



Rep. Kelly Burke

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09800HB4235ham001

LRB098 20251 JWD 55619 a

1 AMENDMENT TO HOUSE BILL 4235

2 AMENDMENT NO. _____. Amend House Bill 4235 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Departments of State Government Article of
5 the Civil Administrative Code of Illinois is amended by adding
6 Section 5-720 as follows:

7 (5 ILCS 5/5-720 new)

8 Sec. 5-720. Representation before departments by
9 out-of-state attorneys.

10 (a) When any attorney who is not admitted to the practice
11 of law in Illinois by unlimited or conditional admission, but
12 who is licensed in another state, territory, or commonwealth of
13 the United States, the District of Columbia, or a foreign
14 country may desire to appear before a hearing officer,
15 administrative law judge, or other adjudicatory officer or body
16 of a department, such attorney shall be allowed to appear

1 before the same as provided in Illinois Supreme Court Rule 707.

2 (b) Subject to the rulemaking provisions of the Illinois
3 Administrative Procedure Act, each department may adopt rules
4 to implement and administer this Section.

5 Section 10. The Illinois Independent Tax Tribunal Act of
6 2012 is amended by changing Section 1-80 as follows:

7 (35 ILCS 1010/1-80)

8 Sec. 1-80. Representation.

9 (a) Appearances in proceedings conducted by the Tax
10 Tribunal may be by the taxpayer or by an attorney admitted to
11 practice in this State. The Tax Tribunal may allow an attorney
12 who is not admitted to the practice of law in Illinois by
13 unlimited or conditional admission, but who is authorized to
14 practice or licensed in another state, territory, or
15 commonwealth of the United States, the District of Columbia, or
16 a foreign country ~~any other jurisdiction of the United States~~
17 to appear and represent a taxpayer in proceedings before the
18 Tax Tribunal for a particular matter as provided in Illinois
19 Supreme Court Rule 707.

20 (b) The Department of Revenue shall be represented by the
21 Attorney General in all proceedings before the Tax Tribunal.

22 (Source: P.A. 97-1129, eff. 8-28-12.)

23 Section 15. The Public Utilities Act is amended by changing

1 Section 10-101 as follows:

2 (220 ILCS 5/10-101) (from Ch. 111 2/3, par. 10-101)

3 Sec. 10-101. The Commission, or any commissioner or hearing
4 examiner designated by the Commission, shall have power to hold
5 investigations, inquiries and hearings concerning any matters
6 covered by the provisions of this Act, or by any other Acts
7 relating to public utilities subject to such rules and
8 regulations as the Commission may establish. In the conduct of
9 any investigation, inquiry or hearing the provisions of the
10 Illinois Administrative Procedure Act, including but not
11 limited to Sections 10-25 and 10-35 of that Act, shall be
12 applicable and the Commission's rules shall be consistent
13 therewith. Complaint cases initiated pursuant to any Section of
14 this Act, investigative proceedings and ratemaking cases shall
15 be considered "contested cases" as defined in Section 1-30 of
16 the Illinois Administrative Procedure Act, any contrary
17 provision therein notwithstanding. Any proceeding intended to
18 lead to the establishment of policies, practices, rules or
19 programs applicable to more than one utility may, in the
20 Commission's discretion, be conducted pursuant to either
21 rulemaking or contested case provisions, provided such choice
22 is clearly indicated at the beginning of such proceeding and
23 subsequently adhered to. No violation of this Section or the
24 Illinois Administrative Procedure Act and no informality in any
25 proceeding or in the manner of taking testimony before the

1 Commission, any commissioner or hearing examiner of the
2 Commission shall invalidate any order, decision, rule or
3 regulation made, approved, or confirmed by the Commission in
4 the absence of prejudice. All hearings conducted by the
5 Commission shall be open to the public.

6 Each commissioner and every hearing examiner of the
7 Commission designated by it to hold any inquiry, investigation
8 or hearing, shall have the power to administer oaths and
9 affirmations, certify to all official acts, issue subpoenas,
10 compel the attendance and testimony of witnesses, and the
11 production of papers, books, accounts and documents.

12 Hearings shall be held either by the Commission or by one
13 or more commissioners or hearing examiners.

14 When any ~~counselor or attorney~~ who is not admitted to the
15 practice of law in Illinois by unlimited or conditional
16 admission, but who is at law, licensed in another any other
17 state, or territory, or commonwealth of the United States, the
18 District of Columbia, or a foreign country may desire to appear
19 before the Commission, such ~~counselor or attorney~~ shall be
20 allowed to appear before the Commission as provided in Supreme
21 Court Rule 707 ~~upon the same terms and in the same manner that~~
22 ~~counselors and attorneys at law licensed in this State now are~~
23 ~~or hereafter may be admitted to appear in such other state or~~
24 ~~territory before its Commission or equivalent body.~~

25 All evidence presented at hearings held by the Commission
26 or under its authority shall become a part of the records of

1 the Commission. In all cases in which the Commission bases any
2 action on reports of investigation or inquiries not conducted
3 as hearings, such reports shall be made a part of the records
4 of the Commission. All proceedings of the Commission and all
5 documents and records in its possession shall be public
6 records, except as in this Act otherwise provided.

7 To the extent consistent with this Section and the Illinois
8 Administrative Procedure Act, the Commission may adopt
9 reasonable and proper rules and regulations relative to the
10 exercise of its powers, and proper rules to govern its
11 proceedings, and regulate the mode and manner of all
12 investigations and hearings, and alter and amend the same.
13 (Source: P.A. 88-45.)".