



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4030

Introduced 1/14/2004, by Angelo Saviano

SYNOPSIS AS INTRODUCED:

New Act

Creates the Painting, Drywall Finishing, and Glazing Contractor Licensing Act. Regulates painting, drywall finishing, and glazing contractors through licensure requirements. Provides for enforcement of the Act by the Department of Professional Regulation and the Painting, Drywall Finishing, and Glazing Contractor Licensing Board. Effective immediately.

LRB093 15818 AMC 41435 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning professional regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Painting, Drywall Finishing, and Glazing Contractor Licensing
6 Act.

7 Section 5. Definitions. For the purposes of this Act:

8 "Board" means the Painting, Drywall Finishing, and Glazing
9 Contractor Licensing Board.

10 "Contractor" means a person who manages the daily
11 activities of a painting, drywall finishing, or glazing
12 business, including field supervision.

13 "Department" means the Department of Professional
14 Regulation.

15 "Director" means Director of Professional Regulation.

16 "Foreman" means a person who has the knowledge and skill of
17 a journeyman and directly supervises physical painting,
18 drywall finishing, or glazing.

19 "Journeyman" means a person who has completed an
20 apprenticeship program approved by the Department or is an
21 experienced worker, not a trainee, and is fully qualified and
22 able to perform painting, drywall finishing, or glazing without
23 supervision.

24 "Person" means an individual, partnership, or corporation.

25 "Person" does not include a limited liability company.

26 Section 10. Licensure requirement.

27 (a) Beginning January 1, 2006, a person may not act as a
28 contractor on a project in which the total cost (labor and
29 materials) of one or more of the contractor's contracts is \$500
30 or more without being licensed under this Act.

31 (b) Beginning January 1, 2006, a contractor must be

1 licensed before submitting bids.

2 Section 15. Powers and duties of the Department. The
3 Department may exercise the following powers and duties subject
4 to the provisions of this Act:

5 (1) To prescribe forms of application for licensure.

6 (2) To pass upon the qualifications of applicants for
7 licensure and issue licenses to those found to be fit and
8 qualified.

9 (3) To conduct hearings on proceedings to revoke,
10 suspend, or otherwise discipline or to refuse to issue or
11 renew licenses.

12 (4) To adopt rules when required for the administration
13 and enforcement of this Act.

14 Section 20. Application for license.

15 (a) To obtain a license, an applicant must indicate if the
16 license is sought for an individual, partnership, or
17 corporation. If the license is sought for an individual, the
18 license shall be issued to the individual, who shall also be
19 designated as the qualifying party. If the license is sought
20 for a partnership or corporation, the license shall be issued
21 in the company name. A company must designate one individual
22 who will serve as a qualifying party. The qualifying party must
23 have had, within the 10 years immediately before the filing of
24 the application, at least 4 full years of experience as a
25 journeyman, foreman, or contractor in the painting, drywall
26 finishing, or glazing industry. The applicant shall submit an
27 application in writing to the Department on a form containing
28 the information prescribed by the Department and accompanied by
29 \$250 nonrefundable application processing fee. The application
30 shall include, but shall not be limited to:

31 (1) the name, principal place of business, address, and
32 telephone number of the person designated as the qualifying
33 party;

34 (2) for a corporation, the name, address, telephone

1 number, and position of each officer;

2 (3) a description of the business, including the
3 principal products and services provided;

4 (4) satisfactory evidence of any experience
5 information, certificate of completion of apprenticeship,
6 or college transcripts;

7 (5) satisfactory evidence that the contractor has
8 obtained Workers' Compensation insurance covering his or
9 her employees or is approved as a self-insurer of Workers'
10 Compensation in accordance with Illinois law;

11 (6) satisfactory evidence that the contractor has
12 submitted a bond to the Department in an amount to be
13 determined by the Department by rule.

14 (b) The Department may credit training, apprenticeship, or
15 education as follows:

16 (1) A maximum of one and a one-half years upon
17 submission of transcripts showing a degree from an Bureau
18 of Apprenticeship and Training accredited school for
19 painting, drywall finishing, or glazing.

20 (2) A maximum of 2 years upon submission of transcripts
21 of any of the following:

22 (A) A 4-year degree from an accredited college or
23 university in the fields of accounting, business,
24 economics, mathematics, physics, or areas related to
25 the painting, drywall finishing, or glazing trade.

