
6 electrification, geothermal heat and thermal networks, and  
7 energy efficiency that would comply with each gas  
8 utility's obligation under the heat decarbonization  
9 standard;

10 (2) a comparative assessment of the marginal  
11 greenhouse gas abatement cost curve of resources and  
12 technologies, including electrification, that are  
13 available for helping the utility meet its heat  
14 decarbonization standard requirements;

15 (3) how a reduction in natural gas and other  
16 utility-delivered gaseous fuels throughput will impact  
17 customer gas and electric rates, considering various price  
18 scenarios for electricity, natural gas, and other gaseous  
19 fuels and reference medium and high electrification  
20 scenarios;

21 (4) strategies to ensure equitable prioritization of  
22 decarbonization measures and programs in income-qualified  
23 and environmental justice communities while minimizing  
24 energy transition costs on ratepayers, with an emphasis on  
25 an accessible and affordable transition for low-income  
26 residents, fixed-income residents, and residents within

1 equity investment eligible communities;

2 (5) an assessment of demand-side resource potential,  
3 including load management, energy efficiency,  
4 conservation, demand response, and fuel switching,  
5 including electrification, available federal, State,  
6 county, local, and private incentives, or financing  
7 options related to building electrification and  
8 efficiency;

9 (6) that the federal incentives analysis must include  
10 ways that investor-owned utilities can leverage rebates  
11 and tax incentives in the Inflation Reduction Act and  
12 Infrastructure Investment and Jobs Act; in addition, the  
13 assessment must include ways for the investor-owned  
14 utilities to maximize low-income qualified households'  
15 participation in the electrification incentive programs;

16 (7) the impacts of building and vehicle  
17 electrification on the electric grid and strategies to  
18 integrate gas and electric system planning and resource  
19 optimization;

20 (8) specific natural gas end uses that may be suitable  
21 for the use of alternative fuels, such as biomethane and  
22 green hydrogen, and an assessment of the natural gas end  
23 uses' commercial availability, social cost, and life cycle  
24 emissions;

25 (9) a comparative evaluation of the cost of natural  
26 gas purchasing strategies, storage options, delivery

1 resources, and improvements in demand-side resources using  
2 a consistent method to calculate cost-effectiveness; and

3 (10) an evaluation of employment metrics associated  
4 with each alternative, including a projection of gas  
5 distribution jobs affected by a given alternative and jobs  
6 made available through the alternative, a description of  
7 opportunities to transition any affected gas distribution  
8 jobs to the alternative, and an explanation of how  
9 employment impacts associated with each alternative could  
10 affect equity investment eligible communities. Given its  
11 findings, the study will create a Just Transition Plan,  
12 inclusive of funding needs, for the current gas workforce.

13 (d) The Chair of the Commission, or the Chair's designee,  
14 will also serve as the Chair of the Technical Working Group.

15 (220 ILCS 5/24-110 new)

16 Sec. 24-110. Gas infrastructure planning.

17 (a) This Article creates the Office of Decarbonization  
18 Planning within the Commission to manage an iterative  
19 statewide heat decarbonization plan located within the  
20 Commission. On a timeline concurrent with the 2050 Heat  
21 Decarbonization Pathways Study, the Office of Decarbonization  
22 Planning shall adopt rules for implementing the heat  
23 decarbonization plans.

24 (b) As used in this Section:

25 "Environmental justice communities" has the meaning given

1 to that term in the Illinois Power Agency Act.

2 "Lowest reasonable cost" means the least-cost, least-risk  
3 mix of demand-side, supply-side, and electrification resources  
4 determined through a detailed and consistent analysis of a  
5 wide range of commercially available sources. At a minimum,  
6 this analysis must consider resource costs, resource  
7 availability, market-volatility risks, the risks imposed on  
8 ratepayers, resource effect on system operations, public  
9 policies regarding resource preferences, the cost of risks  
10 associated with environmental effects, including emissions of  
11 carbon dioxide, the ability to scale to meet 2050 goals, air  
12 pollution and resulting public health impacts, equity impacts,  
13 and the need for security of supply.

