

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 that is
14 attached to a building or parcel of land and that is powered by
15 methane gas generated from landfills, solar electric energy or
16 wind, dedicated crops grown for electricity generation,
17 anaerobic digestion of livestock or food processing waste, fuel
18 cells or microturbines powered by renewable fuels, or
19 hydroelectric energy. "Renewable fuels" does not include the
20 incineration or burning of tires, garbage, general household,
21 institutional, or commercial waste, industrial lunchroom or
22 office waste, landscape waste other than tree waste, railroad
23 crossties, utility poles, or construction or demolition

1 debris, other than untreated and unadulterated waste wood.

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

3 (70 ILCS 1950/10)

4 Sec. 10. Renewable energy production special district.

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

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

1 ~~previously included in any renewable energy production~~
2 ~~district.~~

3 ~~Upon filing a petition, in the office of the circuit clerk~~
4 ~~of the county in which the petition is made, the court shall~~
5 ~~consider the boundaries of the renewable energy production~~
6 ~~district whether the same shall be those stated in the petition~~
7 ~~or otherwise.~~

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

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

26 The filing fee on the petition and the costs of printing

1 and publication or posting of notices of public hearings shall
2 be paid by the petitioners.

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

1 district and the name of the proposed district.

2 The proposition shall be in substantially the following
3 form:

4 Shall a renewable energy production special district
5 to be known as the (name of the proposed district) be
6 incorporated?

7 The proposed district encompasses (description of
8 territory in the proposed district).

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

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

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

21 (70 ILCS 1950/15)

22 Sec. 15. Board of trustees.

23 (a) A renewable energy production district shall be
24 governed by a board of trustees. The board of trustees shall
25 consist of 5 members. A member of the board of trustees must

1 reside within the territory embraced within the district.
2 Within 90 days after the order is entered organizing the
3 district, the county board in which the renewable energy
4 production district is located shall appoint the initial
5 members of the board. Of the initial members, 3 shall serve for
6 a 3-year term and 2 shall serve for a 5-year term, as
7 determined by lot. Thereafter, the members of the board shall
8 serve for a 5-year term. Vacancies shall be filled in the same
9 manner as appointments. ~~The members of the board shall annually~~
10 ~~elect one member to serve as the chairperson.~~ Members of the
11 board shall serve without compensation but may receive the
12 reasonable cost of their travel expenses and may be reimbursed
13 for actual expenses incurred in the performance of their
14 official duties as members of the board.

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

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

26 (d) Formal action of the board shall be in the form of an

1 ordinance, resolution, motion, or other appropriate form,
2 approved by a majority of the board members in attendance at a
3 board meeting.

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

5 (70 ILCS 1950/20)

6 Sec. 20. Powers of the board of trustees. The board shall
7 exercise all of the powers and control all the affairs of a
8 renewable energy production special district.

9 (a) The board may:

10 (1) finance, acquire, construct, operate, ~~and~~
11 maintain, or dispose of a renewable energy facility;

12 (2) contract with private or public entities to
13 finance, acquire, construct, operate, ~~or~~ maintain, or
14 dispose of a renewable energy facility for the district;

15 (3) solicit and accept moneys from any legal source;
16 ~~and~~

17 (4) sell the renewable energy produced by a renewable
18 energy facility;~~;~~

19 (5) acquire, purchase, own, lease, rent, sell, and
20 convey interests in real and tangible and intangible
21 personal property;

22 (6) purchase insurance;

23 (7) sue and be sued;

24 (8) hire employees, prescribe their duties and fix
25 their compensation;

1 (9) adopt and use a seal;

2 (10) make and execute contracts, loans, leases,
3 subleases, installation purchase agreements, notes and
4 other instruments evidencing financial obligations, and
5 other instruments necessary or convenient in the exercise
6 of its powers;

7 (11) make, adopt, amend, and repeal ordinances,
8 resolutions, bylaws, rules, and regulations not
9 inconsistent with this Act, provided, however, that such
10 ordinances, resolutions, bylaws, rules, and regulations
11 shall not be applicable to the operation and maintenance of
12 renewable energy or waste disposal activities by private
13 businesses or concerns or other public entities;

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

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

20 (14) apply for, accept and use grants, loans, or other
21 financial assistance from any private entity or municipal,
22 county, State, or federal governmental agency or other
23 public entity;

24 (15) employ or enter into contracts for the employment
25 of any person, firm, or corporation, and for professional
26 services, necessary or desirable for the accomplishment of

1 the corporate objects of the district or the proper
2 administration, management, protection or control of its
3 property and assets; and

4 (16) make and execute all contracts and other
5 instruments necessary or convenient to the exercise of its
6 powers.

7 This Section shall be liberally construed to give effect to
8 its purposes.

9 (b) The board must:

10 (1) remit all money collected from a renewable energy
11 facility, exclusive of operations, maintenance, capital,
12 debt service, and investment costs, to the county in which
13 the district is located; and-

14 (2) comply with the requirements that apply to
15 pollution control facilities under the Environmental
16 Protection Act, as well as any other applicable permitting
17 and regulatory requirements under that Act, if it intends
18 to own, operate, or construct a generator that is attached
19 to a building or parcel of land and is powered by fuel
20 cells or microturbines.

21 (c) The board is not authorized to and shall not use
22 eminent domain or quick take proceedings to acquire property.

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

24 (70 ILCS 1950/22 new)

25 Sec. 22. Dissolution of a district.

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

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

1 district shall be certified by the board to the proper election
2 authority, which shall submit the question to the electors of
3 the district at the next permissible election in accordance
4 with the general election law.

5 The question shall be in substantially the following form:

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

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

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

19 (c) 10% or more of the total number of registered voters
20 residing within the territory of the district, hereinafter
21 referred to as the "petitioners", may petition the circuit
22 court for the county where the proposed district is located to
23 cause the question to be submitted to the legal voters of the
24 proposed district whether the district shall be dissolved. The
25 petition shall be addressed to the court and shall set forth
26 (i) the name of the district, (ii) an allegation that the

1 district has fully discharged its debts and obligations, and
2 (iii) a request that the question be submitted to the electors
3 residing within the limits of the district whether the district
4 shall be dissolved.

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

16 At the hearing on the petition all persons in the district
17 shall have an opportunity to present evidence and be heard
18 concerning the dissolution of the district, provided, however,
19 that the court may refuse to allow evidence or testimony deemed
20 cumulative.

21 After hearing statements, evidence, and suggestions, the
22 court shall determine whether the district has fully discharged
23 its debts and obligations and, if so, the court shall enter an
24 order that the proposition whether the district shall be
25 dissolved be submitted to the electors residing within the
26 limits of the district. Upon the entering of such an order, the

1 court shall certify the order and the proposition to the proper
2 election officials, who shall submit the proposition to the
3 voters at the next permissible election in accordance with the
4 general election law.

5 The question shall be in substantially the following form:

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

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

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

19 (70 ILCS 1950/30 new)

20 Sec. 30. Records of a district. The board shall adopt rules
21 and regulations for the retention and proper safekeeping and
22 maintenance of its permanent records and for the recording of
23 the corporate actions of the district. The district shall be
24 subject to the provisions of the Local Records Act.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.