



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2958

Introduced 1/27/2026, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

20 ILCS 3855/1-10
220 ILCS 5/3-128 new

Amends the Illinois Power Agency Act and the Public Utilities Act. Provides that "agrivoltaic system" means a ground-mounted photovoltaic solar energy system that meets the following criteria: (1) the applicable farm plan and the system have been intentionally designed with agricultural producers, agrivoltaics experts, or both agricultural producers and agrivoltaics experts; (2) the system is constructed, installed, and operated to achieve an integrated and simultaneous production of both solar energy and current or future marketable agricultural products, including all products and activities described in the definition of "production agriculture" in the Use Tax Act and apiaries if the apiary is paired with another qualifying marketable agricultural product, by an agricultural producer; (3) the agricultural production of the system occur on land beneath or between rows of solar panels; and (4) the agricultural production of the system begins as soon as agronomically feasible and optimal for the agricultural producer after the commercial operation date of the solar panels and continues until decommissioning. Provides that "agrivoltaic system" does not include a system that has a pollinator habitat as the sole dual use of the system.

LRB104 17265 AAS 30687 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 5. The Illinois Power Agency Act is amended by
5 changing Section 1-10 as follows:

6 (20 ILCS 3855/1-10)

7 Sec. 1-10. Definitions.

8 "Agency" means the Illinois Power Agency.

9 "Agency loan agreement" means any agreement pursuant to
10 which the Illinois Finance Authority agrees to loan the
11 proceeds of revenue bonds issued with respect to a project to
12 the Agency upon terms providing for loan repayment
13 installments at least sufficient to pay when due all principal
14 of, interest and premium, if any, on those revenue bonds, and
15 providing for maintenance, insurance, and other matters in
16 respect of the project.

17 "Agrivoltaic system" means a ground-mounted photovoltaic
18 solar energy system that meets the following criteria:

19 (1) the applicable farm plan and the system have been
20 intentionally designed with agricultural producers,
21 agrivoltaics experts, or both agricultural producers and
22 agrivoltaics experts;

23 (2) the system is constructed, installed, and operated

1 to achieve an integrated and simultaneous production of
2 both solar energy and current or future marketable
3 agricultural products, including all products and
4 activities described in Section 3-35 of the Use Tax Act
5 and apiaries if the apiary is paired with another
6 qualifying marketable agricultural product, by an
7 agricultural producer;

8 (3) the agricultural production of the system occurs
9 on land beneath or between rows of solar panels; and

10 (4) the agricultural production of the system begins
11 as soon as agronomically feasible and optimal for the
12 agricultural producer after the commercial operation date
13 of the solar panels and continues until decommissioning.

14 "Agrivoltaic system" does not include a system that has a
15 pollinator habitat as the sole dual use of the system.

16 "Authority" means the Illinois Finance Authority.

17 "Brownfield site photovoltaic project" means photovoltaics
18 that are either:

19 (1) interconnected to an electric utility as defined
20 in this Section, a municipal utility as defined in this
21 Section, a public utility as defined in Section 3-105 of
22 the Public Utilities Act, or an electric cooperative as
23 defined in Section 3-119 of the Public Utilities Act and
24 located at a site that is regulated by any of the following
25 entities under the following programs:

26 (A) the United States Environmental Protection

1 Agency under the federal Comprehensive Environmental
2 Response, Compensation, and Liability Act of 1980, as
3 amended;

4 (B) the United States Environmental Protection
5 Agency under the Corrective Action Program of the
6 federal Resource Conservation and Recovery Act, as
7 amended;

8 (C) the Illinois Environmental Protection Agency
9 under the Illinois Site Remediation Program; or

10 (D) the Illinois Environmental Protection Agency
11 under the Illinois Solid Waste Program; or

12 (2) located at the site of a coal mine that has
13 permanently ceased coal production, permanently halted any
14 re-mining operations, and is no longer accepting any coal
15 combustion residues; has both completed all clean-up and
16 remediation obligations under the federal Surface Mining
17 and Reclamation Act of 1977 and all applicable Illinois
18 rules and any other clean-up, remediation, or ongoing
19 monitoring to safeguard the health and well-being of the
20 people of the State of Illinois, as well as demonstrated
21 compliance with all applicable federal and State
22 environmental rules and regulations, including, but not
23 limited, to 35 Ill. Adm. Code Part 845 and any rules for
24 historic fill of coal combustion residuals, including any
25 rules finalized in Subdocket A of Illinois Pollution
26 Control Board docket R2020-019.

