



Sen. Mike Jacobs

Filed: 3/7/2007

09500SB1400sam001

LRB095 11080 BDD 31710 a

1 AMENDMENT TO SENATE BILL 1400

2 AMENDMENT NO. _____. Amend Senate Bill 1400 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Wind
5 Energy Indemnity Fund Act.

6 Section 5. Definitions.As used in this Act:

7 "Abandonment" means (a) in the case of a landowner: (i) failure
8 by the wind energy company to operate a wind turbine or wind
9 turbines for the purpose for which they were designed and
10 installed, for a period of 12 consecutive months, and (ii)
11 failure to pay the landowner moneys owed to him or her in
12 accordance with the underlying agreement, for a period of 6
13 consecutive months; (b) in the case of a county board: (i)
14 failure by the wind energy company to operate a wind turbine or
15 wind turbines for the purposes for which they were designed and
16 installed, for a period of 12 consecutive months, and (ii)

1 failure to adhere to any or all of the restrictions and
2 conditions that were part of the approval process of the
3 appropriate county authority for the granting of the special
4 use permit, conditional use permit, zoning change, or zoning or
5 permitting ordinance of any kind given in order to allow the
6 installation and operation of the wind turbine or wind
7 turbines.

8 "Board" means the governing body of the Wind Energy
9 Indemnity Fund Corporation.

10 "Claimant" means either a landowner or a county board
11 seeking to have a deconstruction paid for from the Fund and
12 carried out by the Department.

13 "Corporation" means the Wind Energy Indemnity Fund
14 Corporation, as established in this Act.

15 "County board" has the meaning set forth in Section 1.07 of
16 the Statute on Statutes.

17 "Deconstruction" means removal of all property comprising
18 a wind energy generation facility from the property of a
19 landowner and restoration of the property to the condition in
20 which it existed immediately prior to the construction of the
21 facility, including, but not limited to, soil type and
22 topography; provided, however, that foundations, pads,
23 electrical lines, and any other underground facilities must be
24 removed to a depth of 4 feet below the surface of the ground.

25 "Department" means the Department of Agriculture.

26 "Director", unless otherwise provided, means the Director

1 of Agriculture, or the Director's designee.

2 "Fund" means the Wind Energy Indemnity Fund.

3 "Landowner" means any person with an ownership interest in
4 property subject to an underlying agreement.

5 "Person" means any individual or entity, including, but not
6 limited to, a sole proprietorship, a partnership, a
7 corporation, a cooperative, an association, a limited
8 liability company, an estate, a trust, or a governmental
9 agency.

10 "Underlying agreement" means a written arrangement with a
11 landowner, including, but not limited to, an easement, under
12 the terms of which a person constructs or intends to construct
13 a wind energy generation facility on the property of the
14 landowner.

15 "Wind energy generation facility" means all property of any
16 nature whatsoever comprising an operation designed to harness
17 wind energy and create electricity therefrom, including, but
18 not limited to, turbines, towers, roadways, concrete
19 foundations, transmission lines, and poles, all situated on,
20 under, or over the property of a landowner.

21 "Wind energy indemnity trust account" means a trust account
22 established by the Director that is used for the receipt and
23 disbursement of moneys paid from the Fund.

24 "Wind turbine" means each tower, blade, and propeller
25 housing designed for wind energy generation.

1 Section 10. Powers and duties of the Director. The Director
2 has all powers necessary and proper to fully and effectively
3 execute the provisions of this Act and has the general duty to
4 implement this Act. The Director's powers and duties include,
5 but are not limited to, the following:

6 1. The Director shall personally serve as president of
7 the Corporation.

8 2. The Director may take any action that may be
9 reasonable or appropriate to enforce this Act and its
10 rules.

11 Section 15. Administrative procedure. The Illinois
12 Administrative Procedure Act applies to this Act.

13 Section 20. Administrative review and venue. Final
14 administrative decisions of the Department are subject to
15 judicial review under Article III of the Code of Civil
16 Procedure and its rules. The term "administrative decision" is
17 defined as in Section 3-101 of the Code of Civil Procedure. An
18 action to review a final administrative decision under this Act
19 may be commenced in the circuit court of any county in which
20 any part of the transaction occurred that gave rise to the
21 claim that was the subject of the proceedings before the
22 Department.

23 Section 25. Rules. The Department may promulgate rules that

1 are necessary for the implementation and administration of this
2 Act.