14 "Planned project" means any programmatic expense or  
15 related group of programmatic expenses with a defined scope of  
16 work and associated cost estimate that exceeds \$1,000,000 in  
17 2020 dollars or \$500,000 in 2020 dollars for gas utilities  
18 with less than 50,000 full service customers, as adjusted  
19 annually for inflation.

20 "Resources" means both demand-side and supply-side  
21 resources, including, but not limited to, natural gas,  
22 biomethane, green hydrogen for industrial application,  
23 conservation, energy efficiency, demand response, and  
24 electrification.

25 (c) Each natural gas utility regulated by the Commission  
26 has the responsibility to meet system demand and public policy

1 requirements, including the State's heat decarbonization  
2 standard, with the lowest reasonable cost and most feasible  
3 mix of resources. In furtherance of that responsibility, each  
4 natural gas utility must develop a gas infrastructure plan for  
5 meeting the utility's heat decarbonization standard, including  
6 5-year interim milestones from 2025 until 2050. The gas  
7 infrastructure plan must take into account the findings of the  
8 2050 Heat Decarbonization Pathways Study.

9 (d) Natural gas utilities shall file biennial gas  
10 infrastructure plans that create alignment between gas utility  
11 distribution system investments and the utility's heat  
12 decarbonization standard obligations at lowest reasonable cost  
13 and that consider nonpipeline infrastructure projects that  
14 minimize costs over the long term.

15 (e) Before the filing of each biennial gas infrastructure  
16 plan, the Office of Decarbonization Planning shall contract  
17 for gas demand forecasts for each regulated gas utility in the  
18 State from an independent party. Gas utilities must reasonably  
19 provide accurate and timely system data to the independent  
20 contractor selected to conduct the forecasts. For each  
21 regulated gas utility in the State, the third party must  
22 produce forecasts for each customer class that consider slow,  
23 medium, and rapid acceleration of residential, commercial, and  
24 industrial electrification of the end uses that rely upon the  
25 direct combustion of natural gas in buildings. The forecasts  
26 must include, to the extent possible, the effects of updated

1 State and local building codes, changes to the number of gas  
2 utility customers, consumer responses to building  
3 electrification programs or incentives offered within a gas  
4 utility's service territory, the price elasticity of gas  
5 demand if rates increase due to reduced gas throughput and the  
6 impacts of commodity prices, and any other criteria as  
7 stipulated by the Commission. The forecasts shall be due to  
8 the Commission and the gas utilities at least 8 months prior to  
9 the filing of a gas infrastructure plan.

10 (f) A gas infrastructure plan must:

11 (1) cover the 20 years immediately following the  
12 approval of the plan with a 5-year action plan of  
13 investments;

14 (2) provide the estimated total cost and annual  
15 incremental revenue requirements of the proposed action  
16 plan, assuming both conventional depreciation and  
17 accelerated depreciation, as applicable;

18 (3) use the various gas demand forecasts provided to  
19 it under this article and include a range of possible  
20 future scenarios and input sensitivities for the purpose  
21 of testing the robustness of the utility's portfolio of  
22 planned projects under various parameters;

23 (4) take into account the findings of the 2050 Heat  
24 Decarbonization Pathways Study;

25 (5) demonstrate that the utility's infrastructure  
26 investment plans align with obligations under the heat

1 decarbonization standard;

2 (6) include a list of all proposed system expenditures  
3 and investments, including an analysis of infrastructure  
4 needs and detailed information on all planned projects  
5 within the action plan;

6 (7) include the results of nonpipeline alternative  
7 analyses conducted for all planned projects not necessary  
8 to mitigate a near-term safety or reliability risk subject  
9 to rules by the Commission that include, but are not  
10 limited to:

11 (A) a consideration of both supply and demand-side  
12 alternatives to traditional capital investments,  
13 including gas demand response and electrification; and

14 (B) a cost-benefit analysis of the various options  
15 that consider non-energy benefits and the societal  
16 value, including health benefits, of reduced carbon  
17 emissions and surface-level pollutants, particularly  
18 in equity investment eligible communities;

19 (8) minimize rate impacts on customers, particularly  
20 low-income households and households within equity  
21 investment eligible communities;

22 (9) describe the methodology, criteria, and  
23 assumptions used to develop the plan;

24 (10) include one or more system maps indicating  
25 locations of individual planned projects, pressure  
26 districts served by the individual project, locations of

