



Sen. Michael W. Frerichs

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LRB097 04364 KMW 67919 a

1 AMENDMENT TO SENATE BILL 553

2 AMENDMENT NO. _____. Amend Senate Bill 553 by replacing
3 everything after the enacting clause with the following:

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 attached to a
14 building or parcel of land that is powered by solar electric
15 energy or wind, dedicated crops grown for electricity
16 generation, anaerobic digestion of livestock or food

1 processing waste, fuel cells or microturbines powered by
2 renewable fuels, ~~or~~ hydroelectric energy, or waste-to-energy
3 concepts.

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

5 (70 ILCS 1950/10)

6 Sec. 10. Renewable energy production special district.

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

13 (b) Fifty or more of the legal voters resident within the
14 limits of the proposed district or a majority if there are
15 fewer than 100 legal voters, hereinafter referred to as the
16 "petitioners", may petition the circuit court for the county in
17 which the proposed district is located to cause the question to
18 be submitted to the legal voters of the proposed district
19 whether the proposed territory shall be organized as a
20 renewable energy production special district under this Act.
21 The petition shall be addressed to the court and shall set
22 forth (i) ~~contain~~ a definite description of the boundaries of
23 the territory to be embraced in the proposed district, (ii) ~~and~~
24 the name of the proposed district, and (iii) a request that the
25 question be submitted to the legal voters of the proposed

1 ~~district. The territory incorporated in a district formed under~~
2 ~~this Act shall be contiguous and may contain any territory not~~
3 ~~previously included in any renewable energy production~~
4 ~~district.~~

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

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

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

1 ~~consistently possible.~~

2 The filing fee on the petition and the costs of printing
3 and publication or posting of notices of public hearings shall
4 be paid by the petitioners.

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

1 law, notice of the referendum shall include a description of
2 the boundaries of the territory to be embraced in the proposed
3 district and the name of the proposed district.

4 The proposition shall be in substantially the following
5 form:

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

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

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

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

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

23 (70 ILCS 1950/15)

24 Sec. 15. Board of trustees.

25 (a) A renewable energy production district shall be

1 governed by a board of trustees. The board of trustees shall
2 consist of 5 members. A member of the board of trustees must
3 reside within the territory embraced within the district.

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

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

26 (c) A majority of the members appointed shall constitute a

1 quorum in order to do business.

2 (d) Formal action of the board shall be in the form of an
3 ordinance, resolution, motion, or other appropriate form,
4 approved by a majority of the board members in attendance at a
5 board meeting.

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

7 (70 ILCS 1950/20)

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

11 (a) The board may:

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

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

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

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

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

24 (6) purchase insurance;

25 (7) sue and be sued;

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

3 (9) adopt and use a seal;

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

9 (11) make, amend, and repeal bylaws, rules, and
10 regulations not inconsistent with this Act;

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

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

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

21 (15) employ or enter into contracts for the employment
22 of any person, firm, or corporation, and for professional
23 services, necessary or desirable for the accomplishment of
24 the corporate objects of the district or the proper
25 administration, management, protection or control of its
26 property and assets; and

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

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

6 (b) The board must remit all money collected from a
7 renewable energy facility, exclusive of operations,
8 maintenance, capital, debt service, and investment costs, to
9 the county in which the district is located.

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

11 (70 ILCS 1950/22 new)

12 Sec. 22. Dissolution of a district.

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

15 (b) If a district has fully discharged its debts and
16 obligations, then a board may adopt an ordinance finding and
17 determining that the foregoing condition has been met and that
18 the public interest does not require continuation of the
19 district. A copy of the ordinance shall be published in one or
20 more newspapers of general circulation within the district or,
21 if there is no newspaper of general circulation within the
22 district, then by posting copies in 10 of the most public
23 places within the boundaries of the proposed district. In
24 addition to a copy of the ordinance, the publication or posting
25 shall include a notice of (i) the specific number of voters

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

17 The question shall be in substantially the following form:

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

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

20 The result of the election shall be entered upon the
21 corporate records of the district. If a majority of the ballots
22 cast on the question are marked "yes", then the district shall
23 be dissolved. But if a majority of the ballots on the question
24 are marked "no", the board shall proceed with the affairs of
25 the district as though the dissolution ordinance had never been
26 adopted, and the question shall not again be submitted to the

1 voters for a period of 2 years. When the business and affairs
2 of any district have been concluded after dissolution, that
3 fact shall be certified by the chair of its board to the county
4 clerk of the county where the district was located.

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

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

1 shall be paid by the petitioners.

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

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

17 The question shall be in substantially the following form:

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

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

20 The result of the election shall be entered upon the
21 corporate records of the district. If a majority of the ballots
22 cast on the question are marked "yes", then the district shall
23 be dissolved. But if a majority of the ballots on the question
24 are marked "no", the board shall proceed with the affairs of
25 the district as though dissolution had never been considered,
26 and the question shall not again be submitted to the voters for

1 a period of 2 years. When the business and affairs of any
2 district have been concluded after dissolution, that fact shall
3 be certified by the chair of its board to the county clerk of
4 the county where the district was located.

5 (70 ILCS 1950/30 new)

6 Sec. 30. Records of a district. The board shall adopt rules
7 and regulations for the retention and proper safe keeping and
8 maintenance of its permanent records and for the recording of
9 the corporate actions of the district. The district shall be
10 subject to the provisions of the Local Records Act.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".