

1 other information in the plan that could in any way  
2 compromise or decrease the filing entity's ability to  
3 prevent, mitigate, or recover from potential system  
4 disruptions caused by physical events, or cyber attacks.

5 (3) IEMA and the Commission shall, to the extent  
6 possible, coordinate with other State or federal agencies  
7 to assist the filing entity in developing its report and  
8 mitigating issues raised by the report.

9 Section 30-63. The Renewable Energy Facilities  
10 Agricultural Impact Mitigation Act is amended by changing  
11 Section 15 as follows:

12 (505 ILCS 147/15)

13 Sec. 15. Agricultural impact mitigation agreement.

14 (a) A commercial renewable energy facility owner of a  
15 commercial wind energy facility or a commercial solar energy  
16 facility that is located on landowner property shall enter  
17 into an agricultural impact mitigation agreement with the  
18 Department outlining construction and deconstruction standards  
19 and policies designed to preserve the integrity of any  
20 agricultural land that is impacted by commercial renewable  
21 energy facility construction and deconstruction. The  
22 construction and deconstruction of any commercial wind energy  
23 facility or commercial solar energy facility shall be in  
24 conformance with the Department's standard agricultural impact

1 mitigation agreement referenced in subsection (f) of this  
2 Section. The Department shall have the authority to halt the  
3 construction or deconstruction of a commercial wind energy  
4 facility or a commercial solar energy facility that does not  
5 meet or exceed the terms and conditions included in the  
6 Department's standard agricultural impact mitigation agreement  
7 referenced in subsection (f) of this Section, but shall allow  
8 other portions of the construction that are in compliance to  
9 continue. The ~~Except as provided in subsection (a-5) of this~~  
10 Section, the terms and conditions of the Department's standard  
11 agricultural impact mitigation agreement are subject to and  
12 may be modified by an underlying agreement between the  
13 landowner and the commercial solar energy facility owner,  
14 subject to approval by the Department.

15 (a-5) Prior to the commencement of construction, the  
16 commercial renewable energy facility owner of a commercial  
17 wind energy facility or a commercial solar energy facility ~~e~~  
18 ~~commercial solar energy facility owner~~ shall submit to the  
19 county in which the commercial wind energy facility or  
20 commercial solar energy facility~~commercial solar facility~~ is  
21 to be located a deconstruction plan. A ~~commercial solar energy~~  
22 ~~facility owner~~ commercial renewable energy facility owner  
23 shall provide the county with an appropriate financial  
24 assurance mechanism consistent with or exceeding the  
25 requirements of the Department's standard agricultural impact  
26 mitigation agreement for and to assure deconstruction in the

1 event of an abandonment of a commercial wind energy facility  
2 or commercial solar energy facility.

3 (b) The agricultural impact mitigation agreement for a  
4 commercial wind energy facility shall include, but is not  
5 limited to, such items as restoration of agricultural land  
6 affected by construction, deconstruction (including upon  
7 abandonment of a commercial wind energy facility),  
8 construction staging, and storage areas; support structures;  
9 aboveground facilities; guy wires and anchors; underground  
10 cabling depth; topsoil replacement; protection and repair of  
11 agricultural drainage tiles; rock removal; repair of  
12 compaction and rutting; land leveling; prevention of soil  
13 erosion; repair of damaged soil conservation practices;  
14 compensation for damages to private property; clearing of  
15 trees and brush; interference with irrigation systems; access  
16 roads; weed control; pumping of water from open excavations;  
17 advance notice of access to private property; indemnification  
18 of landowners; and deconstruction plans and financial  
19 assurance for deconstruction (including upon abandonment of a  
20 commercial wind energy facility).

