



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3916

Introduced 3/12/2024, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

30 ILCS 115/2.1 new
625 ILCS 5/12-705.1
5 ILCS 100/5-45.55 new

Amends the Illinois Vehicle Code. Provides that, if a county or a municipality certifies to the Department of Transportation that, whenever possible, it uses a biodiesel blend that meets or exceeds the requirements for a use tax exemption, then that municipality or county is entitled to an additional payment equal to 1% of the municipality's or county's allotment from the Local Government Distributive Fund during that fiscal year. Provides for the transfer of certain amounts from the General Revenue Fund to the Local Government Biodiesel Supplemental Distributive Fund and amends the State Revenue Sharing Act to create the Local Government Biodiesel Supplemental Distributive Fund. Amends the Illinois Administrative Procedure Act to provide for emergency rulemaking. Effective July 1, 2024.

LRB103 39630 HLH 69978 b

1 AN ACT concerning finance.

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

4 Section 5. The State Revenue Sharing Act is amended by
5 adding Section 2.1 as follows:

6 (30 ILCS 115/2.1 new)

7 Sec. 2.1. Local Government Biodiesel Supplemental
8 Distributive Fund. The Local Government Biodiesel Supplemental
9 Distributive Fund is hereby created as a special fund in the
10 State Treasury. Moneys in the Fund shall be used to make
11 payments to municipalities and counties of the State as
12 provided in subsection (c-5) of Section 12-705.1 of the
13 Illinois Vehicle Code.

14 Section 10. The Illinois Vehicle Code is amended by
15 changing Section 12-705.1 as follows:

16 (625 ILCS 5/12-705.1)

17 Sec. 12-705.1. Required use of biodiesel by certain
18 vehicles.

19 (a) Beginning July 1, 2006, any diesel-powered ~~diesel~~
20 ~~powered~~ vehicle owned or operated by this State, any county or
21 unit of local government, any school district, any community

1 college or public college or university, or any mass transit
2 agency must, when refueling at a bulk central fueling
3 facility, use a biodiesel blend that contains 5% biodiesel, as
4 those terms are defined in the Illinois Renewable Fuels
5 Development Program Act, where available, unless the engine is
6 designed or retrofitted to operate on a higher percentage of
7 biodiesel or on ultra low sulfur fuel.

8 (b) Nothing in this Section prohibits any unit of
9 government from using a biodiesel blend containing more than
10 2% biodiesel.

11 (c) As used in this Section, a "bulk central fueling
12 facility" means a non-commercial fueling facility whose
13 primary purpose is the fueling of vehicles owned or operated
14 by the State, a county or unit of local government, a school
15 district, a community college or public college or university,
16 or a mass transit agency.

17 (c-5) For fiscal years beginning on or after July 1, 2024,
18 if a county or a municipality certifies to the Department of
19 Transportation by May 31 of the fiscal year that, whenever
20 possible, it uses a biodiesel blend that meets or exceeds the
21 requirements for an exemption under Section 3-5.1 of the Use
22 Tax Act when refueling the diesel-powered vehicles owned or
23 operated by the county or municipality, then that municipality
24 or county is entitled to an additional payment equal to 1% of
25 the municipality's or county's allotment from the Local
26 Government Distributive Fund during that fiscal year. That

1 additional payment shall be paid to the municipality or county
2 in the next fiscal year. The county's or municipality's
3 certification shall be accompanied by documentation of its use
4 of qualifying biodiesel, in the form and manner required by
5 the Department of Transportation, by rule. The Department of
6 Transportation shall transmit the certification, along with
7 the accompanying documentation, to the State Comptroller, the
8 State Treasurer, and the Department of Revenue as soon as
9 possible after receipt. By July 31 of the fiscal year in which
10 the payments are to be made to the municipality or county, the
11 Department of Revenue shall certify to the State Comptroller
12 and the State Treasurer the amount of the additional payment
13 to be made to each qualifying municipality or county. Upon
14 receipt of the Department of Revenue's certification, the
15 State Comptroller shall order transferred and the State
16 Treasurer shall transfer from the General Revenue Fund to the
17 Local Government Biodiesel Supplemental Distributive Fund the
18 amounts certified by the Department of Revenue.

19 (d) The Secretary of Transportation shall adopt rules for
20 implementing this Section.

21 (Source: P.A. 96-281, eff. 8-11-09.)

22 Section 15. The Illinois Administrative Procedure Act is
23 amended by adding Section 5-45.55 as follows:

24 (5 ILCS 100/5-45.55 new)

1 Sec. 5-45.55. Emergency rulemaking; biodiesel supplemental
2 payments. To provide for the expeditious and timely
3 implementation of this amendatory Act of the 103rd General
4 Assembly, emergency rules implementing this amendatory Act of
5 the 103rd General Assembly may be adopted in accordance with
6 Section 5-45 by the Department of Transportation. The adoption
7 of emergency rules authorized by Section 5-45 and this Section
8 is deemed to be necessary for the public interest, safety, and
9 welfare.

10 This Section is repealed one year after the effective date
11 of this amendatory Act of the 103rd General Assembly.

12 Section 99. Effective date. This Act takes effect July 1,
13 2024.