26 (B) A professional degree in law.

27 (C) Substantial college or university course work
28 in accounting, architecture, business, construction
29 technology, drafting, economics, engineering,
30 mathematics, or physics.

31 (3) A maximum of 3 years upon submission of (i) a
32 Certificate of Completion of Apprenticeship from an
33 accredited apprenticeship program or a certified statement
34 of completion of apprenticeship training from the
35 International Union of Painters and Allied Trades or (ii)
36 transcripts for a 4-year degree from an accredited college

1 or university in architecture, construction technology, or
2 any field of engineering that is directly related to
3 painting, drywall finishing, or glazing.

4 (c) It is the responsibility of the licensee to provide to
5 the Department notice in writing of any changes in the
6 information required to be provided on the application.

7 (d) Applicants have 3 years from the date of application to
8 complete the application process. If the application has not
9 been completed within 3 years, the application shall be denied,
10 the fee shall be forfeited, and the applicant must reapply and
11 meet the requirements in effect at the time of reapplication.

12 (e) The Department shall issue a license to a person who
13 meets the requirements of this Section.

14 Section 25. Bond. Before issuing or renewing a license, the
15 Department shall require each applicant or licensee to file and
16 maintain in force a surety bond, issued by an insurance company
17 authorized to transact fidelity and surety business in the
18 State of Illinois. The bond shall be continuous in form, unless
19 terminated by the insurance company. An insurance company may
20 terminate a bond and avoid further liability by filing a 60-day
21 notice of termination with the Department and, at the same
22 time, sending the notice to the contractor. A license shall be
23 cancelled without hearing on the termination date of the
24 contractor's bond, unless a new bond is filed with the
25 Department to become effective at the termination date of the
26 prior bond. If a license has been cancelled without hearing
27 under this Section, the license shall be reinstated upon
28 showing proof of compliance with this Act.

29 Section 30. Duties of a qualifying party. While engaged as
30 or named as a qualifying party for a licensee, no person may be
31 the named qualifying party for any other licensee. However, the
32 person may act in the capacity of the qualifying party for one
33 additional licensee of the same type of licensure if one of the
34 following conditions exists:

1 (1) There is a common ownership of at least 25% of each
2 licensed entity for which the person acts as a qualifying
3 party.

4 (2) The same person acts as a qualifying party for one
5 licensed entity and its licensed subsidiary.

6 "Subsidiary" as used in this Section means a corporation of
7 which at least 25% is owned by another licensee.

8 In the event that a qualifying party is terminated or
9 terminating his or her status as qualifying party of a
10 licensee, the qualifying party and the licensee shall notify
11 the Department of that fact in writing. Thereafter, the
12 licensee shall notify the Department of the name and address of
13 the newly designated qualifying party. These requirements
14 shall be met in a timely manner as established by rule of the
15 Department.

16 Section 35. Expiration of license.

17 (1) Licenses shall expire 2 years from the last day of the
18 month in which it was issued.

19 (2) Failure to renew the license prior to the expiration
20 thereof shall cause the license to become nonrenewed and it
21 shall be unlawful thereafter for the licensee to engage or
22 offer to engage in painting, drywall finishing, or glazing
23 contracting business under the license unless and until the
24 license is restored or reissued as defined by rule.

25 Section 40. Public records.

26 (1) All information required by the Department of any
27 applicant for licensure shall be a public record, except
28 financial information.

29 (2) If a licensee changes his or her name style, address,
30 or employment from that which appears on his or her current
31 license, he or she shall notify the Department of the change
32 within 30 days after it occurs.

33 (3) All public records of the Department, when duly
34 certified by the Director, shall be received as prima facie

1 evidence in any State administrative or judicial proceedings.

2 Section 45. Grounds for disciplinary action. The
3 Department may refuse to issue or to renew or may revoke,
4 suspend, place on probation, reprimand, or take other
5 disciplinary action as the Department may deem proper,
6 including fines not to exceed \$1,000 for each violation, with
7 regard to any license for any one or combination of the
8 following causes:

9 (a) violation of this Act or its rules;

10 (b) conviction of any crime under the laws of any U.S.
11 jurisdiction which is a felony or which is a misdemeanor,
12 an essential element of which is dishonesty, or of any
13 crime which directly relates to the practice of the
14 profession;

15 (c) making any misrepresentation for the purpose of
16 obtaining a license;

