



Rep. Jay Hoffman

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1 AMENDMENT TO HOUSE BILL 3125

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3125 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Employment Security Law of  
5 the Civil Administrative Code of Illinois is amended by adding  
6 Section 1005-165 as follows:

7 (20 ILCS 1005/1005-165 new)

8 Sec. 1005-165. Disabled veterans outreach. The Department  
9 shall employ such disabled veterans outreach program  
10 specialists as appropriate and efficient according to Section  
11 4103A of Title 38 of the United States Code, or any successor  
12 legislation, based upon available federal funding for that  
13 purpose.

14 Section 10. The Veterans' Employment Representative Act is  
15 amended by changing Sections 1 and 2 as follows:

1 (330 ILCS 50/1) (from Ch. 48, par. 186a)

2 Sec. 1. Veteran services; representative. The Department  
3 of Employment Security shall assign a ~~Each full service office~~  
4 ~~of the Job Service shall assign at least one full time~~  
5 Veterans' Employment Representative, defined by title and  
6 classification under the Personnel Code of Illinois, to each  
7 full service office of the employment service, to work  
8 exclusively in job counseling, training, and placement of  
9 veterans. Preference for these positions shall be given to  
10 qualified persons who have been members of the armed forces of  
11 the United States in times of hostilities with a foreign  
12 country. Any candidate for these positions shall be deemed to  
13 have met and satisfied examination admission requirements if  
14 the candidate served in the armed forces during times of  
15 hostilities with a foreign country and was honorably discharged  
16 therefrom due to a combat-related disability. The holder of  
17 such a position shall be administratively responsible to the  
18 local office manager, and his or her first line responsibility  
19 is functional supervision of all local office services to  
20 veterans. He or she may also be delegated line supervision of  
21 veteran units, assistant local veterans' employment  
22 representative, or veteran aid. Individualized veterans'  
23 services such as application taking, counseling, job referral,  
24 or training will continue to be provided to veterans on a  
25 priority basis by all local office staff.

1 (Source: P.A. 90-372, eff. 7-1-98.)

2 (330 ILCS 50/2) (from Ch. 48, par. 186b)

3 Sec. 2. Veteran services; funding. Since funding for these  
4 veteran services by the employment service ~~Job Service~~ has  
5 already been provided for by the U.S. Department of Labor, no  
6 additional funds will be required to carry out the provisions  
7 of this Act.

8 (Source: P.A. 90-372, eff. 7-1-98.)

9 Section 15. The Unemployment Insurance Act is amended by  
10 changing Sections 1801.1 and 2401 and by adding Section 2208.1  
11 as follows:

12 (820 ILCS 405/1801.1)

13 Sec. 1801.1. Directory of New Hires.

14 A. The Director shall establish and operate an automated  
15 directory of newly hired employees which shall be known as the  
16 "Illinois Directory of New Hires" which shall contain the  
17 information required to be reported by employers to the  
18 Department under subsection B. In the administration of the  
19 Directory, the Director shall comply with any requirements  
20 concerning the Employer New Hire Reporting Program established  
21 by the federal Personal Responsibility and Work Opportunity  
22 Reconciliation Act of 1996. The Director is authorized to use  
23 the information contained in the Directory of New Hires to

1 administer any of the provisions of this Act.

2 B. Each employer in Illinois, except a department, agency,  
3 or instrumentality of the United States, shall file with the  
4 Department a report in accordance with rules adopted by the  
5 Department (but in any event not later than 20 days after the  
6 date the employer hires the employee or, in the case of an  
7 employer transmitting reports magnetically or electronically,  
8 by 2 monthly transmissions, if necessary, not less than 12 days  
9 nor more than 16 days apart) providing the following  
10 information concerning each newly hired employee: the  
11 employee's name, address, and social security number, the date  
12 services for remuneration were first performed by the employee,  
13 ~~the employee's projected monthly wages,~~ and the employer's  
14 name, address, Federal Employer Identification Number assigned  
15 under Section 6109 of the Internal Revenue Code of 1986, and  
16 such other information as may be required by federal law or  
17 regulation, provided that each employer may voluntarily file  
18 the address to which the employer wants income withholding  
19 orders to be mailed, if it is different from the address given  
20 on the Federal Employer Identification Number. An employer in  
21 Illinois which transmits its reports electronically or  
22 magnetically and which also has employees in another state may  
23 report all newly hired employees to a single designated state  
24 in which the employer has employees if it has so notified the  
25 Secretary of the United States Department of Health and Human  
26 Services in writing. An employer may, at its option, submit

