



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4122

Introduced 10/15/2025, by Rep. Brad Halbrook, Travis Weaver, Adam M. Niemerg, Jason R. Bunting, Jed Davis, et al.

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/8-406	from Ch. 111 2/3, par. 8-406
420 ILCS 10/2	from Ch. 111 1/2, par. 4352
420 ILCS 10/8 new	

Provides that the amendatory Act may be referred to as the Fast-Track Nuclear Now Act. Amends the Public Utilities Act. Removes prohibitions on the construction of a new nuclear power reactor with a nameplate capacity of more than 300 megawatts of electricity that is located within the State. Amends the Illinois Nuclear Facility Safety Act. Provides that it is declared to be the policy of the State to facilitate new nuclear facility construction. Makes a conforming change. Provides that the Illinois Emergency Management Agency and Office of Homeland Security shall work with any proposed project, the federal Nuclear Regulatory Commission, and any relevant State agency to reduce regulatory barriers to new nuclear facility construction.

LRB104 15316 AAS 28470 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. This Act may be referred to as the Fast-Track  
5 Nuclear Now Act.

6 Section 5. The Public Utilities Act is amended by changing  
7 Section 8-406 as follows:

8 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

9 Sec. 8-406. Certificate of public convenience and  
10 necessity.

11 (a) No public utility not owning any city or village  
12 franchise nor engaged in performing any public service or in  
13 furnishing any product or commodity within this State as of  
14 July 1, 1921 and not possessing a certificate of public  
15 convenience and necessity from the Illinois Commerce  
16 Commission, the State Public Utilities Commission, or the  
17 Public Utilities Commission, at the time Public Act 84-617  
18 goes into effect (January 1, 1986), shall transact any  
19 business in this State until it shall have obtained a  
20 certificate from the Commission that public convenience and  
21 necessity require the transaction of such business. A  
22 certificate of public convenience and necessity requiring the

1 transaction of public utility business in any area of this  
2 State shall include authorization to the public utility  
3 receiving the certificate of public convenience and necessity  
4 to construct such plant, equipment, property, or facility as  
5 is provided for under the terms and conditions of its tariff  
6 and as is necessary to provide utility service and carry out  
7 the transaction of public utility business by the public  
8 utility in the designated area.

9 (b) No public utility shall begin the construction of any  
10 new plant, equipment, property, or facility which is not in  
11 substitution of any existing plant, equipment, property, or  
12 facility, or any extension or alteration thereof or in  
13 addition thereto, unless and until it shall have obtained from  
14 the Commission a certificate that public convenience and  
15 necessity require such construction. Whenever after a hearing  
16 the Commission determines that any new construction or the  
17 transaction of any business by a public utility will promote  
18 the public convenience and is necessary thereto, it shall have  
19 the power to issue certificates of public convenience and  
20 necessity. The Commission shall determine that proposed  
21 construction will promote the public convenience and necessity  
22 only if the utility demonstrates: (1) that the proposed  
23 construction is necessary to provide adequate, reliable, and  
24 efficient service to its customers and is the least-cost means  
25 of satisfying the service needs of its customers or that the  
26 proposed construction will promote the development of an

1 effectively competitive electricity market that operates  
2 efficiently, is equitable to all customers, and is the least  
3 cost means of satisfying those objectives; (2) that the  
4 utility is capable of efficiently managing and supervising the  
5 construction process and has taken sufficient action to ensure  
6 adequate and efficient construction and supervision thereof;  
7 and (3) that the utility is capable of financing the proposed  
8 construction without significant adverse financial  
9 consequences for the utility or its customers.

10 (b-5) As used in this subsection (b-5):

11 "Qualifying direct current applicant" means an entity that  
12 seeks to provide direct current bulk transmission service for  
13 the purpose of transporting electric energy in interstate  
14 commerce.

15 "Qualifying direct current project" means a high voltage  
16 direct current electric service line that crosses at least one  
17 Illinois border, the Illinois portion of which is physically  
18 located within the region of the Midcontinent Independent  
19 System Operator, Inc., or its successor organization, and runs  
20 through the counties of Pike, Scott, Greene, Macoupin,  
21 Montgomery, Christian, Shelby, Cumberland, and Clark, is  
22 capable of transmitting electricity at voltages of 345  
23 kilovolts or above, and may also include associated  
24 interconnected alternating current interconnection facilities  
25 in this State that are part of the proposed project and  
26 reasonably necessary to connect the project with other

1 portions of the grid.