21 (b-5) The agricultural impact mitigation agreement for a  
22 commercial solar energy facility shall include, but is not  
23 limited to, such items as restoration of agricultural land  
24 affected by construction, deconstruction (including upon  
25 abandonment of a commercial solar energy facility); support  
26 structures; aboveground facilities; guy wires and anchors;

1 underground cabling depth; topsoil removal and replacement;  
2 rerouting and permanent repair of agricultural drainage tiles;  
3 rock removal; repair of compaction and rutting; construction  
4 during wet weather; land leveling; prevention of soil erosion;  
5 repair of damaged soil conservation practices; compensation  
6 for damages to private property; clearing of trees and brush;  
7 access roads; weed control; advance notice of access to  
8 private property; indemnification of landowners; and  
9 deconstruction plans and financial assurance for  
10 deconstruction (including upon abandonment of a commercial  
11 solar energy facility). The commercial solar energy facility  
12 owner shall enter into one agricultural impact mitigation  
13 agreement for each commercial solar energy facility.

14 (c) For commercial wind energy facility owners seeking a  
15 permit from a county or municipality for the construction of a  
16 commercial wind energy facility, the agricultural impact  
17 mitigation agreement shall be entered into prior to the public  
18 hearing required prior to a siting decision of a county or  
19 municipality regarding the commercial wind energy facility.  
20 The agricultural impact mitigation agreement is binding on any  
21 subsequent commercial wind energy facility owner that takes  
22 ownership of the commercial wind energy facility that is the  
23 subject of the agreement.

24 (c-5) A commercial solar energy facility owner shall, not  
25 less than 45 days prior to commencement of actual  
26 construction, submit to the Department a standard agricultural

1 impact mitigation agreement as referenced in subsection (f) of  
2 this Section signed by the commercial solar energy facility  
3 owner and including all information required by the  
4 Department. The commercial solar energy facility owner shall  
5 provide either a copy of that submitted agreement or a copy of  
6 the fully executed project-specific agricultural impact  
7 mitigation agreement to the landowner not less than 30 days  
8 prior to the commencement of construction. The agricultural  
9 impact mitigation agreement is binding on any subsequent  
10 commercial solar energy facility owner that takes ownership of  
11 the commercial solar energy facility that is the subject of  
12 the agreement.

13 (d) If a commercial renewable energy facility owner seeks  
14 an extension of a permit granted by a county or municipality  
15 for the construction of a commercial wind energy facility  
16 prior to the effective date of this Act, the agricultural  
17 impact mitigation agreement shall be entered into prior to a  
18 decision by the county or municipality to grant the permit  
19 extension.

20 (e) The Department may adopt rules that are necessary and  
21 appropriate for the implementation and administration of  
22 agricultural impact mitigation agreements as required under  
23 this Act.

24 (f) The Department shall make available on its website a  
25 standard agricultural impact mitigation agreement applicable  
26 to all commercial wind energy facilities or commercial solar

1 energy facilities ~~within 60 days after the effective date of~~  
2 ~~this amendatory Act of the 100th General Assembly.~~

3 (g) Nothing in this amendatory Act of the 100th General  
4 Assembly and nothing in an agricultural impact mitigation  
5 agreement shall be construed to apply to or otherwise impair  
6 an underlying agreement for a commercial solar energy facility  
7 entered into prior to the effective date of this amendatory  
8 Act of the 100th General Assembly.

9 (Source: P.A. 99-132, eff. 7-24-15; 100-598, eff. 6-29-18.)

10 Section 30-65. The Consumer Fraud and Deceptive Business  
11 Practices Act is amended by adding Section 10e as follows:

12 (815 ILCS 505/10e new)

13 Sec. 10e. Filed Rate Doctrine. The filed rate doctrine  
14 shall not be a defense to an action under this Act against any  
15 entity regulated by the Illinois Commerce Commission. The  
16 remedies for violations of the Public Utilities Act and its  
17 rules do not replace, are in addition to and not in  
18 substitution for, the remedies that may be imposed for  
19 violations of this Act.

20 Section 30-70. The Illinois Worker Adjustment and  
21 Retraining Notification Act is amended by changing Section 10  
22 as follows: