



Sen. Susan Garrett

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LRB096 10484 JDS 25966 a

1 AMENDMENT TO HOUSE BILL 2491

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2491 as follows:

3 on page 1, line 5, immediately after "Sections", by inserting  
4 "10,"; and

5 on page 1, immediately below line 6, by inserting the  
6 following:

7 "(415 ILCS 135/10)

8 Sec. 10. Drycleaner Environmental Response Trust Fund.

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

1 the direction of the Council. Interest, income from the  
2 investments, and other income earned by the Fund shall be  
3 credited to and deposited into the Fund.

4 Pursuant to appropriation, all moneys in the Drycleaner  
5 Environmental Response Trust Fund shall be disbursed by the  
6 Agency to the Council for the purpose of making disbursements,  
7 if any, in accordance with this Act and for the purpose of  
8 paying the ordinary and contingent expenses of the Council.  
9 After June 30, 1999, pursuant to appropriation, all moneys in  
10 the Drycleaner Environmental Response Trust Fund may be used by  
11 the Council for the purpose of making disbursements, if any, in  
12 accordance with this Act and for the purpose of paying the  
13 ordinary and contingent expenses of the Council.

14 The Fund may be divided into different accounts with  
15 different depositories to fulfill the purposes of the Act as  
16 determined by the Council.

17 Moneys in the Fund at the end of a State fiscal year shall  
18 be carried forward to the next fiscal year and shall not revert  
19 to the General Revenue Fund.

20 (a-5) The Drycleaner Environmental Response Trust Fund  
21 shall not be subject to sweeps, administrative charges, or  
22 charge-backs, including, but not limited to, those authorized  
23 under Section 8h of the State Finance Act, or any other fiscal  
24 or budgetary maneuver that would transfer funds from the  
25 Drycleaner Environmental Response Trust Fund into another fund  
26 of the State.

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

3           (1) To establish an account to fund remedial action of  
4 drycleaning solvent releases from drycleaning facilities  
5 as provided by Section 40.

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

9           (c) The State, the General Revenue Fund, and any other Fund  
10 of the State, other than the Drycleaner Environmental Response  
11 Trust Fund, shall not be liable for a claim or cause of action  
12 in connection with a drycleaning facility not owned or operated  
13 by the State or an agency of the State. All expenses incurred  
14 by the Fund shall be payable solely from the Fund and no  
15 liability or obligation shall be imposed upon the State. The  
16 State is not liable for a claim presented against the Fund.

17           (d) The liability of the Fund is limited to the extent of  
18 coverage provided by the account under which a claim is  
19 submitted, subject to the terms and conditions of that  
20 coverage. The liability of the Fund is further limited by the  
21 moneys made available to the Fund, and no remedy shall be  
22 ordered that would require the Fund to exceed its then current  
23 funding limitations to satisfy an award or which would restrict  
24 the availability of moneys for higher priority sites.

25           (e) Nothing in this Act shall be construed to limit,  
26 restrict, or affect the authority and powers of the Agency or

1 another State agency or statute unless the State agency or  
2 statute is specifically referenced and the limitation is  
3 clearly set forth in this Act.

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