

1 AN ACT concerning regulation.

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

4 Section 5. The Mine Subsidence Disclosure Act is amended by
5 changing Section 3 as follows:

6 (765 ILCS 95/3) (from Ch. 30, par. 1003)

7 Sec. 3. Disclosure.

8 (a) At the time an agreement to transfer real property
9 is made, the transferor shall disclose in writing to the
10 transferee and lender all insurance or other claims paid to
11 the transferor for mine subsidence on the real property by
12 a property and casualty insurance company, a mining
13 company, or any other company or individual.

14 (b) If the agreement to transfer real property is in
15 writing, the disclosure shall be part of the agreement.

16 (c) A waiver of the time requirements for disclosure or
17 a waiver of disclosure must be in writing and signed by the
18 transferee and lender.

19 (d) Written disclosures and signed waivers of
20 disclosures required under subsection (c) shall be filed by
21 the lender, or by the transferor of the property if there
22 is no lender involved with the real property transfer, with
23 the recorder of the county where the real property that is

1 the subject of the transfer and on which a mine subsidence
2 claim was paid is located.

3 (e) The disclosure or waiver document shall be subject
4 to the fees and real estate document recording standards
5 contained in Section 3-5018 of the Counties Code.

6 (f) Notwithstanding any other rulemaking authority
7 that may exist, neither the Governor nor any agency or
8 agency head under the jurisdiction of the Governor has any
9 authority to make or promulgate rules to implement or
10 enforce the provisions of this amendatory Act of the 95th
11 General Assembly. If, however, the Governor believes that
12 rules are necessary to implement or enforce the provisions
13 of this amendatory Act of the 95th General Assembly, the
14 Governor may suggest rules to the General Assembly by
15 filing them with the Clerk of the House and the Secretary
16 of the Senate and by requesting that the General Assembly
17 authorize such rulemaking by law, enact those suggested
18 rules into law, or take any other appropriate action in the
19 General Assembly's discretion. Nothing contained in this
20 amendatory Act of the 95th General Assembly shall be
21 interpreted to grant rulemaking authority under any other
22 Illinois statute where such authority is not otherwise
23 explicitly given. For the purposes of this amendatory Act
24 of the 95th General Assembly, "rules" is given the meaning
25 contained in Section 1-70 of the Illinois Administrative
26 Procedure Act, and "agency" and "agency head" are given the

1 meanings contained in Sections 1-20 and 1-25 of the
2 Illinois Administrative Procedure Act to the extent that
3 such definitions apply to agencies or agency heads under
4 the jurisdiction of the Governor.

5 (Source: P.A. 86-236.)