17 (d) professional incompetence or gross negligence in
18 the practice of painting, drywall finishing, or glazing
19 contracting;

20 (e) gross malpractice, prima facie evidence of which
21 may be a conviction or judgment of malpractice in any court
22 of competent jurisdiction;

23 (f) aiding or assisting another person in violating any
24 provision of this Act or rules;

25 (g) failing, within 60 days, to provide information in
26 response to a written request made by the Department which
27 has been sent by certified or registered mail to the
28 licensee's last known address;

29 (h) engaging in dishonorable, unethical, or
30 unprofessional conduct of a character likely to deceive,
31 defraud, or harm the public;

32 (i) habitual or excessive use or addiction to alcohol,
33 narcotics, stimulants, or any other chemical agent or drug
34 that results in the inability to practice with reasonable
35 judgment, skill, or safety;

1 (j) discipline by another U.S. jurisdiction or foreign
2 nation, if at least one of the grounds for the discipline
3 is the same or substantially equivalent to those set forth
4 in this Section;

5 (k) directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate, or other form of compensation
8 for any professional services not actually or personally
9 rendered;

10 (l) a finding by the Department that the licensee,
11 after having his or her license placed on probationary
12 status, has violated the terms of probation;

13 (m) conviction by any court of competent jurisdiction,
14 either within or without this State, of any violation of
15 any law governing the practice of painting, drywall
16 finishing, or glazing contracting, if the Department
17 determines, after investigation, that such person has not
18 been sufficiently rehabilitated to warrant the public
19 trust;

20 (n) a finding that licensure has been applied for or
21 obtained by fraudulent means;

22 (o) practicing, attempting to practice, or advertising
23 under a name other than the full name as shown on the
24 license or any other legally authorized name;

25 (p) gross and willful overcharging for professional
26 services including filing false statements for collection
27 of fees or monies for which services are not rendered;

28 (q) failure to file a return, or to pay the tax,
29 penalty or interest shown in a filed return, or to pay any
30 final assessment of tax, penalty or interest, as required
31 by any tax Act administered by the Illinois Department of
32 Revenue, until such time as the requirements of any such
33 tax Act are satisfied;

34 (r) failure to continue to meet the requirements of
35 this Act shall be deemed a violation;

36 (s) physical or mental disability, including

1 deterioration through the aging process or loss of
2 abilities and skills that result in an inability to
3 practice the profession with reasonable judgment, skill,
4 or safety;

5 (t) material misstatement in furnishing information to
6 the Department or to any other State agency;

7 (u) the determination by a court that a licensee is
8 subject to involuntary admission or judicial admission as
9 provided in the Mental Health and Developmental
10 Disabilities Code will result in an automatic suspension of
11 his or her license. The suspension will end upon a finding
12 by a court that the licensee is no longer subject to
13 involuntary admission or judicial admission, the issuance
14 of an order so finding and discharging the patient, and the
15 recommendation of the Board to the Director that the
16 licensee be allowed to resume professional practice; or

17 (v) advertising in any manner that is false,
18 misleading, or deceptive.

19 The Department shall deny any license or renewal under this
20 Act to any person who has defaulted on an educational loan
21 guaranteed by the Illinois State Scholarship Commission;
22 however, the Department may issue a license or renewal if the
23 person in default has established a satisfactory repayment
24 record as determined by the Illinois State Scholarship
25 Commission.

26 Section 50. Stenographer; record of proceedings. The
27 Department, at its expense, shall provide a stenographer to
28 take down the testimony and preserve a record of all
29 proceedings initiated pursuant to this Act, the rules for the
30 administration of this Act, or any other Act or rules relating
31 to this Act and proceedings for restoration of any license
32 issued under this Act. The notice of hearing, complaint,
33 answer, and all other documents in the nature of pleadings and
34 written motions and responses filed in the proceedings, the
35 transcript of the testimony, all exhibits admitted into

1 evidence, the report of the hearing officer, the Board's
2 findings of fact, conclusions of law, and recommendations to
3 the Director, and the order shall be the record of the
4 proceedings. The Department shall furnish a transcript of the
5 record to any person interested in the hearing upon payment of
6 the fee required under Section 2105-115 of the Department of
7 Professional Regulation Law (20 ILCS 2105/2105-115).

