



Rep. Daniel J. Burke

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09500SB1929ham002

LRB095 15024 RAS 51018 a

1 AMENDMENT TO SENATE BILL 1929

2 AMENDMENT NO. _____. Amend Senate Bill 1929, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Electrologist Licensing Act is amended by
6 changing Sections 20 and 33 as follows:

7 (225 ILCS 412/20)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 20. Exemptions. This Act does not prohibit:

10 (1) A person licensed in this State under any other Act
11 from engaging in the practice for which that person is
12 licensed.

13 (2) The practice of electrology by a person who is
14 employed by the United States government or any bureau,
15 division, or agency thereof while in the discharge of the
16 employee's official duties.

1 (3) The practice of electrology included in a program
2 of study by students enrolled in schools or in refresher
3 courses approved by the Department.

4 ~~Nothing in this Act shall be construed to prevent a person~~
5 ~~functioning as an assistant to a person licensed to practice~~
6 ~~medicine in all its branches from providing electrology~~
7 ~~services.~~

8 Notwithstanding any other rulemaking authority that may
9 exist, neither the Governor nor any agency or agency head under
10 the jurisdiction of the Governor has any authority to make or
11 promulgate rules to implement or enforce the provisions of this
12 amendatory Act of the 95th General Assembly. If, however, the
13 Governor believes that rules are necessary to implement or
14 enforce the provisions of this amendatory Act of the 95th
15 General Assembly, the Governor may suggest rules to the General
16 Assembly by filing them with the Clerk of the House and the
17 Secretary of the Senate and by requesting that the General
18 Assembly authorize such rulemaking by law, enact those
19 suggested rules into law, or take any other appropriate action
20 in the General Assembly's discretion. Nothing contained in this
21 amendatory Act of the 95th General Assembly shall be
22 interpreted to grant rulemaking authority under any other
23 Illinois statute where such authority is not otherwise
24 explicitly given. For the purposes of this amendatory Act of
25 the 95th General Assembly, "rules" is given the meaning
26 contained in Section 1-70 of the Illinois Administrative

1 Procedure Act, and "agency" and "agency head" are given the
2 meanings contained in Sections 1-20 and 1-25 of the Illinois
3 Administrative Procedure Act to the extent that such
4 definitions apply to agencies or agency heads under the
5 jurisdiction of the Governor.

6 (Source: P.A. 92-750, eff. 1-1-03.)

7 (225 ILCS 412/33)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 33. Grandfather provision.

10 (a) For a period of 12 months after the filing of the
11 original administrative rules adopted under this Act, the
12 Department may issue a license to any individual who, in
13 addition to meeting the requirements set forth in paragraphs
14 (1), (2), (3), and (4) of Section 30, can document employment
15 as an electrologist and has received remuneration for
16 practicing electrology for a period of 3 years and can show
17 proof of one of the following: (i) current board certification
18 by a national electrology certifying body approved by the
19 Department; or (ii) completion of 30 continuing education units
20 in electrology approved by the Department.

21 (b) The Department may issue a license to an individual who
22 failed to apply for licensure under subsection (a) of this
23 Section on or before February 22, 2006 (one year after the
24 effective date of the rules adopted under this Act), but who
25 otherwise meets the qualifications set forth in subsection (a)

1 of this Section, provided that the individual submits a
2 completed application for licensure as required within 90 days
3 after the effective date of this amendatory Act of the 95th
4 General Assembly.

5 (Source: P.A. 92-750, eff. 1-1-03; 93-253, eff. 7-22-03.)

6 Section 10. The Carnival and Amusement Rides Safety Act is
7 amended by changing Sections 2-10, 2-15, and 2-20 as follows:

8 (430 ILCS 85/2-10) (from Ch. 111 1/2, par. 4060)

9 Sec. 2-10. No amusement ride or amusement attraction shall
10 be operated at a carnival or fair in this State without a
11 permit having been issued by the Director to an operator of
12 such equipment. At least 30 days prior to the first day of
13 operation or the expiration of the permit, ~~On or before the~~
14 ~~first of May of each year,~~ any person required to obtain a
15 permit by this Act shall apply to the Director for a permit on
16 a form furnished by the Director which form shall contain such
17 information as the Director may require. The Director may waive
18 the requirement that an application for a permit must be filed
19 at least 30 days prior to the first day of operation or the
20 expiration of the permit ~~on or before May 1 of each year~~ if the
21 applicant gives satisfactory proof to the Director that he
22 could not reasonably comply with the date requirement and if
23 the applicant immediately applies for a permit after the need
24 for a permit is first determined. For the purpose of

1 determining if an amusement ride or amusement attraction is in
2 safe operating condition and will provide protection to the
3 public using such amusement ride or amusement attraction, each
4 amusement ride or amusement attraction shall be inspected by
5 the Director before it is initially placed in operation in this
6 State, and shall thereafter be inspected at least once each
7 year.