1 "Clean coal facility" means an electric generating
2 facility that uses primarily coal as a feedstock and that
3 captures and sequesters carbon dioxide emissions at the
4 following levels: at least 50% of the total carbon dioxide
5 emissions that the facility would otherwise emit if, at the
6 time construction commences, the facility is scheduled to
7 commence operation before 2016, at least 70% of the total
8 carbon dioxide emissions that the facility would otherwise
9 emit if, at the time construction commences, the facility is
10 scheduled to commence operation during 2016 or 2017, and at
11 least 90% of the total carbon dioxide emissions that the
12 facility would otherwise emit if, at the time construction
13 commences, the facility is scheduled to commence operation
14 after 2017. The power block of the clean coal facility shall
15 not exceed allowable emission rates for sulfur dioxide,
16 nitrogen oxides, carbon monoxide, particulates and mercury for
17 a natural gas-fired combined-cycle facility the same size as
18 and in the same location as the clean coal facility at the time
19 the clean coal facility obtains an approved air permit. All
20 coal used by a clean coal facility shall have high volatile
21 bituminous rank and greater than 1.7 pounds of sulfur per
22 million Btu content, unless the clean coal facility does not
23 use gasification technology and was operating as a
24 conventional coal-fired electric generating facility on June
25 1, 2009 (the effective date of Public Act 95-1027).

26 "Clean coal SNG brownfield facility" means a facility that

1 (1) has commenced construction by July 1, 2015 on an urban
2 brownfield site in a municipality with at least 1,000,000
3 residents; (2) uses a gasification process to produce
4 substitute natural gas; (3) uses coal as at least 50% of the
5 total feedstock over the term of any sourcing agreement with a
6 utility and the remainder of the feedstock may be either
7 petroleum coke or coal, with all such coal having a high
8 bituminous rank and greater than 1.7 pounds of sulfur per
9 million Btu content unless the facility reasonably determines
10 that it is necessary to use additional petroleum coke to
11 deliver additional consumer savings, in which case the
12 facility shall use coal for at least 35% of the total feedstock
13 over the term of any sourcing agreement; and (4) captures and
14 sequesters at least 85% of the total carbon dioxide emissions
15 that the facility would otherwise emit.

16 "Clean coal SNG facility" means a facility that uses a
17 gasification process to produce substitute natural gas, that
18 sequesters at least 90% of the total carbon dioxide emissions
19 that the facility would otherwise emit, that uses at least 90%
20 coal as a feedstock, with all such coal having a high
21 bituminous rank and greater than 1.7 pounds of sulfur per
22 million Btu content, and that has a valid and effective permit
23 to construct emission sources and air pollution control
24 equipment and approval with respect to the federal regulations
25 for Prevention of Significant Deterioration of Air Quality
26 (PSD) for the plant pursuant to the federal Clean Air Act;

1 provided, however, a clean coal SNG brownfield facility shall
2 not be a clean coal SNG facility.

3 "Clean energy" means energy generation that is 90% or
4 greater free of carbon dioxide emissions.

5 "Commission" means the Illinois Commerce Commission.

6 "Community renewable generation project" means an electric
7 generating facility that:

8 (1) is powered by wind, solar thermal energy,
9 photovoltaic cells or panels, biodiesel, crops and
10 untreated and unadulterated organic waste biomass, and
11 hydropower that does not involve new construction of dams;

12 (2) is interconnected at the distribution system level
13 of an electric utility as defined in this Section, a
14 municipal utility as defined in this Section that owns or
15 operates electric distribution facilities, a public
16 utility as defined in Section 3-105 of the Public
17 Utilities Act, or an electric cooperative, as defined in
18 Section 3-119 of the Public Utilities Act;

19 (3) credits the value of electricity generated by the
20 facility to the subscribers of the facility; and

21 (4) is limited in nameplate capacity to less than or
22 equal to 5,000 kilowatts.

