



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3403

Introduced 2/8/2024, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12020.5 new

Amends the Counties Code. Provides that, beginning June 1, 2025 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.

LRB103 37022 AWJ 67137 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, 2025 and subject to approval from
4 the FAA, a county shall require the facility owner of a
5 commercial wind energy facility constructed beginning in 2019
6 or later 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 if the
11 commercial wind energy facility received a determination of no
12 hazard from the FAA before the effective date of this
13 amendatory Act of the 103rd General Assembly, shall:

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

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

24 (c) The facility owner of a commercial wind energy
25 facility may seek an extension from the county board from the
26 requirements under subsection (b) for a period of up to 24

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

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

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