

1 AN ACT concerning motor fuel.

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 are 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 liquified 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 Association of Convenience
14 Stores.

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

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

21 "Training" means to make proficient with specialized
22 instruction in environmental awareness and handling,
23 security, conservation, and safety concerning the use and
24 distribution of fuel products.

25 Section 15. Petroleum Business Education, Safety, and
26 Security Council.

27 (a) The Council shall consist of 11 members, with 3
28 members representing retail marketers, 3 members representing
29 producers, 2 public members, the Director of Revenue or his
30 or her designate, the State Fire Marshall or his or her
31 designate, and the Director of the Environmental Protection
32 Agency or his or her designate. The members representing the
33 retail marketers and producers shall be full-time employees

1 or owners of businesses in the industry. No employee or
2 current officer of the board of directors of a qualified
3 industry organization shall serve as a member of the Council.
4 Only one person at a time from any company or its affiliate
5 may serve on the Council.

6 (b) The qualified industry organizations shall select
7 all retail marketer, public, and producer members of the
8 Council, giving due regard to selecting a Council that is
9 representative of the industry. The producer organization of
10 the qualified industry organizations shall select the 3
11 producer members of the Council and the retail marketer
12 organization of the qualified industry organization shall
13 select the 3 retail marketer members of the Council. Both
14 the retail marketer organization and the producer
15 organization shall make recommendations for the public
16 members and each organization shall select one of the public
17 members.

18 (c) Council members shall receive no compensation for
19 their services, nor shall Council members be reimbursed for
20 expenses relating to their service, except that public
21 members, upon request, may be reimbursed for reasonable
22 expenses directly related to their participation in Council
23 meetings.

24 (d) Council member shall serve terms of 7 years and may
25 not serve more than 2 full consecutive terms. Members filling
26 unexpired terms may serve not more than a total of 7
27 consecutive years. Former members of the Council may be
28 returned to the Council if they have not been member for a
29 period of 2 years. Initial appointments to the Council shall
30 be for terms of 5, 6, and 7 years staggered to provide for
31 the selection of one retail member and one producer member
32 with terms expiring in each of those 3 years. The Council
33 shall notify the Executive of the Illinois Petroleum
34 Marketers Association and the Illinois Petroleum Council of

1 the name, address, and relevant affiliations, if any, of any
2 new Council member within 30 days after the appointment of
3 the member to the Council.

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

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

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

33 (h) If a Council member elects to vacate his or her
34 position before the completion of the term of appointment,

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

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

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

21 (a) Beginning January 1, 2002, or as soon thereafter as
22 may be practicable, the State Comptroller shall annually
23 transfer from the Underground Storage Tank Fund created by
24 Section 57.11 of the Environmental Protection Act an amount
25 equal to 1/40 of the revenue deposited into that Fund during
26 the previous fiscal year to the Petroleum Business Education,
27 Safety, and Security Fund, which is hereby created as a
28 special fund in the State Treasury.

29 (b) Subject to appropriation, the Department of Commerce
30 and Community Affairs shall make an annual grant to the
31 Council from the Petroleum Business Education, Safety, and
32 Security Fund. The grant shall be used by the Council to pay
33 for programs, contracts, related expenses, administration,

1 and agreements approved by the Council. No money from the
2 Fund shall be used by the Council or its employees for any
3 political or legislative purpose.

4 Section 25. Lobbying. No funds received by the Council
5 shall be used in any manner for influencing legislation or
6 elections, except that the Council may recommend to the
7 Director changes in this Act or other statutes that would
8 further the purposes of this Act.

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

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.