8 If, after inspection, an amusement ride or amusement
9 attraction is found to comply with the rules adopted under this
10 Act, the Director shall issue a permit for the operation of the
11 amusement ride or amusement attraction. The permit shall be
12 issued conditioned upon the payment of the permit fee and any
13 applicable inspection fee at the time the application for
14 permit to operate is filed with the Department and may be
15 suspended as provided in the Department's rules.

16 If, after inspection, additions or alterations are
17 contemplated which change a structure, mechanism,
18 classification or capacity, the operator shall notify the
19 Director of his intentions in writing and provide any plans or
20 diagrams requested by the Director.

21 Notwithstanding any other rulemaking authority that may
22 exist, neither the Governor nor any agency or agency head under
23 the jurisdiction of the Governor has any authority to make or
24 promulgate rules to implement or enforce the provisions of this
25 amendatory Act of the 95th General Assembly. If, however, the
26 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th
2 General Assembly, the Governor may suggest rules to the General
3 Assembly by filing them with the Clerk of the House and
4 Secretary of the Senate and by requesting that the General
5 Assembly authorize such rulemaking by law, enact those
6 suggested rules into law, or take any other appropriate action
7 in the General Assembly's discretion. Nothing contained in this
8 amendatory Act of the 95th General Assembly shall be
9 interpreted to grant rulemaking authority under any other
10 Illinois statute where such authority is not otherwise
11 explicitly given. For the purposes of this amendatory Act of
12 the 95th General Assembly, "rules" is given the meaning
13 contained in Section 1-70 of the Illinois Administrative
14 Procedure Act, and "agency" and "agency head" are given the
15 meanings contained in Sections 1-20 and 1-25 of the Illinois
16 Administrative Procedure Act to the extent that such
17 definitions apply to agencies or agency heads under the
18 jurisdiction of the Governor.

19 (Source: P.A. 92-26, eff. 1-1-02.)

20 (430 ILCS 85/2-15) (from Ch. 111 1/2, par. 4065)

21 Sec. 2-15. Penalties.

22 (a) Criminal penalties.

23 1. Any person who operates an amusement ride or
24 amusement attraction at a carnival or fair without having
25 obtained a permit from the Director or who violates any

1 order or rule issued by the Director under this Act is
2 guilty of a Class A misdemeanor. Each day shall constitute
3 a separate and distinct offense.

4 2. Any person who interferes with, impedes, or
5 obstructs in any manner the Director or any authorized
6 representative of the Department in the performance of
7 their duties under this Act is guilty of a Class A
8 misdemeanor.

9 (b) Civil penalties. Unless otherwise provided in this Act,
10 any person who operates an amusement ride or amusement
11 attraction without having obtained a permit from the Department
12 in violation of this Act is subject to a civil penalty not to
13 exceed \$2,500 per violation for a first violation and not to
14 exceed \$5,000 for a second or subsequent violation.

15 Prior to any determination, or the imposition of any civil
16 penalty, under this subsection (b), the Department shall notify
17 the operator in writing of the alleged violation. The
18 Department shall afford the operator 15 days from the date of
19 the notice to present any written information that the operator
20 wishes the Department to consider in connection with its
21 determination in the matter. Upon written request of the
22 operator, the Department shall convene an informal
23 fact-finding conference, provided such request is received by
24 the Department within 15 days of the date of the notice of the
25 alleged violation. In determining the amount of a penalty, the
26 Director may consider the appropriateness of the penalty to the

1 person or entity charged, upon determination of the gravity of
2 the violation. Penalties may be recovered in a civil action
3 brought by the Director of Labor in any circuit court. In this
4 litigation, the Director of Labor shall be represented by the
5 Attorney General.

6 (c) Notwithstanding any other rulemaking authority that
7 may exist, neither the Governor nor any agency or agency head
8 under the jurisdiction of the Governor has any authority to
9 make or promulgate rules to implement or enforce the provisions
10 of this amendatory Act of the 95th General Assembly. If,
11 however, the Governor believes that rules are necessary to
12 implement or enforce the provisions of this amendatory Act of
13 the 95th General Assembly, the Governor may suggest rules to
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15 and Secretary of the Senate and by requesting that the General
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21 Illinois statute where such authority is not otherwise
22 explicitly given. For the purposes of this amendatory Act of
23 the 95th General Assembly, "rules" is given the meaning
24 contained in Section 1-70 of the Illinois Administrative
25 Procedure Act, and "agency" and "agency head" are given the
26 meanings contained in Sections 1-20 and 1-25 of the Illinois

1 Administrative Procedure Act to the extent that such
2 definitions apply to agencies or agency heads under the
3 jurisdiction of the Governor.