23 "Costs incurred in connection with the development and
24 construction of a facility" means:

25 (1) the cost of acquisition of all real property,
26 fixtures, and improvements in connection therewith and

1 equipment, personal property, and other property, rights,
2 and easements acquired that are deemed necessary for the
3 operation and maintenance of the facility;

4 (2) financing costs with respect to bonds, notes, and
5 other evidences of indebtedness of the Agency;

6 (3) all origination, commitment, utilization,
7 facility, placement, underwriting, syndication, credit
8 enhancement, and rating agency fees;

9 (4) engineering, design, procurement, consulting,
10 legal, accounting, title insurance, survey, appraisal,
11 escrow, trustee, collateral agency, interest rate hedging,
12 interest rate swap, capitalized interest, contingency, as
13 required by lenders, and other financing costs, and other
14 expenses for professional services; and

15 (5) the costs of plans, specifications, site study and
16 investigation, installation, surveys, other Agency costs
17 and estimates of costs, and other expenses necessary or
18 incidental to determining the feasibility of any project,
19 together with such other expenses as may be necessary or
20 incidental to the financing, insuring, acquisition, and
21 construction of a specific project and starting up,
22 commissioning, and placing that project in operation.

23 "Delivery services" has the same definition as found in
24 Section 16-102 of the Public Utilities Act.

25 "Delivery year" means the consecutive 12-month period
26 beginning June 1 of a given year and ending May 31 of the

1 following year.

2 "Department" means the Department of Commerce and Economic
3 Opportunity.

4 "Director" means the Director of the Illinois Power
5 Agency.

6 "Demand-response" means measures that decrease peak
7 electricity demand or shift demand from peak to off-peak
8 periods.

9 "Distributed renewable energy generation device" means a
10 device that is:

11 (1) powered by wind, solar thermal energy,
12 photovoltaic cells or panels, biodiesel, crops and
13 untreated and unadulterated organic waste biomass, tree
14 waste, and hydropower that does not involve new
15 construction of dams, waste heat to power systems, or
16 qualified combined heat and power systems;

17 (2) interconnected at the distribution system level of
18 either an electric utility as defined in this Section, a
19 municipal utility as defined in this Section that owns or
20 operates electric distribution facilities, or a rural
21 electric cooperative as defined in Section 3-119 of the
22 Public Utilities Act;

23 (3) located on the customer side of the customer's
24 electric meter and is primarily used to offset that
25 customer's electricity load; and

26 (4) (blank).

1 "Energy efficiency" means measures that reduce the amount
2 of electricity or natural gas consumed in order to achieve a
3 given end use. "Energy efficiency" includes voltage
4 optimization measures that optimize the voltage at points on
5 the electric distribution voltage system and thereby reduce
6 electricity consumption by electric customers' end use
7 devices. "Energy efficiency" also includes measures that
8 reduce the total Btus of electricity, natural gas, and other
9 fuels needed to meet the end use or uses.

10 "Electric utility" has the same definition as found in
11 Section 16-102 of the Public Utilities Act.

12 "Equity investment eligible community" or "eligible
13 community" are synonymous and mean the geographic areas
14 throughout Illinois which would most benefit from equitable
15 investments by the State designed to combat discrimination.
16 Specifically, the eligible communities shall be defined as the
17 following areas:

18 (1) R3 Areas as established pursuant to Section 10-40
19 of the Cannabis Regulation and Tax Act, where residents
20 have historically been excluded from economic
21 opportunities, including opportunities in the energy
22 sector; and

23 (2) environmental justice communities, as defined by
24 the Illinois Power Agency pursuant to the Illinois Power
25 Agency Act, where residents have historically been subject
26 to disproportionate burdens of pollution, including

1 pollution from the energy sector.

2 "Equity eligible persons" or "eligible persons" means
3 persons who would most benefit from equitable investments by
4 the State designed to combat discrimination, specifically:

5 (1) persons who graduate from or are current or former
6 participants in the Clean Jobs Workforce Network Program,
7 the Clean Energy Contractor Incubator Program, the
8 Illinois Climate Works Preapprenticeship Program,
9 Returning Residents Clean Jobs Training Program, or the
10 Clean Energy Primes Contractor Accelerator Program, and
11 the solar training pipeline and multi-cultural jobs
12 program created in paragraphs (a) (1) and (a) (3) of Section
13 16-208.12 of the Public Utilities Act;

14 (2) persons who are graduates of or currently enrolled
15 in the foster care system;

16 (3) persons who were formerly incarcerated;

17 (4) persons whose primary residence is in an equity
18 investment eligible community.

19 "Equity eligible contractor" means a business that is
20 majority-owned by eligible persons, or a nonprofit or
21 cooperative that is majority-governed by eligible persons, or
22 is a natural person that is an eligible person offering
23 personal services as an independent contractor.

