

# HB1799



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1799

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Daniel J. Burke

#### SYNOPSIS AS INTRODUCED:

240 ILCS 40/20-25

Amends the Grain Code. Makes a technical change in a Section concerning the refusal of a licensee to allow liquidation.

LRB096 05469 RCE 15535 b

A BILL FOR

1 AN ACT concerning warehouses.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Grain Code is amended by changing Section  
5 20-25 as follows:

6 (240 ILCS 40/20-25)

7 Sec. 20-25. Refusal of licensee to allow liquidation.

8 (a) If, after a failure, the ~~the~~ failed licensee does not  
9 transfer control of the grain assets to the Trustee, the  
10 Director may, in conjunction with the authority granted in this  
11 Code and in Section 205-410 of the Department of Agriculture  
12 Law (20 ILCS 205/205-410), file a complaint and apply to a  
13 court of competent jurisdiction for a temporary restraining  
14 order, a preliminary injunction, or a permanent injunction to  
15 be entered without bond to carry out the provisions of this  
16 Code.

17 (b) If a party seeks relief from a court of competent  
18 jurisdiction that would enjoin, restrain, stay, or otherwise  
19 resist either (1) an administrative order of the Department  
20 that suspends, revokes, or denies renewal of a license under  
21 this Code or (2) an action brought by the Department relating  
22 to liquidation of a licensee, the court shall require the party  
23 requesting the relief to provide a bond as provided for in the

1 Code of Civil Procedure. The bond shall be in an amount  
2 adequate to assure that all producers and depositors will be  
3 paid while the licensee is operating following suspension,  
4 revocation, or denial of renewal of a license under the  
5 judicial relief for grain sold to or stored with the licensee.  
6 The bond shall be in a minimum amount sufficient to satisfy all  
7 existing grain obligations of the licensee for grain purchased,  
8 sold, or stored. In setting the amount of the bond, the court  
9 shall consider increasing the amount of the bond based upon a  
10 consideration of other factors, including, but not limited to,  
11 the total dollar amount of grain purchased annually by the  
12 licensee and the value of the storage obligations of the  
13 licensee.

14 (Source: P.A. 91-239, eff. 1-1-00.)