

HB3646



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3646

Introduced 2/24/2009, by Rep. William B. Black

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.

LRB096 11170 RLJ 21553 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.