1 equity investment eligible communities, and any other  
2 information as required by the Commission;

3 (11) provide a summary of stakeholder participation  
4 and input from a public stakeholder process, and an  
5 explanation of how input was incorporated into the plan,  
6 including for all projects located within equity  
7 investment eligible communities, a description of its  
8 outreach to members of that community and findings from  
9 those efforts; and

10 (12) requires the utility, to the extent that the  
11 utility assumes the use of alternative fuels, such as  
12 biomethane or green hydrogen, to meet its obligations  
13 under the heat decarbonization standard, to demonstrate a  
14 plan to procure firm supply and cost-effectiveness as  
15 compared to nonfuel alternatives, inclusive of the costs  
16 to retrofit all public and private infrastructure to  
17 accommodate the fuels; green hydrogen may only be used for  
18 industrial applications; hydrogen blending with methane  
19 shall not be part of decarbonization plans.

20 (g) Not later than 12 months before the due date of a plan,  
21 the utility must provide a work plan for the Commission to  
22 review. The work plan must outline the content of the resource  
23 plan to be developed by the utility, the method for assessing  
24 potential resources, and the timing and extent of public  
25 participation. In addition, the Commission will hear comments  
26 on the plan at a minimum of 3 public hearings, held at times



1 and locations accessible and convenient to most people,  
2 including at least one in an equity investment eligible  
3 community, which are scheduled after the utility submits its  
4 plan for Commission review.

5 (h) No later than July 1, 2025, gas utilities in this State  
6 must file the first gas infrastructure plan application for  
7 approval. The Commission may approve, deny, or require  
8 modifications to the plan. Once approved, the plan must be  
9 incorporated into the utility's next general rate case using  
10 the approved ratemaking treatments. Deviations based on  
11 unforeseen circumstances must be justified and approved by the  
12 Commission.

13 (i) The Commission shall adopt new rules, amend existing  
14 rules, as necessary, and dedicate sufficient resources to  
15 implement this Section.

16 (220 ILCS 5/24-111 new)

17 Sec. 24-111. Study on gas utility financial incentive  
18 reform.

19 (a) The General Assembly finds that:

20 (1) Improving the alignment of gas utility customer  
21 interests, State policy, and company interests is critical  
22 to ensuring the expected decline in the use of natural gas  
23 is done efficiently, safely, cost-effectively, and  
24 transparently.

25 (2) There is urgency around addressing increasing

1 threats from climate change and assisting communities that  
2 have borne disproportionate impacts from climate change,  
3 including air pollution, greenhouse gas emissions, and  
4 energy burdens. Addressing this problem requires changes  
5 to the energy used to power homes and businesses, and  
6 changes to the gas utility business model under which  
7 utilities in the State have traditionally functioned.

8 (3) Gas utility ratepayers may face upwardly spiraling  
9 bills if steps are not taken to contain costs and  
10 strategically prune parts of the gas distribution network.

11 (4) There is a need to encourage gas utilities to  
12 innovate and find new lines of business to maintain  
13 financial health as their main business, the provision of  
14 fossil natural gas, winds down.

15 (5) The current regulatory framework has encouraged  
16 infrastructure programs that have been plagued by  
17 excessive cost overruns and delays.

18 (6) Discussions of performance incentive mechanisms  
19 must always take into account the affordability of  
20 customer rates and bills via stakeholder input.

21 The General Assembly, therefore, directs the Commission to  
22 reform the gas utility financial incentives structure to  
23 further specified goals and objectives related to the  
24 provision of clean, affordable heat and the advancement of an  
25 equitable distribution of benefits and reduction in harms in  
26 equity investment eligible communities and economically

1 disadvantaged communities.

