

# HB4906



## 97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

**HB4906**

Introduced 2/3/2012, 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 17895 JDS 63118 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.)