



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5856

Introduced 2/16/2012, by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

20 ILCS 689/5  
20 ILCS 689/10  
20 ILCS 689/27 new  
30 ILCS 105/5.811 new

Amends the Illinois Renewable Fuels Development Program Act and the State Finance Act. Provides that the Department of Commerce and Economic Opportunity shall create and operate an E85 Market Expansion Program that provides debit cards, credit cards, E85 coupons, or some other form of negotiable instrument as determined by the Department for \$500 in credit towards the purchase price of E85 fuel purchased within Illinois. Requires program applicants to have purchased a new flexible fuel vehicle within the 12-month period prior to submitting the application to be eligible for the Program. Provides that only one Program grant shall be made to the owner of any vehicle during the life of that vehicle. Creates the E85 Market Expansion Fund. Makes other changes. Effective immediately.

LRB097 18614 HLH 63848 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Renewable Fuels Development  
5 Program Act is amended by changing Sections 5 and 10 and by  
6 adding Section 27 as follows:

7 (20 ILCS 689/5)

8 Sec. 5. Findings and State policy. The General Assembly  
9 recognizes that agriculture is a vital sector of the Illinois  
10 economy and that an important growth industry for the Illinois  
11 agricultural sector is renewable fuels production. Renewable  
12 fuels produced from Illinois agricultural products hold great  
13 potential for growing the State's economy, reducing our  
14 dependence on foreign oil supplies, and improving the  
15 environment by reducing harmful emissions from vehicles.  
16 Illinois is the nation's leading producer of ethanol, a clean,  
17 renewable fuel with significant environmental benefits. The  
18 General Assembly finds that reliable supplies of renewable  
19 fuels will be integral to the long term energy security of the  
20 United States. The General Assembly declares that it is the  
21 public policy of the State of Illinois to promote and encourage  
22 the production and use of renewable fuels as a means not only  
23 to improve air quality in the State and the nation, but also to

1 increase the size of ~~grow~~ the agricultural sector of the  
2 Illinois economy. To achieve these public policy objectives,  
3 the General Assembly hereby authorizes the creation and  
4 implementation of the Illinois Renewable Fuels Development  
5 Program within the Department.

6 (Source: P.A. 93-15, eff. 6-11-03.)

7 (20 ILCS 689/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Biodiesel" means a renewable diesel fuel derived from  
10 biomass that is intended for use in diesel engines.

11 "Biodiesel blend" means a blend of biodiesel with  
12 petroleum-based diesel fuel in which the resultant product  
13 contains no less than 1% and no more than 99% biodiesel.

14 "Biomass" means non-fossil organic materials that have an  
15 intrinsic chemical energy content. "Biomass" includes, but is  
16 not limited to, soybean oil, other vegetable oils, and ethanol.

17 "Department" means the Department of Commerce and Economic  
18 Opportunity.

19 "Diesel fuel" means any product intended for use or offered  
20 for sale as a fuel for engines in which the fuel is injected  
21 into the combustion chamber and ignited by pressure without  
22 electric spark.

23 "Director" means the Director of Commerce and Economic  
24 Opportunity.

25 "Ethanol" means a product produced from agricultural

1 commodities or by-products used as a fuel or to be blended with  
2 other fuels for use in motor vehicles.

3 "Flexible fuel vehicle" has the meaning set forth in  
4 Section 22 of the Alternate Fuels Act.

5 "Fuel" means fuel as defined in Section 1.19 of the Motor  
6 Fuel Tax Law.

7 "Gasohol" means motor fuel that is no more than 90%  
8 gasoline and at least 10% denatured ethanol that contains no  
9 more than 1.25% water by weight.

10 "Gasoline" means all products commonly or commercially  
11 known or sold as gasoline (including casing head and absorption  
12 or natural gasoline).

13 "Illinois agricultural product" means any agricultural  
14 commodity grown in Illinois that is used by a production  
15 facility to produce renewable fuel in Illinois, including, but  
16 not limited to, corn, barley, and soy beans.

17 "Labor Organization" means any organization defined as a  
18 "labor organization" under Section 2 of the National Labor  
19 Relations Act (29 U.S.C. 152).

20 "Majority blended ethanol fuel" means motor fuel that  
21 contains no less than 70% and no more than 90% denatured  
22 ethanol and no less than 10% and no more than 30% gasoline.

23 "Motor vehicles" means motor vehicles as defined in the  
24 Illinois Vehicle Code and watercraft propelled by an internal  
25 combustion engine.

26 "Owner" means any individual, sole proprietorship, limited

1 partnership, co-partnership, joint venture, corporation,  
2 cooperative, or other legal entity, including its agents, that  
3 operates or will operate a plant located within the State of  
4 Illinois.

5 "Plant" means a production facility that produces a  
6 renewable fuel. "Plant" includes land, any building or other  
7 improvement on or to land, and any personal properties deemed  
8 necessary or suitable for use, whether or not now in existence,  
9 in the processing of fuel from agricultural commodities or  
10 by-products.

11 "Renewable fuel" means ethanol, gasohol, majority blended  
12 ethanol fuel, biodiesel blend fuel, and biodiesel.

13 (Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03;  
14 94-793, eff. 5-19-06.)

15 (20 ILCS 689/27 new)

16 Sec. 27. E85 Market Expansion Program.

17 (a) The Department shall, subject to appropriation, create  
18 and administer the E85 Market Expansion Program. Under this  
19 program, the Department must solicit and collect applications  
20 from persons who have purchased a new flexible fuel vehicle  
21 within the 12-month period prior to submitting the application.  
22 Approved applicants shall be eligible for Program  
23 distributions.

24 (b) The Program shall distribute debit cards, credit cards,  
25 E85 coupons, or some other form of negotiable instrument as

1 determined by the Department that authorizes the approved  
2 applicant \$500 in credit towards the purchase price of E85 fuel  
3 purchased within Illinois. Only one distribution shall be made  
4 to the owner of any vehicle during the life of that vehicle.

5 (c) The E85 Market Expansion Fund is established as a  
6 special fund in the State treasury. Moneys in the Fund may be  
7 used, subject to appropriation, only for the purposes set forth  
8 in this Section. Interest earned on moneys in the Fund must be  
9 deposited into the Fund. The Department may retain 5% of the  
10 moneys in the Fund for administrative costs of the Program.

11 (d) The Department shall have access to Secretary of State  
12 motor vehicle registration records and other State records to  
13 enable verification of these applications.

14 (e) The Department shall adopt necessary rules for the  
15 implementation of this Section, including rules for the  
16 solicitation, collection, and approval of applications and for  
17 the operation of the program distributions.

18 Section 10. The State Finance Act is amended by adding  
19 Section 5.811 as follows:

20 (30 ILCS 105/5.811 new)

21 Sec. 5.811. E85 Market Expansion Fund.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.