



Rep. Karen May

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09400HB2552ham001

LRB094 08257 LCB 44961 a

1 AMENDMENT TO HOUSE BILL 2552

2 AMENDMENT NO. _____. Amend House Bill 2552 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding Sections 2-807 and 2-808 as follows:

6 (735 ILCS 5/2-807 new)

7 Sec. 2-807. Unpaid residue.

8 (a) It is the intent of the General Assembly in enacting
9 this Section to ensure that the unpaid residue in class action
10 litigation is distributed, to the extent possible, in a manner
11 designed either to further the purposes of the underlying cause
12 of action or to promote access to justice for all citizens of
13 the State of Illinois. The General Assembly finds that the use
14 of funds collected pursuant to this Section for these purposes
15 is in the public interest, is a proper use of the funds, and is
16 consistent with essential public and governmental purposes.

17 (b) Except as provided in subsection (c), prior to the
18 entry of any judgment in a class action maintained pursuant to
19 Section 8-802 of this Act, the court shall determine the total
20 amount payable to all class members if all class members are
21 paid the amount to which they are entitled pursuant to the
22 judgment. The judgment shall direct the defendant to pay the
23 sum of the unpaid residue, plus interest on that sum at the
24 legal rate of interest from the date of entry of the initial

1 judgment, to nonprofit organizations or foundations to support
2 projects that promote access to justice for Illinois residents
3 or will benefit the class or similarly situated persons
4 consistent with the objectives and purposes of the underlying
5 cause of action. If the class action litigation was brought
6 pursuant to any Illinois environmental statute, then the court
7 shall amend the judgment to direct the defendant to pay the sum
8 of the unpaid residue, plus interest on that sum at the legal
9 rate of interest from the date of entry of the initial
10 judgment, into the Illinois Class Action Environmental Trust
11 Fund, which is created as a special Fund in the State treasury.
12 The court shall ensure that the distribution of any unpaid
13 residue derived from multistate or national cases brought under
14 an Illinois law shall provide substantial or commensurate
15 benefit to Illinois consumers.

16 (c) This Section does not apply to any class action brought
17 against any public entity or any public employee. This Section
18 shall not be construed to abrogate any equitable or cy pres
19 remedy that may be available in any class action with regard to
20 all or part of the residue.

21 (d) The Illinois Class Action Environmental Trust Fund
22 shall, subject to appropriation, be allocated pursuant to this
23 Section.

24 (735 ILCS 5/2-808 new)

25 Sec. 2-808. Illinois Class Action Environmental Trust Fund
26 Board. There is hereby created the Illinois Class Action
27 Environmental Trust Fund Board. The Board shall be chaired by
28 the Lieutenant Governor and also include the Director of Public
29 Health, the Director of Agriculture, the Director of Natural
30 Resources, and the Director of the Environmental Protection
31 Agency, or their designees. The Board shall have the authority
32 to promulgate rules governing the allocation of monies received
33 for the Illinois Class Action Environmental Trust Fund.

1 Section 5.640. The State Finance Act is amended by adding
2 Section 5.640 as follows:

3 (30 ILCS 105/5.640 new)

4 Sec. 5.640. The Illinois Class Action Environmental Trust
5 Fund.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."