

1 AN ACT concerning environmental protection.

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

18 Pursuant to appropriation, all moneys in the Drycleaner
19 Environmental Response Trust Fund must ~~shall~~ be disbursed by
20 the Agency to the Council for the purpose of making
21 disbursements, if any, in accordance with this Act and for
22 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 the Council.

29 The Fund may be divided into different accounts with
30 different depositories to fulfill the purposes of the Act as
31 determined by the Council.

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

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

6 (1) To establish an account to fund remedial action
7 of drycleaning solvent releases from drycleaning
8 facilities as provided by Section 40.

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

12 (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 of action in connection with a drycleaning facility not owned
16 or operated by the State or an agency of the State. All
17 expenses incurred by the Fund shall be payable solely from
18 the Fund and no liability or obligation shall be imposed upon
19 the State. The State is not liable for a claim presented
20 against the Fund.

21 (d) The liability of the Fund is limited to the extent
22 of coverage provided by the account under which a claim is
23 submitted, subject to the terms and conditions of that
24 coverage. The liability of the Fund is further limited by
25 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 sites.

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

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