



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4514

by Rep. Emily McAsey

SYNOPSIS AS INTRODUCED:

420 ILCS 44/52 new

Amends the Radon Industry Licensing Act. Provides that the Assistant Director of the Illinois Emergency Management Agency or his or her designee may, at the Assistant Director's instance or on the written request of another party to an administrative proceeding or investigation administered under the Act or any other law concerning radon, subpoena witnesses to attend and give testimony before the hearing officer designated to preside over the proceeding or investigation and subpoena the production of books, papers, or records that the Assistant Director or his or her designee deems relevant or material to any administrative proceeding or investigation. Provides for witness fees. Provides that failure to respond to a subpoena is a Class A misdemeanor. Effective immediately.

LRB098 19405 MGM 54563 b

1 AN ACT concerning radon.

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

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
17 records that the Assistant Director or his or her designee
18 deems relevant or material to any administrative proceeding or
19 investigation.

20 (b) The fees paid to witnesses for attendance and travel
21 shall be the same as the fees for witnesses before the circuit
22 court of the county in which the hearing is held. Those fees
23 shall be paid when the witness is excused from further

1 attendance. When a witness is subpoenaed at the instance of the
2 Agency, those fees shall be paid in the same manner as other
3 administrative expenses of the Agency. When a witness is
4 subpoenaed at the instance of a party to a proceeding other
5 than the Agency, the Agency may require that the cost of
6 service of the subpoena or subpoena duces tecum and the fee of
7 the witness be borne by the party at whose instance the witness
8 is summoned. In that case, the Agency, in its discretion, may
9 require a deposit to cover the cost of the service and witness
10 fees. A subpoena or subpoena duces tecum issued under this
11 Section may be served in the same manner as a subpoena issued
12 out of a circuit court of the county in which the hearing is
13 held or may be served by United States registered or certified
14 mail, addressed to the person concerned at the person's last
15 known address, and proof of that mailing shall be sufficient
16 for the purposes of this Section.

17 (c) Any person who, without lawful authority, fails to
18 appear in response to a subpoena or to answer any question or
19 to produce any books, papers, records, or any other documents
20 relevant or material to an administrative proceeding or
21 investigation is guilty of a Class A misdemeanor. Each
22 violation shall constitute a separate and distinct offense. In
23 addition to initiating criminal proceedings, the Agency,
24 through the Attorney General, may seek enforcement of any such
25 subpoena by any circuit court of this State.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.