

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 15 and 20 and by
6 adding Sections 15.1, 15.2, and 15.3 as follows:

7 (20 ILCS 689/15)

8 Sec. 15. Illinois Renewable Fuels Development Program.

9 (a) The Department must develop and administer the Illinois
10 Renewable Fuels Development Program to assist in the
11 construction, modification, alteration, or retrofitting of
12 renewable fuel plants in Illinois. The recipient of a grant
13 under this Section must:

14 (1) be constructing, modifying, altering, or
15 retrofitting a plant in the State of Illinois;

16 (2) be constructing, modifying, altering, or
17 retrofitting a plant that has a base total annual
18 production capacity of no less than 30,000,000 gallons of
19 renewable fuel per year; and

20 (3) enter into a project labor agreement as prescribed
21 by Section 25 of this Act.

22 (b) Grant applications must be made on forms provided by
23 and in accordance with procedures established by the

1 Department.

2 (c) The Department must give preference to applicants that
3 use Illinois agricultural products in the production of
4 renewable fuel at the plant for which the grant is being
5 requested.

6 (d) Facilities that produce ethanol for gasohol or majority
7 blended ethanol fuel shall receive a grant equal to 10 cents
8 per gallon of annual production capacity, not to exceed
9 \$10,000,000 for each facility.

10 Notwithstanding any other rulemaking authority that may
11 exist, neither the Governor nor any agency or agency head under
12 the jurisdiction of the Governor has any authority to make or
13 promulgate rules to implement or enforce the provisions of this
14 amendatory Act of the 95th General Assembly. If, however, the
15 Governor believes that rules are necessary to implement or
16 enforce the provisions of this amendatory Act of the 95th
17 General Assembly, the Governor may suggest rules to the General
18 Assembly by filing them with the Clerk of the House and the
19 Secretary of the Senate and by requesting that the General
20 Assembly authorize such rulemaking by law, enact those
21 suggested rules into law, or take any other appropriate action
22 in the General Assembly's discretion. Nothing contained in this
23 amendatory Act of the 95th General Assembly shall be
24 interpreted to grant rulemaking authority under any other
25 Illinois statute where such authority is not otherwise
26 explicitly given. For the purposes of this paragraph, "rules"

1 is given the meaning contained in Section 1-70 of the Illinois
2 Administrative Procedure Act, and "agency" and "agency head"
3 are given the meanings contained in Sections 1-20 and 1-25 of
4 the Illinois Administrative Procedure Act to the extent that
5 such definitions apply to agencies or agency heads under the
6 jurisdiction of the Governor.

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

8 (20 ILCS 689/15.1 new)

9 Sec. 15.1. Renewable Fuels Majority Blended Ethanol
10 Infrastructure Program. The Department must establish and
11 administer the Renewable Fuels Majority Blended Ethanol
12 Program to encourage the construction, installation, and
13 marketing of majority blended ethanol, as defined in Section
14 3-44 of the Use Tax Act. The Renewable Fuels Majority Blended
15 Ethanol Program shall provide financial assistance for units of
16 local government and petroleum distribution centers to install
17 the necessary infrastructure for the use of majority blended
18 ethanol.

19 The Department must establish the program for the purpose
20 of providing grants to units of local government and gasoline
21 stations or service stations offering to the public retail
22 sales of motor fuel that operate or will be operating majority
23 blended ethanol fueling distribution infrastructure. A unit of
24 local government applying for a grant under this program shall
25 receive a matching grant equaling 50% of the total cost of

1 installation of a majority blended ethanol distribution pump,
2 but not to exceed \$40,000. Gasoline stations or service
3 stations shall be eligible to receive a matching grant equal to
4 50% the cost of installation per pump location, but not to
5 exceed a total of \$250,000 in grants annually for each gasoline
6 station or service station retailer for locations in the
7 gasoline station or service station retailer's ownership and
8 control. The Department shall adopt necessary rules and forms
9 for the implementation of this Section.

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11 exist, neither the Governor nor any agency or agency head under
12 the jurisdiction of the Governor has any authority to make or
13 promulgate rules to implement or enforce the provisions of this
14 amendatory Act of the 95th General Assembly. If, however, the
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4 the Illinois Administrative Procedure Act to the extent that
5 such definitions apply to agencies or agency heads under the
6 jurisdiction of the Governor.

7 (20 ILCS 689/15.2 new)

8 Sec. 15.2. Renewable Fuels Competitive Commercialization
9 Program. The Department must develop and administer the
10 Renewable Fuels Competitive Commercialization Program to
11 coordinate renewable fuel research and distribution of grant
12 funds to bring the State to the forefront of renewable fuel
13 development. The Renewable Fuels Competitive Commercialization
14 Grant Oversight Committee is established to review the grants
15 and make recommendations to the Director for awarding grants as
16 provided in this Section. The oversight committee shall be
17 comprised of 11 members. The members shall be appointed as
18 follows: the Director, or his or her designee; the Speaker of
19 the House of Representatives, or his or her designee; the
20 President of the Senate, or his or her designee; the Minority
21 Leader of the House of Representatives, or his or her designee;
22 the Minority Leader of the Senate, or his or her designee; and
23 the following members to be appointed by the Director:

24 (1) one member representing a general statewide
25 agricultural association;

1 (2) one member representing an association representing
2 producers of corn;

3 (3) one member representing an association representing
4 producers of soybeans;

5 (4) 2 members representing labor organizations affiliated
6 with the Illinois AFL-CIO; and

7 (5) one member representing renewable fuels production
8 facilities.

