



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5388

Introduced 2/10/2026, by Rep. Ann M. Williams

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.1038 new

Creates the Solar Energy Reliability and Affordability Checkoff Program Act. Sets forth findings. Defines terms. Creates the Solar Energy Reliability and Affordability Fund. Provides that the Fund may receive deposits of moneys collected by the Department of Agriculture under provisions of the Act concerning the collection of solar energy fees. Creates the Solar Energy Reliability and Affordability Board appointed by the Governor to administer and manage the Fund. Sets forth membership requirements of the Board. Provides that the Board shall ensure that assessments collected under the Act are used for the creation and publication of research, communication, marketing, and education programs that promote accurate information related to, emphasize the clean energy benefits and affordability of, and promote the adoption of solar energy systems and energy storage systems, which may include the funding of third-party organizations for these purposes and any related activities to carry out the programs as proposed by the Board. Requires each owner, operator, or developer of a solar energy system to pay a 2 cents per watt assessment on all solar energy systems sold for installation within the State to the Department of Agriculture. Provides that assessments are payable directly to the Board and shall be paid when a commercial renewable energy facility owner enters into an agricultural impact mitigation agreement as required under the Renewable Energy Facilities Agricultural Impact Mitigation Act. Requires the Board to publish an annual financial and activities report. Amends the State Finance Act to create the Solar Energy Reliability and Affordability Fund as a special fund in the State treasury. Effective immediately.

LRB104 19707 AAS 33156 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Solar  
5 Energy Reliability and Affordability Checkoff Program Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) the clean energy sector is a vitally important  
8 element of the State's economy that sits at a critical  
9 inflection point, with widespread market adoption underway  
10 but underfunded public communications makes the sector  
11 vulnerable to misinformation;

12 (2) nationwide, fossil fuel trade associations  
13 outspend clean energy advocacy 28 to 1, distorting public  
14 understanding and undermining public trust and legislative  
15 support;

16 (3) to correct for this market inequity, Illinois must  
17 launch a State-based checkoff program to support public  
18 education and workforce development and boost consumer  
19 confidence in low-cost, energy independent, resilient,  
20 clean energy technologies;

21 (4) the clean energy checkoff program will be designed  
22 to enhance and preserve the economic interests of  
23 Illinois;

1           (5) a technology-specific, fee-based mechanism is  
2 necessary to ensure all industry participants contribute  
3 equitably and to avoid free rider problems; and

4           (6) Illinois has a unique opportunity to model a  
5 rapid, tailored, and transparent approach to promoting  
6 clean energy, supporting its climate goals and supporting  
7 its energy affordability and environmental justice  
8 commitments.

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

10          "Board" means the Solar Energy Reliability and  
11 Affordability Board.

12          "Clean energy" has the meaning given to that term in  
13 Section 1-10 of the Illinois Power Agency Act.

14          "Department" means the Department of Agriculture.

15          "Director" means the Director of Agriculture.

16          "Fund" means the Solar Energy Reliability and  
17 Affordability Fund.

18           Section 15. Solar Energy Reliability and Affordability  
19 Fund. The Solar Energy Reliability and Affordability Fund is  
20 created as a special fund in the State treasury to be  
21 administered by the Solar Energy Reliability and Affordability  
22 Board. The Fund may receive deposits of moneys collected by  
23 the Department of Agriculture under Section 30 of this Act.

1 Section 20. Solar Energy Reliability and Affordability  
2 Board.

3 (a) The Solar Energy Reliability and Affordability Board  
4 is created to administer and manage the Fund.

5 (b) The members of the Board shall be appointed by the  
6 Governor as follows:

7 (1) Two representatives of owners, operators, or  
8 developers of community solar systems;

9 (2) Two representatives of owners, operators, or  
10 developers of utility-scale solar systems;

11 (3) Two representatives of owners, operators, or  
12 developers of residential solar systems; and

13 (4) One representative of a solar energy trade  
14 association.

15 (c) The total administrative costs to manage the Board  
16 shall not exceed 5% of the annual assessments made under  
17 Section 30. Board members may be compensated for work  
18 performed on behalf of the Board, and may be refunded for  
19 travel and administrative expenses incurred in performing  
20 their duties as members of the Board.

21 (d) Terms of appointment for Board members may not exceed  
22 5 years. A Board member may serve no more than 2 terms.

