



Sen. Michael W. Frerichs

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09700HB4753sam004

LRB097 18551 JDS 69263 a

1 AMENDMENT TO HOUSE BILL 4753

2 AMENDMENT NO. _____. Amend House Bill 4753, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

8 (70 ILCS 1950/5)

9 Sec. 5. Definitions ~~Definition~~.

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

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

14 "Renewable energy facility" means a generator that is
15 attached to a building or parcel of land and that is powered by
16 methane gas generated from landfills, solar electric energy or

1 wind, dedicated crops grown for electricity generation,
2 anaerobic digestion of livestock or food processing waste, fuel
3 cells or microturbines powered by renewable fuels, or
4 hydroelectric energy. "Renewable fuels" does not include the
5 incineration or burning of tires, garbage, general household,
6 institutional, or commercial waste, industrial lunchroom or
7 office waste, landscape waste other than tree waste, railroad
8 crossties, utility poles, or construction or demolition
9 debris, other than untreated and unadulterated waste wood.

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

11 (70 ILCS 1950/10)

12 Sec. 10. Renewable energy production special district.

13 (a) Any or all areas area within the boundaries of a single
14 county may be incorporated as a single renewable energy
15 production special district. The territory incorporated in a
16 district formed under this Act shall be contiguous and may
17 contain any territory not previously included in any renewable
18 energy production district.

19 (b) Fifty or more of the legal voters resident within the
20 limits of the proposed district or a majority if there are
21 fewer than 100 legal voters, hereinafter referred to as the
22 "petitioners", may petition the circuit court for the county in
23 which the proposed district is located to cause the question to
24 be submitted to the legal voters of the proposed district
25 whether the proposed territory shall be organized as a

1 renewable energy production special district under this Act.
2 The petition shall be addressed to the court and shall set
3 forth (i) contain a definite description of the boundaries of
4 the territory to be embraced in the proposed district, (ii) and
5 the name of the proposed district, and (iii) a request that the
6 question be submitted to the legal voters of the proposed
7 district. ~~The territory incorporated in a district formed under~~
8 ~~this Act shall be contiguous and may contain any territory not~~
9 ~~previously included in any renewable energy production~~
10 ~~district.~~

11 ~~Upon filing a petition, in the office of the circuit clerk~~
12 ~~of the county in which the petition is made, the court shall~~
13 ~~consider the boundaries of the renewable energy production~~
14 ~~district whether the same shall be those stated in the petition~~
15 ~~or otherwise.~~

16 (c) In the event that 2 or more petitions covering in part
17 the same territory are filed prior to the public hearing upon
18 the petition first filed, the petitions shall be consolidated
19 for public hearing, and a hearing thereon may be continued to
20 permit the giving of sufficient notice upon any petition or
21 petitions.

22 (d) The petitioners shall give at least 20 days notice
23 prior to a hearing ~~Notice shall be given by the court~~ of the
24 time and place of a hearing upon the subject of the petition.
25 The notice shall be published in one or more newspapers of
26 general circulation within the proposed renewable energy

1 production special district or, if there is no newspaper of
2 general circulation within the proposed renewable energy
3 production special district, then by posting ~~at least 10~~ copies
4 in 10 of the most public places within the boundaries of the
5 proposed district at least 20 days before the meeting ~~in~~
6 ~~conspicuous places as far separated from each other as~~
7 ~~consistently possible.~~

8 The filing fee on the petition and the costs of printing
9 and publication or posting of notices of public hearings shall
10 be paid by the petitioners.

11 (e) At the hearing on the petition, all persons in the
12 proposed renewable energy production special district shall
13 have an opportunity to present evidence, be heard concerning
14 the creation, location, and boundary of the proposed district,
15 and make suggestions regarding the same, provided, however,
16 that the court may refuse to allow evidence or testimony deemed
17 cumulative. After ~~and the court,~~ after hearing statements,
18 evidence, and suggestions, the court shall fix and determine
19 the limits and boundaries of the proposed district, and for
20 that purpose and to that extent, may alter and amend the
21 petition. In determining the limits and boundaries of the
22 proposed district the court may consider, among other factors,
23 the public interest and whether the territory contained within
24 the proposed district contains only portions of one or more
25 electoral districts. After the determination by the court the
26 limits and boundaries shall be incorporated in an order, and

1 the order shall be filed in the records of the court. Upon the
2 entering of the order, the court shall certify the order and
3 the proposition to the proper election officials, who shall
4 submit the proposition to the voters at the next permissible ~~an~~
5 election in accordance with the general election law. In
6 addition to the requirements of the general election law,
7 notice of the referendum shall include a description of the
8 boundaries of the territory to be embraced in the proposed
9 district and the name of the proposed district.

10 The proposition shall be in substantially the following
11 form:

12 Shall a renewable energy production special district
13 to be known as the (name of the proposed district) be
14 incorporated?

15 The proposed district encompasses (description of
16 territory in the proposed district).

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

18 The court shall cause a statement of the results of the
19 election to be filed in the records of the court. If a majority
20 of the votes cast upon the question are in favor of the
21 incorporation of the proposed renewable energy production
22 special district, then the district shall thereafter be an
23 organized renewable energy production special district under
24 this Act, and the court shall enter an order accordingly and
25 cause the same to be filed in the records of the court and
26 shall also send to the county clerk a certified copy of the

1 order organizing the district.

