

1 AN ACT concerning petroleum.

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

4 Section 1. Short title. This Act may be cited as the
5 Petroleum Business Education, Safety, and Security Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) Tragic world events have demonstrated that a normal
8 occurrence can be transformed into a catastrophic crisis
9 causing death and environmental destruction.

10 (2) Federal and State governments have determined there
11 is a need for public information, heightened security, and
12 enhanced training regarding the sale and distribution of
13 fuel.

14 (3) In the 102 counties of Illinois there are fuel
15 processing at facilities, gasoline bulk storage, and fuel
16 deliveries occurring daily.

17 (4) Precise rules and regulations pertaining to employee
18 and public awareness, facility and equipment security, and
19 owner responsibility require advanced technical training and
20 education for the distribution of fuel.

21 (5) In the interest of public safety and security, it is
22 necessary to establish the Petroleum Business Education,
23 Safety, and Security Council.

24 Section 10. Definitions. In this Act:

25 "Education" means any action to provide information
26 regarding fuel, fuel equipment, environmental awareness,
27 mechanical and technical practices, security, conservation,
28 safety, and fuel uses to consumers, owners, and employees of
29 the fuel distribution industry.

30 "Fuel" means all liquids defined as "motor fuel" in

1 Section 1.1 of the Motor Fuel Tax Law and aviation fuel and
2 kerosene but excluding liquefied petroleum gases.

3 "Industry" means persons involved in the production,
4 transportation, and distribution of fuel, and the manufacture
5 and distribution of fuel utilization equipment.

6 "Producer" means the owner of fuel at the time it is
7 produced, manufactured, or blended.

8 "Public member" means a member of the Council other than
9 a representative of producers or retail marketers or a State
10 employee.

11 "Qualified industry organization" means the Illinois
12 Petroleum Council, the Illinois Petroleum Marketers
13 Association, and the Illinois Retail Merchants Association.

14 "Research" means any type of study, investigation, or
15 other activity designed to advance the image, desirability,
16 conservation, security, or environmental safety of fuel and
17 to further the development of such information.

18 "Security" means the education and training of owners and
19 employees on the awareness of possible actions that can
20 initiate aggressive violent behavior against employees and
21 customers, as well as damage the environment and sabotage and
22 destroy fueling stations and fueling distribution facilities.

23 "Retail merchant" means a person or company engaged in
24 the sale of fuel whose primary business is to sell other
25 consumable items to the actual consumer.

26 "Retail marketer" means a person or company engaged
27 primarily in the sale of fuel to the actual consumer.

28 "Training" means to make proficient with specialized
29 instruction in environmental awareness and handling,
30 security, conservation, and safety concerning the use and
31 distribution of fuel products.

32 Section 15. Petroleum Business Education, Safety, and
33 Security Council.

1 (a) The Council shall consist of 13 members, with 2
2 members representing retail marketers, 2 members representing
3 producers, 2 members representing retail merchants, 2 public
4 members, the Director of Revenue or his or her designate, the
5 State Fire Marshall or his or her designate, the Director of
6 the Environmental Protection Agency or his or her designate,
7 the Director of Traffic Safety for the Department of
8 Transportation or his or her designate, and the Director of
9 the Department of Commerce and Community Affairs or his or
10 her designate. The members representing the retail
11 marketers, retail merchants, and producers shall be full-time
12 employees or owners of businesses in the industry. No
13 employee or current officer of the board of directors of a
14 qualified industry organization shall serve as a member of
15 the Council. Only one person at a time from any company or
16 its affiliate may serve on the Council.

17 (b) The qualified industry organizations shall select
18 all retail marketer, retail merchant, public, and producer
19 members of the Council, giving due regard to selecting a
20 Council that is representative of the industry. The producer
21 organization of the qualified industry organizations shall
22 select the 2 producer members of the Council, the retail
23 marketer organization of the qualified industry organization
24 shall select the 2 retail marketer members of the Council,
25 and the retail merchant organization of the qualified
26 industry organizations shall select 2 retail merchant members
27 of the Council. The Governor shall appoint the public
28 members.

29 (c) Council members shall receive no compensation for
30 their services. Council members may be reimbursed, upon
31 request, for reasonable expenses directly related to their
32 participation in Council meetings.

33 (d) Council members shall serve a term of 5 years. The
34 Council shall notify the Executive of the Illinois Petroleum

1 Marketers Association, the President of the Illinois Retail
2 Merchants Association, and the Illinois Petroleum Council of
3 the name, address, and relevant affiliations, if any, of any
4 new Council member within 30 days after the appointment of
5 the member to the Council.