3 Section 30. Fund assessments. There is an assessment of
4 \$10,000 for each wind turbine constructed or under construction
5 as of the effective date of this Act and for each turbine
6 constructed thereafter, under the provisions of an underlying
7 agreement. The assessment is an obligation of the owner of each
8 wind turbine and is payable in one initial payment of \$5,000
9 and \$5,000 in equal annual installments of \$250 over a period
10 of 20 years; provided, however, that the subsequent annual
11 installments must be adjusted based on inflation, as reflected
12 in the Consumer Price Index, on an annual basis. The initial
13 payment is payable within 90 days after the effective date of
14 this Act for wind turbines already constructed or under
15 construction, and, in all other cases, prior to the
16 commencement of construction.

17 All installments under this Section must be sent to the
18 Department and made payable to the Corporation.

19 It is the responsibility of all parties to an underlying
20 agreement to report the existence and specific provisions of
21 the underlying agreement to the Department.

22 The Department shall mail all assessment notices to owners
23 of wind energy generation facilities at least 30 days before
24 the assessment installment is due.

25 All wind turbines already constructed, under construction,

1 or issued a building permit before the effective date of this
2 Act are to provide proof to the county of payment to the Fund
3 within 95 days of the effective date of this Act. If such proof
4 of payment is not provided, then the county must order the wind
5 energy company to stop all operation and construction
6 activities until the county receives proof of payment to the
7 Fund. For all other wind turbines, no county may issue a
8 building permit without being provided proof that the above
9 assessment has been paid to the Fund.

10 Section 35. Abandonment. Upon an administrative finding in
11 a hearing held by the Department that a deconstruction has been
12 validly determined and ordered by either a court of competent
13 jurisdiction or an arbitrator in binding arbitration, and
14 deconstruction, after a period of at least 8 months, has not
15 been completed satisfactorily, the Director has all the powers
16 for the benefit of claimants as established under this Act,
17 including, but not limited to, the power to do the following:

18 1. request the transfer of moneys from the Fund to the
19 Trust Account for the purpose of paying the cost of
20 deconstruction in accordance with this Act;

21 2. disburse the funds in the Trust Account for the
22 deconstruction in accordance with this Act;

23 3. cause the sale of the deconstructed assets;

24 4. retain from the sale of the deconstructed assets
25 moneys adequate to cover the costs to the Department of the

1 deconstruction, and pay those amounts to the Fund;

2 5. return all moneys over and above the costs to the
3 Department for the deconstruction to the owner or owners of
4 the deconstructed assets, or to the holders of valid liens
5 on those assets.

6 Section 40. Statutory lien. The Department has a lien prior
7 and paramount to all other liens of any sort on the assets of
8 the wind energy system to the extent of the costs incurred by
9 the Department to accomplish the deconstruction of the
10 abandoned wind energy system, which arises and attach upon
11 construction of said wind energy system; provided, however,
12 that the lien herein granted to the Department is not prior and
13 paramount to the statutory lien in favor of real property
14 taxes.

15 Section 45. Claims.

16 (a) A claimant shall file a complaint, on forms supplied by
17 the Department, that contains at least the following:

18 (1) the name and address of the claimant;

19 (2) the name and address of the owner of the wind
20 energy generation facility in question;

21 (3) the location of the wind energy generation facility
22 in question;

23 (4) a copy of either a court decision, or the finding
24 of an arbitrator in a binding arbitration proceeding, that

1 indicates a finding of abandonment of the wind energy
2 generation facility in question; a determination that the
3 underlying agreement is null, void, and of no further force
4 and effect; and an order for deconstruction of same. The
5 court order or arbitration decision must have been rendered
6 at least 8 months previously, and the time for all appeals
7 and related proceedings must have lapsed.

8 (5) evidence showing that the deconstruction ordered
9 by a court, or by an arbitrator in a proceeding for binding
10 arbitration, has not been carried to a satisfactory
11 conclusion, as defined in this Act; and

12 (6) a request that the funds necessary to perform the
13 deconstruction be paid to the Department from the Fund and
14 that the Department carry out the deconstruction in
15 accordance with the order of the court or the arbitrator
16 and in accordance with the definition of deconstruction as
17 contained in this Act.

18 (b) A hearing shall be held by the Department and a
19 decision rendered as to the validity of the claimant's
20 complaint. In the event of a finding that the complaint is
21 valid, then, within 90 days after the date, the Department
22 shall obtain at least 2 bids from contractors to carry out the
23 specific deconstruction. One bidder must be chosen by the
24 Department within the following 60 days, and the Department,
25 within 60 days thereafter, shall enter into a written agreement
26 with the successful bidder for the deconstruction, which must

1 be accomplished with 6 months thereafter.