1 information regarding any rehired employee in the same manner  
2 as information is submitted regarding a newly hired employee.  
3 Each report required under this subsection shall, to the extent  
4 practicable, be made on an Internal Revenue Service Form W-4  
5 or, at the option of the employer, an equivalent form, and may  
6 be transmitted by first class mail, by telefax, magnetically,  
7 or electronically.

8 C. An employer which knowingly fails to comply with the  
9 reporting requirements established by this Section shall be  
10 subject to a civil penalty of \$15 for each individual whom it  
11 fails to report. An employer shall be considered to have  
12 knowingly failed to comply with the reporting requirements  
13 established by this Section with respect to an individual if  
14 the employer has been notified by the Department that it has  
15 failed to report an individual, and it fails, without  
16 reasonable cause, to supply the required information to the  
17 Department within 21 days after the date of mailing of the  
18 notice. Any individual who knowingly conspires with the newly  
19 hired employee to cause the employer to fail to report the  
20 information required by this Section or who knowingly conspires  
21 with the newly hired employee to cause the employer to file a  
22 false or incomplete report shall be guilty of a Class B  
23 misdemeanor with a fine not to exceed \$500 with respect to each  
24 employee with whom the individual so conspires.

25 D. As used in this Section, "newly hired employee" means an  
26 individual who (i) is an employee within the meaning of Chapter

1 24 of the Internal Revenue Code of 1986 and (ii) either has not  
2 previously been employed by the employer or was previously  
3 employed by the employer but has been separated from that prior  
4 employment for at least 60 consecutive days; however, "newly  
5 hired employee" does not include an employee of a federal or  
6 State agency performing intelligence or counterintelligence  
7 functions, if the head of that agency has determined that the  
8 filing of the report required by this Section with respect to  
9 the employee could endanger the safety of the employee or  
10 compromise an ongoing investigation or intelligence mission.

11 Notwithstanding Section 205, and for the purposes of this  
12 Section only, the term "employer" has the meaning given by  
13 Section 3401(d) of the Internal Revenue Code of 1986 and  
14 includes any governmental entity and labor organization as  
15 defined by Section 2(5) of the National Labor Relations Act,  
16 and includes any entity (also known as a hiring hall) which is  
17 used by the organization and an employer to carry out the  
18 requirements described in Section 8(f)(3) of that Act of an  
19 agreement between the organization and the employer.

20 (Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12;  
21 97-791, eff. 1-1-13; revised 7-23-12.)

22 (820 ILCS 405/2208.1 new)

23 Sec. 2208.1. Return receipts. Whenever any provision of  
24 this Act requires service by certified or registered mail  
25 either a paper return receipt issued by the United States

1 Postal Service or an electronic return receipt issued by the  
2 United States Postal Service shall constitute proof of service.

3 (820 ILCS 405/2401) (from Ch. 48, par. 721)

4 Sec. 2401. Recording and release of lien. A. The lien  
5 created by Section 2400 shall be invalid only as to any  
6 innocent purchaser for value of stock in trade of any employer  
7 in the usual course of such employer's business, and shall be  
8 invalid as to any innocent purchaser for value of any of the  
9 other assets to which such lien has attached, unless notice  
10 thereof has been filed by the Director in the office of the  
11 recorder of the county within which the property subject to the  
12 lien is situated. The Director may, in his discretion, for good  
13 cause shown and upon the reimbursement of any recording fees  
14 paid by the Director with respect to the lien, issue a  
15 certificate of withdrawal of notice of lien filed against any  
16 employer, which certificate shall be recorded in the same  
17 manner as herein provided for the recording of notice of liens.  
18 Such withdrawal of notice of lien shall invalidate such lien as  
19 against any person acquiring any of such employer's property or  
20 any interest therein, subsequent to the recordation of the  
21 withdrawal of notice of lien, but shall not otherwise affect  
22 the validity of such lien, nor shall it prevent the Director  
23 from re-recording notice of such lien. In the event notice of  
24 such lien is re-recorded, such notice shall be effective as  
25 against third persons only as of the date of such