2 Notwithstanding any other provision of this Act, a  
3 qualifying direct current applicant that does not own,  
4 control, operate, or manage, within this State, any plant,  
5 equipment, or property used or to be used for the transmission  
6 of electricity at the time of its application or of the  
7 Commission's order may file an application on or before  
8 December 31, 2023 with the Commission pursuant to this Section  
9 or Section 8-406.1 for, and the Commission may grant, a  
10 certificate of public convenience and necessity to construct,  
11 operate, and maintain a qualifying direct current project. The  
12 qualifying direct current applicant may also include in the  
13 application requests for authority under Section 8-503. The  
14 Commission shall grant the application for a certificate of  
15 public convenience and necessity and requests for authority  
16 under Section 8-503 if it finds that the qualifying direct  
17 current applicant and the proposed qualifying direct current  
18 project satisfy the requirements of this subsection and  
19 otherwise satisfy the criteria of this Section or Section  
20 8-406.1 and the criteria of Section 8-503, as applicable to  
21 the application and to the extent such criteria are not  
22 superseded by the provisions of this subsection. The  
23 Commission's order on the application for the certificate of  
24 public convenience and necessity shall also include the  
25 Commission's findings and determinations on the request or  
26 requests for authority pursuant to Section 8-503. Prior to

1 filing its application under either this Section or Section  
2 8-406.1, the qualifying direct current applicant shall conduct  
3 3 public meetings in accordance with subsection (h) of this  
4 Section. If the qualifying direct current applicant  
5 demonstrates in its application that the proposed qualifying  
6 direct current project is designed to deliver electricity to a  
7 point or points on the electric transmission grid in either or  
8 both the PJM Interconnection, LLC or the Midcontinent  
9 Independent System Operator, Inc., or their respective  
10 successor organizations, the proposed qualifying direct  
11 current project shall be deemed to be, and the Commission  
12 shall find it to be, for public use. If the qualifying direct  
13 current applicant further demonstrates in its application that  
14 the proposed transmission project has a capacity of 1,000  
15 megawatts or larger and a voltage level of 345 kilovolts or  
16 greater, the proposed transmission project shall be deemed to  
17 satisfy, and the Commission shall find that it satisfies, the  
18 criteria stated in item (1) of subsection (b) of this Section  
19 or in paragraph (1) of subsection (f) of Section 8-406.1, as  
20 applicable to the application, without the taking of  
21 additional evidence on these criteria. Prior to the transfer  
22 of functional control of any transmission assets to a regional  
23 transmission organization, a qualifying direct current  
24 applicant shall request Commission approval to join a regional  
25 transmission organization in an application filed pursuant to  
26 this subsection (b-5) or separately pursuant to Section 7-102

1 of this Act. The Commission may grant permission to a  
2 qualifying direct current applicant to join a regional  
3 transmission organization if it finds that the membership, and  
4 associated transfer of functional control of transmission  
5 assets, benefits Illinois customers in light of the attendant  
6 costs and is otherwise in the public interest. Nothing in this  
7 subsection (b-5) requires a qualifying direct current  
8 applicant to join a regional transmission organization.  
9 Nothing in this subsection (b-5) requires the owner or  
10 operator of a high voltage direct current transmission line  
11 that is not a qualifying direct current project to obtain a  
12 certificate of public convenience and necessity to the extent  
13 it is not otherwise required by this Section 8-406 or any other  
14 provision of this Act.

15 (c) (Blank). ~~As used in this subsection (c):~~

16 ~~"Decommissioning" has the meaning given to that term in~~  
17 ~~subsection (a) of Section 8-508.1.~~

18 ~~"Nuclear power reactor" has the meaning given to that term~~  
19 ~~in Section 8 of the Nuclear Safety Law of 2004.~~

20 ~~After the effective date of this amendatory Act of the~~  
21 ~~103rd General Assembly, no construction shall commence on any~~  
22 ~~new nuclear power reactor with a nameplate capacity of more~~  
23 ~~than 300 megawatts of electricity to be located within this~~  
24 ~~State, and no certificate of public convenience and necessity~~  
25 ~~or other authorization shall be issued therefor by the~~  
26 ~~Commission, until the Illinois Emergency Management Agency and~~