6 (e) The Council shall develop programs and projects and
7 enter into contracts or agreements for the implementation and
8 administration of this Act, including programs to enhance
9 consumer safety, security, conservation, protection, and
10 other issues associated with the use and distribution of
11 petroleum products; educate owners and employers on safety,
12 training, security, protection, and conservation relating to
13 the environmental equipment and environmental and personal
14 dangers associated with the use and distribution of petroleum
15 products; provide research and development of environmentally
16 sound, safe, secure, and efficient petroleum distribution
17 equipment; and coordinate with industry trade associations
18 and any other appropriate association to provide efficient
19 delivery of services and to avoid unnecessary duplication of
20 services.

21 (f) Issues related to security, environmental safety,
22 education, and training shall be given priority by the
23 Council in the development of its programs and projects.

24 (g) The Council shall select from among its members a
25 Chairperson and other officers as necessary, may establish
26 committees and subcommittees of the Council, and shall adopt
27 rules and bylaws for the conduct of business and the
28 implementation of this Act. The Council shall establish
29 procedures for the solicitation of industry comment and
30 recommendations on any significant plan, program, or project
31 to be funded by the Council. The Council shall establish
32 advisory committees, as needed, of persons other than Council
33 members.

34 (h) If a Council member elects to vacate his or her

1 position before the completion of the term of appointment,
2 the member shall provide the Chairperson with a written
3 notification at least 30 days prior to leaving. The
4 qualified industry organizations shall have 30 days from the
5 date of the written notification to appoint a replacement
6 member. The member shall be selected in the same manner as
7 the initial appointment.

8 (i) The Council shall keep minutes, books, and records
9 that clearly reflect all of the acts and transactions of the
10 Council and make public this information. The books of the
11 Council shall be audited by a certified public accountant at
12 least once per year and at any other times that the Council
13 may designate. The expense of the audit shall be the
14 responsibility of the Council. Copies of an audit shall be
15 provided to the Governor, 4 leaders of the General Assembly,
16 and all members of the Council, and upon request to all fuel
17 industry organizations, other constitutional officers,
18 General Assembly members, industry members, and the general
19 public.

20 Section 20. Petroleum Business Education, Safety, and
21 Security Fund.

22 (a) Beginning July 1, 2003, or as soon thereafter as may
23 be practicable, the State Comptroller shall annually transfer
24 from the Underground Storage Tank Fund created by Section
25 57.11 of the Environmental Protection Act an amount equal to
26 1/40 of the revenue deposited into that Fund during the
27 previous fiscal year, but not exceeding \$1,500,000 per year,
28 to the Petroleum Business Education, Safety, and Security
29 Fund, which is hereby created as a special fund in the State
30 Treasury.

31 (b) Subject to appropriation, the Department of Commerce
32 and Community Affairs shall make an annual grant to the
33 Council from the Petroleum Business Education, Safety, and

1 Security Fund. The grant shall be used by the Council to pay
2 for programs, contracts, related expenses, administration,
3 and agreements approved by the Council. No money from the
4 Fund shall be used by the Council or its employees for any
5 political or legislative purpose. The Department of Commerce
6 and Community Affairs may use money from the fund to recover
7 a necessary and reasonable amount for the administration of
8 this Act.

9 Section 25. Lobbying. No funds received by the Council
10 shall be used in any manner for influencing legislation or
11 elections.

12 Section 30. Relation to other programs. Nothing in this
13 Act may be construed to preempt or supersede any other
14 program relating to petroleum business training, education,
15 research, or development organized and operated under the
16 laws of this State.

17 Section 85. The Regulatory Sunset Act is amended by
18 changing Section 4.20 as follows:

19 (5 ILCS 80/4.20)

20 Sec. 4.20. Acts repealed on January 1, 2010. The
21 following Acts are repealed on January 1, 2010:

22 The Auction License Act.

23 The Illinois Architecture Practice Act of 1989.

24 The Illinois Landscape Architecture Act of 1989.

25 The Illinois Professional Land Surveyor Act of 1989.

26 The Land Sales Registration Act of 1999.

27 The Orthotics, Prosthetics, and Pedorthics Practice Act.

28 The Perfusionist Practice Act.

29 The Professional Engineering Practice Act of 1989.

30 The Real Estate License Act of 2000.

1 The Structural Engineering Practice Act of 1989.

2 The Petroleum Business Education, Safety, and Security
3 Act.

4 (Source: P.A. 91-91, eff. 7-9-99; 91-92, eff. 7-9-99; 91-132,
5 eff. 7-16-99; 91-133, eff. 7-16-99; 91-245, eff. 12-31-99;
6 91-255, eff. 12-30-99; 91-338, eff. 12-30-99; 91-580, eff.
7 1-1-00; 91-590, eff. 1-1-00; 91-603, eff. 1-1-00; 92-16, eff.
8 6-28-01.)

9 Section 90. The State Finance Act is amended by adding
10 Section 5.596 as follows:

11 (30 ILCS 105/5.596 new)

12 Sec. 5.596. The Petroleum Business Education, Safety,
13 and Security Fund.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.