8 Section 55. Attendance of witnesses; production of
9 documents; contempt. Any circuit court may, upon application of
10 the Department or its designee or of the applicant or licensee
11 against whom proceedings are pending, enter an order requiring
12 the attendance of witnesses and their testimony, and the
13 production of documents, papers, files, books and records in
14 connection with any hearing or investigation. The court may
15 compel obedience to its order by proceedings for contempt.

16 Section 60. Subpoenas; oaths. The Department has the power
17 to subpoena and bring before it any person in this State and to
18 take testimony either orally or by deposition or both, or to
19 subpoena documents, exhibits, or other materials with the same
20 fees and mileage and in the same manner as prescribed by law in
21 judicial proceedings in civil cases in circuit courts of this
22 State.

23 The Director and any member of the Board have power to
24 administer oaths to witnesses at any hearing that the
25 Department or Board is authorized by law to conduct. Further,
26 the Director has power to administer any other oaths required
27 or authorized to be administered by the Department under this
28 Act.

29 Section 65. Findings of facts, conclusions of law, and
30 recommendations; order. Within 60 days of the Department's
31 receipt of the transcript of any hearing that is conducted
32 pursuant to this Act or the rules for its enforcement or any
33 other statute or rule requiring a hearing under this Act or the

1 rules for its enforcement, or for any hearing related to
2 restoration of any license issued pursuant to this Act, the
3 hearing officer shall submit his or her written findings and
4 recommendations to the Board. The Board shall review the report
5 of the hearing officer and shall present its findings of fact,
6 conclusions of law, and recommendations to the Director by the
7 date of the Board's second meeting following the Board's
8 receipt of the hearing officer's report.

9 A copy of the findings of fact, conclusions of law, and
10 recommendations to the Director shall be served upon the
11 accused person, either personally or by registered or certified
12 mail. Within 20 days after service, the accused person may
13 present to the Department a written motion for a rehearing,
14 which shall state the particular grounds therefor. If the
15 accused person orders and pays for a transcript pursuant to
16 Section 50, the time elapsing thereafter and before the
17 transcript is ready for delivery to him or her shall not be
18 counted as part of the 20 days.

19 The Director shall issue an order based on the findings of
20 fact, conclusions of law, and recommendations to the Director.
21 If the Director disagrees in any regard with the findings of
22 fact, conclusions of law, and recommendations to the Director,
23 he may issue an order in contravention of the findings of fact,
24 conclusions of law, and recommendations to the Director.

25 If the Director issues an order in contravention of the
26 findings of fact, conclusions of law, and recommendations to
27 the Director, the Director shall notify the Board in writing
28 with an explanation for any deviation from the Board's findings
29 of fact, conclusions of law, and recommendations to the
30 Director within 30 days of the Director's entry of the order.

31 Section 70. Temporary suspension. The Director may
32 temporarily suspend the license of a painting, drywall
33 finishing, or glazing contractor without a hearing,
34 simultaneously with the institution of proceedings for a
35 hearing provided for in this Act, if the Director finds that

1 evidence in his or her possession indicates that continuation
2 in practice would constitute an imminent danger to the public.
3 In the event that the Director temporarily suspends a license
4 without a hearing, a hearing by the Department shall be held
5 within 30 days after such suspension has occurred.

6 Section 75. Review under Administrative Review Law. All
7 final administrative decisions of the Department are subject to
8 judicial review pursuant to the Administrative Review Law and
9 its rules. The term "administrative decision" is defined as in
10 Section 3-101 of the Code of Civil Procedure.

11 Section 80. Violations. Any person who is found to have
12 violated any provision of this Act is guilty of a Class A
13 misdemeanor. On conviction of a second or subsequent offense
14 the violator is guilty of a Class 4 felony. Each day of
15 violation constitutes a separate offense.

16 Section 85. Administrative Procedure Act. The Illinois
17 Administrative Procedure Act is hereby expressly adopted and
18 incorporated herein as if all of the provisions of that Act
19 were included in this Act, except that the provision of
20 subsection (d) of Section 10-65 of the Illinois Administrative
21 Procedure Act that provides that at hearings the licensee has
22 the right to show compliance with all lawful requirements for
23 retention, continuation or renewal of the license is
24 specifically excluded. For the purpose of this Act the notice
25 required under Section 10-25 of the Administrative Procedure
26 Act is deemed sufficient when mailed to the last known address
27 of a party.

