

# HB1070



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB1070

by Rep. Jerry F. Costello, II

#### SYNOPSIS AS INTRODUCED:

805 ILCS 105/103.05

from Ch. 32, par. 103.05

Amends the General Not For Profit Corporation Act of 1986. Allows cooperatives that own and operate agriculture-based biogas (anaerobic digester) systems to organize as a non-profit. Activities of the cooperatives may include the marketing and sale of biogas system products including but not limited to methane gas, electricity, and compost. Effective immediately.

LRB098 02904 MLW 32915 b

A BILL FOR

1 AN ACT concerning business.

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

4 Section 5. The General Not For Profit Corporation Act of  
5 1986 is amended by changing Section 103.05 as follows:

6 (805 ILCS 105/103.05) (from Ch. 32, par. 103.05)

7 Sec. 103.05. Purposes and authority of corporations;  
8 particular purposes; exemptions.

9 (a) Not-for-profit corporations may be organized under  
10 this Act for any one or more of the following or similar  
11 purposes:

12 (1) Charitable.

13 (2) Benevolent.

14 (3) Eleemosynary.

15 (4) Educational.

16 (5) Civic.

17 (6) Patriotic.

18 (7) Political.

19 (8) Religious.

20 (9) Social.

21 (10) Literary.

22 (11) Athletic.

23 (12) Scientific.

- 1 (13) Research.
- 2 (14) Agricultural.
- 3 (15) Horticultural.
- 4 (16) Soil improvement.
- 5 (17) Crop improvement.
- 6 (18) Livestock or poultry improvement.
- 7 (19) Professional, commercial, industrial, or trade
- 8 association.
- 9 (20) Promoting the development, establishment, or
- 10 expansion of industries.
- 11 (21) Electrification on a cooperative basis.
- 12 (22) Telephone service on a mutual or cooperative
- 13 basis.
- 14 (23) Ownership and operation of water supply
- 15 facilities for drinking and general domestic use on a
- 16 mutual or cooperative basis.
- 17 (24) Ownership or administration of residential
- 18 property on a cooperative basis.
- 19 (25) Administration and operation of property owned on
- 20 a condominium basis or by a homeowner association.
- 21 (26) Administration and operation of an organization
- 22 on a cooperative basis producing or furnishing goods,
- 23 services, or facilities primarily for the benefit of its
- 24 members who are consumers of those goods, services, or
- 25 facilities.
- 26 (27) Operation of a community mental health board or

1 center organized pursuant to the Community Mental Health  
2 Act for the purpose of providing direct patient services.

3 (28) Provision of debt management services as  
4 authorized by the Debt Management Service Act.

5 (29) Promotion, operation, and administration of a  
6 ridesharing arrangement as defined in Section 1-176.1 of  
7 the Illinois Vehicle Code.

8 (30) The administration and operation of an  
9 organization for the purpose of assisting low-income  
10 consumers in the acquisition of utility and telephone  
11 services.

12 (31) Any purpose permitted to be exempt from taxation  
13 under Sections 501(c) or 501(d) of the United States  
14 Internal Revenue Code, as now in or hereafter amended.

15 (32) Any purpose that would qualify for tax-deductible  
16 gifts under the Section 170(c) of the United States  
17 Internal Revenue Code, as now or hereafter amended. Any  
18 such purpose is deemed to be charitable under subsection  
19 (a)(1) of this Section.

20 (33) Furnishing of natural gas on a cooperative basis.

21 (34) Ownership and operation of agriculture-based  
22 biogas (anaerobic digester) systems on a cooperative basis  
23 including the marketing and sale of products produced from  
24 these, including but not limited to methane gas,  
25 electricity, and compost.

26 (b) A corporation may be organized hereunder to serve in an

1 area that adjoins or borders (except for any intervening  
2 natural watercourse) an area located in an adjoining state  
3 intended to be similarly served, and the corporation may join  
4 any corporation created by the adjoining state having an  
5 identical purpose and organized as a not-for-profit  
6 corporation. Whenever any corporation organized under this Act  
7 so joins with a foreign corporation having an identical  
8 purpose, the corporation shall be permitted to do business in  
9 Illinois as one corporation; provided (1) that the name, bylaw  
10 provisions, officers, and directors of each corporation are  
11 identical, (2) that the foreign corporation complies with the  
12 provisions of this Act relating to the admission of foreign  
13 corporation, and (3) that the Illinois corporation files a  
14 statement with the Secretary of State indicating that it has  
15 joined with a foreign corporation setting forth the name  
16 thereof and the state of its incorporation.

17 (Source: P.A. 94-738, eff. 5-4-06.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.