Illinois State Association of Counties

November 9, 2026

The Honorable Robyn Gabel
House Majority Leader
300 Capitol Building
Springfield, Illinois 62706

Re: Concerns About County Impact of HB 5513

Dear Leader Gabel:

On behalf of the Illinois State Association of Counties (ISACo), I write to acknowledge the valuable protections proposed in HB 5513, the POWER Act, and to request changes necessary to address its effects on county governments.

ISACo supports the objectives of protecting water resources, increasing public access to information about data center operations, and ensuring that specified costs of serving these facilities are borne by the facilities rather than shifted to other utility customers. The proposed water-resource assessments, infrastructure cost protections and utility contract safeguards could help counties accommodate economic development while protecting residents and businesses. Community benefits agreements also offer an opportunity to secure enforceable commitments addressing the effects of development.

These favorable provisions deserve consideration. However, the introduced bill also imposes county responsibilities without assured funding, restricts local permitting and inspection discretion, creates additional litigation exposure, and leaves important questions about county participation in data center decisions unresolved. ISACo opposes HB 5513 unless amendments adequately remedy the concerns described below.

1. Fund county implementation and make the solar requirements workable.
Article 10, Sections 10-10, 10-15, 10-20 and 10-30

The proposed July 1, 2027, deadline for automated residential solar permitting would require counties to evaluate technology, integrate systems, train employees and establish new administrative procedures. Website and remote-inspection requirements would create additional responsibilities. Article 10 provides no express funding for those duties, which could affect counties regardless of whether they host a data center.

We request dedicated funding for implementation and ongoing administration, technical assistance, and express authority to recover reasonable costs through fees. Compliance deadlines should allow sufficient time after funding and necessary implementation guidance become available. The legislation should also reconcile its exemptions: expedited in-person permitting exempts a jurisdiction from Section 10-10 only, while the exemption for jurisdictions that do not require solar permits applies only to Section 10-30. Counties need a clear statement of their obligations, including appropriate treatment of counties without existing permitting programs.

2. Preserve county authority to verify safety and code compliance.
Article 10, Sections 10-10 and 10-30

The prohibition on required manual review of platform-approved systems and the limit of one inspection unless that inspection fails would restrict county discretion. Requiring remote inspections at no greater cost or delay than in-person inspections also raises practical questions when photographs or recordings do not adequately establish compliance.

We request language expressly allowing supplemental review, additional documentation and additional or in-person inspections when reasonably necessary to address incomplete information, site-specific conditions, suspected noncompliance or documented safety concerns. Counties should be able to explain and document the basis for these actions. Modernizing permitting should preserve the ability of local officials to verify that an installation is safe and compliant.

3. Provide an opportunity to correct violations before litigation.
Article 10, Section 10-25

The bill would allow aggrieved persons or entities to bring civil actions against counties without first exhausting administrative remedies. Available relief includes a civil penalty, attorney fees and costs, and other appropriate legal or equitable relief. County exposure therefore extends well beyond the stated penalty of up to $1,000.

We request written notice identifying an alleged violation and a reasonable opportunity to cure before a civil action may proceed, with an appropriate exception for circumstances requiring immediate judicial relief. The bill should also provide reasonable protections for good-faith implementation and technology failures outside a county's control, and clarify how penalties would be assessed. These changes would preserve accountability while encouraging prompt resolution of correctable problems.

4. Ensure meaningful county participation in community benefits agreements.
Proposed Environmental Protection Act Sections 60.4 and 60.5

The bill would allow counties to establish advisory boards for data centers in unincorporated areas, but developers could instead negotiate with a community coalition. A county-appointed board therefore would not necessarily participate in the agreement, even when county roads, drainage, emergency services or other responsibilities are affected.

We request a guaranteed county role in agreements involving county services, infrastructure or obligations, including county approval of any commitment that would bind the county or require county expenditures. The legislation should establish clear requirements for representation, financial oversight, enforcement and coordination with county development agreements. Counties should also be able to recover reasonable costs associated with any required administration or oversight.

5. Clarify locally led processes and preserve county land-use authority.
Proposed Environmental Protection Act Section 60.1

The cumulative impact provisions contemplate informed community consent through a locally led process, but do not clearly establish who determines consent, what procedures apply, or how the process relates to existing county hearings. These uncertainties could create additional administrative costs and disputes over whether required steps have been completed.

We request clear definitions of the responsible parties and required procedures, coordination with existing local processes, and reimbursement for required county participation. The legislation should expressly preserve applicable county zoning authority, development agreements and infrastructure protections. State environmental approvals should supplement, rather than substitute for, required county approvals.

6. Address county costs and clarify access to funding.
Proposed Environmental Protection Act Sections 60.3 and 60.7

The state Public Benefits and Affordability Fund could support important community needs, but it does not guarantee reimbursement for county expenses attributable to data center development. Separately, the Community Intervenor Compensation Fund expressly identifies municipalities among eligible participants without expressly identifying counties.

We request explicit county eligibility for intervenor assistance and a defined mechanism through which affected counties can obtain funding for eligible infrastructure, emergency planning, monitoring and administrative costs. Neither state fund payments nor separately negotiated community benefits should be presumed to satisfy a developer's obligations to address documented county impacts.

7. Refine the nondisclosure agreement prohibition.
Proposed Environmental Protection Act Section 60.2

ISACo recognizes the public interest in transparent development decisions. However, a categorical prohibition on governmental nondisclosure agreements would remove a contracting tool that counties may use during preliminary economic development discussions.

We request a narrowly tailored approach that preserves timely disclosure of proposed public commitments, environmental impacts and decisions requiring public action, while allowing limited protection of legitimately confidential information consistent with existing law. The

legislation should also clarify its treatment of existing agreements and statutory confidentiality protections.

ISACo is prepared to work with you on amendments that retain the bill's beneficial environmental, transparency, and utility-cost protections while addressing these county concerns.

Thank you for your leadership on this important issue and for considering the county perspective. We welcome the opportunity to discuss specific amendments with you and your staff.

Respectfully,

Joe McCoy
Executive Director
Illinois State Association of Counties

cc: The Honorable JB Pritzker, Governor
The Honorable Emanuel "Chris" Welch, Speaker of the House
The Honorable Tony McCombie, House Republican Leader
The Honorable Don Harmon, President of the Senate
The Honorable John Curran, Senate Republican Leader