2 (b) The Commission shall open an investigation to consider  
3 performance-based ratemaking tools and other financial  
4 mechanisms to advance the goals of affordability, equity,  
5 pollution reduction, energy system flexibility and  
6 electrification, reliability, safety, customer experience,  
7 cost-effectiveness, and the financial health of gas utilities  
8 as the gas utilities scale down their core business of  
9 delivering fuel-based energy through the distribution network.  
10 The investigation shall consider the following mechanisms, in  
11 addition to any others that the Commission or stakeholders  
12 deem necessary:

- 13 (1) accelerated and shortened depreciation schedules;  
14 (2) performance metrics and benchmarking;  
15 (3) revenue decoupling;  
16 (4) cost-recovery options for nonpipeline  
17 alternatives;  
18 (5) electrification;  
19 (6) networked geothermal systems;  
20 (7) securitization;  
21 (8) fuel-cost sharing;  
22 (9) multiyear rate plans;  
23 (10) performance incentive mechanisms;  
24 (11) the equalization of capital and operational  
25 expenditures;  
26 (12) return on equity levels for different investment

1 types;

2 (13) rate designs at the electric and gas nexus;

3 (14) low-income rates;

4 (15) luxury gas rates; and

5 (16) intersectoral cost recovery.

6 (c) The Commission must create a framework to evaluate  
7 each mechanism on its own and as part of a set of mechanisms to  
8 achieve the policy objectives determined by the General  
9 Assembly, stakeholders, and the general public after a minimum  
10 of 3 public hearings held at times and locations accessible  
11 and convenient to most people, including at least one in an  
12 equity investment eligible community.

13 (d) The investigation shall consist of a series of  
14 workshops facilitated by an independent consultant that  
15 encourages representation from diverse stakeholders, ensures  
16 equitable opportunities for participation, and does not  
17 require formal intervention or representation by an attorney.

18 (e) Any recommendations at the conclusion of the process  
19 must be shared with the General Assembly, and those  
20 recommendations already within the Commission's existing  
21 authorities must be adopted in the next applicable general  
22 rate case or relevant filing.

23 (220 ILCS 5/24-112 new)

24 Sec. 24-112. Reporting requirements.

25 (a) Each gas utility in the State must report data to the

1 Commission in January and July of each year that satisfy  
2 metrics that are set by the Commission to assess, on a system,  
3 segment, and neighborhood basis, the level of system safety  
4 and risk. The metrics must include, but are not limited to, the  
5 following:

6 (1) the overall average leak rate of replaced and  
7 to-be-replaced mains and leak-prone pipes;

8 (2) the overall average leak rate using only  
9 leak-prone pipe and current leaks;

10 (3) the neighborhood average leak rate using only  
11 remaining leak-prone pipes and current leaks; and

12 (4) the neighborhood historic average leak rate using  
13 leaks on leak-prone pipes for the past 2 years, on a  
14 rolling basis, normalized for weather, and incorporating  
15 all class 2 leaks except third-party damage.

16 (b) Gas utilities must include in the report an assessment  
17 of whether the actions taken in the prior 3 years produced the  
18 best value, in terms of risk reduction, for the amounts  
19 expended and a prediction of how planned projects will change  
20 risk levels on a neighborhood, segment, and system basis. The  
21 report filed by Peoples Gas Light and Coke Company must also  
22 include updates on steps taken to implement the  
23 recommendations of the Final Report on Phase One of an  
24 Investigation of Peoples Gas Light and Coke Company's AMRP.  
25 The Commission may require any other gas utility to adopt new  
26 and revised practices and processes by Peoples Gas Light and

1 Coke Company to ensure consistency across utilities.

2 (c) In its review of the data and metrics provided, the  
3 Commission may order adjustments in infrastructure replacement  
4 plans as it deems necessary to meet an acceptable level of risk  
5 at appropriate cost.

6 (220 ILCS 5/Art. XXV heading new)

7 ARTICLE XXV. STATE NAVIGATOR PROGRAM LAW

8 (220 ILCS 5/25-101 new)

9 Sec. 25-101. Short title. This Article may be cited as the  
10 State Navigator Program Law. References in this Article to  
11 "this Act" mean this Article.

12 (220 ILCS 5/25-102 new)

13 Sec. 25-102. Intent. The General Assembly finds that  
14 improving the energy efficiency of, and reducing the  
15 greenhouse gases from, residential buildings are critical to  
16 meeting the State's adopted climate goals in Public Act  
17 102-662.

