



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB0195

Introduced 1/22/2025, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12020.5 new

Amends the Counties Code. Provides that, beginning June 1, 2027 and subject to Federal Aviation Administration approval to equip and operate light mitigating technology for at least 30% of the proposed wind towers included within a commercial wind energy facility, a county shall require the facility owner of a commercial wind energy facility constructed beginning in 2019 or later to install light mitigating technology at the commercial wind energy facility. Includes requirements when the light mitigating technology must be installed, and allows a facility owner to seek an extension from these requirements from the county board. Provides that a county board may impose civil penalties on the facility owner of a commercial wind energy facility that failed to comply with the requirements in the amount of \$1,000 per day. Provides that the provisions do not apply to test wind towers allowed by a county that are used solely for purposes of research and testing.

LRB104 03341 RTM 13363 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section  
5 5-12020.5 as follows:

6 (55 ILCS 5/5-12020.5 new)

7 Sec. 5-12020.5. Commercial wind energy facility light  
8 mitigating technology.

9 (a) As used in this Section:

10 "Approval from the FAA" means FAA approval to equip and  
11 operate light mitigating technology for at least 30% of the  
12 proposed wind towers included within a commercial wind energy  
13 facility.

14 "Commercial wind energy facility", "facility owner", and  
15 "wind tower" have the meanings given to those terms in Section  
16 5-12020.

17 "FAA" means the Federal Aviation Administration of the  
18 United States Department of Transportation.

19 "Light mitigating technology" means a sensor-based system  
20 that:

21 (1) is designed to detect approaching aircraft;

22 (2) keeps the lights off when it is safe to do so; and

23 (3) the FAA has approved as meeting the requirements

1 under Chapter 10 of the FAA's 2020 advisory circular AC  
2 70/7460-1M, Obstruction Marking and Lighting.

3 (b) Beginning June 1, 2027 and subject to approval from  
4 the FAA, a county shall require the facility owner of a  
5 commercial wind energy facility constructed on or after  
6 January 1, 2021 to install light mitigating technology at the  
7 commercial wind energy facility. The facility owner, within 6  
8 months after the commercial wind energy facility receives a  
9 determination of no hazard from the FAA, or within 6 months  
10 after the effective date of this amendatory Act of the 104th  
11 General Assembly if the commercial wind energy facility  
12 received a determination of no hazard from the FAA before the  
13 effective date of this amendatory Act of the 104th General  
14 Assembly, shall:

15 (1) apply to the FAA, any other applicable federal  
16 agency, or both, for the installation of approved light  
17 mitigating technology; and

18 (2) within 24 months after receiving approval from the  
19 FAA under paragraph (1), subject to the availability of  
20 light mitigating technology from the manufacturer or  
21 supplier, install, test, and commence operation consistent  
22 with FAA requirements or other applicable federal agency  
23 requirements, of the light mitigating technology at the  
24 commercial wind energy facility.

25 (c) The facility owner of a commercial wind energy  
26 facility may seek an extension from the county board from the

1 requirements under subsection (b) for a period of up to 24  
2 months. The county board shall grant the request if the  
3 facility owner can demonstrate that, despite the facility  
4 owner's exercise of commercially reasonable efforts, the  
5 availability of light mitigating technology constrained the  
6 facility owner's ability to comply with subsection (b) in the  
7 time frame afforded. The county board may not impose any  
8 penalties against the owner or operator under subsection (d)  
9 during the extension period granted under this subsection.

10 (d) A county board may impose civil penalties on the  
11 facility owner of a commercial wind energy facility that  
12 failed to comply with the requirements of subsection (b) or  
13 (c) in the amount of \$1,000 per day. Before a civil penalty may  
14 be imposed under this subsection, the facility owner must  
15 receive notice of the date the civil penalty will be discussed  
16 at a county board meeting, and the facility owner, or the  
17 facility owner's representative, must be provided an  
18 opportunity to be heard at the board meeting. The State's  
19 Attorney of the county may file an action in circuit court to  
20 collect the civil penalty if unpaid in the time required when  
21 the civil penalty was imposed.

22 (e) This Section does not apply to test wind towers  
23 allowed by a county under subsection (c) of Section 5-12020  
24 that are used solely for purposes of research and testing.