



Sen. A. J. Wilhelmi

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1 AMENDMENT TO SENATE BILL 878

2 AMENDMENT NO. _____. Amend Senate Bill 878 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Renewable Energy, Energy Efficiency, and
5 Coal Resources Development Law of 1997 is amended by changing
6 Section 6-3 as follows:

7 (20 ILCS 687/6-3)

8 (Section scheduled to be repealed on December 12, 2015)

9 Sec. 6-3. Renewable energy resources program.

10 (a) The Department of Commerce and Economic Opportunity, to
11 be called the "Department" hereinafter in this Law, shall
12 administer the Renewable Energy Resources Program to provide
13 grants, loans, and other incentives to foster investment in and
14 the development and use of renewable energy resources.

15 (b) The Department shall establish eligibility criteria
16 for grants, loans, and other incentives to foster investment in

1 and the development and use of renewable energy resources.
2 These criteria shall be reviewed annually and adjusted as
3 necessary. The criteria should promote the goal of fostering
4 investment in and the development and use, in Illinois, of
5 renewable energy resources.

6 (c) The Department shall accept applications for grants,
7 loans, and other incentives to foster investment in and the
8 development and use of renewable energy resources.

9 (d) To the extent that funds are available and
10 appropriated, the Department shall provide grants, loans, and
11 other incentives to applicants that meet the criteria specified
12 by the Department.

13 (e) The Department shall conduct an annual study on the use
14 and availability of renewable energy resources in Illinois.
15 Each year, the Department shall submit a report on the study to
16 the General Assembly. This report shall include suggestions for
17 legislation which will encourage the development and use of
18 renewable energy resources.

19 (f) As used in this Law, "renewable energy resources"
20 includes energy from wind, solar thermal energy, photovoltaic
21 cells and panels, dedicated crops grown for energy production
22 and organic waste biomass, hydropower that does not involve new
23 construction or significant expansion of hydropower dams, and
24 other such alternative sources of environmentally preferable
25 energy. "Renewable energy resources" does not include,
26 however, energy from the incineration ~~7~~ or burning ~~or heating~~ of

1 waste wood, tires, garbage, general household, institutional
2 and commercial waste, industrial lunchroom or office waste,
3 landscape waste, or construction or demolition debris.

4 (g) There is created the Energy Efficiency Investment Fund
5 as a special fund in the State Treasury, to be administered by
6 the Department to support the development of technologies for
7 wind, biomass, and solar power in Illinois. The Department may
8 accept private and public funds, including federal funds, for
9 deposit into the Fund.

10 (Source: P.A. 94-793, eff. 5-19-06.)

11 Section 10. The Illinois Power Agency Act is amended by
12 changing Section 1-10 as follows:

13 (20 ILCS 3855/1-10)

14 Sec. 1-10. Definitions.

15 "Agency" means the Illinois Power Agency.

16 "Agency loan agreement" means any agreement pursuant to
17 which the Illinois Finance Authority agrees to loan the
18 proceeds of revenue bonds issued with respect to a project to
19 the Agency upon terms providing for loan repayment installments
20 at least sufficient to pay when due all principal of, interest
21 and premium, if any, on those revenue bonds, and providing for
22 maintenance, insurance, and other matters in respect of the
23 project.

24 "Authority" means the Illinois Finance Authority.

1 "Commission" means the Illinois Commerce Commission.

2 "Costs incurred in connection with the development and
3 construction of a facility" means:

4 (1) the cost of acquisition of all real property and
5 improvements in connection therewith and equipment and
6 other property, rights, and easements acquired that are
7 deemed necessary for the operation and maintenance of the
8 facility;

9 (2) financing costs with respect to bonds, notes, and
10 other evidences of indebtedness of the Agency;

11 (3) all origination, commitment, utilization,
12 facility, placement, underwriting, syndication, credit
13 enhancement, and rating agency fees;

14 (4) engineering, design, procurement, consulting,
15 legal, accounting, title insurance, survey, appraisal,
16 escrow, trustee, collateral agency, interest rate hedging,
17 interest rate swap, capitalized interest and other
18 financing costs, and other expenses for professional
19 services; and

20 (5) the costs of plans, specifications, site study and
21 investigation, installation, surveys, other Agency costs
22 and estimates of costs, and other expenses necessary or
23 incidental to determining the feasibility of any project,
24 together with such other expenses as may be necessary or
25 incidental to the financing, insuring, acquisition, and
26 construction of a specific project and placing that project

1 in operation.