1 re-recording.

2 B. The recorder of each county shall procure at the expense  
3 of the county a file labeled "Unemployment Compensation  
4 Contribution Lien Notice" and an index book labeled  
5 "Unemployment Compensation Contribution Lien Index." When a  
6 notice of any such lien is presented to him for filing, he  
7 shall file it in numerical order in the file and shall enter it  
8 alphabetically in the index. The entry shall show the name and  
9 last known business address of the employer named in the  
10 notice, the serial number of the notice, the date and hour of  
11 filing, and the amount of contribution, interest and penalty  
12 thereon due and unpaid. When a certificate of complete or  
13 partial release of such lien issued by the Director is  
14 presented for filing in the office of the recorder where a  
15 notice of lien was filed, the recorder shall permanently attach  
16 the certificate of release to the notice of lien and shall  
17 enter the certificate of release and the date in the  
18 Unemployment Compensation Contribution Lien Index on the line  
19 where the notice of lien is entered. In case title to land to  
20 be affected by the Notice of Lien is registered under the  
21 provisions of "An Act Concerning Land Titles", approved May 1,  
22 1897, as amended, such notice shall be filed in the office of  
23 the Registrar of Titles of the county within which the property  
24 subject to the lien is situated and shall be entered upon the  
25 register of titles as a memorial or charge upon each folium of  
26 the register of title affected by such notice, and the Director



1 shall not have a preference over the rights of any bona fide  
2 purchaser, mortgagee, judgment creditor or other lien holder  
3 arising prior to the registration of such notice.

4 C. The Director shall have the power to issue a certificate  
5 of partial release of any part of the property subject to the  
6 lien , upon the reimbursement of any recording fees paid by the  
7 Director with respect to the lien, if he shall find that the  
8 fair market value of that part of such property remaining  
9 subject to the lien is at least equal to the amount of all  
10 prior liens upon such property plus double the amount of the  
11 liability for contributions, interest and penalties thereon  
12 remaining unsatisfied.

13 D. Where the amount of or the liability for the payment of  
14 any contribution, interest or penalty is contested by any  
15 employing unit against whose property a lien has attached, and  
16 the determination of the Director with reference to such  
17 contribution has not become final, the Director may issue a  
18 certificate of release of lien upon the reimbursement of any  
19 recording fees paid by the Director with respect to the lien  
20 and the furnishing of bond by such employing unit in 125% the  
21 amount of the sum of such contribution, interest and penalty,  
22 for which lien is claimed, with good and sufficient surety to  
23 be approved by the Director conditioned upon the prompt payment  
24 of such contribution, together with interest and penalty  
25 thereon, by such employing unit to the Director immediately  
26 upon the decision of the Director in respect to the liability

1 for such contribution, interest and penalty becoming final.

2 E. When a lien obtained pursuant to this Act has been  
3 satisfied and upon the reimbursement of any recording fees paid  
4 by the Director with respect to the lien, the Department shall  
5 issue a release to the person, or his agent, against whom the  
6 lien was obtained and such release shall contain in legible  
7 letters a statement as follows:

8 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL  
9 BE FILED WITH THE RECORDER OR THE REGISTRAR  
10 OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

11 (Source: P.A. 83-358.)

12 (820 ILCS 405/1704 rep.)

13 (820 ILCS 405/2105 rep.)

14 Section 20. The Unemployment Insurance Act is amended by  
15 repealing Sections 1704 and 2105.

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