2 (c) It is the responsibility of the Department to monitor
3 the progress of the deconstruction and provide the necessary
4 supervisory oversight to ensure that it is accomplished in
5 accordance with the deconstruction agreement and the
6 provisions of this Act.

7 Section 50. Illinois Wind Energy Indemnity Fund
8 Corporation; creation; powers.

9 (a) There is hereby created the Illinois Wind Energy
10 Indemnity Fund Corporation, a political subdivision, body
11 politic, and public corporation. The governing powers of the
12 Corporation are vested in the Board of Directors composed of
13 the Director, who shall personally serve as President; the
14 Attorney General or his or her designee, who shall serve as
15 Secretary; the State Treasurer or his or her designee, who
16 shall serve as Treasurer; and the Chairman of the Illinois
17 Commerce Commission, or his or her designee. Three members of
18 the Board constitute a quorum at any meeting of the Board, and
19 the affirmative vote of 3 members is necessary for any action
20 taken by the Board at a meeting, except that a lesser number
21 may adjourn a meeting from time to time. A vacancy in the
22 membership of the Board does not impair the right of a quorum
23 to exercise all the rights and perform all the duties of the
24 Board and Corporation.

25 (b) The Corporation has the following powers, together with

1 all powers incidental or necessary to the discharge of those
2 powers in corporate form:

3 (1) To have perpetual succession by its corporate name
4 as a corporate body.

5 (2) To adopt, alter, and repeal by-laws, not
6 inconsistent with the provisions of this Act, for the
7 regulation and conduct of its affairs and business.

8 (3) To adopt and make use of a corporate seal and to
9 alter the seal at pleasure.

10 (4) To avail itself of the use of information,
11 services, facilities, and employees of the State of
12 Illinois in carrying out the provisions of this Act.

13 (5) To receive funds assessed by the Department under
14 this Act.

15 (6) To administer the Fund by investing funds of the
16 Corporation that the Board may determine are not presently
17 needed for its corporate purposes.

18 (7) Upon the request of the Director, to make payment
19 from the Fund to the Trust Account when payment is
20 necessary to pay costs of deconstruction in accordance with
21 the provisions of this Act.

22 (8) To authorize, receive, and disburse funds by
23 electronic means.

24 (9) To have those powers that are necessary or
25 appropriate for the exercise of the powers specifically
26 conferred upon the Corporation and all incidental powers

1 that are customary in corporations.

2 (c) All assessments by the Department must be held by the
3 Corporation in the Fund.

4 (d) Subject to applicable law, the assets of the Fund may
5 be invested and reinvested at the discretion of the
6 Corporation, and the income from these investments must be
7 deposited into the Fund and must be available for the same
8 purposes as all other assets of the Fund.

9 (e) The assets of the Fund may not be available for any
10 purposes other than the payment of deconstruction costs under
11 this Act and the payment of refunds of amounts that the Board
12 determines have been inappropriately paid into the Fund, and
13 may not be transferred to any other fund, other than the Trust
14 Account when necessary to pay deconstruction costs under this
15 Act or to pay refunds authorized by the Board.

16 Section 55. No waiver. The provisions of this Act,
17 including the definitions, may not be altered, varied, or
18 revised by agreement.

19 Section 900. The Illinois Resource Development and Energy
20 Security Act is amended by adding Section 21 as follows:

21 (20 ILCS 688/21 new)

22 Sec. 21. Legislative findings. The General Assembly finds
23 and declares that:

1 (1) a wind energy Act that provides for a renewable
2 portfolio standard, a consistent property valuation
3 method, a restoration indemnity fund, and mechanic's lien
4 clarification will provide a favorable environmental and
5 economic climate for development of wind energy;

6 (2) it is desirable to develop both renewable and
7 alternative energy resources to obtain environmental
8 quality and public health benefit;

9 (3) the benefits of electricity from renewable and
10 alternative energy resources accrue to the public at large,
11 thus consumers and electric utilities and alternative
12 retail electric suppliers share an interest in developing
13 and using a significant level of these environmentally
14 preferable resources in the State's electricity supply
15 portfolio and stability of taxes for extended periods of
16 time;

17 (4) encouraging energy efficiency will improve the
18 environmental quality and public health in the State of
19 Illinois;

20 (5) wind energy is one alternative energy source that
21 can be used to provide electricity to utility consumers;

22 (6) some regions in the State are ideal locations for
23 wind energy system development; and

24 (7) a consistent property valuation method must be used
25 state-wide to ensure uniform, equitable assessments and to
26 create an equal distribution of the tax burden among

1 taxpayers, especially in taxing districts located in more
2 than one county.