4 (Source: P.A. 94-801, eff. 5-25-06.)

5 (430 ILCS 85/2-20)

6 Sec. 2-20. Employment of carnival workers.

7 (a) Beginning on January 1, 2008, no person, firm,
8 corporation, or other entity that owns or operates a carnival
9 or fair shall employ a carnival worker who (i) has been
10 convicted of any offense set forth in Article 11 of the
11 Criminal Code of 1961, (ii) is a registered sex offender, as
12 defined in the Sex Offender Registration Act, or (iii) has ever
13 been convicted of any offense set forth in Article 9 of the
14 Criminal Code of 1961.

15 (b) A person, firm, corporation, or other entity that owns
16 or operates a carnival or fair must conduct a criminal history
17 records check and perform a check of the Illinois Sex Offender
18 Registry for carnival workers at the time they are hired, and
19 annually thereafter ~~consistent with the Illinois Uniform~~
20 ~~Conviction Information Act and perform a check of the Sex~~
21 ~~Offender Registry.~~

22 Effective November 1, 2008, the check of the sex offender
23 registry shall be performed through the National Sex Offender
24 Public Registry.

25 The criminal history records check performed under this

1 subsection (b) shall be performed by the Illinois State Police,
2 another State or federal law enforcement agency, or a business
3 belonging to the National Association of Professional
4 Background Check Screeners.

5 Carnival workers who are foreign nationals and have been
6 granted visas by the United States Citizenship and Immigration
7 Services in conjunction with the United States Department of
8 Labor's H-2B or J-1 programs and are lawfully admitted into the
9 United States shall be exempt from the background check
10 requirement imposed under this subsection. ~~In the case of~~
11 ~~earnival workers who are hired on a temporary basis to work at~~
12 ~~a specific event, the carnival or fair owner may work with~~
13 ~~local enforcement agencies in order expedite the criminal~~
14 ~~history records check required under this subsection (b).~~

15 Individuals who are under the age of 17 are exempt from the
16 criminal history records check requirements set forth in this
17 subsection (b).

18 (c) Any person, firm, corporation, or other entity that
19 owns or operates a carnival or fair must have a substance abuse
20 policy in place for its workers, which shall include random
21 drug testing of carnival workers.

22 (d) Any person, firm, corporation, or other entity that
23 owns or operates a carnival or fair that violates the
24 provisions of subsection (a) of this Section or fails to
25 conduct a criminal history records check or a sex offender
26 registry check for carnival workers in its employ, as required

1 by subsection (b) of this Section, shall be assessed a civil
2 penalty in an amount not to exceed \$1,000 for a first offense,
3 not to exceed \$5,000 for a second offense, and not to exceed
4 \$15,000 for a third or subsequent offense. The collection of
5 these penalties shall be enforced in a civil action brought by
6 the Attorney General on behalf of the Department.

7 (e) A carnival or fair owner is not responsible for:

8 (1) any personal information submitted by a carnival
9 worker for criminal history records check purposes; or

10 (2) any information provided by a third party for a
11 criminal history records check or a sex offender registry
12 check.

13 (f) Recordkeeping requirements. Any person, firm,
14 corporation, or other entity that owns or operates a carnival
15 or fair subject to the provisions of this Act shall make,
16 preserve, and make available to the Department, upon its
17 request, all records that are required by this Act, including
18 but not limited to a written substance abuse policy, evidence
19 of the required criminal history records check and Sex Offender
20 Registry check, and any other information the Director may deem
21 necessary and appropriate for enforcement of this Act.

22 (g) Notwithstanding any other rulemaking authority that
23 may exist, neither the Governor nor any agency or agency head
24 under the jurisdiction of the Governor has any authority to
25 make or promulgate rules to implement or enforce the provisions
26 of this amendatory Act of the 95th General Assembly. If,

1 however, the Governor believes that rules are necessary to
2 implement or enforce the provisions of this amendatory Act of
3 the 95th General Assembly, the Governor may suggest rules to
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15 Procedure Act, and "agency" and "agency head" are given the
16 meanings contained in Sections 1-20 and 1-25 of the Illinois
17 Administrative Procedure Act to the extent that such
18 definitions apply to agencies or agency heads under the
19 jurisdiction of the Governor.

20 (h) A carnival or fair owner shall not be liable to any
21 employee in carrying out the requirements of this Section.

22 (Source: P.A. 95-397, eff. 8-24-07; 95-687, eff. 10-23-07.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."