



Rep. Robyn Gabel

**Filed: 3/15/2013**

09800HB2753ham001

LRB098 10899 JDS 42969 a

1 AMENDMENT TO HOUSE BILL 2753

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2753 by replacing  
3 everything after the enacting clause with the following:

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

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

8 (1) that Lake Michigan is a unique and treasured public  
9 asset that supports numerous activities for the benefit of the  
10 people, wildlife, and flora of the State of Illinois;

11 (2) that the bed of Lake Michigan is public land held in  
12 trust for the people of the State of Illinois and cannot be  
13 alienated to a private use or person;

14 (3) that federal and State policy, as well as the national  
15 security, energy, and environmental needs of the United States  
16 and the people of the State of Illinois, support exploration

1 and development of renewable energy resources, including  
2 offshore wind energy;

3 (4) that the State of Illinois is a signatory to a federal  
4 and multistate memorandum of understanding and is committed to  
5 promoting the efficient, expeditious, orderly, and responsible  
6 evaluation of offshore wind power projects in the Great Lakes;

7 (5) that wind above the Illinois public trust lands of Lake  
8 Michigan is a unique and significant renewable energy resource;

9 (6) that the development of that resource does not involve  
10 mining or other extraction of resources from the public trust  
11 lands of Lake Michigan;

12 (7) that the provision of renewable energy from offshore  
13 wind, if done in an environmentally responsible manner and  
14 without transferring ownership of any public trust lands of  
15 Lake Michigan, would serve a primarily public purpose  
16 consistent with the public trust; and

17 (8) that the Lake Michigan Offshore Wind Energy Advisory  
18 Council has recommended clarifying and confirming the State's  
19 authority to permit such development and has made other  
20 recommendations to further the responsible development of the  
21 State's wind energy resources above Lake Michigan.

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

23 "Public trust lands" means the bed of Lake Michigan.

24 "Department" means the Department of Natural  
25 Resources.

1           Section 15. Wind energy siting matrix. The Department shall  
2 develop a detailed offshore wind energy siting matrix for the  
3 public trust lands of Lake Michigan, which shall, at a minimum,  
4 identify areas that are unsuitable for wind energy development  
5 ("prohibited areas"), areas that are most appropriate for wind  
6 energy development ("preferred areas"), and areas that are  
7 neither prohibited nor preferred for wind energy development  
8 but that may be considered for development upon application  
9 ("possible areas"). The Department, in developing the wind  
10 energy siting matrix, shall take into consideration existing  
11 environmental, marine, public infrastructure, transportation,  
12 and security uses and factors, and may also consider other  
13 factors it identifies as appropriate.

14           Section 20. Offshore Wind Energy Economic Development  
15 Policy Task Force.

16           (a) The Governor shall convene an Offshore Wind Energy  
17 Economic Development Policy Task Force, to be chaired by the  
18 Director of Commerce and Economic Opportunity, or his or her  
19 designee, to analyze and evaluate policy and economic options  
20 to facilitate the development of offshore wind energy, and to  
21 propose an appropriate Illinois mechanism for purchasing and  
22 selling power from possible offshore wind energy projects. The  
23 Task Force shall examine mechanisms used in other states and  
24 jurisdictions, including, without limitation, feed-in-tariffs,

1 renewable energy certificates, renewable energy certificate  
2 carve-outs, power purchase agreements, and pilot projects. The  
3 Task Force shall report its findings and recommendations to the  
4 Governor and General Assembly by December 31, 2013.

5 (b) The Director of the Illinois Power Agency (or his or  
6 her designee), the Executive Director of the Illinois Commerce  
7 Commission (or his or her designee), the Director of Natural  
8 Resources (or his or her designee), and the Attorney General  
9 (or his or her designee) shall serve as ex officio members of  
10 the Task Force.