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

3 (70 ILCS 1950/15)

4 Sec. 15. Board of trustees.

5 (a) A renewable energy production district shall be
6 governed by a board of trustees. The board of trustees shall
7 consist of 5 members. A member of the board of trustees must
8 reside within the territory embraced within the district.

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

22 (b) Within 60 days after appointment of the initial board
23 of trustees, the board shall meet and elect a chairman, who
24 shall thereafter be elected annually by the board, the
25 secretary, and the treasurer. At the initial meeting, the board

1 shall adopt by-laws that shall at a minimum (i) define the
2 first and subsequent fiscal years of the district, (ii)
3 determine the dates and times of other regular and special
4 meetings of the board, and (iii) set forth the procedure for
5 amending the by-laws.

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

8 (d) Formal action of the board shall be in the form of an
9 ordinance, resolution, motion, or other appropriate form,
10 approved by a majority of the board members in attendance at a
11 board meeting.

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

13 (70 ILCS 1950/20)

14 Sec. 20. Powers of the board of trustees. The board shall
15 exercise all of the powers and control all the affairs of a
16 renewable energy production special district.

17 (a) The board may:

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

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

23 (3) solicit and accept moneys from any legal source;
24 ~~and~~

25 (4) sell the renewable energy produced by a renewable

1 energy facility;~~;~~

2 (5) acquire, purchase, own, lease, rent, sell, and
3 convey interests in real and tangible and intangible
4 personal property;

5 (6) purchase insurance;

6 (7) sue and be sued;

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

9 (9) adopt and use a seal;

10 (10) make and execute contracts, loans, leases,
11 subleases, installation purchase agreements, notes and
12 other instruments evidencing financial obligations, and
13 other instruments necessary or convenient in the exercise
14 of its powers;

15 (11) make, adopt, amend, and repeal ordinances,
16 resolutions, bylaws, rules, and regulations not
17 inconsistent with this Act, provided, however, that such
18 ordinances, resolutions, bylaws, rules, and regulations
19 shall not be applicable to the operation and maintenance of
20 renewable energy or waste disposal activities by private
21 businesses or concerns or other public entities;

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

26 (13) invest funds, not required for immediate

1 disbursement, in property or agreements;

2 (14) apply for, accept and use grants, loans, or other
3 financial assistance from any private entity or municipal,
4 county, State, or federal governmental agency or other
5 public entity;

6 (15) employ or enter into contracts for the employment
7 of any person, firm, or corporation, and for professional
8 services, necessary or desirable for the accomplishment of
9 the corporate objects of the district or the proper
10 administration, management, protection or control of its
11 property and assets; and

12 (16) make and execute all contracts and other
13 instruments necessary or convenient to the exercise of its
14 powers.

15 This Section shall be liberally construed to give effect to
16 its purposes.

17 (b) The board must:

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

22 (2) comply with the requirements that apply to
23 pollution control facilities under the Environmental
24 Protection Act, as well as any other applicable permitting
25 and regulatory requirements under that Act, if it intends
26 to own, operate, or construct a generator that is attached

1 to a building or parcel of land and is powered by fuel
2 cells or microturbines.

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

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

6 (70 ILCS 1950/22 new)

7 Sec. 22. Dissolution of a district.

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

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

1 is filed with the secretary of the board within 30 days after
2 publication or posting containing the signatures of voters
3 equal in number to 10% or more of the total number of
4 registered voters in the territory of the district requesting
5 that the question of the dissolution of the Authority be
6 submitted to an election, the district shall be deemed to be
7 dissolved at the expiration of the 30-day period. If such a
8 petition is filed, then the question of the dissolution of the
9 district shall be certified by the board to the proper election
10 authority, which shall submit the question to the electors of
11 the district at the next permissible election in accordance
12 with the general election law.

13 The question shall be in substantially the following form:

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

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

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

1 (c) 10% or more of the total number of registered voters
2 residing within the territory of the district, hereinafter
3 referred to as the "petitioners", may petition the circuit
4 court for the county where the proposed district is located to
5 cause the question to be submitted to the legal voters of the
6 proposed district whether the district shall be dissolved. The
7 petition shall be addressed to the court and shall set forth
8 (i) the name of the district, (ii) an allegation that the
9 district has fully discharged its debts and obligations, and
10 (iii) a request that the question be submitted to the electors
11 residing within the limits of the district whether the district
12 shall be dissolved.

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

24 At the hearing on the petition all persons in the district
25 shall have an opportunity to present evidence and be heard
26 concerning the dissolution of the district, provided, however,

1 that the court may refuse to allow evidence or testimony deemed
2 cumulative.

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

13 The question shall be in substantially the following form:

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

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

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

1 (70 ILCS 1950/30 new)

2 Sec. 30. Records of a district. The board shall adopt rules
3 and regulations for the retention and proper safekeeping and
4 maintenance of its permanent records and for the recording of
5 the corporate actions of the district. The district shall be
6 subject to the provisions of the Local Records Act.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".