

HB2776



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2776

Introduced 2/18/2011, by Rep. Tom Cross - Michael W. Tryon

SYNOPSIS AS INTRODUCED:

415 ILCS 135/10

Amends the Drycleaner Environmental Response Trust Fund Act. Makes a technical change in the Section creating the Fund.

LRB097 08413 JDS 48540 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 Section 10 as follows:

6 (415 ILCS 135/10)

7 Sec. 10. Drycleaner Environmental Response Trust Fund.

8 (a) The ~~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 solely for the purposes
11 of the Council and for other purposes as provided in this Act.
12 The Fund shall include moneys credited to the Fund under this
13 Act and other moneys that by law may be credited to the Fund.
14 The State Treasurer may invest Funds deposited into the Fund at
15 the direction of the Council. Interest, income from the
16 investments, and other income earned by the Fund shall be
17 credited to and deposited into the Fund.

18 Pursuant to appropriation, all moneys in the Drycleaner
19 Environmental Response Trust Fund shall be disbursed by the
20 Agency to the Council for the purpose of making disbursements,
21 if any, in accordance with this Act and for the purpose of
22 paying the ordinary and contingent expenses of the Council.
23 After June 30, 1999, pursuant to appropriation, all moneys in

1 the Drycleaner Environmental Response Trust Fund may be used by
2 the Council for the purpose of making disbursements, if any, in
3 accordance with this Act and for the purpose of paying the
4 ordinary and contingent expenses of the Council.

5 The Fund may be divided into different accounts with
6 different depositories to fulfill the purposes of the Act as
7 determined by the Council.

8 Moneys in the Fund at the end of a State fiscal year shall
9 be carried forward to the next fiscal year and shall not revert
10 to the General Revenue Fund.

11 (b) The specific purposes of the Fund include but are not
12 limited to the following:

13 (1) To establish an account to fund remedial action of
14 drycleaning solvent releases from drycleaning facilities
15 as provided by Section 40.

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

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

1 (d) The liability of the Fund is limited to the extent of
2 coverage provided by the account under which a claim is
3 submitted, subject to the terms and conditions of that
4 coverage. The liability of the Fund is further limited by the
5 moneys made available to the Fund, and no remedy shall be
6 ordered that would require the Fund to exceed its then current
7 funding limitations to satisfy an award or which would restrict
8 the availability of moneys for higher priority sites.

9 (e) Nothing in this Act shall be construed to limit,
10 restrict, or affect the authority and powers of the Agency or
11 another State agency or statute unless the State agency or
12 statute is specifically referenced and the limitation is
13 clearly set forth in this Act.

14 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)