

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 Renewable Energy Production District Act is
5 amended by changing Sections 5, 10, 15, and 20 and by adding
6 Sections 22 and 30 as follows:

7 (70 ILCS 1950/5)

8 Sec. 5. Definitions ~~Definition~~.

9 "Board" means the board of trustees of a renewable energy
10 production special district created under this Act.

11 "District" means a renewable energy production special
12 district created under this Act.

13 "Renewable energy facility" means a generator attached to a
14 building or parcel of land that is powered by solar electric
15 energy or wind, dedicated crops grown for electricity
16 generation, anaerobic digestion of livestock or food
17 processing waste, fuel cells or microturbines powered by
18 renewable fuels, ~~or~~ hydroelectric energy, or waste-to-energy
19 concepts.

20 (Source: P.A. 97-265, eff. 8-8-11.)

21 (70 ILCS 1950/10)

22 Sec. 10. Renewable energy production special district.

1 (a) Any or all areas ~~area~~ within the boundaries of a single
2 county may be incorporated as a single renewable energy
3 production special district. The territory incorporated in a
4 district formed under this Act shall be contiguous and may
5 contain any territory not previously included in any renewable
6 energy production district.

7 (b) Fifty or more of the legal voters resident within the
8 limits of the proposed district or a majority if there are
9 fewer than 100 legal voters, hereinafter referred to as the
10 "petitioners", may petition the circuit court for the county in
11 which the proposed district is located to cause the question to
12 be submitted to the legal voters of the proposed district
13 whether the proposed territory shall be organized as a
14 renewable energy production special district under this Act.
15 The petition shall be addressed to the court and shall set
16 forth (i) ~~contain~~ a definite description of the boundaries of
17 the territory to be embraced in the proposed district, (ii) and
18 the name of the proposed district, and (iii) a request that the
19 question be submitted to the legal voters of the proposed
20 district. The territory incorporated in a district formed under
21 this Act shall be contiguous and may contain any territory not
22 previously included in any renewable energy production
23 district.

24 ~~Upon filing a petition, in the office of the circuit clerk~~
25 ~~of the county in which the petition is made, the court shall~~
26 ~~consider the boundaries of the renewable energy production~~

1 ~~district whether the same shall be those stated in the petition~~
2 ~~or otherwise.~~

3 (c) In the event that 2 or more petitions covering in part
4 the same territory are filed prior to the public hearing upon
5 the petition first filed, the petitions shall be consolidated
6 for public hearing, and a hearing thereon may be continued to
7 permit the giving of sufficient notice upon any petition or
8 petitions.

9 (d) The petitioners shall give at least 20 days notice
10 prior to a hearing ~~Notice shall be given by the court~~ of the
11 time and place of a hearing upon the subject of the petition.
12 The notice shall be published in one or more newspapers of
13 general circulation within the proposed renewable energy
14 production special district or, if there is no newspaper of
15 general circulation within the proposed renewable energy
16 production special district, then by posting ~~at least 10~~ copies
17 in 10 of the most public places within the boundaries of the
18 proposed district at least 20 days before the meeting ~~in~~
19 ~~conspicuous places as far separated from each other as~~
20 ~~consistently possible.~~

21 The filing fee on the petition and the costs of printing
22 and publication or posting of notices of public hearings shall
23 be paid by the petitioners.

24 (e) At the hearing on the petition, all persons in the
25 proposed renewable energy production special district shall
26 have an opportunity to present evidence be heard concerning the

1 creation, location, and boundary of the proposed district and
2 make suggestions regarding the same, provided however, that the
3 court may refuse to allow evidence or testimony deemed
4 cumulative. After ~~and the court, after~~ hearing statements,
5 evidence, and suggestions, the court shall fix and determine
6 the limits and boundaries of the proposed district, and for
7 that purpose and to that extent, may alter and amend the
8 petition. In determining the limits and boundaries of the
9 proposed district the court may consider, among other factors,
10 the public interest and whether the territory contained within
11 the proposed district contains only portions of one or more
12 electoral district or districts. After the determination by the
13 court the limits and boundaries shall be incorporated in an
14 order, and the order shall be filed in the records of the
15 court. Upon the entering of the order, the court shall certify
16 the order and the proposition to the proper election officials,
17 who shall submit the proposition to the voters at the next
18 permissible ~~an~~ election in accordance with the general election
19 law. In addition to the requirements of the general election
20 law, notice of the referendum shall include a description of
21 the boundaries of the territory to be embraced in the proposed
22 district and the name of the proposed district.

23 The proposition shall be in substantially the following
24 form:

25 Shall a renewable energy production special district
26 to be known as the (name of the proposed district) be

1 incorporated?