3 (8) a uniform, just, and equal valuation will be best
4 achieved by a cost approach with an appropriate allocation
5 to real property supplemented by the sales comparison
6 approach to the extent relevant and sufficient data are
7 available.

8 (9) the construction of wind energy facilities
9 throughout this State creates the need for uniform
10 procedures for assessing and taxing the property
11 comprising those facilities. In addition, as the
12 facilities are typically constructed on property owned by
13 others, and deconstruction of the facilities is costly, it
14 is desirable to create an indemnity fund to pay for
15 deconstruction in the event that the wind energy company
16 fails to do so in a timely manner;

17 (10) it is appropriate to protect the owners of the
18 underlying lands from mechanics liens imposed on those
19 lands in the event must the entities constructing the wind
20 energy facilities fail to pay suppliers of labor and
21 materials.

22 Section 905. The Property Tax Code is amended by adding
23 Division 5 to Article 11 as follows:

24 (35 ILCS 200/Art. 11 Div. 5 heading new)

1 DIVISION 5. WIND ENERGY PRODUCTION

2 (35 ILCS 200/11-185 new)

3 Sec. 11-185. Definitions. For purposes of this Division 5:

4 "Wind energy conversion device" means any device
5 including, but not limited to, a wind charger, windmill, or
6 wind turbine that converts wind energy to a form of usable
7 energy.

8 "Wind energy conversion parcel" means all property rights
9 obtained by the Wind Energy System owner to the platted parcel
10 including the wind energy conversion devices, associated
11 equipment, easements, contracts, and leases.

12 "Wind energy conversion system" means all wind energy
13 conversion devices owned by a person who has executed a lease,
14 contract, or other written agreement or who has purchased or
15 acquired property so that one or more wind energy conversion
16 devices can be erected, built, or otherwise installed on that
17 property. These devices do not need to be on contiguous parcels
18 of property to be considered a part of a total wind energy
19 conversion system.

20 (35 ILCS 200/11-190 new)

21 Sec. 11-190. Applicability. The provisions of this
22 Division 5 do not apply to wind energy conversion systems that
23 are owned by a person strictly for personal use or to any
24 person who is otherwise exempt from taxation under the Property

1 Tax Code. For the purposes of this Section, "personal use"
2 means the use of any wind energy conversion system with a
3 nameplate capacity of less than 2 megawatts.

4 (35 ILCS 200/11-195 new)

5 Sec. 11-195. Platting requirements. Upon the completion of
6 construction, the owner of a wind energy conversion system, at
7 his or her own expense, shall cause the wind turbine facilities
8 to be platted by an Illinois registered land surveyor. The plat
9 must include access routes, together with a metes and bounds
10 description of the area surrounding each wind turbine. The
11 system owner must record the plat and deliver a copy of it to
12 the property owner and to the chief county assessment officer
13 within 60 days after the completion of the construction. Upon
14 receiving a copy of the plat, the chief county assessment
15 officer must issue a separate parcel identification number, or
16 numbers for the wind energy conversion system to apportion the
17 value to each taxing district in which the system is physically
18 located.

19 (35 ILCS 200/11-196 new)

20 Sec. 11-196. Limitation of liability for landowner. No
21 landowner is liable for taxes on a wind energy conversion
22 parcel except through ownership of the wind energy system.

23 (35 ILCS 200/11-197 new)

1 Sec. 11-197. Recourse against wind energy conversion
2 parcels. If the taxes due for a wind energy conversion parcel
3 are not paid, the county may proceed against the wind energy
4 conversion parcels with collection as provided in Article 20.

5 (35 ILCS 200/11-200 new)

6 Sec. 11-200. Wind energy conversion system size and
7 capacity. The Department must determine the total size of the
8 device. Unless the systems are interconnected with different
9 distribution systems, the nameplate capacity of one wind energy
10 conversion device must be combined with the nameplate capacity
11 of any other wind energy conversion device that is under common
12 ownership. In case of a dispute, the Department must draw all
13 reasonable inferences in favor of combining the devices into
14 one system. In making a determination, the Department may
15 decide that 2 wind energy conversion devices or systems are
16 under common ownership when the underlying ownership structure
17 contains similar persons or entities, even if the ownership
18 shares differ. Wind energy conversion devices or systems are
19 not under common ownership solely because the same person or
20 entity provided equity financing for the systems.