28 Section 90. Certification of record; costs. The Department
29 shall not be required to certify any record to the court, to
30 file an answer in court, or to otherwise appear in any court in
31 a judicial review proceeding, unless there is filed in the
32 court, with the complaint, a receipt from the Department

1 acknowledging payment of the costs of furnishing and certifying
2 the record. Failure on the part of the plaintiff to file the
3 receipt in court is grounds for dismissal of the action.

4 Section 95. Returned checks; fines. Any person who
5 delivers a check or other payment to the Department that is
6 returned to the Department unpaid by the financial institution
7 upon which it is drawn shall pay to the Department, in addition
8 to the amount already owed to the Department, a fine of \$50.
9 The fines imposed by this Section are in addition to any other
10 discipline provided under this Act for unlicensed practice or
11 practice on a nonrenewed license. The Department shall notify
12 the person that payment of fees and fines shall be paid to the
13 Department by certified check or money order within 30 calendar
14 days of the notification. If, after the expiration of 30 days
15 from the date of the notification, the person has failed to
16 submit the necessary remittance, the Department shall
17 automatically terminate the license or deny the application,
18 without hearing. If, after termination or denial, the person
19 seeks a license, he or she shall apply to the Department for
20 restoration or issuance of the license and pay all the
21 application fees as set by rule. The Department may establish a
22 fee for the processing of an application for restoration of a
23 license to pay all expenses of processing this application. The
24 Director may waive the fines due under this Section in
25 individual cases where the Director finds that the fines would
26 be unreasonable or unnecessarily burdensome.

27 Section 100. Hearing officers. The Director has the
28 authority to appoint any attorney duly licensed to practice law
29 in the State of Illinois to serve as the hearing officer for
30 any action for refusal to issue or renew a license, for
31 discipline of a licensee for sanctions for unlicensed practice,
32 for restoration of a license, or for any other action for which
33 findings of fact, conclusions of law, and recommendations are
34 required pursuant to Section 65 of this Act. The hearing

1 officer shall have full authority to conduct the hearing and
2 shall issue his or her findings of fact and recommendations to
3 the Board pursuant to Sections 65 of this Act.

4 Section 105. Investigation; notice; default. The
5 Department may investigate the actions of any applicant or any
6 person or persons holding or claiming to hold a license. The
7 Department shall, before suspending, revoking, placing on
8 probationary status, or taking any other disciplinary action as
9 the Department may deem proper with regard to any license, at
10 least 30 days prior to the date set for the hearing, notify the
11 accused in writing of any charges made and the time and place
12 for a hearing on the charges before the hearing officer, direct
13 him or her to file his written answer with the hearing officer
14 under oath within 30 days after the service on him or her of
15 such notice, and inform him or her that if he or she fails to
16 file such answer default will be taken against him or her and
17 his or her license may be suspended, revoked, placed on
18 probationary status, or other disciplinary action, including
19 limiting the scope, nature or extent of his or her practice, as
20 the Department may deem proper, taken. This written notice may
21 be served by personal delivery or certified or registered mail
22 to the Department. In case the person fails to file an answer
23 after receiving notice, his or her license may, in the
24 discretion of the Department, be suspended, revoked, or placed
25 on probationary status, or the Department may take whatever
26 disciplinary action deemed proper, including limiting the
27 scope, nature, or extent of the person's practice or the
28 imposition of a fine, without a hearing, if the act or acts
29 charged constitute sufficient grounds for such action under
30 this Act. At the time and place fixed in the notice, the
31 Department shall proceed to hear the charges and the parties or
32 their counsel shall be accorded ample opportunity to present
33 such statements, testimony, evidence and argument as may be
34 pertinent to the charges or to their defense. The Department
35 may continue such hearing from time to time. At the discretion

1 of the Director after having first received the recommendation
2 of the hearing officer, the accused person's license may be
3 suspended, revoked, placed on probationary status, or other
4 disciplinary action may be taken as the Director may deem
5 proper, including limiting the scope, nature, or extent of said
6 person's practice without a hearing, if the act or acts charged
7 constitute sufficient grounds for such action under this Act.

8 Section 110. Enforcement; petition to court.

9 (a) If any person violates the provisions of this Act, the
10 Director through the Attorney General of Illinois, or the
11 State's Attorney of any county in which a violation is alleged
12 to exist, may in the name of the People of the State of
13 Illinois petition for an order enjoining such violation or for
14 an order enforcing compliance with this Act. Upon the filing of
15 a verified petition in such court, the court may issue a
16 temporary restraining order, without notice or bond, and may
17 preliminarily and permanently enjoin such violation, and if it
18 is established that such person has violated or is violating
19 the injunction, the Court may punish the offender for contempt
20 of court.