2 The proposed district encompasses (description of
3 territory in the proposed district).

4 Votes shall be recorded as "YES" or "NO".

5 The court shall cause a statement of the results of the
6 election to be filed in the records of the court. If a majority
7 of the votes cast upon the question are in favor of the
8 incorporation of the proposed renewable energy production
9 special district, then the district shall thereafter be an
10 organized renewable energy production special district under
11 this Act, and the court shall enter an order accordingly and
12 cause the same to be filed in the records of the court and
13 shall also send to the county clerk a certified copy of the
14 order organizing the district.

15 (Source: P.A. 97-265, eff. 8-8-11.)

16 (70 ILCS 1950/15)

17 Sec. 15. Board of trustees.

18 (a) A renewable energy production district shall be
19 governed by a board of trustees. The board of trustees shall
20 consist of 5 members. A member of the board of trustees must
21 reside within the territory embraced within the district.

22 Within 90 days after the order is entered organizing the
23 district, the county board in which the renewable energy
24 production district is located shall appoint the initial
25 members of the board. Of the initial members, 3 shall serve for

1 a 3-year term and 2 shall serve for a 5-year term, as
2 determined by lot. Thereafter, the members of the board shall
3 serve for a 5-year term. Vacancies shall be filled in the same
4 manner as appointments. ~~The members of the board shall annually~~
5 ~~elect one member to serve as the chairperson.~~ Members of the
6 board shall serve without compensation but may receive the
7 reasonable cost of their travel expenses and may be reimbursed
8 for actual expenses incurred in the performance of their
9 official duties as members of the board.

10 (b) Within 60 days after appointment of the initial board
11 of trustees, the board shall meet and elect a chairman, who
12 shall thereafter be elected annually by the board, the
13 secretary, and the treasurer. At the initial meeting, the board
14 shall adopt by-laws that shall at a minimum (i) define the
15 first and subsequent fiscal years of the district, (ii)
16 determine the dates and times of other regular and special
17 meetings of the board, and (iii) set forth the procedure for
18 amending the by-laws.

19 (c) A majority of the members appointed shall constitute a
20 quorum in order to do business.

21 (d) Formal action of the board shall be in the form of an
22 ordinance, resolution, motion, or other appropriate form,
23 approved by a majority of the board members in attendance at a
24 board meeting.

25 (Source: P.A. 97-265, eff. 8-8-11.)

1 (70 ILCS 1950/20)

2 Sec. 20. Powers of the board of trustees. The board shall
3 exercise all of the powers and control all the affairs of a
4 renewable energy production special district.

5 (a) The board may:

6 (1) finance, acquire, construct, operate, and
7 maintain, or dispose of a renewable energy facility;

8 (2) contract with private or public entities to
9 finance, acquire, construct, operate, or maintain, or
10 dispose of a renewable energy facility for the district;

11 (3) solicit and accept moneys from any legal source;
12 and

13 (4) sell the renewable energy produced by a renewable
14 energy facility;~~;~~

15 (5) acquire, purchase, own, lease, rent, sell, and
16 convey interests in real and tangible and intangible
17 personal property;

18 (6) purchase insurance;

19 (7) sue and be sued;

20 (8) hire employees, prescribe their duties and fix
21 their compensation;

22 (9) adopt and use a seal;

23 (10) make and execute contracts, loans, leases,
24 subleases, installation purchase agreements, notes and
25 other instruments evidencing financial obligations, and
26 other instruments necessary or convenient in the exercise

1 of its powers;

2 (11) make, amend, and repeal bylaws, rules, and
3 regulations not inconsistent with this Act;

4 (12) sell, lease, sublease, license, transfer, convey,
5 or otherwise dispose of any of its real or personal
6 property, or interests therein, in whole or in part, at any
7 time upon such terms and conditions as it may determine;

8 (13) invest funds, not required for immediate
9 disbursement, in property or agreements;

10 (14) apply for, accept and use grants, loans, or other
11 financial assistance from any private entity or municipal,
12 county, State, or Federal governmental agency or other
13 public entity;

14 (15) employ or enter into contracts for the employment
15 of any person, firm, or corporation, and for professional
16 services, necessary or desirable for the accomplishment of
17 the corporate objects of the district or the proper
18 administration, management, protection or control of its
19 property and assets; and

20 (16) make and execute all contracts and other
21 instruments necessary or convenient to the exercise of its
22 powers.

23 This Section shall be liberally construed to give effect to
24 its purposes.

25 (b) The board must remit all money collected from a
26 renewable energy facility, exclusive of operations,

1 maintenance, capital, debt service, and investment costs, to
2 the county in which the district is located.

3 (Source: P.A. 97-265, eff. 8-8-11.)

4 (70 ILCS 1950/22 new)

5 Sec. 22. Dissolution of a district.

6 (a) Action to dissolve a district may be instituted either
7 by action of a board or petition.