21 (35 ILCS 200/11-203 new)

22 Sec. 11-203. Certification of Consumer Price Index. On or
23 before May 1 of each year, the Department must certify to each
24 chief county assessment officer the consumer price index (CPI)

1 and the valuation rate per megawatt capacity , as calculated
2 under Section 11-205.

3 (35 ILCS 200/11-205 new)

4 Sec. 11-205. Method of valuation for wind energy conversion
5 systems.

6 (a) It is the policy of this State that, beginning January
7 1, 2007, a wind energy conversion system that is used as an
8 electric power source must be valued on cost allocated on real
9 property supplemented by the sales comparison approach to the
10 extent relevant and sufficient data are available. If, however,
11 a wind energy conversion system ceases to operate for any
12 reason, the minimum assessed value of the system is 10% of the
13 cost of replacing the system with a new wind energy conversion
14 system.

15 (b) The 2007 base certified value per megawatt capacity is
16 \$360,360. The Department shall determine a base value in
17 subsequent years by applying the Consumer Price Index to the
18 base.

19 (c) The Department shall develop regulations for
20 depreciation factoring functional obsolescence.

21 (35 ILCS 200/11-206 new)

22 Sec. 11-206. Valuation during 10-year valuation period. In
23 furtherance of the policy of encouraging renewable and
24 alternative energy resources to obtain environmental quality

1 and public health benefit, the valuation may not exceed the
2 base year valuation for a period of 10 years.

3 (35 ILCS 200/11-215 new)

4 Sec. 11-215. Assessments of wind energy conversion
5 systems.

6 (a) A wind energy conversion system must be assessed at 33
7 1/3% of the valuation of the valuation rate, multiplied by the
8 prior year's annual kilowatt of electricity generated. The
9 chief county assessment officer shall apportion the value to
10 each wind energy conversion parcel in which the wind energy
11 system is physically located.

12 (b) A wind energy conversion system is not subject to
13 equalization by the Department, the county, or the board of
14 review.

15 Section 910. The Public Utilities Act is amended by adding
16 Section 9-220.3 as follows:

17 (220 ILCS 5/9-220.3 new)

18 Sec. 9-220.3. Renewable energy portfolio standards.

19 (a) "Renewable energy resources" has the meaning set forth
20 in subsection (f) of Section 6-3 of The Renewable Energy,
21 Energy Efficiency, and Coal Resources Development Law of 1997.
22 However, for the limited purposes of this Section, energy
23 produced by methane recovered from landfills in Illinois may be

1 counted as a renewable energy resource for up to, but no more
2 than, 25% of the amount of renewable energy resources provided
3 by the electric utility or alternative retail electric supplier
4 in meeting the standards set forth in subsection (c).

5 (b) The objective of this Section is to ensure the
6 development and use of renewable energy resources to advance
7 the goals stated in Section 5 of the Illinois Resource
8 Development and Energy Security Act.

9 (c) Each electric utility or alternative retail electric
10 supplier shall provide sufficient renewable energy resources
11 to comprise:

12 (1) at least 2% of the total electricity
13 (megawatthours) that it supplies to its Illinois customers
14 as of December 31, 2007;

15 (2) at least 3% of the total electricity
16 (megawatthours) that it supplies to its Illinois customers
17 as of December 31, 2008;

18 (3) at least 4% of the total electricity
19 (megawatthours) that it supplies to its Illinois customers
20 as of December 31, 2009;

21 (4) at least 5% of the total electricity
22 (megawatthours) that it supplies to its Illinois customers
23 as of December 31, 2010;

24 (5) at least 6% of the total electricity
25 (megawattshours) that it supplies to its Illinois
26 customers as of December 31, 2011;

1 (6) at least 7% of the total electricity
2 (megawattshours) that it supplies to its Illinois
3 customers as of December 31, 2012;

4 (7) at least 8% of the total electricity
5 (megawattshours) that it supplies to its Illinois
6 customers as of December 31, 2013;

7 (8) at least 9% of the total electricity
8 (megawattshours) that it supplies to its Illinois
9 customers as of December 31, 2014;

10 (9) and at least 10% of the total electricity
11 (megawattshours) that it supplies to its Illinois
12 customers as of December 31, 2015.

13 The electric utilities or alternative retail electric
14 suppliers shall report to the Commission on their compliance
15 with these standards by April 1, 2008 and by April 1st of each
16 succeeding year.