1 ~~Office of Homeland Security, in consultation with the Illinois~~  
2 ~~Environmental Protection Agency and the Illinois Department of~~  
3 ~~Natural Resources, finds that the United States Government,~~  
4 ~~through its authorized agency, has identified and approved a~~  
5 ~~demonstrable technology or means for the disposal of high~~  
6 ~~level nuclear waste, or until such construction has been~~  
7 ~~specifically approved by a statute enacted by the General~~  
8 ~~Assembly. Beginning January 1, 2026, construction may commence~~  
9 ~~on a new nuclear power reactor with a nameplate capacity of 300~~  
10 ~~megawatts of electricity or less within this State if the~~  
11 ~~entity constructing the new nuclear power reactor has obtained~~  
12 ~~all permits, licenses, permissions, or approvals governing the~~  
13 ~~construction, operation, and funding of decommissioning of~~  
14 ~~such nuclear power reactors required by: (1) this Act; (2) any~~  
15 ~~rules adopted by the Illinois Emergency Management Agency and~~  
16 ~~Office of Homeland Security under the authority of this Act;~~  
17 ~~(3) any applicable federal statutes, including, but not~~  
18 ~~limited to, the Atomic Energy Act of 1954, the Energy~~  
19 ~~Reorganization Act of 1974, the Low Level Radioactive Waste~~  
20 ~~Policy Amendments Act of 1985, and the Energy Policy Act of~~  
21 ~~1992; (4) any regulations promulgated or enforced by the U.S.~~  
22 ~~Nuclear Regulatory Commission, including, but not limited to,~~  
23 ~~those codified at Title X, Parts 20, 30, 40, 50, 70, and 72 of~~  
24 ~~the Code of Federal Regulations, as from time to time amended;~~  
25 ~~and (5) any other federal or State statute, rule, or~~  
26 ~~regulation governing the permitting, licensing, operation, or~~

1 ~~decommissioning of such nuclear power reactors. None of the~~  
2 ~~rules developed by the Illinois Emergency Management Agency~~  
3 ~~and Office of Homeland Security or any other State agency,~~  
4 ~~board, or commission pursuant to this Act shall be construed~~  
5 ~~to supersede the authority of the U.S. Nuclear Regulatory~~  
6 ~~Commission. The changes made by this amendatory Act of the~~  
7 ~~103rd General Assembly shall not apply to the uprate, renewal,~~  
8 ~~or subsequent renewal of any license for an existing nuclear~~  
9 ~~power reactor that began operation prior to the effective date~~  
10 ~~of this amendatory Act of the 103rd General Assembly.~~

11 ~~None of the changes made in this amendatory Act of the~~  
12 ~~103rd General Assembly are intended to authorize the~~  
13 ~~construction of nuclear power plants powered by nuclear power~~  
14 ~~reactors that are not either: (1) small modular nuclear~~  
15 ~~reactors; or (2) nuclear power reactors licensed by the U.S.~~  
16 ~~Nuclear Regulatory Commission to operate in this State prior~~  
17 ~~to the effective date of this amendatory Act of the 103rd~~  
18 ~~General Assembly.~~

19 (d) In making its determination under subsection (b) of  
20 this Section, the Commission shall attach primary weight to  
21 the cost or cost savings to the customers of the utility. The  
22 Commission may consider any or all factors which will or may  
23 affect such cost or cost savings, including the public  
24 utility's engineering judgment regarding the materials used  
25 for construction.

26 (e) The Commission may issue a temporary certificate which

1 shall remain in force not to exceed one year in cases of  
2 emergency, to assure maintenance of adequate service or to  
3 serve particular customers, without notice or hearing, pending  
4 the determination of an application for a certificate, and may  
5 by regulation exempt from the requirements of this Section  
6 temporary acts or operations for which the issuance of a  
7 certificate will not be required in the public interest.

8 A public utility shall not be required to obtain but may  
9 apply for and obtain a certificate of public convenience and  
10 necessity pursuant to this Section with respect to any matter  
11 as to which it has received the authorization or order of the  
12 Commission under the Electric Supplier Act, and any such  
13 authorization or order granted a public utility by the  
14 Commission under that Act shall as between public utilities be  
15 deemed to be, and shall have except as provided in that Act the  
16 same force and effect as, a certificate of public convenience  
17 and necessity issued pursuant to this Section.

18 No electric cooperative shall be made or shall become a  
19 party to or shall be entitled to be heard or to otherwise  
20 appear or participate in any proceeding initiated under this  
21 Section for authorization of power plant construction and as  
22 to matters as to which a remedy is available under the Electric  
23 Supplier Act.

24 (f) Such certificates may be altered or modified by the  
25 Commission, upon its own motion or upon application by the  
26 person or corporation affected. Unless exercised within a

1 period of 2 years from the grant thereof, authority conferred  
2 by a certificate of convenience and necessity issued by the  
3 Commission shall be null and void.

4 No certificate of public convenience and necessity shall  
5 be construed as granting a monopoly or an exclusive privilege,  
6 immunity or franchise.

