

Legislative and Regulatory Update–May 14, 2010

Since the last Legislative Update dated April 11, 2010, progress has taken place on a number of important bills.

On the Senate side, three bills we have been following have passed both Houses of the 96th General Assembly. First, SB 2810- LOC GOV/SCHOOL-ENERGY CONSERV- would amend the Local Government Energy Conservation Act, the School Code, and the Public University Energy Conservation Act, by expanding the definition of “energy savings” relating to “guaranteed energy savings contracts” to include energy reduction and offsetting sources of renewable energy funds including renewable energy credits and carbon credits.

Also, SB 2812- EPA-CLEAN AIR PERMITTING- if passed into law, would allow the Illinois Pollution Control Board to stay the effectiveness of certain Illinois Environmental Protection Agency final Actions or contested conditions of a Clean Air Act Permitting Program permit (CAAPP) when requested to do so by the applicant of the permit. During a stay, the permit applicant shall continue to operate in accordance with "any" related terms and conditions of any other applicable permits until final Board action in the review process is taken. If passed, SB 2812 could prove temporary relief for those applicants facing CAAPP permits with more restrictive conditions imposed by the IEPA. This will be an interesting bill to watch.

Lastly on the Senate side, SB 3429- CDB-BUILDING ENERGY LABELS- would require the Capital Development Board to initiate a study of building energy performance measures for the purposes of identifying a simple and easily understood label for a building or facility that indicates its energy use, and report its findings to the General Assembly by July 1, 2012. The study will be based upon existing reports and data from the Illinois Energy Efficiency Committee created by Executive Order 2009-07, the Commercial Buildings Energy Consumption Survey, the Residential Energy Consumption Survey, and other available sources. If such a labeling scheme is enacted into law, the awareness of a buildings energy use, or lack of energy efficiency thereof, could cause a major push towards efficiency measures for them. In so doing, this may bring more interest in LEED for Existing Buildings and the desire to become certified through the USGBC.

Moving to the House, there are two bills that will further the potential for the creation of more renewable energy in Illinois. First, HB 4758- CNTY CD-ENERGY IMPROVEMENTS- has now passed both Houses. The bill would authorize a county to enter into voluntary agreements with the owners of property within the unincorporated areas of the county to provide for contractual assessments to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to real property. Although the text of HB 4758 does not directly mention property assessed clean energy (PACE), or specific details how these voluntary agreements would be implemented, PACE in general could be a major catalyst to the introduction of renewable energy in this State. If interested in learning

more about PACE, please visit the U.S. Department of Energy's materials at <http://www1.eere.energy.gov/wip/solutioncenter/financialproducts/pace.html>. Also passing both Houses is HB 4797- PROP TX-WIND FARMS-EXTEND- which would benefit the Illinois wind power industry by amending the Property Tax Code by setting forth special valuation procedures for wind energy devices to apply through assessment year 2016, rather than allowing this special procedure to expire in 2011.

Spotlight: Representative Karen May (D)-Illinois 58th District.

Rep. May is a strong leader in the Illinois legislature, and this bodes well for the USGBC. Rep. May joined the Illinois General Assembly in 2001, with a background as a business owner and work as a newspaper reporter and freelance writer. She currently serves on a number of committees tackling crucial environmental issues including: Environmental Health (Chair), Environment & Energy (member), and Renewable Energy (Chair). Rep. May also serves as Vice-Chair of the Health Care Availability and Accessibility Committee.

Of all the great work she has accomplished, one of Rep. May's passions is the welfare of children in our schools. *"As state lawmakers, we have a paramount responsibility to make sure that our children are educated in healthy school buildings. Students learn about saving our planet and have the very best learning environments. This is an area where we need to lead—not follow."* –Rep. Karen May, Illinois. And to this end, Rep. May took her issue to Washington and was one of the original six state legislators to launch the "50 for 50 Green Schools Caucus Initiative" program in 2008. The 11-member advisory council, which will include 7 state legislators, will work to establish program goals for the "50 for 50", and work to elevate the role of state legislators as key supporters of green schools.

"Karen has been a key supporter of the USGBC and has worked closely with both the USGBC National and the Illinois Chapter. In addition to providing leadership and direction to the Springfield Advocacy training last April, we are currently collaborating with her on House Joint Resolution 45. HJR 45 creates a LEED Task Force chaired by the USGBC Illinois Chapter and is tasked with making recommendations to the Illinois General Assembly by November 1, 2010 on a prospective state program for greening existing schools and potential funding sources for such a program. We look forward to working with Representative May on this, and future initiatives and remain a resource she can rely upon." says Doug Widener, Executive Director of the USGBC-Illinois.

As Rep. May continues pushing for legislation putting Illinois on a path towards responsible and sustainable laws, the Legislative Update looks forward to bringing her efforts to your attention. For more information about green schools and the Initiative Rep. May launched on behalf of the Nation's school children, please visit

http://www.greenschoolbuildings.org/action/join/50_for_50.aspx. As always, more information

on the legislation can be found at ilga.gov. Information on the Illinois EPA / Pollution Control Board rules is at www.ipcb.state.il.us or contact Sean Ziadeh at seanziadeh@hotmail.com or by calling (248) 320-3208 for any other information.