2 "Department" means the Department of Commerce and Economic
3 Opportunity.

4 "Director" means the Director of the Illinois Power Agency.

5 "Demand-response" means measures that decrease peak
6 electricity demand or shift demand from peak to off-peak
7 periods.

8 "Energy efficiency" means measures that reduce the amount
9 of electricity required to achieve a given end use.

10 "Electric utility" has the same definition as found in
11 Section 16-102 of the Public Utilities Act.

12 "Facility" means an electric generating unit or a
13 co-generating unit that produces electricity along with
14 related equipment necessary to connect the facility to an
15 electric transmission or distribution system.

16 "Governmental aggregator" means one or more units of local
17 government that individually or collectively procure
18 electricity to serve residential retail electrical loads
19 located within its or their jurisdiction.

20 "Local government" means a unit of local government as
21 defined in Article VII of Section 1 of the Illinois
22 Constitution.

23 "Municipality" means a city, village, or incorporated
24 town.

25 "Person" means any natural person, firm, partnership,
26 corporation, either domestic or foreign, company, association,

1 limited liability company, joint stock company, or association
2 and includes any trustee, receiver, assignee, or personal
3 representative thereof.

4 "Project" means the planning, bidding, and construction of
5 a facility.

6 "Public utility" has the same definition as found in
7 Section 3-105 of the Public Utilities Act.

8 "Real property" means any interest in land together with
9 all structures, fixtures, and improvements thereon, including
10 lands under water and riparian rights, any easements,
11 covenants, licenses, leases, rights-of-way, uses, and other
12 interests, together with any liens, judgments, mortgages, or
13 other claims or security interests related to real property.

14 "Renewable energy credit" means a tradable credit that
15 represents the environmental attributes of a certain amount of
16 energy produced from a renewable energy resource.

17 "Renewable energy resources" includes energy and its
18 associated renewable energy credit or renewable energy credits
19 from wind, solar thermal energy, photovoltaic cells and panels,
20 biodiesel, crops and untreated and unadulterated organic waste
21 biomass, trees and tree trimmings, hydropower that does not
22 involve new construction or significant expansion of
23 hydropower dams, and other alternative sources of
24 environmentally preferable energy. For purposes of this Act,
25 landfill gas produced in the State is considered a renewable
26 energy resource. "Renewable energy resources" does not include

1 the incineration, or burning, ~~or heating~~ of tires, garbage,
2 general household, institutional, and commercial waste,
3 industrial lunchroom or office waste, landscape waste other
4 than trees and tree trimmings, railroad crossties, utility
5 poles, or ~~and~~ construction or demolition debris, other than
6 untreated and unadulterated waste wood.

7 "Revenue bond" means any bond, note, or other evidence of
8 indebtedness issued by the Authority, the principal and
9 interest of which is payable solely from revenues or income
10 derived from any project or activity of the Agency.

11 "Total resource cost test" or "TRC test" means a standard
12 that is met if, for an investment in energy efficiency or
13 demand-response measures, the benefit-cost ratio is greater
14 than one. The benefit-cost ratio is the ratio of the net
15 present value of the total benefits of the program to the net
16 present value of the total costs as calculated over the
17 lifetime of the measures. A total resource cost test compares
18 the sum of avoided electric utility costs, representing the
19 benefits that accrue to the system and the participant in the
20 delivery of those efficiency measures, to the sum of all
21 incremental costs of end-use measures that are implemented due
22 to the program (including both utility and participant
23 contributions), plus costs to administer, deliver, and
24 evaluate each demand-side program, to quantify the net savings
25 obtained by substituting the demand-side program for supply
26 resources. In calculating avoided costs of power and energy

1 that an electric utility would otherwise have had to acquire,
2 reasonable estimates shall be included of financial costs
3 likely to be imposed by future regulations and legislation on
4 emissions of greenhouse gases.

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