17 (d) In order to help achieve improved air quality, public
18 health, and environmental quality for Illinois, renewable
19 energy resources may be counted for purposes of meeting the
20 renewable energy portfolio standards set forth in subsection
21 (c) only if they are generated from facilities located in this
22 State or in a directly adjacent serious or severe ozone
23 non-attainment area as designated by the United States
24 Environmental Protection Agency. However, the renewable energy
25 resources may be counted for purposes of the renewable energy
26 portfolio standards after January 1, 2007 if generated from a

1 facility in an adjacent state that has entered into an
2 agreement with Illinois as provided in subsection (e) and the
3 renewable energy resource provided meets the definition set
4 forth in subsection (f) of Section 6-3 of the Renewable Energy,
5 Energy Efficiency, and Coal Resources Development Law of 1997.

6 (e) Illinois officials may work with public officials in
7 adjacent states to develop a regional agreement in which
8 Illinois electric utilities and alternative retail electricity
9 suppliers will be allowed, after January 1, 2007, to count for
10 purposes of meeting the designated renewable energy portfolio
11 standards set forth in subsection (c) some renewable energy
12 resources generated in an adjacent state if that other state
13 has enacted statutory renewable energy portfolio standards
14 that are similar to the standards set forth in subsection (c)
15 and that other state also allows renewable energy resources
16 generated in Illinois to be counted toward meeting its
17 statutory renewable energy portfolio standards on a similar
18 basis. For the purposes of such an agreement, only those
19 renewable energy resources meeting the definition set forth in
20 subsection (f) of Section 6-3 of the Renewable Energy, Energy
21 Efficiency, and Coal Resources Development Law of 1997 may be
22 included.

23 (f) Costs of obtaining renewable energy resources to meet
24 the renewable energy portfolio standards, after January 1,
25 2007, pursuant to subsection (c), shall be recoverable by a
26 utility from its ratepayers to the same extent as other fuel or

1 purchase power costs as allowed by law after January 1, 2007.

2 (g) If an electric utility or alternative retail electric
3 supplier does not purchase and supply all of the amounts of
4 renewable energy specified by the standards in subsection (c),
5 then the electric utility or alternative retail electric
6 supplier shall pay a penalty of \$25 per megawatthour each year
7 for any shortfall in supply. That payment shall be deposited
8 into the Renewable Energy Resources Trust Fund to be used by
9 the Department of Commerce and Economic Opportunity for the
10 purposes of supporting the actual development, construction,
11 and utilization of renewable energy projects in Illinois.
12 However, if the electric utility or alternative retail electric
13 supplier compellingly demonstrates that renewable energy
14 resources are not available in sufficient quantities to meet
15 the renewable energy portfolio standards set forth in
16 subsection (c), and makes such a force majeure showing as to
17 the shortfall and any obstacles to availability, and if the
18 Illinois Commerce Commission finds that the electric utility or
19 alternative retail electric supplier, after notice and a
20 hearing with an opportunity for the public to be heard, has, in
21 fact, made such a compelling demonstration, then the electric
22 utility or alternative retail electric supplier may avoid
23 paying the penalty. The penalty payments shall be set aside in
24 a separate escrow fund pending the hearing. In any case where
25 the Commission finds that such a compelling demonstration has
26 been made, the electric utility or alternative retail electric

1 supplier must provide a mutually acceptable alternative means
2 of developing and utilizing renewable energy resources in the
3 State, subject to the review and approval of the Illinois
4 Commerce Commission and the Department of Commerce and Economic
5 Opportunity.

6 (h) This Act exempts any public utility with fewer than
7 200,000 electric customers in Illinois on January 1, 2007.

8 Section 920. The Mechanics Lien Act is amended by adding
9 Section 1.01 as follows:

10 (770 ILCS 60/1.01 new)

11 Sec. 1.01. Definitions. Person entitled to lien; extent of
12 lien on wind energy parcel.

13 (a) Definitions.

14 "Wind energy conversion device" means any device
15 including, but not limited to, a wind charger, windmill, or
16 wind turbine that converts wind energy to a form of usable
17 energy.

18 "Wind energy conversion parcel" means all property rights
19 obtained by the wind energy system owner to the platted parcel
20 including the wind energy conversion devices, associated
21 equipment, easements, contracts, and leases.

22 (b) A lien for work or materials on wind energy conversion
23 parcels is limited to the platted parcel, including all
24 property rights obtained by the wind energy system owner to the

1 platted parcel including the wind energy conversion devices,
2 associated equipment, easements, contracts, and leases.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.".