7 (g) A public utility that undertakes any of the actions  
8 described in items (1) through (3) of this subsection (g) or  
9 that has obtained approval pursuant to Section 8-406.1 of this  
10 Act shall not be required to comply with the requirements of  
11 this Section to the extent such requirements otherwise would  
12 apply. For purposes of this Section and Section 8-406.1 of  
13 this Act, "high voltage electric service line" means an  
14 electric line having a design voltage of 100,000 or more. For  
15 purposes of this subsection (g), a public utility may do any of  
16 the following:

17 (1) replace or upgrade any existing high voltage  
18 electric service line and related facilities,  
19 notwithstanding its length;

20 (2) relocate any existing high voltage electric  
21 service line and related facilities, notwithstanding its  
22 length, to accommodate construction or expansion of a  
23 roadway or other transportation infrastructure; or

24 (3) construct a high voltage electric service line and  
25 related facilities that is constructed solely to serve a  
26 single customer's premises or to provide a generator

1 interconnection to the public utility's transmission  
2 system and that will pass under or over the premises owned  
3 by the customer or generator to be served or under or over  
4 premises for which the customer or generator has secured  
5 the necessary right of way.

6 (h) A public utility seeking to construct a high-voltage  
7 electric service line and related facilities (Project) must  
8 show that the utility has held a minimum of 2 pre-filing public  
9 meetings to receive public comment concerning the Project in  
10 each county where the Project is to be located, no earlier than  
11 6 months prior to filing an application for a certificate of  
12 public convenience and necessity from the Commission. Notice  
13 of the public meeting shall be published in a newspaper of  
14 general circulation within the affected county once a week for  
15 3 consecutive weeks, beginning no earlier than one month prior  
16 to the first public meeting. If the Project traverses 2  
17 contiguous counties and where in one county the transmission  
18 line mileage and number of landowners over whose property the  
19 proposed route traverses is one-fifth or less of the  
20 transmission line mileage and number of such landowners of the  
21 other county, then the utility may combine the 2 pre-filing  
22 meetings in the county with the greater transmission line  
23 mileage and affected landowners. All other requirements  
24 regarding pre-filing meetings shall apply in both counties.  
25 Notice of the public meeting, including a description of the  
26 Project, must be provided in writing to the clerk of each

1 county where the Project is to be located. A representative of  
2 the Commission shall be invited to each pre-filing public  
3 meeting.

4 (h-5) A public utility seeking to construct a high-voltage  
5 electric service line and related facilities must also show  
6 that the Project has complied with training and competence  
7 requirements under subsection (b) of Section 15 of the  
8 Electric Transmission Systems Construction Standards Act.

9 (i) For applications filed after August 18, 2015 (the  
10 effective date of Public Act 99-399), the Commission shall, by  
11 certified mail, notify each owner of record of land, as  
12 identified in the records of the relevant county tax assessor,  
13 included in the right-of-way over which the utility seeks in  
14 its application to construct a high-voltage electric line of  
15 the time and place scheduled for the initial hearing on the  
16 public utility's application. The utility shall reimburse the  
17 Commission for the cost of the postage and supplies incurred  
18 for mailing the notice.

19 (Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21;  
20 102-813, eff. 5-13-22; 102-931, eff. 5-27-22; 103-569, eff.  
21 6-1-24; 103-1066, eff. 2-20-25.)

22 Section 10. The Illinois Nuclear Facility Safety Act is  
23 amended by changing Section 2 and by adding Section 8 as  
24 follows:

1 (420 ILCS 10/2) (from Ch. 111 1/2, par. 4352)

2 Sec. 2. Policy statement. It is declared to be the policy  
3 of the State of Illinois to prevent accidents at nuclear  
4 facilities in Illinois for the economic well-being of the  
5 People of the State of Illinois and for the health and safety  
6 of workers at nuclear facilities and private citizens who  
7 could be injured as a result of releases of radioactive  
8 materials from nuclear facilities. It is also declared to be  
9 the policy of the State to facilitate new nuclear facility  
10 construction. It is the intent of the General Assembly that  
11 this Act should be construed consistently with federal law to  
12 maximize the role of the State in contributing to safety at  
13 nuclear facilities in Illinois and the facilitation of new  
14 nuclear facility construction. It is the intent of the General  
15 Assembly that the Agency should not take any actions which are  
16 preempted by federal law or engage in dual regulation of  
17 nuclear facilities, unless dual regulation is allowed by  
18 federal law and policies of the Nuclear Regulatory Commission.  
19 In implementing its responsibilities under this Act, the  
20 Agency shall not take any action which interferes with the  
21 safe operation of a nuclear facility.

22 (Source: P.A. 103-569, eff. 6-1-24.)

23 (420 ILCS 10/8 new)

24 Sec. 8. New nuclear facility construction. The Agency  
25 shall work with any proposed project, the federal Nuclear

1 Regulatory Commission, and any relevant State agency to reduce  
2 regulatory barriers to new nuclear facility construction.