

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

(70 ILCS 1950/5)

Sec. 5. Definitions ~~Definition~~.

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

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

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

debris, other than untreated and unadulterated waste wood.

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

(70 ILCS 1950/10)

Sec. 10. Renewable energy production special district.

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

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

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

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

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

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

The filing fee on the petition and the costs of printing

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

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

district and the name of the proposed district.

The proposition shall be in substantially the following form:

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

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

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

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

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

(70 ILCS 1950/15)

Sec. 15. Board of trustees.

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

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

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

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

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

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

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

(70 ILCS 1950/20)

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

(a) The board may:

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

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

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

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

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

(6) purchase insurance;

(7) sue and be sued;

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

(9) adopt and use a seal;

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

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

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

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

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

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

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

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

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

(b) The board must:

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

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

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

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

(70 ILCS 1950/22 new)

Sec. 22. Dissolution of a district.

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

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

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

The question shall be in substantially the following form:

Shall the (name of the district) be dissolved?

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

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

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

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

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

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

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

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

The question shall be in substantially the following form:

Shall the (name of the district) be dissolved?

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

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

(70 ILCS 1950/30 new)

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

Section 99. Effective date. This Act takes effect upon

Public Act 097-1110

HB4753 Enrolled

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becoming law.