

1                                    AMENDMENT TO HOUSE BILL 5236

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5236 by replacing  
3 everything after the enacting clause with the following:

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,

1 Safety, and Security Council.

2 Section 10. Definitions. In this Act:

3 "Education" means any action to provide information  
4 regarding fuel, fuel equipment, environmental awareness,  
5 mechanical and technical practices, security, conservation,  
6 safety, and fuel uses to consumers, owners, and employees of  
7 the fuel distribution industry.

8 "Fuel" means all liquids defined as "motor fuel" in  
9 Section 1.1 of the Motor Fuel Tax Law and aviation fuel and  
10 kerosene but excluding liquefied petroleum gases.

11 "Industry" means persons involved in the production,  
12 transportation, and distribution of fuel, and the manufacture  
13 and distribution of fuel utilization equipment.

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

16 "Public member" means a member of the Council other than  
17 a representative of producers or retail marketers or a State  
18 employee.

19 "Qualified industry organization" means the Illinois  
20 Petroleum Council, the Illinois Petroleum Marketers  
21 Association, and the Illinois Retail Merchants Association.

22 "Research" means any type of study, investigation, or  
23 other activity designed to advance the image, desirability,  
24 conservation, security, or environmental safety of fuel and  
25 to further the development of such information.

26 "Security" means the education and training of owners and  
27 employees on the awareness of possible actions that can  
28 initiate aggressive violent behavior against employees and  
29 customers, as well as damage the environment and sabotage and  
30 destroy fueling stations and fueling distribution facilities.

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

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

3 "Training" means to make proficient with specialized  
4 instruction in environmental awareness and handling,  
5 security, conservation, and safety concerning the use and  
6 distribution of fuel products.

7 Section 15. Petroleum Business Education, Safety, and  
8 Security Council.

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

25 (b) The qualified industry organizations shall select  
26 all retail marketer, retail merchant, public, and producer  
27 members of the Council, giving due regard to selecting a  
28 Council that is representative of the industry. The producer  
29 organization of the qualified industry organizations shall  
30 select the 2 producer members of the Council, the retail  
31 marketer organization of the qualified industry organization  
32 shall select the 2 retail marketer members of the Council,  
33 and the retail merchant organization of the qualified

1 industry organizations shall select 2 retail merchant members  
2 of the Council. The retail marketer organization, the retail  
3 merchant organization, and the producer organization shall  
4 work together to select the public members.

5 (c) Council members shall receive no compensation for  
6 their services. Council members may be reimbursed, upon  
7 request, for reasonable expenses directly related to their  
8 participation in Council meetings.

9 (d) Council members shall serve a term of 5 years. The  
10 Council shall notify the Executive of the Illinois Petroleum  
11 Marketers Association, the President of the Illinois Retail  
12 Merchants Association, and the Illinois Petroleum Council of  
13 the name, address, and relevant affiliations, if any, of any  
14 new Council member within 30 days after the appointment of  
15 the member to the Council.

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

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

33 (g) The Council shall select from among its members a  
34 Chairperson and other officers as necessary, may establish

1 committees and subcommittees of the Council, and shall adopt  
2 rules and bylaws for the conduct of business and the  
3 implementation of this Act. The Council shall establish  
4 procedures for the solicitation of industry comment and  
5 recommendations on any significant plan, program, or project  
6 to be funded by the Council. The Council shall establish  
7 advisory committees, as needed, of persons other than Council  
8 members.

9 (h) If a Council member elects to vacate his or her  
10 position before the completion of the term of appointment,  
11 the member shall provide the Chairperson with a written  
12 notification at least 30 days prior to leaving. The  
13 qualified industry organizations shall have 30 days from the  
14 date of the written notification to appoint a replacement  
15 member. The member shall be selected in the same manner as  
16 the initial appointment.

17 (i) The Council shall keep minutes, books, and records  
18 that clearly reflect all of the acts and transactions of the  
19 Council and make public this information. The books of the  
20 Council shall be audited by a certified public accountant at  
21 least once per year and at any other times that the Council  
22 may designate. The expense of the audit shall be the  
23 responsibility of the Council. Copies of an audit shall be  
24 provided to the Governor, 4 leaders of the General Assembly,  
25 and all members of the Council, and upon request to all fuel  
26 industry organizations, other constitutional officers,  
27 General Assembly members, industry members, and the general  
28 public.

29 Section 20. Petroleum Business Education, Safety, and  
30 Security Fund.

31 (a) Beginning July 1, 2002, or as soon thereafter as may  
32 be practicable, the State Comptroller shall annually transfer  
33 from the Underground Storage Tank Fund created by Section

1 57.11 of the Environmental Protection Act an amount equal to  
2 1/40 of the revenue deposited into that Fund during the  
3 previous fiscal year, but not exceeding \$1,500,000 per year,  
4 to the Petroleum Business Education, Safety, and Security  
5 Fund, which is hereby created as a special fund in the State  
6 treasury.

7 (b) Subject to appropriation, the Department of Commerce  
8 and Community Affairs shall make an annual grant to the  
9 Council from the Petroleum Business Education, Safety, and  
10 Security Fund. The grant shall be used by the Council to pay  
11 for programs, contracts, related expenses, administration,  
12 and agreements approved by the Council. No money from the  
13 Fund shall be used by the Council or its employees for any  
14 political or legislative purpose. The Department of Commerce  
15 and Community Affairs may use money from the Fund to recover  
16 a necessary and reasonable amount for the administration of  
17 this Act.

18 Section 25. Lobbying. No funds received by the Council  
19 shall be used in any manner for influencing legislation or  
20 elections.

21 Section 30. Relation to other programs. Nothing in this  
22 Act may be construed to preempt or supersede any other  
23 program relating to petroleum business training, education,  
24 research, or development organized and operated under the  
25 laws of this State.

26 Section 85. The Regulatory Sunset Act is amended by  
27 changing Section 4.17 as follows:

28 (5 ILCS 80/4.17)

29 Sec. 4.17. Acts repealed on January 1, 2007. The  
30 following are repealed on January 1, 2007:

1           The Boiler and Pressure Vessel Repairer Regulation  
2           Act.

3           The Structural Pest Control Act.

4           Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB,  
5           VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois  
6           Insurance Code.

7           The Clinical Psychologist Licensing Act.

8           The Illinois Optometric Practice Act of 1987.

9           The Medical Practice Act of 1987.

10           The Petroleum Business Education, Safety, and  
11           Security Act.

12           (Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96;  
13           89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

14           Section 90. The State Finance Act is amended by adding  
15           Section 5.570 as follows:

16           (30 ILCS 105/5.570 new)

17           Sec. 5.570. The Petroleum Business Education, Safety,  
18           and Security Fund.

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