23 (e) The Governor shall appoint Board members on or before  
24 December 31, 2026.

25 (f) The Board shall ensure that assessments collected  
26 under Section 30 of this Act are used for the creation and

1 publication of research, communication, marketing, and  
2 education programs that promote accurate information related  
3 to, emphasize the clean energy benefits and affordability of,  
4 and promote the adoption of solar energy systems and energy  
5 storage systems, which may include the funding of third-party  
6 organizations for these purposes and any related activities to  
7 carry out the programs as proposed by the Board. Assessments  
8 authorized for the programs listed in this subsection (f)  
9 shall not be used for political activity of any kind or for  
10 preferential treatment of any person to the detriment of other  
11 persons in the applicable program.

12 (g) The Board may cooperate with any other local, State,  
13 or national commission, organization, or agency, whether  
14 voluntary or created by State or national law, that is engaged  
15 in work or activities similar to the work and activities of the  
16 Board in the promotion of State solar energy systems and may  
17 recommend that the Department enter into contracts and  
18 agreements with these organizations or agencies for joint  
19 research, communication, marketing, and education programs.

20 Section 25. Solar energy fees.

21 (a) Each owner, operator, or developer of a solar energy  
22 system shall pay a 2 cents per watt assessment on all solar  
23 energy systems sold for installation within this State to the  
24 Department of Agriculture.

25 (b) The assessment shall apply to both (1) wholesale and

1 retail transactions in this State, including online sales  
2 shipped to addresses in this State, and (2) purchases made for  
3 solar energy systems by individuals, businesses, government  
4 agencies, and public utilities within this State.

5 (c) The Board may increase the amount of the assessment  
6 every 2 years based on inflation and program needs, but not to  
7 an amount that exceeds 0.5% of the wholesale value of the  
8 product.

9 Section 30. Collection of solar energy fees.

10 (a) Assessments under Section 25 are payable directly to  
11 the Board and shall be paid when a commercial renewable energy  
12 facility owner enters into an agricultural impact mitigation  
13 agreement as required under the Renewable Energy Facilities  
14 Agricultural Impact Mitigation Act.

15 (b) Assessments under Section 25 for owners, operators, or  
16 developers of a solar energy system that are not required to  
17 enter into an agricultural impact mitigation agreement during  
18 the development of a project are payable directly to the Board  
19 and shall be paid when a developer enters into a contract for  
20 the delivery of renewable energy credits facilitated by the  
21 Illinois Power Agency.

22 (c) If an owner, operator, or developer fails to remit the  
23 full amount of an assessment under Section 25 or such other sum  
24 within 30 days after the due date, the owner, operator, or  
25 developer shall be given an opportunity to present their case

1 before the Board. Once the correct assessment is determined,  
2 the Board may add to such unpaid assessment or other sum a  
3 penalty amount not exceeding 10% of the amount due plus the  
4 costs of enforcing the collection of the assessment or sum. If  
5 an owner, operator, or developer fails to remit any properly  
6 due assessment or sum, the Board may bring a civil action  
7 against the person in the circuit court of any county in this  
8 State for the collection of, together with the additional  
9 specified 10% penalty assessment, the costs of enforcing the  
10 collection of the assessment and any court costs. The action  
11 shall be tried and judgment shall be rendered as in any other  
12 cause of action for debts due and payable. All assessments are  
13 due and payable to the Board.

14 Section 35. Reporting and auditing.

15 (a) The Board shall publish an annual financial and  
16 activities report that includes the amount of funds collected  
17 and any expenditures for programs.

18 (b) The Board shall be audited at least annually by a  
19 certified public accountant. The audit shall be made available  
20 within 30 days after its completion to the Director and each  
21 Board member for dissemination to their respective  
22 organizations.

23 (c) The cost of an audit under this Section shall be  
24 covered by moneys deposited into the Fund.

1           Section 97. Severability. The provisions of this Act are  
2 severable under Section 1.31 of the Statute on Statutes.

3           Section 100. The State Finance Act is amended by adding  
4 Section 5.1038 as follows:

5           (30 ILCS 105/5.1038 new)

6           Sec. 5.1038. The Solar Energy Reliability and  
7 Affordability Fund.

8           Section 999. Effective date. This Act takes effect upon  
9 becoming law.