

# SB1316



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1316

Introduced 2/8/2011, by Sen. Michael W. Frerichs

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Renewable Energy Production District Act. Provides that any area within the boundaries of a single county may be incorporated as a renewable energy production district. Sets forth the procedure for establishing a renewable energy production district. Provides that a board of trustees shall govern a renewable energy production district. Sets forth the appointment, terms, and powers of the board members. Authorizes the board to sell the renewable energy produced by a renewable energy facility. Contains other provisions. Effective immediately.

LRB097 08087 KMW 48210 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the  
5 Renewable Energy Production District Act.

6 Section 5. Definition. "Renewable energy facility" means a  
7 generator powered by solar electric energy, wind, dedicated  
8 crops grown for electricity generation, anaerobic digestion of  
9 livestock or food processing waste, fuel cells or microturbines  
10 powered by renewable fuels, or hydroelectric energy.

11 Section 10. Renewable energy production district. Any area  
12 within the boundaries of a single county may be incorporated as  
13 a renewable energy production district.

14 Fifty or more of the legal voters resident within the  
15 limits of the proposed district or a majority if there are  
16 fewer than 100 legal voters, may petition the circuit court for  
17 the county in which the proposed district is located to cause  
18 the question to be submitted to the legal voters of the  
19 proposed district whether the proposed territory shall be  
20 organized as a renewable energy production district under this  
21 Act. The petition shall be addressed to the court and shall  
22 contain a definite description of the boundaries of the

1 territory to be embraced in the proposed district and the name  
2 of the proposed district. The territory incorporated in any  
3 district formed under this Act shall be contiguous and may  
4 contain any territory not previously included in any renewable  
5 energy production district.

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

11 Notice shall be given by the court of the time and place of  
12 a hearing upon the subject of the petition. The notice shall be  
13 inserted in one or more daily or weekly papers published within  
14 the proposed renewable energy production district or, if no  
15 daily or weekly newspaper is published within the proposed  
16 renewable energy production district, then by posting at least  
17 10 copies in the proposed district at least 20 days before the  
18 meeting in conspicuous places as far separated from each other  
19 as consistently possible.

20 At the hearing, all persons in the proposed renewable  
21 energy production district shall have an opportunity to be  
22 heard touching the location and boundary of the proposed  
23 district and make suggestions regarding the same, and the  
24 court, after hearing statements, evidence, and suggestions,  
25 shall fix and determine the limits and boundaries of the  
26 proposed district, and for that purpose and to that extent, may

1 alter and amend the petition. After the determination by the  
2 court the limits and boundaries shall be incorporated in an  
3 order, and the order shall be filed in the records of the  
4 court. Upon the entering of the order, the court shall certify  
5 the order and the proposition to the proper election officials,  
6 who shall submit the proposition to the voters at an election  
7 in accordance with the general election law. In addition to the  
8 requirements of the general election law, notice of the  
9 referendum shall include a description of the proposed district  
10 and the name of the proposed district.

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

13 Shall a renewable energy production district be  
14 incorporated?

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

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

1           Section 15. Board of trustees. A renewable energy  
2 production district shall be governed by a board of trustees.  
3 The board of trustees shall consist of 5 members. Within 90  
4 days after the order is entered organizing the district, the  
5 county board in which the renewable energy production district  
6 is located shall appoint the members of the board. The members  
7 of the board shall serve for a period of 5 years. Vacancies  
8 shall be filled in the same manner as appointments. The members  
9 of the board shall annually elect one member to serve as the  
10 chairperson. Members of the board shall serve without  
11 compensation but may receive the reasonable cost of their  
12 travel expenses.

13           Section 20. Powers. The board shall exercise all of the  
14 powers and control all the affairs of a renewable energy  
15 production district.

16           (a) The board may:

17               (1) construct, operate, and maintain a renewable  
18 energy facility;

19               (2) contract with private or public entities to  
20 construct, operate, or maintain a renewable energy  
21 facility for the district;

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

24               (4) sell the renewable energy produced by a renewable  
25 energy facility.

1           (b) The board must remit all money collected from a  
2 renewable energy facility to the county in which the district  
3 is located.

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