

# HB0770



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0770

Introduced 2/9/2009, by Rep. John D. Cavaletto

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/57.11

Amends the Environmental Protection Act. Provides that the Underground Storage Tank Fund is not subject to sweeps, administrative charges or charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any funds from the Underground Storage Tank Fund into any other fund of the State. Effective immediately.

LRB096 03669 HLH 13698 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 57.11 as follows:

6 (415 ILCS 5/57.11)

7 Sec. 57.11. Underground Storage Tank Fund; creation.

8 (a) There is hereby created in the State Treasury a special  
9 fund to be known as the Underground Storage Tank Fund. There  
10 shall be deposited into the Underground Storage Tank Fund all  
11 monies received by the Office of the State Fire Marshal as fees  
12 for underground storage tanks under Sections 4 and 5 of the  
13 Gasoline Storage Act and as fees pursuant to the Motor Fuel Tax  
14 Law. All amounts held in the Underground Storage Tank Fund  
15 shall be invested at interest by the State Treasurer. All  
16 income earned from the investments shall be deposited into the  
17 Underground Storage Tank Fund no less frequently than  
18 quarterly. Moneys in the Underground Storage Tank Fund,  
19 pursuant to appropriation, may be used by the Agency and the  
20 Office of the State Fire Marshal for the following purposes:

21 (1) To take action authorized under Section 57.12 to  
22 recover costs under Section 57.12.

23 (2) To assist in the reduction and mitigation of damage

1           caused by leaks from underground storage tanks, including  
2           but not limited to, providing alternative water supplies to  
3           persons whose drinking water has become contaminated as a  
4           result of those leaks.

5           (3) To be used as a matching amount towards federal  
6           assistance relative to the release of petroleum from  
7           underground storage tanks.

8           (4) For the costs of administering activities of the  
9           Agency and the Office of the State Fire Marshal relative to  
10          the Underground Storage Tank Fund.

11          (5) For payment of costs of corrective action incurred  
12          by and indemnification to operators of underground storage  
13          tanks as provided in this Title.

14          (6) For a total of 2 demonstration projects in amounts  
15          in excess of a \$10,000 deductible charge designed to assess  
16          the viability of corrective action projects at sites which  
17          have experienced contamination from petroleum releases.  
18          Such demonstration projects shall be conducted in  
19          accordance with the provision of this Title.

20          (7) Subject to appropriation, moneys in the  
21          Underground Storage Tank Fund may also be used by the  
22          Department of Revenue for the costs of administering its  
23          activities relative to the Fund and for refunds provided  
24          for in Section 13a.8 of the Motor Fuel Tax Act.

25          (b) Moneys in the Underground Storage Tank Fund may,  
26          pursuant to appropriation, be used by the Office of the State

1 Fire Marshal or the Agency to take whatever emergency action is  
2 necessary or appropriate to assure that the public health or  
3 safety is not threatened whenever there is a release or  
4 substantial threat of a release of petroleum from an  
5 underground storage tank and for the costs of administering its  
6 activities relative to the Underground Storage Tank Fund.

7 (c) Beginning July 1, 1993, the Governor shall certify to  
8 the State Comptroller and State Treasurer the monthly amount  
9 necessary to pay debt service on State obligations issued  
10 pursuant to Section 6 of the General Obligation Bond Act. On  
11 the last day of each month, the Comptroller shall order  
12 transferred and the Treasurer shall transfer from the  
13 Underground Storage Tank Fund to the General Obligation Bond  
14 Retirement and Interest Fund the amount certified by the  
15 Governor, plus any cumulative deficiency in those transfers for  
16 prior months.

17 (d) Except as provided in subsection (c) of this Section,  
18 the Underground Storage Tank Fund is not subject to sweeps,  
19 administrative charges, or charge-backs, including but not  
20 limited to, those authorized under Section 8h of the State  
21 Finance Act, or any other fiscal or budgetary maneuver that  
22 would in any way transfer any funds from the Underground  
23 Storage Tank Fund into any other fund of the State.

24 (Source: P.A. 90-491, eff. 1-1-98.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.