18 The General Assembly recognizes that making information  
19 about energy efficiency and weatherization programs,  
20 electrification services, skilled contractors, and federal and  
21 State electrification incentives available to State residents  
22 will assist obligated parties to comply with the Clean Heat  
23 Standard set out in Article XXIII. Further, the General

1 Assembly recognizes that establishing a comprehensive  
2 statewide navigator program is essential to ensuring equitable  
3 access to electrification and energy efficient services. This  
4 program requires the Administrator to help State residents  
5 combine local, State, federal, and utility services related to  
6 electrification, energy efficiency, and the reduction of  
7 energy burdens to maximize electrification and energy  
8 efficiency in this State, and fill gaps as needed.

9 (220 ILCS 5/25-103 new)

10 Sec. 25-103. Definitions. As used in this Article:

11 "Administrator" means an entity, including, but not  
12 limited to, a nonprofit corporation or community-based  
13 organization. "Administrator" does not include an energy  
14 utility.

15 "Customers" means residents, businesses, and building  
16 owners.

17 "Department" means the Department of Commerce and Economic  
18 Opportunity.

19 "Electrification services" includes energy audits,  
20 assistance converting to on-site renewable energy, installing  
21 electric heat pumps and heat pump water heaters, electric  
22 appliance replacement, assistance with paperwork, arranging  
23 for financing, energy efficiency, weatherization, health and  
24 safety, and any related services and work.

25 "Equity investment eligible communities" has the meaning

1 given to that term in Section 5-5 of the Energy Transition Act.

2 "Income-qualified households" means those whose annual  
3 incomes are at or below 80% of area median income.

4 "Navigator Working Group" means representatives appointed  
5 by the Department who represent members from either the  
6 electrician trades, construction industry, community  
7 organizations that work in energy burdened communities,  
8 community organizations who have experience with  
9 weatherization programs, members from equity investment  
10 eligible communities or the Illinois Commerce Commission or  
11 staff, and electric utilities and obligated parties as  
12 indicated in Article XXIII.

13 (220 ILCS 5/25-104 new)

14 Sec. 25-104. Creation of State navigator program.

15 (a) The Department may establish and oversee a statewide  
16 building energy upgrade navigator program. The purpose of the  
17 navigator program is to provide a statewide resource to assist  
18 building owners and building renters with accessing  
19 electrification services and energy efficiency services and  
20 programs, funding, and any other assistance that will result  
21 in aiding obligated parties' compliance with the Clean Heat  
22 Standard in Article XXIII. This includes, but is not limited  
23 to, utility programs, the weatherization assistance program,  
24 federal funding, rebates, health and safety funding, and other  
25 State and local funding.



1       (b) The Department must coordinate and collaborate with  
2 the navigator working group on the design, administration, and  
3 implementation of the navigator program.

4       (c) The Department must ensure that all State residents  
5 have equitable access to the navigator program.

6       (d) The Department may consult with other programs,  
7 entities, and stakeholders as the Department determines to be  
8 appropriate on the design, administration, and implementation  
9 of the navigator program.

10       (e) Third-Party Administrator.

11       (1) The Department may contract out this program to  
12 the Administrator. Subject to the following requirements:

13               (A) The Administrator must be selected through a  
14 competitive process.

15               (B) The Administrator must have experience with  
16 running statewide programs related to energy  
17 efficiency, electrification services, or  
18 weatherization programs.

19               (C) The Administrator must have experience working  
20 with multifamily building owners and renters.

21               (D) The Administrator must have experience  
22 assisting people with low incomes or energy burdened  
23 households.

24               (E) The Administrator must have experience running  
25 programs in both urban and rural parts of the State,  
26 including covering a range of geographic and community

1 diversity.

2 (2) If the Department decides to hire an  
3 Administrator, they must enter into a contract within a  
4 year of the effective date of this amendatory Act of the  
5 103rd General Assembly.

6 (3) If the Department decides to hire an  
7 Administrator, the contract expires after 4 years. After 4  
8 years, the Department can renew the contract or select a  
9 different Administrator. If the Administrator is not  
10 meeting the requirements of the program and its  
11 participants, the contract may be terminated early, and a  
12 new Administrator may be hired.

13 (4) The Administrator shall have the same  
14 responsibilities as the Department in creating,  
15 overseeing, and implementing the programs in the navigator  
16 program.