21 (b) If any person shall practice as a licensee or hold
22 himself or herself out as a licensee without being licensed
23 under the provisions of this Act, then any person licensed
24 under this Act, any interested party or any person injured
25 thereby may, in addition to those officers identified in
26 subsection (a) of this Section, petition for relief as provided
27 therein.

28 (c) Whenever the Department has reason to believe that any
29 person has violated the licensing requirements of this Act by
30 practicing, offering to practice, attempting to practice, or
31 holding himself or herself out to practice painting, drywall
32 finishing, or glazing without being licensed under this Act,
33 the Department may issue a rule to show cause why an order to
34 cease and desist should not be entered against that person. The
35 rule shall clearly set forth the grounds relied upon by the

1 Department and shall provide a period of 7 days from the date
2 of the rule to file an answer to the satisfaction of the
3 Department. Failure to answer to the satisfaction of the
4 Department shall cause an order to cease and desist to be
5 issued immediately.

6 (d) Proceedings under this Section shall be in addition to,
7 and not in lieu of, all other remedies and penalties which may
8 be provided by law.

9 Section 115. Unlicensed practice; violation; civil
10 penalty.

11 (a) Any person who practices, offers to practice, attempts
12 to practice, or holds himself or herself out to practice
13 painting, drywall finishing, or glazing without being licensed
14 under this Act shall, in addition to any other penalty provided
15 by law, pay a civil penalty to the Department in an amount not
16 to exceed \$5,000 for each offense as determined by the
17 Department. The civil penalty shall be assessed by the
18 Department after a hearing is held in accordance with the
19 provisions set forth in this Act regarding the provision of a
20 hearing for the discipline of a licensee.

21 (b) The Department has the authority and power to
22 investigate any and all unlicensed activity.

23 (c) The civil penalty shall be paid within 60 days after
24 the effective date of the order imposing the civil penalty. The
25 order shall constitute a judgment and may be filed and
26 execution had thereon in the same manner as any judgment from
27 any court of record.

28 Section 120. Deposit of fees. All fees and fines collected
29 under this Act shall be deposited into the General Professions
30 Dedicated Fund and shall be appropriated to the Department for
31 the purpose of administering and enforcing this Act.

32 Section 125. The Painting, Drywall Finishing, and Glazing
33 Contractor Licensing Board. The Painting, Drywall Finishing,

1 and Glazing Contractor Licensing Board is created and shall
2 consist of 7 persons, one of whom is a knowledgeable public
3 member and 6 of whom have been issued licenses as painting,
4 drywall finishing, and glazing contractors by the Department
5 (for initial appointments, these 6 members must meet the
6 requirements for licensure under this Act). One of the 6
7 licensed contractors on the Board shall represent a statewide
8 association representing painters. The public member shall not
9 be licensed under this Act or any other Act the Department
10 administers. Each member shall be appointed by the Director.
11 Members shall be appointed who reasonably represent the
12 different geographic areas of the State.

13 Members of the Painting, Drywall Finishing, and Glazing
14 Contractor Licensing Board shall be immune from suit in any
15 action based upon any disciplinary proceedings or other acts
16 performed in good faith as members of the Board, unless the
17 conduct that gave rise to the suit was willful and wanton
18 misconduct.

19 The persons appointed shall hold office for 4 years and
20 until a successor is appointed and qualified. Of the members of
21 the Board first appointed, 2 shall be appointed to serve for 2
22 years, 2 shall be appointed to serve for 3 years, and 3 shall
23 be appointed to serve for 4 years. No member shall serve more
24 than 2 complete 4-year terms.

25 Within 90 days of a vacancy occurring, the Director shall
26 fill the vacancy for the unexpired portion of the term with an
27 appointee who meets the same qualifications as the person whose
28 position has become vacant. The Board shall meet annually to
29 elect one member as chairman and one member as vice-chairman.
30 No officer shall be elected more than twice in succession to
31 the same office. The members of the Board shall receive
32 reimbursement for actual, necessary, and authorized expenses
33 incurred in attending the meetings of the Board.

34 Section 999. Effective date. This Act takes effect upon
35 becoming law.