



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2686

Introduced 10/14/2025, by Sen. Sue Rezin

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Energy Production Zones Act. Defines terms. Provides that a project owner is not required to obtain a permit or any other land use or zoning approval from a local authority for the construction of an electric generation facility if: (1) the Illinois Commerce Commission grants the project owner a certificate under the Public Utilities Act for the construction, the Commission declines jurisdiction over the construction under the Public Utilities Act, or the electric generation facility files notice with the Commission to not use a certificate under the Public Utilities Act; (2) the electric generating facility will be located on a premise of land that is an energy production zone; and (3) the project owner complies with other provisions of the Act. Provides that no later than 270 days before beginning construction, a project owner shall provide notice of the construction to the local authority with planning authority for the premise of land on which the construction will occur. Sets forth requirements for the content of the notice. Provides that, no later than 60 days after a project owner's provision of notice, the project owner shall hold a public hearing in the unit of local government in which the electric generation facility will be located, during which the project owner shall provide information to the public and receive public comment regarding the electric generation facility and the construction of the electric generation facility. Makes other changes. Effective immediately.

LRB104 14637 AAS 27779 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 Energy  
5 Production Zones Act.

6 Section 5. Definitions. As used in this Act:

7 "Commercial solar energy system" means any device or  
8 assembly of devices that (i) is ground installed and (ii) uses  
9 solar energy from the sun for generating electricity for the  
10 primary purpose of wholesale or retail sale and not primarily  
11 for consumption on the property on which the device or devices  
12 reside.

13 "Electric generation facility" means a facility or  
14 infrastructure associated with a facility for the generation  
15 of electricity. "Electric generation facility" does not  
16 include a wind power device or a commercial solar energy  
17 system.

18 "Energy production zone" means a premise of land on which  
19 either of the following was located as of January 1, 2026:

20 (1) an electric generation facility with a generating  
21 capacity of at least 80 megawatts, regardless of whether  
22 the electric generation facility is operational; or

23 (2) a surface or underground mine at which mining

1 operations are no longer occurring.

2 "Energy production zone" does not include a premise of land on  
3 which one or more wind power devices that are integrated into  
4 an electric generation facility or one or more commercial  
5 solar energy systems were located as of January 1, 2026.

6 "Local authority" means any agency, officer, board, or  
7 commission of a unit of local government that may issue a  
8 permit or an approval of a land use for the construction of a  
9 development, a building, or another structure.

10 "Permit" means any of the following:

11 (1) an improvement location permit;

12 (2) a building permit;

13 (3) a certificate of occupancy;

14 (4) an approval of a site-specific development plan;

15 (5) an approval of a primary or secondary plat;

16 (6) an approval of a variance, contingent use,  
17 conditional use, special exception, or special use; or

18 (7) an approval of a planned unit of local government  
19 development.

20 "Premise of land" means property comprising a tract of  
21 land on which a project owner proposes to construct an  
22 electric generation facility, including land within the  
23 perimeter of the tract of land that was not owned by the  
24 project owner as of January 1, 2026.

25 "Project owner" means a person that proposes to construct  
26 an electric generation facility.

1 "Retail electric service" means electric service furnished  
2 to a customer, including a residential, commercial, or  
3 industrial customer, for consumption by the customer. "Retail  
4 electric service" does not include wholesale electric service.

5 "Wholesale electric service" means the provision of  
6 electricity to another person for resale, including in  
7 wholesale markets.

8 "Wind power device" means a device, including a windmill  
9 or a wind turbine, that is designed to use the kinetic energy  
10 of moving air to provide mechanical energy or to produce  
11 electricity.

12 Section 10. Electric generation facility permit.

13 (a) Notwithstanding any other provision of law to the  
14 contrary, a project owner is not required to obtain a permit or  
15 any other land use or zoning approval from a local authority  
16 for the construction of an electric generation facility if:

17 (1) the Illinois Commerce Commission grants the  
18 project owner a certificate under Section 8-406 of the  
19 Public Utilities Act for the construction, the Commission  
20 declines jurisdiction over the construction under Section  
21 8-406 of the Public Utilities Act, or the electric  
22 generation facility files notice with the Commission to  
23 not use a certificate under Section 8-406 of the Public  
24 Utilities Act;

25 (2) the electric generating facility will be located

1 on a premise of land that is an energy production zone; and

2 (3) the project owner complies with subsections (b)  
3 and (c) of this Section.