17 (f) The Department or Administrator of the navigator  
18 program must:

19 (1) provide outreach and deliver energy services to:

20 (A) owner occupied and rental residences; and

21 (B) single-family and multifamily dwellings;

22 (2) provide coverage for all geographic regions in the  
23 State;

24 (3) support energy efficient and emissions reductions  
25 alternatives for all types of fuel used in buildings; the  
26 Department or Administrator shall ensure funding is used

1 for projects that include electrification and energy  
2 efficiency work, and any related health and safety,  
3 renewable energy, and whole building needs; funding shall  
4 not be used for the installation of new natural gas or  
5 other fossil fuel equipment;

6 (4) create strategies to ensure that the navigator  
7 program prioritizes services in equity investment eligible  
8 communities, one of which must include dedicating at least  
9 40% of the total funding for the navigator program to  
10 deploy electrification services, energy efficiency  
11 measures, renewable energy, health and safety upgrades,  
12 and related upgrades in equity investment eligible  
13 communities, through;

14 (A) weatherization services, including air sealing  
15 and insulation;

16 (B) health and safety improvements;

17 (C) purchase and installation of efficient  
18 electric equipment;

19 (D) energy efficiency improvements, as needed;

20 (E) health and safety improvements that aid in  
21 energy conservation;

22 (F) weatherization services;

23 (G) solar, storage, and renewable energy, as  
24 needed; and

25 (G) workforce development programs;

26 (5) create a strategy for how the navigator program

1 will equitably assist residents in accessing rebates and  
2 incentives in the federal Inflation Reduction Act;

3 (6) create a strategy for how the navigator program  
4 will assist customers in accessing State funding  
5 opportunities available to access electrification  
6 services;

7 (7) create a strategy to stack funding from all  
8 available incentives and tax rebates together with the  
9 goal of creating a 'one-stop shop' for all weatherization,  
10 energy efficiency and electrification services;

11 (8) support the integrated implementation of all  
12 relevant clean building programs funded in the State  
13 budget, including, but not limited to:

14 (A) the Low Income Home Energy Assistance Program;

15 and

16 (B) the Illinois Home Weatherization Assistance  
17 Program; and

18 (9) maintain a recommended contractor list.

19 (220 ILCS 5/25-105 new)

20 Sec. 25-105. Education materials and outreach. The  
21 Department or Administrator shall:

22 (1) create educational materials, which must include  
23 information about all relevant funds and financial  
24 assistance available from federal, State, local, and  
25 energy utility programs, including, but not limited to,

1 incentives, rebates, tax credits, grants, and loan  
2 programs;

3 (2) contract with one or more community-based  
4 organizations that demonstrate past success in working  
5 with equity investment eligible communities in order to  
6 create and distribute educational materials specifically  
7 targeted at equity investment eligible communities;

8 (3) support and connect community-based organizations  
9 in their region to training programs in areas of  
10 electrification, energy efficiency, building envelope, and  
11 installation technical assistance, and other relevant  
12 areas; and

13 (4) ensure the education and outreach work is  
14 coordinated with other State energy efficiency,  
15 weatherization, electrification, and related programs and  
16 providers.

17 (220 ILCS 5/25-106 new)

18 Sec. 25-106. Delivered services for equity investment  
19 eligible communities.

20 (a) The Department or Administrator must implement the  
21 navigator program for income-qualified households, which must  
22 include support navigating to existing programs or directly  
23 providing and filling gaps related to:

24 (1) energy audits to provide recommendations to  
25 customers on a wide range of cost-effective energy and

- 1       health improvements;
- 2           (2) weatherization and energy efficiency services,  
3       including, but not limited to, adding insulation, sealing  
4       cracks, and making other changes that reduce heat loss,  
5       save money on heating bills, and improve the health and  
6       safety of buildings;
- 7           (3) appliance upgrades;
- 8           (4) electrification services, including installation  
9       of air-sourced heat pumps, heat pump hot water heaters,  
10       cooling, and electric panel upgrades and wiring;
- 11          (5) accessing qualified energy contractors; and
- 12          (6) securing financing.
- 13        (b) Nothing in this Section shall preclude the  
14        implementation of measures that, in addition to producing  
15        energy savings, increase electric load by adding building  
16        cooling systems where none existed before.

17           Section 99. Effective date. This Act takes effect upon  
18        becoming law.

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