



Sen. Michael W. Frerichs

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09700SB1316sam001

LRB097 08087 KMW 53701 a

1 AMENDMENT TO SENATE BILL 1316

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1316 by replacing  
3 everything after the enacting clause with the following:

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.

1           Fifty or more of the legal voters resident within the  
2 limits of the proposed district or a majority if there are  
3 fewer than 100 legal voters, may petition the circuit court for  
4 the county in which the proposed district is located to cause  
5 the question to be submitted to the legal voters of the  
6 proposed district whether the proposed territory shall be  
7 organized as a renewable energy production district under this  
8 Act. The petition shall be addressed to the court and shall  
9 contain a definite description of the boundaries of the  
10 territory to be embraced in the proposed district and the name  
11 of the proposed district. The territory incorporated in any  
12 district formed under this Act shall be contiguous and may  
13 contain any territory not previously included in any renewable  
14 energy production district.

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

20           Notice shall be given by the court of the time and place of  
21 a hearing upon the subject of the petition. The notice shall be  
22 inserted in one or more daily or weekly papers published within  
23 the proposed renewable energy production district or, if no  
24 daily or weekly newspaper is published within the proposed  
25 renewable energy production district, then by posting at least  
26 10 copies in the proposed district at least 20 days before the

1 meeting in conspicuous places as far separated from each other  
2 as consistently possible.

3 At the hearing, all persons in the proposed renewable  
4 energy production district shall have an opportunity to be  
5 heard touching the location and boundary of the proposed  
6 district and make suggestions regarding the same, and the  
7 court, after hearing statements, evidence, and suggestions,  
8 shall fix and determine the limits and boundaries of the  
9 proposed district, and for that purpose and to that extent, may  
10 alter and amend the petition. After the determination by the  
11 court the limits and boundaries shall be incorporated in an  
12 order, and the order shall be filed in the records of the  
13 court. Upon the entering of the order, the court shall certify  
14 the order and the proposition to the proper election officials,  
15 who shall submit the proposition to the voters at an election  
16 in accordance with the general election law. In addition to the  
17 requirements of the general election law, notice of the  
18 referendum shall include a description of the proposed district  
19 and the name of the proposed district.

20 The proposition shall be in substantially the following  
21 form:

22 Shall a renewable energy production district be  
23 incorporated?

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

25 The court shall cause a statement of the results of the  
26 election to be filed in the records of the court. If a majority

1 of the votes cast upon the question are in favor of the  
2 incorporation of the proposed renewable energy production  
3 district, the district shall thenceforth be an organized  
4 renewable energy production district under this Act, and the  
5 court shall enter an order accordingly and cause the same to be  
6 filed in the records of the court and shall also cause to be  
7 sent to the county clerk a certified copy of the order  
8 organizing the district.

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

21 Section 20. Powers. The board shall exercise all of the  
22 powers and control all the affairs of a renewable energy  
23 production district.

24 (a) The board may:

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

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

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

8           (4) sell the renewable energy produced by a renewable  
9 energy facility owned, operated, or maintained by the  
10 renewable energy production district.

11          (b) The board must remit all money collected from a  
12 renewable energy facility owned, operated, or maintained by the  
13 renewable energy production district to the county in which the  
14 district is located.

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

19           (1) providing a renewable energy production district  
20 with control over or authority to regulate or tax a  
21 privately owned entity or privately owned renewable energy  
22 generation facility;

23           (2) requiring any privately owned entity or privately  
24 owned renewable energy facility to obtain any permission or  
25 approval from the renewable energy production district  
26 before purchasing, leasing, or otherwise acquiring rights

1 to use land or property to build, construct, operate, or  
2 maintain a renewable energy facility within the  
3 geographical territory of the renewable energy production  
4 district; or

5 (3) requiring any privately owned entity or privately  
6 owned renewable energy facility to (i) sell the energy it  
7 produces to the renewable energy production district, (ii)  
8 pay a fee or tax to generate, sell, or transmit energy, or  
9 (iii) provide any of the revenues to the renewable energy  
10 production district or the county in which the district is  
11 located.

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