4 (b) No later than 270 days before beginning any  
5 construction to which subsection (a) of this Section applies,  
6 a project owner shall provide notice of the construction to  
7 the local authority with planning authority for the premise of  
8 land on which the construction will occur. The notice must  
9 include all of the following information with regard to the  
10 construction and the electric generation facility to be  
11 constructed:

12 (1) A comprehensive description of the electric  
13 generation facility, including the following:

14 (A) the planned generation capacity of the  
15 electric generation facility, expressed in megawatts;

16 (B) the energy source or technology that will be  
17 used by the electric generation facility to generate  
18 electricity; and

19 (C) the expected operational lifespan of the  
20 electric generation facility.

21 (2) The expected date on which the construction will  
22 begin.

23 (3) The expected date on which the electric generation  
24 facility will begin operation.

25 (4) Whether the electric generation facility will  
26 provide retail electric service, wholesale electric

1 service, or both.

2 (5) The project owner's plan for the eventual  
3 decommissioning of the electric generation facility.

4 (6) If construction of the electric generation  
5 facility will entail decommissioning an existing electric  
6 generation facility that is located on the premise of land  
7 on which the electric generation facility will be located,  
8 the project owner's plan for decommissioning the existing  
9 electric generation facility, including financial  
10 assurances for the decommissioning.

11 (7) A detailed site plan that includes the location of  
12 the following within or adjacent to the premise of land on  
13 which the electric generation facility will be  
14 constructed:

15 (A) The structures associated with the electric  
16 generation facility.

17 (B) Any of the following that are located on the  
18 premise of land on which the electric generation  
19 facility will be constructed:

20 (i) any existing electric generation facility  
21 and any structures associated with the existing  
22 electric generation facility; or

23 (ii) any surface or underground mine and any  
24 structures associated with the surface or  
25 underground mine.

26 (C) Existing and proposed access roads.

1 (D) Regulated drains or ditches.

2 (E) Flood plains.

3 (F) Wetlands.

4 (G) Historic sites or other areas of cultural or  
5 environmental significance.

6 (8) An economic development plan detailing the  
7 expected economic effect of the electric generation  
8 facility on the unit of local government within which the  
9 electric generation facility will be located, including  
10 all of the following:

11 (A) The anticipated number and types of jobs to be  
12 created during the construction of the electric  
13 generation facility and in the operation of the  
14 electric generation facility.

15 (B) The estimated property tax revenue the  
16 electric generation facility will produce for the unit  
17 of local government.

18 (C) An estimate of the overall cost to the unit of  
19 local government and the overall effect on the unit of  
20 local government's revenue associated with the  
21 electric generation facility.

22 (9) A safety, security, and emergency response plan  
23 describing measures to ensure the following with regard to  
24 the construction and operation of the electric generation  
25 facility:

26 (A) site security and safety;

1 (B) coordination with the unit of local  
2 government's services; and

3 (C) the safeguarding of the public.

4 (c) No later than 60 days after a project owner's  
5 provision of notice under subsection (b) of this Section, the  
6 project owner shall hold a public hearing in the unit of local  
7 government in which the electric generation facility will be  
8 located, during which the project owner shall provide  
9 information to the public and receive public comment regarding  
10 the electric generation facility and the construction of the  
11 electric generation facility. The project owner shall publish  
12 notice of the date, time, location, and subject of the public  
13 hearing.

14 (d) After providing notice to a local authority under  
15 subsection (b) of this Section, a project owner shall notify  
16 the local authority regarding any substantive changes in the  
17 information provided by the project owner under subsection (b)  
18 of this Section that occur before construction begins on the  
19 electric generation facility to which the notice pertains.

20 Section 15. Local authority. This Act may not be construed  
21 to increase or modify the authority of a local authority or a  
22 unit of local government to regulate the siting, construction,  
23 or deployment of an electric generation facility that is not  
24 located in an energy production zone.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.