



1 regarding brick, brick equipment, mechanical and technical  
2 practices, and brick uses to consumers and members of the  
3 brick industry.

4 "Industry" means those persons involved in the  
5 production, transportation, construction, and sale of brick.

6 "Owner of brick" means any distributor or manufacturer of  
7 brick located within Illinois.

8 "Placed into commerce" means distributed for use within  
9 the State of Illinois.

10 "Public member" means a member of the Council other than  
11 a representative of producers or retail marketers  
12 representing significant users of brick, public safety  
13 officials, State regulatory officials, or other groups  
14 knowledgeable about brick.

15 "Qualified industry organization" means the Illinois  
16 Brick Distributors Association, the Masonry Contractors  
17 Association of Greater Chicago, the Masonry Contractors  
18 Association of Southern Illinois, the Illinois District  
19 Council Number 1 International Union of Bricklayers and  
20 Allied Crafts, Illinois Bricklayers and Allied Crafts Local  
21 6, and the Illinois Bricklayers and Allied Crafts Local 8, a  
22 successor association of these associations, or any other  
23 brick industry organization.

24 "Research" means any type of study, investigation, or  
25 other activities designed to advance the image, desirability,  
26 usage, marketability, efficiency, and safety of bricks and to  
27 further the development of that information.

28 "Retail marketer" means a person engaged primarily in the  
29 sale of bricks to the ultimate consumer or to retail brick  
30 dispensers.

31 "Retail brick dispenser" means a person who sells bricks  
32 to the ultimate consumer but is not engaged primarily in the  
33 business of those sales.

1           Section 10.   Illinois Brick Education and Research  
2 Council.

3           (a) The qualified industry organizations shall select  
4 all contractors, distributors, labor representatives, and  
5 public members of the Council. The distributor organizations  
6 shall select the distributor members of the Council, the  
7 contractor organizations shall select all contractor members  
8 of the Council, and the labor organizations shall select all  
9 labor members of the Council. The qualified industry  
10 organizations shall jointly select the public members.  
11 Vacancies of the unfinished terms of the Council members  
12 shall be filled in the same manner as were the original  
13 appointments.

14           (b) In selecting members of the Council, the qualified  
15 industry organizations shall give due regard to selecting a  
16 Council that is representative of the industry, including  
17 representation of diverse geographic regions of the State.

18           (c) The Council shall consist of 11 members, with 3  
19 members representing contractors, 3 members representing  
20 distributors, 3 members representing labor, and 2 public  
21 members. Other than the public members, Council members  
22 shall be full-time employees or owners of businesses in the  
23 industry or members of a union that is a qualified industry  
24 organization. Only one person at a time from any company or  
25 its affiliate may serve on the Council. The Director may  
26 serve as an ex-officio non-voting member of the Council.

27           (d) Council members shall receive no compensation for  
28 their services, nor shall Council members be reimbursed for  
29 expenses relating to their service, except that public  
30 members, upon request, may be reimbursed for reasonable  
31 expenses directly related to their participation in Council  
32 meetings.

33           (e) Council members shall serve terms of 3 years and may  
34 not serve more than 2 full consecutive terms. Members

1 filling unexpired terms may serve not more than a total of 7  
2 consecutive years. Former members of the Council may be  
3 returned to the Council if they have not been members for a  
4 period of 2 years. Initial appointments to the Council shall  
5 be for terms of 1, 2, and 3 years staggered to provide for  
6 the selection of 3 members each year. The Council shall  
7 notify the Director of the name, address, and brick-related  
8 affiliation, if any, of a Council member within 30 days after  
9 the appointment of the member to the Council.

10 (f) The Council shall develop programs and projects and  
11 enter into contracts or agreements for implementing this Act,  
12 including programs to enhance consumer and employee safety  
13 and training, to provide for research and development of  
14 energy efficient use of brick, to inform and educate the  
15 public about safety, efficiency, and other issues associated  
16 with the use and promotion of brick, and to provide for the  
17 payment of the costs of those activities with funds collected  
18 pursuant to this Act. The Council shall coordinate its  
19 activities with industry trade associations and others as  
20 appropriate to provide efficient delivery of services and to  
21 avoid unnecessary duplication of activities.

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

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

1 (i) At the beginning of each fiscal period, the Council  
2 shall prepare a budget plan for the next fiscal period,  
3 including the probable cost of all programs, projects, and  
4 contracts and a recommended rate of assessment sufficient to  
5 cover such costs. The Council shall submit the proposed  
6 budget to the Director for review and comment. The Director  
7 may recommend programs and activities considered appropriate.

8 (j) 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 that information. The books of the  
11 Council shall be audited by a certified public accountant at  
12 least once each fiscal year and at such other times as the  
13 Council may designate. The expense of the audit shall be the  
14 responsibility of the Council. Copies of the audit shall be  
15 provided to all members of the Council, all qualified  
16 industry organizations, and to other members of the industry  
17 upon request.

