

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. An area
12 within the boundaries of a single county, provided that the
13 county includes a municipal electric utility that owns electric
14 generation, may incorporate a renewable energy production
15 district within the home county.

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

1 Act. The petition shall be addressed to the court and shall
2 contain a definite description of the boundaries of the
3 territory to be embraced in the proposed district and the name
4 of the proposed district. The territory incorporated in any
5 district formed under this Act shall be contiguous and may
6 contain any territory not previously included in any renewable
7 energy production district.

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

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

22 At the hearing, all persons in the proposed renewable
23 energy production district shall have an opportunity to be
24 heard touching the location and boundary of the proposed
25 district and make suggestions regarding the same, and the
26 court, after hearing statements, evidence, and suggestions,

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

13 The proposition shall be in substantially the following
14 form:

15 Shall a renewable energy production district be
16 incorporated?

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 district, the district shall thenceforth be an organized
23 renewable energy production district under this Act, and the
24 court shall enter an order accordingly and cause the same to be
25 filed in the records of the court and shall also cause to be
26 sent to the county clerk a certified copy of the order

1 organizing the district.

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

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

17 (a) The board may:

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

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

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

1 (4) sell the renewable energy produced by a renewable
2 energy facility owned, operated, or maintained by the
3 renewable energy production district.

4 (b) The board must remit all money collected from a
5 renewable energy facility owned, operated, or maintained by the
6 renewable energy production district to the county in which the
7 district is located.

8 (c) The provisions of this Act apply only to renewable
9 energy facilities owned, operated, or maintained by or on
10 behalf of a renewable energy production district. Nothing in
11 this Act shall be construed as:

12 (1) providing a renewable energy production district
13 with control over or authority to regulate or tax a
14 privately owned entity or privately owned renewable energy
15 generation facility;

16 (2) requiring any privately owned entity or privately
17 owned renewable energy facility to obtain any permission or
18 approval from the renewable energy production district
19 before purchasing, leasing, or otherwise acquiring rights
20 to use land or property to build, construct, operate, or
21 maintain a renewable energy facility within the
22 geographical territory of the renewable energy production
23 district; or

24 (3) requiring any privately owned entity or privately
25 owned renewable energy facility to (i) sell the energy it
26 produces to the renewable energy production district, (ii)

1 pay a fee or tax to generate, sell, or transmit energy, or
2 (iii) provide any of the revenues to the renewable energy
3 production district or the county in which the district is
4 located.

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