LRB9208179LBfg

1

AN ACT in relation to drycleaning.

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

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

6 (415 ILCS 135/10)

7 Sec. 10. <u>The</u> Drycleaner Environmental Response Trust
8 Fund.

(a) The Drycleaner Environmental Response Trust Fund is 9 created as a special fund in the State Treasury. 10 Monevs deposited into the Fund shall be used solely for the purposes 11 of the Council and for other purposes as provided in this 12 13 Act. The Fund shall include moneys credited to the Fund under this Act and other moneys that by law may be credited 14 15 to the Fund. The State Treasurer may invest Funds deposited 16 into the Fund at the direction of the Council. Interest, income from the investments, and other income earned by the 17 18 Fund shall be credited to and deposited into the Fund.

19 Pursuant to appropriation, all moneys in the Drycleaner 20 Environmental Response Trust Fund shall be disbursed by the Council for 21 Agency to the the purpose of making 22 disbursements, if any, in accordance with this Act and for the purpose of paying the ordinary and contingent expenses of 23 the Council. After June 30, 1999, pursuant to appropriation, 24 all moneys in the Drycleaner Environmental Response Trust 25 Fund may be used by the Council for the purpose of making 26 disbursements, if any, in accordance with this Act and for 27 the purpose of paying the ordinary and contingent expenses of 28 29 the Council.

30 The Fund may be divided into different accounts with 31 different depositories to fulfill the purposes of the Act as SB1069 Engrossed

-2-

1 determined by the Council.

2 Moneys in the Fund at the end of a State fiscal year 3 shall be carried forward to the next fiscal year and shall 4 not revert to the General Revenue Fund.

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

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

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

(d) The liability of the Fund is limited to the extent 22 23 of coverage provided by the account under which a claim is submitted, subject to the terms and conditions of that 24 25 coverage. The liability of the Fund is further limited by the moneys made available to the Fund, and no remedy shall be 26 ordered that would require the Fund to exceed its then 27 current funding limitations to satisfy an award or which 28 would restrict the availability of moneys for higher priority 29 30 sites.

31 (e) Nothing in this Act shall be construed to limit, 32 restrict, or affect the authority and powers of the Agency or 33 another State agency or statute unless the State agency or 34 statute is specifically referenced and the limitation is

- clearly set forth in this Act. 1
- 2 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)