

SB1781



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1781

Introduced 2/26/2021, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

415 ILCS 135/10

Amends the Drycleaner Environmental Response Trust Fund Act. Provides that, notwithstanding any other law to the contrary, the Drycleaner Environmental Response Trust Fund is not subject to sweeps, administrative charge-backs, or any other fiscal maneuver that would in any way transfer any amounts from the Drycleaner Environmental Response Trust Fund into any other fund of the State. Effective immediately.

LRB102 16259 CPF 21641 b

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The Drycleaner Environmental Response Trust
5 Fund Act is amended by changing Sections 10 as follows:

6 (415 ILCS 135/10)

7 Sec. 10. Drycleaner Environmental Response Trust Fund.

8 (a) The Drycleaner Environmental Response Trust Fund is
9 created as a special fund in the State Treasury. Moneys
10 deposited into the Fund shall be used by the Agency for the
11 purposes of this Act. The Fund shall include moneys credited
12 to the Fund under this Act and other moneys that by law may be
13 credited to the Fund. The State Treasurer may invest moneys
14 deposited into the Fund. Interest, income from the
15 investments, and other income earned by the Fund shall be
16 credited to and deposited into the Fund.

17 The Fund may be divided into different accounts with
18 different depositories to fulfill the purposes of the Act.

19 Moneys in the Fund at the end of a State fiscal year shall
20 be carried forward to the next fiscal year and shall not revert
21 to the General Revenue Fund.

22 Notwithstanding any other law to the contrary, the
23 Drycleaner Environmental Response Trust Fund is not subject to

1 sweeps, administrative charge-backs, or any other fiscal
2 maneuver that would in any way transfer any amounts from the
3 Drycleaner Environmental Response Trust Fund into any other
4 fund of the State.

5 (b) The specific purposes of the Fund include, but are not
6 limited to, the following:

7 (1) To establish an account to fund remedial action of
8 drycleaning solvent releases from drycleaning facilities
9 as provided by Section 40.

10 (2) To establish an insurance account for insuring
11 environmental risks from releases from drycleaning
12 facilities within this State as provided by Section 45.

13 (c) The State, the General Revenue Fund, and any other
14 Fund of the State, other than the Drycleaner Environmental
15 Response Trust Fund, shall not be liable for a claim or cause
16 of action in connection with a drycleaning facility not owned
17 or operated by the State or an agency of the State. All
18 expenses incurred by the Fund shall be payable solely from the
19 Fund and no liability or obligation shall be imposed upon the
20 State. The State is not liable for a claim presented against
21 the Fund.

22 (d) The liability of the Fund is limited to the extent of
23 coverage provided by the account under which a claim is
24 submitted, subject to the terms and conditions of that
25 coverage. The liability of the Fund is further limited by the
26 moneys made available to the Fund, and no remedy shall be

1 ordered that would require the Fund to exceed its then current
2 funding limitations to satisfy an award or which would
3 restrict the availability of moneys for higher priority sites.

4 (e) Nothing in this Act shall be construed to limit,
5 restrict, or affect the authority and powers of the Agency or
6 another State agency or statute unless the State agency or
7 statute is specifically referenced and the limitation is
8 clearly set forth in this Act.

9 (f) During each fiscal year, the Agency shall limit its
10 administration of the Fund to no more \$600,000 in
11 administrative expenses. The limitation in this subsection (f)
12 does not apply to costs incurred by the Agency in:

13 (1) reviewing remedial action under Title XVII of the
14 Environmental Protection Act; or

15 (2) performing investigative or remedial actions.

16 (Source: P.A. 101-400, eff. 7-1-20.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.