

# SB2443



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**SB2443**

Introduced 1/30/2018, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

415 ILCS 135/10

Amends the Drycleaner Environmental Response Trust Fund Act. Provides that notwithstanding any other law to the contrary, the Drycleaner Environmental Response Trust Fund is not subject to sweeps, administrative charge-backs, or any other fiscal maneuver that would in any way transfer any amounts from the Fund into any other fund of the State. Effective immediately.

LRB100 16846 MJP 31987 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 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 Notwithstanding any other law to the contrary, the  
12 Drycleaner Environmental Response Trust Fund is not subject to  
13 sweeps, administrative charge-backs, or any other fiscal  
14 maneuver that would in any way transfer any amounts from the  
15 Drycleaner Environmental Response Trust Fund into any other  
16 fund of the State.

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

19 (1) To establish an account to fund remedial action of  
20 drycleaning solvent releases from drycleaning facilities  
21 as provided by Section 40.

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

25 (c) The State, the General Revenue Fund, and any other Fund  
26 of the State, other than the Drycleaner Environmental Response

1 Trust Fund, shall not be liable for a claim or cause of action  
2 in connection with a drycleaning facility not owned or operated  
3 by the State or an agency of the State. All expenses incurred  
4 by the Fund shall be payable solely from the Fund and no  
5 liability or obligation shall be imposed upon the State. The  
6 State is not liable for a claim presented against the Fund.

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

15 (e) Nothing in this Act shall be construed to limit,  
16 restrict, or affect the authority and powers of the Agency or  
17 another State agency or statute unless the State agency or  
18 statute is specifically referenced and the limitation is  
19 clearly set forth in this Act.

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.