9 The Department must solicit proposals for grants that
10 provide funds for projects, including but not limited to,
11 adding value to bio-fuel co-products (such as Distillers Dried
12 Grain with solubles (DDGs)), increasing vehicle mileage, and
13 reducing the water usage in manufacturing bio-fuel to increase
14 the competitiveness of renewable fuels produced in the State.
15 Preference shall be given to projects in partnership with
16 industry or pilot-scale demonstration projects that advance
17 the State's leadership in the development of a bio-based
18 economy.

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20 exist, neither the Governor nor any agency or agency head under
21 the jurisdiction of the Governor has any authority to make or
22 promulgate rules to implement or enforce the provisions of this
23 amendatory Act of the 95th General Assembly. If, however, the
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13 the Illinois Administrative Procedure Act to the extent that
14 such definitions apply to agencies or agency heads under the
15 jurisdiction of the Governor.

16 (20 ILCS 689/15.3 new)

17 Sec. 15.3. Renewable Fuels Rail Infrastructure Assistance
18 Program. The Department must establish and administer the
19 Renewable Fuels Rail Infrastructure Assistance Program to
20 assist in the construction and installation of (i) railroad
21 side track and turnouts to provide rail service to renewable
22 fuels facilities, (ii) side track and turnouts for railroad
23 storage and collection areas for renewable fuels and renewable
24 fuel inputs, and (iii) side track, turnouts, and other
25 necessary infrastructure for renewable fuel and renewable fuel

1 co-products container shipping. Only one grant for the purpose
2 stated under item (iii) of this Section shall be awarded each
3 year. The recipient of a grant under this Section must enter
4 into a project labor agreement for the rail infrastructure
5 project as provided in Section 25 of this Act. Grant
6 applications shall be submitted on forms prescribed by the
7 Department.

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9 exist, neither the Governor nor any agency or agency head under
10 the jurisdiction of the Governor has any authority to make or
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2 the Illinois Administrative Procedure Act to the extent that
3 such definitions apply to agencies or agency heads under the
4 jurisdiction of the Governor.

5 (20 ILCS 689/20)

6 Sec. 20. Grants. Subject to appropriation, the Director is
7 authorized to award Renewable Fuels Development Program Fund
8 grants to eligible applicants. The annual aggregate amount of
9 grants awarded under this Section is subject to the following
10 limits:

11 (1) grants awarded under the Illinois Renewable Fuels
12 Development Program ~~awarded~~ shall not exceed \$30,000,000
13 annually in fiscal years 2009 and 2010 and \$15,000,000
14 thereafter; no more than \$5,000,000 annually of these grant
15 funds may be used for bio-diesel plants; ~~\$20,000,000.~~

16 (2) grants awarded under the Renewable Fuels Majority
17 Blended Ethanol Infrastructure Program may not exceed
18 \$3,500,000 annually for fiscal years 2009 through 2014;

19 (3) grants awarded under the Renewable Fuels
20 Competitive Commercialization Program may not exceed
21 \$1,000,000 annually in fiscal years 2009, 2010, and 2011;
22 and

23 (4) grants awarded under the Renewable Fuels Rail
24 Infrastructure Assistance Program may not exceed
25 \$5,000,000 annually for fiscal years 2009 through 2012.

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2 exist, neither the Governor nor any agency or agency head under
3 the jurisdiction of the Governor has any authority to make or
4 promulgate rules to implement or enforce the provisions of this
5 amendatory Act of the 95th General Assembly. If, however, the
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22 such definitions apply to agencies or agency heads under the
23 jurisdiction of the Governor.

24 (Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03;
25 94-839, eff. 6-6-06.)

1 Section 10. The State Finance Act is amended by adding
2 Sections 5.708 and 6z-70 as follows:

3 (30 ILCS 105/5.708 new)

4 Sec. 5.708. The Renewable Fuels Development Program Fund.

5 (30 ILCS 105/6z-70 new)

6 Sec. 6z-70. Renewable Fuels Development Program Fund. The
7 Renewable Fuels Development Program Fund is created as a
8 special fund in the State treasury. Moneys in the Fund may be
9 used by the Department of Commerce and Economic Opportunity,
10 subject to appropriation, for the Illinois Renewable Fuels
11 Development Program, the Renewable Fuels Majority Blended
12 Ethanol Infrastructure Program, the Renewable Fuels
13 Competitive Commercialization Program, the Renewable Fuels
14 Rail Infrastructure Assistance Program, and other renewable
15 energy programs as set forth in Section 20 of the Illinois
16 Renewable Fuels Development Program Act.

17 Moneys received for the purposes of this Section,
18 including, without limitation, fund transfers, gifts, grants,
19 and awards from any public or private entity, must be deposited
20 into the Fund. Any interest earned on moneys in the Fund must
21 be deposited into the Fund.

22 There shall be deposited into the Renewable Fuels
23 Development Program Fund such bond proceeds and other moneys as
24 may, from time to time, be provided by law. If the moneys

1 provided by law are not sufficient to provide the annual
2 funding level in the Renewable Fuels Development Program Fund
3 at the levels prescribed below, the State Comptroller must
4 direct the State Treasurer to transfer from the General Revenue
5 Fund to the Renewable Fuels Development Program Fund, no later
6 than February 1, 2009 and on December 1 each year thereafter
7 the necessary amount to provide the funds at the level
8 specified for each fiscal year below:

<u>Fiscal Year</u>	<u>Amount</u>
<u>2009 through 2010</u>	<u>\$39,500,000</u>
<u>2011</u>	<u>\$24,500,000</u>
<u>2012</u>	<u>\$23,500,000</u>
<u>2013 and 2014</u>	<u>\$18,500,000</u>
<u>2015</u>	<u>\$15,000,000</u>

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9 the Illinois Administrative Procedure Act to the extent that
10 such definitions apply to agencies or agency heads under the
11 jurisdiction of the Governor.

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