24 "Facility" means an electric generating unit or a
25 co-generating unit that produces electricity along with
26 related equipment necessary to connect the facility to an

1 electric transmission or distribution system.

2 "General contractor" means the entity or organization with
3 main responsibility for the building of a construction project
4 and who is the party signing the prime construction contract
5 for the project.

6 "Governmental aggregator" means one or more units of local
7 government that individually or collectively procure
8 electricity to serve residential retail electrical loads
9 located within its or their jurisdiction.

10 "High voltage direct current converter station" means the
11 collection of equipment that converts direct current energy
12 from a high voltage direct current transmission line into
13 alternating current using Voltage Source Conversion technology
14 and that is interconnected with transmission or distribution
15 assets located in Illinois.

16 "High voltage direct current renewable energy credit"
17 means a renewable energy credit associated with a renewable
18 energy resource where the renewable energy resource has
19 entered into a contract to transmit the energy associated with
20 such renewable energy credit over high voltage direct current
21 transmission facilities.

22 "High voltage direct current transmission facilities"
23 means the collection of installed equipment that converts
24 alternating current energy in one location to direct current
25 and transmits that direct current energy to a high voltage
26 direct current converter station using Voltage Source

1 Conversion technology. "High voltage direct current
2 transmission facilities" includes the high voltage direct
3 current converter station itself and associated high voltage
4 direct current transmission lines. Notwithstanding the
5 preceding, after September 15, 2021 (the effective date of
6 Public Act 102-662), an otherwise qualifying collection of
7 equipment does not qualify as high voltage direct current
8 transmission facilities unless its developer entered into a
9 project labor agreement, is capable of transmitting
10 electricity at 525kv with an Illinois converter station
11 located and interconnected in the region of the PJM
12 Interconnection, LLC, and the system does not operate as a
13 public utility, as that term is defined in Section 3-105 of the
14 Public Utilities Act.

15 "Hydropower" means any method of electricity generation or
16 storage that results from the flow of water, including
17 impoundment facilities, diversion facilities, and pumped
18 storage facilities.

19 "Index price" means the real-time energy settlement price
20 at the applicable Illinois trading hub, such as PJM-NIHUB or
21 MISO-IL, for a given settlement period.

22 "Indexed renewable energy credit" means a tradable credit
23 that represents the environmental attributes of one megawatt
24 hour of energy produced from a renewable energy resource, the
25 price of which shall be calculated by subtracting the strike
26 price offered by a new utility-scale wind project or a new

1 utility-scale photovoltaic project from the index price in a
2 given settlement period.

3 "Indexed renewable energy credit counterparty" has the
4 same meaning as "public utility" as defined in Section 3-105
5 of the Public Utilities Act.

6 "Local government" means a unit of local government as
7 defined in Section 1 of Article VII of the Illinois
8 Constitution.

9 "Modernized" or "retooled" means the construction, repair,
10 maintenance, or significant expansion of turbines and existing
11 hydropower dams.

12 "Municipality" means a city, village, or incorporated
13 town.

14 "Municipal utility" means a public utility owned and
15 operated by any subdivision or municipal corporation of this
16 State.

17 "Nameplate capacity" means the aggregate inverter
18 nameplate capacity in kilowatts AC.

19 "Person" means any natural person, firm, partnership,
20 corporation, either domestic or foreign, company, association,
21 limited liability company, joint stock company, or association
22 and includes any trustee, receiver, assignee, or personal
23 representative thereof.

24 "Project" means the planning, bidding, and construction of
25 a facility.

26 "Project labor agreement" means a pre-hire collective

1 bargaining agreement that covers all terms and conditions of
2 employment on a specific construction project and must include
3 the following:

4 (1) provisions establishing the minimum hourly wage
5 for each class of labor organization employee;

6 (2) provisions establishing the benefits and other
7 compensation for each class of labor organization
8 employee;

9 (3) provisions establishing that no strike or disputes
10 will be engaged in by the labor organization employees;

11 (4) provisions establishing that no lockout or
12 disputes will be engaged in by the general contractor
13 building the project; and

14 (5) provisions for minorities and women, as defined
15 under the Business Enterprise for Minorities, Women, and
16 Persons with Disabilities Act, setting forth goals for
17 apprenticeship hours to be performed by minorities and
18 women and setting forth goals for total hours to be
19 performed by underrepresented minorities and women.

20 A labor organization and the general contractor building
21 the project shall have the authority to include other terms
22 and conditions as they deem necessary.