18 Section 15. Assessments.

19 (a) The Council shall set an initial assessment at no  
20 greater than 1/2 of 1 cent per brick. Thereafter, annual  
21 assessments shall be sufficient to cover the costs of plans  
22 and programs developed by the Council. The assessment shall  
23 not be greater than 3/4 cent per brick. In no case may the  
24 assessment be raised by more than 1/10 of 1 cent per brick  
25 annually.

26 (b) The owner of brick, at the time the brick is sold  
27 and placed into commerce, shall make the assessment. The  
28 assessment, when it is made, shall be listed as a separate  
29 line item on the bill labeled "Illinois Brick Safety  
30 Education and Research Assessment". Assessments collected  
31 are payable to the Council on a monthly basis by the 25th of  
32 each month following the month of collection. If payment is  
33 not made to the Council by the due date under this

1 subsection, an interest penalty of 1% of any amount unpaid  
2 shall be added for each month or fraction of a month after  
3 the date until final payment is made.

4 (c) The Council may establish an alternative means of  
5 collecting the assessment if another means is found to be  
6 more efficient and effective. The Council may establish a  
7 late payment charge and rate of interest to be imposed on any  
8 person who fails to remit or pay to the Council any amount  
9 due under this Act.

10 (d) Pending disbursement pursuant to a program, plan, or  
11 project, the Council shall invest funds collected through  
12 assessments, and any other funds received by the Council,  
13 only in obligations of the United States or any of its  
14 agencies, in general obligations of any state or political  
15 subdivision of a state, in any interest-bearing account or  
16 certificate of deposit of a bank that is a member of the  
17 Federal Reserve System, or in obligations fully guaranteed as  
18 to principal and interest by the United States.

19 Section 20. Refunds. A purchaser of brick who has an  
20 assessment added as a line item to the sale price may, by  
21 application in writing to the Council, secure a refund in the  
22 amount added. The refund shall be payable when the  
23 application has been made to the Council within 60 days after  
24 the assessment. Interest shall be allowed and paid at the  
25 rate of 6% per annum upon the total amount of the assessment  
26 imposed by this Act, except that if any assessment is  
27 refunded within 90 days after an application for refund has  
28 been made within the required 60 days after assessment or  
29 within 90 days after the seller of the brick remits the  
30 assessments collected to the Council, whichever is later, no  
31 interest shall be allowed on the assessment. Each application  
32 for refund by a purchaser of brick shall have attached to it  
33 proof of assessment charged. A purchaser who obtains a refund

1 is not eligible for any benefits provided under the Council's  
2 programs.

3 Section 25. Compliance. The circuit court is vested  
4 with the jurisdiction specifically to enforce this Act, and  
5 prevent or restrain any person from violating any provisions  
6 of this Act. A successful action for compliance under this  
7 Section may also require payment by the defendant of the  
8 costs incurred by the Council in bringing the action.

9 Section 30. Lobbying restrictions. No funds collected  
10 by the Council shall be used in any manner for influencing  
11 legislation or elections, except that the Council may  
12 recommend to the Director changes in this Act or other  
13 statutes that would further the purpose of this Act.

14 Section 35. Pricing. In all cases, the price of brick  
15 shall be determined by market forces. Consistent with the  
16 antitrust laws, the Council may take no action, nor may any  
17 provision of this Act be interpreted as establishing an  
18 agreement to pass along to consumers the cost of the  
19 assessment provided for in Section 15.

20 Section 40. Relation to other programs. Nothing in this  
21 Act may be construed to preempt or supersede any other  
22 program relating to brick education and research organized  
23 and operated under the laws of the State of Illinois.

24 Section 905. The Illinois Petroleum Education and  
25 Marketing Act is amended by changing Sections 5, 10, 30, and  
26 35 as follows:

27 (225 ILCS 728/5)

28 (Section scheduled to be repealed on January 1, 2008)

1           Sec. 5. Definitions. As used in this Act:

2           "Board" means the Illinois Petroleum Resources Board.

3           "Interest owner" means a person who owns or possesses an  
4 interest in the gross production of oil or gas produced from  
5 a well in Illinois.

6           "Person" means an individual, group of individuals,  
7 partnership, corporation, association, limited liability  
8 company, cooperative, or any other entity or an employee of  
9 the entity.

10          "Producer" means a person who produces oil and gas or who  
11 derives a majority of his or her oil and gas income from  
12 working interest.

13          "Qualified producer association" means an entity that is  
14 organized and operating within the State and that represents  
15 oil producers on a Statewide basis.

16          (Source: P.A. 90-614, eff. 7-10-98.)