8 (b) If a district has fully discharged its debts and
9 obligations, then a board may adopt an ordinance finding and
10 determining that the foregoing condition has been met and that
11 the public interest does not require continuation of the
12 district. A copy of the ordinance shall be published in one or
13 more newspapers of general circulation within the district or,
14 if there is no newspaper of general circulation within the
15 district, then by posting copies in 10 of the most public
16 places within the boundaries of the proposed district. In
17 addition to a copy of the ordinance, the publication or posting
18 shall include a notice of (i) the specific number of voters
19 required to sign a petition requesting the submission to the
20 electors of the question of the dissolution of the district,
21 (ii) the date by which the petition must be filed, and (iii)
22 the official with whom or office at which the petition must be
23 filed. Unless a petition is filed with the secretary of the
24 board within 30 days after publication or posting containing
25 the signatures of voters equal in number to 10% or more of the

1 total number of registered voters in the territory of the
2 district requesting that the question of the dissolution of the
3 Authority be submitted to an election, the district shall be
4 deemed to be dissolved at the expiration of the 30-day period.
5 If such a petition is filed, then the question of the
6 dissolution of the district shall be certified by the board to
7 the proper election authority, which shall submit the question
8 to the electors of the district at the next permissible
9 election in accordance with the general election law.

10 The question shall be in substantially the following form:

11 Shall the (name of the district) be dissolved?

12 Votes shall be recorded as "YES" or "NO".

13 The result of the election shall be entered upon the
14 corporate records of the district. If a majority of the ballots
15 cast on the question are marked "yes", then the district shall
16 be dissolved. But if a majority of the ballots on the question
17 are marked "no", the board shall proceed with the affairs of
18 the district as though the dissolution ordinance had never been
19 adopted, and the question shall not again be submitted to the
20 voters for a period of 2 years. When the business and affairs
21 of any district have been concluded after dissolution, that
22 fact shall be certified by the chair of its board to the county
23 clerk of the county where the district was located.

24 (c) 10% or more of the total number of registered voters
25 residing within the territory of the district, hereinafter
26 referred to as the "petitioners", may petition the circuit

1 court for the county where the proposed district is located to
2 cause the question to be submitted to the legal voters of the
3 proposed district whether the district shall be dissolved. The
4 petition shall be addressed to the court and shall set forth
5 (i) the name of the district, (ii) an allegation that the
6 district has fully discharged its debts and obligations, and
7 (iii) a request that the question be submitted to the electors
8 residing within the limits of the district whether the district
9 shall be dissolved.

10 The petitioners shall give at least 20 calendar days notice
11 of the time and place of a hearing upon the subject of the
12 petition. The notice shall be published in one or more
13 newspapers of general circulation within the district or, if
14 there is no newspaper of general circulation within the
15 district, then by posting the notice at least 20 calendar days
16 prior to the hearing in 10 of the most public places within the
17 boundaries of the proposed district. All costs relating to the
18 filing of the petition and the costs of printing and
19 publication or posting of notices of public hearing thereon
20 shall be paid by the petitioners.

21 At the hearing on the petition all persons in the district
22 shall have an opportunity to present evidence and be heard
23 concerning the dissolution of the district, provided, however,
24 that the court may refuse to allow evidence or testimony deemed
25 cumulative.

26 After hearing statements, evidence, and suggestions, the

1 court shall determine whether the district has fully discharged
2 its debts and obligations and, if so, the court shall enter an
3 order that the proposition whether the district shall be
4 dissolved be submitted to the electors residing within the
5 limits of the district. Upon the entering of such an order the
6 court shall certify the order and the proposition to the proper
7 election officials, who shall submit the proposition to the
8 voters at the next permissible election in accordance with the
9 general election law.

10 The question shall be in substantially the following form:

11 Shall the (name of the district) be dissolved?

12 Votes shall be recorded as "YES" or "NO".

13 The result of the election shall be entered upon the
14 corporate records of the district. If a majority of the ballots
15 cast on the question are marked "yes", then the district shall
16 be dissolved. But if a majority of the ballots on the question
17 are marked "no", the board shall proceed with the affairs of
18 the district as though dissolution had never been considered,
19 and the question shall not again be submitted to the voters for
20 a period of 2 years. When the business and affairs of any
21 district have been concluded after dissolution, that fact shall
22 be certified by the chair of its board to the county clerk of
23 the county where the district was located.

24 (70 ILCS 1950/30 new)

25 Sec. 30. Records of a district. The board shall adopt rules

1 and regulations for the retention and proper safekeeping and
2 maintenance of its permanent records and for the recording of
3 the corporate actions of the district. The district shall be
4 subject to the provisions of the Local Records Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.