23 "Public utility" has the same definition as found in
24 Section 3-105 of the Public Utilities Act.

25 "Qualified combined heat and power systems" means systems
26 that, either simultaneously or sequentially, produce

1 electricity and useful thermal energy from a single fuel
2 source. Such systems are eligible for "renewable energy
3 credits" in an amount equal to its total energy output where a
4 renewable fuel is consumed or in an amount equal to the net
5 reduction in nonrenewable fuel consumed on a total energy
6 output basis.

7 "Real property" means any interest in land together with
8 all structures, fixtures, and improvements thereon, including
9 lands under water and riparian rights, any easements,
10 covenants, licenses, leases, rights-of-way, uses, and other
11 interests, together with any liens, judgments, mortgages, or
12 other claims or security interests related to real property.

13 "Renewable energy credit" means a tradable credit that
14 represents the environmental attributes of one megawatt hour
15 of energy produced from a renewable energy resource.

16 "Renewable energy resources" includes energy and its
17 associated renewable energy credit or renewable energy credits
18 from wind, solar thermal energy, photovoltaic cells and
19 panels, biodiesel, anaerobic digestion, crops and untreated
20 and unadulterated organic waste biomass, and hydropower that
21 does not involve new construction of dams, waste heat to power
22 systems, or qualified combined heat and power systems. For
23 purposes of this Act, landfill gas produced in the State is
24 considered a renewable energy resource. "Renewable energy
25 resources" does not include the incineration or burning of
26 tires, garbage, general household, institutional, and

1 commercial waste, industrial lunchroom or office waste,
2 landscape waste, railroad crossties, utility poles, or
3 construction or demolition debris, other than untreated and
4 unadulterated waste wood. "Renewable energy resources" also
5 includes high voltage direct current renewable energy credits
6 and the associated energy converted to alternating current by
7 a high voltage direct current converter station to the extent
8 that: (1) the generator of such renewable energy resource
9 contracted with a third party to transmit the energy over the
10 high voltage direct current transmission facilities, and (2)
11 the third-party contracting for delivery of renewable energy
12 resources over the high voltage direct current transmission
13 facilities have ownership rights over the unretired associated
14 high voltage direct current renewable energy credit.

15 "Retail customer" has the same definition as found in
16 Section 16-102 of the Public Utilities Act.

17 "Revenue bond" means any bond, note, or other evidence of
18 indebtedness issued by the Authority, the principal and
19 interest of which is payable solely from revenues or income
20 derived from any project or activity of the Agency.

21 "Sequester" means permanent storage of carbon dioxide by
22 injecting it into a saline aquifer, a depleted gas reservoir,
23 or an oil reservoir, directly or through an enhanced oil
24 recovery process that may involve intermediate storage,
25 regardless of whether these activities are conducted by a
26 clean coal facility, a clean coal SNG facility, a clean coal

1 SNG brownfield facility, or a party with which a clean coal
2 facility, clean coal SNG facility, or clean coal SNG
3 brownfield facility has contracted for such purposes.

4 "Service area" has the same definition as found in Section
5 16-102 of the Public Utilities Act.

6 "Settlement period" means the period of time utilized by
7 MISO and PJM and their successor organizations as the basis
8 for settlement calculations in the real-time energy market.

9 "Sourcing agreement" means (i) in the case of an electric
10 utility, an agreement between the owner of a clean coal
11 facility and such electric utility, which agreement shall have
12 terms and conditions meeting the requirements of paragraph (3)
13 of subsection (d) of Section 1-75, (ii) in the case of an
14 alternative retail electric supplier, an agreement between the
15 owner of a clean coal facility and such alternative retail
16 electric supplier, which agreement shall have terms and
17 conditions meeting the requirements of Section 16-115(d) (5) of
18 the Public Utilities Act, and (iii) in case of a gas utility,
19 an agreement between the owner of a clean coal SNG brownfield
20 facility and the gas utility, which agreement shall have the
21 terms and conditions meeting the requirements of subsection
22 (h-1) of Section 9-220 of the Public Utilities Act.

23 "Strike price" means a contract price for energy and
24 renewable energy credits from a new utility-scale wind project
25 or a new utility-scale photovoltaic project.