11 (c) The Governor shall appoint the following public members  
12 to serve on the Task Force:

13 (1) one individual from an institution of higher  
14 education in Illinois representing the discipline of  
15 economics with experience in the study of renewable energy;

16 (2) one individual representing an energy industry  
17 with experience in renewable energy markets;

18 (3) one individual representing a Statewide consumer  
19 or electric ratepayer organization;

20 (4) one individual representing the offshore wind  
21 energy industry;

22 (5) one individual representing the wind energy supply  
23 chain industry;

24 (6) one individual representing an Illinois electrical  
25 cooperative, municipal electrical utility, or association  
26 of such cooperatives or utilities;

1           (7) one individual representing an Illinois industrial  
2 union involved in the construction, maintenance, or  
3 transportation of electrical generation, distribution, or  
4 transmission equipment or components;

5           (8) one individual representing an Illinois commercial  
6 or industrial electrical consumer;

7           (9) one individual representing an Illinois public  
8 education electrical consumer;

9           (10) one individual representing an independent  
10 transmission company;

11           (11) one individual from the Illinois legal community  
12 with experience in contracts, utility law, municipal law,  
13 and constitutional law;

14           (12) one individual representing a Great Lakes  
15 regional organization with experience assessing or  
16 studying wind energy;

17           (13) one individual representing a Statewide  
18 environmental organization;

19           (14) one resident of the State representing an  
20 organization advocating for persons of low or limited  
21 incomes;

22           (15) one individual representing Argonne National  
23 Laboratory; and

24           (16) one individual representing a local community  
25 that has aggregated the purchase of electricity.

26           (d) The Governor may appoint additional public members to

1 the Task Force.

2 (e) The Speaker of the House of Representatives, Minority  
3 Leader of the House of Representatives, Senate President, and  
4 Minority Leader of the Senate shall each appoint one member of  
5 the General Assembly to serve on the Task Force.

6 (f) Members of the Task Force shall serve without  
7 compensation.

8 Section 25. Assessment permits. After finalizing the wind  
9 energy siting matrix required under Section 15, the Department  
10 may, in accordance with rules adopted by the Department  
11 pursuant to Section 5-40 of the Illinois Administrative  
12 Procedure Act and with the written approval of the Governor,  
13 grant in the name of the State of Illinois permits and site  
14 leases with respect to public trust lands of Lake Michigan for  
15 the assessment of sites for offshore wind energy development.

16 Section 30. Permits for wind park construction and  
17 operation. The Department may, in accordance with rules adopted  
18 by the Department pursuant to Section 5-40 of the Illinois  
19 Administrative Procedure Act, convert site assessment leases  
20 to offshore wind park construction and operation leases, upon  
21 an appropriate showing by the applicant that the construction  
22 and operation of wind energy facilities would not be  
23 inconsistent with the public trust.

1           Section 35. Permit terms. The Department may insert into  
2 any permit or lease issued under this Act any terms that it  
3 deems necessary to protect the rights of the State, the public,  
4 lessees, and users of waters above the public trust lands of  
5 Lake Michigan.

6           Section 40. Rulemaking. The Department may adopt, in  
7 accordance with the requirements of Section 5-40 of the  
8 Illinois Administrative Procedure Act, any rule that is  
9 necessary to implement this Act. The rules adopted by the  
10 Department under this Section shall, at a minimum, specify  
11 permit fees and royalty schedules, requirements for bonding and  
12 guaranteeing, requirements for decommissioning, and any other  
13 requirements necessary for carrying out the provisions of this  
14 Act.

15           Prior to adopting any rule under this Act, the Department  
16 shall consult with the Illinois Environmental Protection  
17 Agency, the Illinois Commerce Commission, the Illinois Power  
18 Agency, and the Department of Commerce and Economic  
19 Opportunity.

20           Section 45. Regulatory toolkit. The Department shall, in  
21 consultation with the Illinois Environmental Protection  
22 Agency, the Illinois Commerce Commission, the Illinois Power  
23 Agency, and the Department of Commerce and Economic  
24 Opportunity, prepare and publish a toolkit for advising and

1 guiding developers on the regulatory and permitting process.  
2 The toolkit shall, at a minimum, include a checklist of  
3 required State permits and an overview of estimated timelines  
4 and likely areas of concern.

5 Section 50. Limitation on Department Authority. Nothing  
6 contained in this Act shall be construed as requiring or  
7 permitting the Department to permanently convey any public  
8 trust lands for energy development.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".