



Rep. Emily McAsey

Filed: 3/19/2014

09800HB4514ham001

LRB098 19405 MGM 57001 a

1 AMENDMENT TO HOUSE BILL 4514

2 AMENDMENT NO. _____. Amend House Bill 4514 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Radon Industry Licensing Act is amended by
5 adding Section 52 as follows:

6 (420 ILCS 44/52 new)

7 Sec. 52. Subpoena power; witness fees; enforcement;
8 punishment.

9 (a) The Agency, by its Assistant Director or a person
10 designated by the Assistant Director, may, at the Assistant
11 Director's instance or on the written request of another party
12 to an administrative proceeding or investigation administered
13 under this Act or any other law concerning radon, subpoena
14 witnesses to attend and give testimony before the hearing
15 officer designated to preside over the proceeding or
16 investigation and subpoena the production of books, papers, or

1 records that the Assistant Director or his or her designee
2 deems relevant or material to any administrative proceeding or
3 investigation.

4 (b) The fees paid to witnesses for attendance and travel
5 shall be the same as the fees for witnesses before the circuit
6 court of the county in which the hearing is held. Those fees
7 shall be paid when the witness is excused from further
8 attendance. When a witness is subpoenaed at the instance of the
9 Agency, those fees shall be paid in the same manner as other
10 administrative expenses of the Agency. When a witness is
11 subpoenaed at the instance of a party to a proceeding other
12 than the Agency, the Agency may require that the cost of
13 service of the subpoena or subpoena duces tecum and the fee of
14 the witness be borne by the party at whose instance the witness
15 is summoned. In that case, the Agency, in its discretion, may
16 require a deposit to cover the cost of the service and witness
17 fees. A subpoena or subpoena duces tecum issued under this
18 Section may be served in the same manner as a subpoena issued
19 out of a circuit court of the county in which the hearing is
20 held or may be served by United States registered or certified
21 mail, addressed to the person concerned at the person's last
22 known address, and proof of that mailing shall be sufficient
23 for the purposes of this Section. The Agency shall adopt rules
24 governing the procedure for challenging a subpoena.

25 (c) If any person, without lawful authority, fails to
26 appear in response to a subpoena or to answer any question or

1 to produce any books, papers, records, or any other documents
2 relevant or material to an administrative proceeding or
3 investigation, the Agency, through the Attorney General, may
4 seek enforcement of any such subpoena by any circuit court of
5 this State.

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