26 "Subscriber" means a person who (i) takes delivery service

1 from an electric utility, and (ii) has a subscription of no
2 less than 200 watts to a community renewable generation
3 project that is located in the electric utility's service
4 area. No subscriber's subscriptions may total more than 40% of
5 the nameplate capacity of an individual community renewable
6 generation project. Entities that are affiliated by virtue of
7 a common parent shall not represent multiple subscriptions
8 that total more than 40% of the nameplate capacity of an
9 individual community renewable generation project.

10 "Subscription" means an interest in a community renewable
11 generation project expressed in kilowatts, which is sized
12 primarily to offset part or all of the subscriber's
13 electricity usage.

14 "Substitute natural gas" or "SNG" means a gas manufactured
15 by gasification of hydrocarbon feedstock, which is
16 substantially interchangeable in use and distribution with
17 conventional natural gas.

18 "Total resource cost test" or "TRC test" means a standard
19 that is met if, for an investment in energy efficiency or
20 demand-response measures, the benefit-cost ratio is greater
21 than one. The benefit-cost ratio is the ratio of the net
22 present value of the total benefits of the program to the net
23 present value of the total costs as calculated over the
24 lifetime of the measures. A total resource cost test compares
25 the sum of avoided electric utility costs, representing the
26 benefits that accrue to the system and the participant in the

1 delivery of those efficiency measures and including avoided
2 costs associated with reduced use of natural gas or other
3 fuels, avoided costs associated with reduced water
4 consumption, and avoided costs associated with reduced
5 operation and maintenance costs, as well as other quantifiable
6 societal benefits, to the sum of all incremental costs of
7 end-use measures that are implemented due to the program
8 (including both utility and participant contributions), plus
9 costs to administer, deliver, and evaluate each demand-side
10 program, to quantify the net savings obtained by substituting
11 the demand-side program for supply resources. In calculating
12 avoided costs of power and energy that an electric utility
13 would otherwise have had to acquire, reasonable estimates
14 shall be included of financial costs likely to be imposed by
15 future regulations and legislation on emissions of greenhouse
16 gases. In discounting future societal costs and benefits for
17 the purpose of calculating net present values, a societal
18 discount rate based on actual, long-term Treasury bond yields
19 should be used. Notwithstanding anything to the contrary, the
20 TRC test shall not include or take into account a calculation
21 of market price suppression effects or demand reduction
22 induced price effects.

23 "Utility-scale solar project" means an electric generating
24 facility that:

25 (1) generates electricity using photovoltaic cells;

26 and

1 (2) has a nameplate capacity that is greater than
2 5,000 kilowatts.

3 "Utility-scale wind project" means an electric generating
4 facility that:

5 (1) generates electricity using wind; and

6 (2) has a nameplate capacity that is greater than
7 5,000 kilowatts.

8 "Waste Heat to Power Systems" means systems that capture
9 and generate electricity from energy that would otherwise be
10 lost to the atmosphere without the use of additional fuel.

11 "Zero emission credit" means a tradable credit that
12 represents the environmental attributes of one megawatt hour
13 of energy produced from a zero emission facility.

14 "Zero emission facility" means a facility that: (1) is
15 fueled by nuclear power; and (2) is interconnected with PJM
16 Interconnection, LLC or the Midcontinent Independent System
17 Operator, Inc., or their successors.

18 (Source: P.A. 102-662, eff. 9-15-21; 103-154, eff. 6-28-23;
19 103-380, eff. 1-1-24.)

20 Section 10. The Public Utilities Act is amended by adding
21 Section 3-128 as follows:

22 (220 ILCS 5/3-128 new)

23 Sec. 3-128. Agrivoltaic system.

24 "Agrivoltaic system" means a ground-mounted photovoltaic

1 solar energy system that meets the following criteria:

2 (1) the applicable farm plan and the system have been
3 intentionally designed with agricultural producers or
4 agrivoltaics experts;

5 (2) the system is constructed, installed, and operated
6 to achieve an integrated and simultaneous production of
7 both solar energy and current or future marketable
8 agricultural products, including all products and
9 activities described in Section 3-35 of the Use Tax Act
10 and apiaries if the apiary is paired with another
11 qualifying marketable agricultural product, by an
12 agricultural producer;

13 (3) the agricultural production of the system occurs
14 on land beneath or between rows of solar panels; and

15 (4) the agricultural production of the system begins
16 as soon as agronomically feasible and optimal for the
17 agricultural producer after the commercial operation date
18 of the solar panels and continues until decommissioning.

19 "Agrivoltaic system" does not include a system that has a
20 pollinator habitat as the sole dual use of the system.