



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2351

Introduced 2/19/2009, by Rep. Harry Osterman

#### SYNOPSIS AS INTRODUCED:

765 ILCS 35/102.1

Amends the Registered Titles (Torrens) Act. Deletes a provision concerning excess funds in a county indemnity fund that states that the county may transfer and expend excess indemnity fund monies for the benefit of real property owners as the county deems appropriate, if at least 50% of the excess monies are transferred to the lead poisoning prevention fund but the county may not expend excess indemnity fund monies for any purpose other than lead poisoning prevention until it first designs, implements, and starts making loan or grant payments under the lead poisoning prevention program. Provides that this amendatory Act does not preempt, rescind, modify, or revise any local, State, or federal laws or rules governing lead paint mitigation or abatement or lead poisoning prevention. Effective immediately.

LRB096 07234 AJO 17320 b

1 AN ACT concerning civil law.

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

4 Section 5. The Registered Titles (Torrens) Act is amended  
5 by changing Section 102.1 as follows:

6 (765 ILCS 35/102.1)

7 Sec. 102.1. Excess funds.

8 (a) The county board may determine that monies in excess of  
9 the funds necessary to satisfy judgments obtained or claims  
10 allowed against the indemnity fund exist in the indemnity fund.  
11 In determining whether an excess of monies exists, the county  
12 shall seek such input and gather such information as is  
13 necessary to assist the county in making the determination. The  
14 input and information shall include an actuarial study, or such  
15 other studies, input, or data the county deems appropriate,  
16 whether undertaken at the direction of the county or by third  
17 parties in connection with the bidding for or offering of  
18 insurance to cover the county's obligations under this Act. If  
19 the county incurs any expense in gathering the information,  
20 including the actuarial study, the costs shall be paid from the  
21 indemnity fund.

22 (b) The county may purchase private insurance to meet the  
23 county's obligations under this Act. If the county does

1 purchase such insurance, the cost of the insurance shall be  
2 paid out of the indemnity fund.

3 (c) If the county determines that an excess of monies  
4 exists in the indemnity fund, the county may transfer the  
5 excess monies to a lead poisoning prevention fund, and may  
6 expend the monies in accordance with the provisions of Section  
7 102.2 of this Act. ~~The county may also transfer and expend  
8 excess indemnity fund monies for the benefit of owners of real  
9 property in the county as the county deems appropriate,  
10 provided that at least 50% of the aggregate of monies that have  
11 been deemed to be excess monies have been transferred to the  
12 lead poisoning prevention fund. The county may not expend any  
13 excess indemnity fund monies for any purpose other than lead  
14 poisoning prevention until it has first designed, implemented,  
15 and started making loan or grant payments under the lead  
16 poisoning prevention program as provided in Section 102.2.~~

17 (d) Upon the statutory expiration of all potential  
18 indemnity fund claims, any monies remaining in the indemnity  
19 fund shall be deemed to be excess monies and shall be expended  
20 in accordance with the provisions of this Section.

21 (e) This amendatory Act of the 96th General Assembly does  
22 not preempt, rescind, modify, or revise any local, State, or  
23 federal laws or rules governing lead paint mitigation or  
24 abatement or lead poisoning prevention.

25 (Source: P.A. 90-778, eff. 8-14-98.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.