

AN ACT concerning safety.

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

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

(420 ILCS 44/52 new)

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

(a) The Agency, by its Assistant Director or a person designated by the Assistant Director, may, at the Assistant Director's instance or on the written request of another party to an administrative proceeding or investigation administered under this 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.

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

attendance. When a witness is subpoenaed at the instance of the Agency, those fees shall be paid in the same manner as other administrative expenses of the Agency. When a witness is subpoenaed at the instance of a party to a proceeding other than the Agency, the Agency may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In that case, the Agency, in its discretion, may require a deposit to cover the cost of the service and witness fees. A subpoena or subpoena duces tecum issued under this Section may be served in the same manner as a subpoena issued out of a circuit court of the county in which the hearing is held or may be served by United States registered or certified mail, addressed to the person concerned at the person's last known address, and proof of that mailing shall be sufficient for the purposes of this Section. The Agency shall adopt rules governing the procedure for challenging a subpoena.

(c) If any person, without lawful authority, fails to appear in response to a subpoena or to answer any question or to produce any books, papers, records, or any other documents relevant or material to an administrative proceeding or investigation, the Agency, through the Attorney General, may seek enforcement of any such subpoena by any circuit court of this State.

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