17           (225 ILCS 728/10)

18           (Section scheduled to be repealed on January 1, 2008)

19          Sec. 10. Illinois Petroleum Resources Board.

20          (a) There is hereby created until January July 1, 2008  
21 2002, the Illinois Petroleum Resources Board which shall be  
22 subject to the provisions of the Regulatory Agency Sunset  
23 Act. The purpose of the Board is to coordinate a program  
24 designed to demonstrate to the general public the importance  
25 of the Illinois oil exploration and production industry, to  
26 encourage the wise and efficient use of energy, to promote  
27 environmentally sound production methods and technologies, to  
28 develop existing supplies of State oil resources, and to  
29 support research and educational activities concerning the  
30 oil exploration and production industry.

31          (b) The Board shall be composed of 12 members to be  
32 appointed by the Governor. The Governor shall make  
33 appointments from a list of names submitted by qualified



1 producer associations, of which 10 shall be oil and gas  
2 producers.

3 (c) A member of the Board shall:

4 (1) be at least 25 years of age;

5 (2) be a resident of the State of Illinois; and

6 (3) have at least 5 years of active experience in  
7 the oil industry.

8 (d) Members shall serve for a term of 3 years, except  
9 that of the initial appointments, 4 members shall serve for  
10 one year, 4 members for 2 years, and 4 members for 3 years.

11 (e) Vacancies shall be filled for the unexpired term of  
12 office in the same manner as the original appointment.

13 (f) The Board shall, at its first meeting, elect one of  
14 its members as chairperson, who shall preside over meetings  
15 of the Board and perform other duties that may be required by  
16 the Board. The first meeting of the Board shall be called by  
17 the Governor.

18 (g) No member of the Board shall receive a salary or  
19 reimbursement for duties performed as a member of the Board,  
20 except that members are eligible to receive reimbursement for  
21 travel expenses incurred in the performance of Board duties.

22 (Source: P.A. 90-614, eff. 7-10-98.)

23 (225 ILCS 728/30)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 30. Assessment on oil and gas production.

26 (a) To fund the activities of the Illinois Petroleum  
27 Resources Board, an assessment shall be levied in the amount  
28 of one-tenth of 1% of gross revenues of oil and gas produced  
29 from each well in the State of Illinois.

30 (b) The assessment levied by subsection (a) of this  
31 Section shall be deducted from the proceeds of production and  
32 collected by the first purchaser. The assessment, which is  
33 imposed on the interest owner ~~produceer~~, shall be remitted to

1 the Department of Revenue by the first purchaser on a tax  
2 return filed no later than the 15th day of each month  
3 following the end of the month in which the assessment was  
4 collected. To defray the costs of receiving and depositing  
5 the assessments levied by this Section, the Department of  
6 Revenue shall retain \$750 per month of the assessments  
7 received for deposit into the Tax Compliance and  
8 Administration Fund. The remaining moneys received by the  
9 Department of Revenue pursuant to this Section shall be  
10 deposited into the Illinois Petroleum Resources Revolving  
11 Fund.

12 (c) The Board shall be responsible for taking  
13 appropriate legal actions to collect any assessment which is  
14 not paid or is not properly paid.

15 (Source: P.A. 90-614, eff. 7-10-98.)

16 (225 ILCS 728/35)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 35. Refunds.

19 (a) Any person subject to the assessment levied by  
20 Section 30 of this Act may request a refund as provided in  
21 this Section of the assessment paid on production for the  
22 preceding calendar year. Upon compliance with the provisions  
23 of this Section and rules adopted by the Board to implement  
24 this Section, the Board shall refund to each person  
25 requesting a refund the amount of the assessment paid by or  
26 on behalf of the person during the preceding calendar year.  
27 Refunds made to producers will include interest earned at the  
28 rate equal to the average United States Treasury bill rate of  
29 the preceding calendar year as certified by the State  
30 Treasurer.

31 (b) The request for a refund of the assessment paid on  
32 production for the preceding calendar year must be made  
33 during the first 3 calendar months following the calendar

1 year for which the refund is requested. Failure to request a  
2 refund during this period shall terminate the right of any  
3 person to receive a refund for the assessment paid on  
4 production for the preceding calendar year. The Board shall  
5 give notice of the availability of the refund through press  
6 releases or another means it deems appropriate.

7 (c) Each person requesting a refund shall execute an  
8 affidavit showing the amount of refund requested and  
9 demonstrating that the affiant was the interest owner of the  
10 production for which the refund is requested. The Board may  
11 verify the accuracy of the request for refund.

12 (d) No entity or person requesting a refund under this  
13 Section shall be eligible to serve or have a representative  
14 serve as a member of the Board.

15 (Source: P.A. 90-614, eff. 7-10-98.)

16 Section 999. Effective date. This Act takes effect upon  
17 becoming law."