



Rep. Kelly Burke

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09800HB4235ham002

LRB098 14541 RPS 55879 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 Civil Administrative Code of Illinois is  
5 amended by adding Section 5-720 as follows:

6 (20 ILCS 5/5-720 new)

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

9 (a) When any attorney who is not admitted to the practice  
10 of law in Illinois by unlimited or conditional admission, but  
11 who is licensed in another state, territory, or commonwealth of  
12 the United States, the District of Columbia, or a foreign  
13 country may desire to appear before a hearing officer,  
14 administrative law judge, or other adjudicatory officer or body  
15 of a department, such attorney shall be allowed to appear  
16 before the same as provided in Illinois Supreme Court Rule 707.

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

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

6       (35 ILCS 1010/1-80)

7       Sec. 1-80. Representation.

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

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

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

22       Section 15. The Public Utilities Act is amended by changing  
23 Section 10-101 as follows:

1 (220 ILCS 5/10-101) (from Ch. 111 2/3, par. 10-101)

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

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

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

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

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

24 All evidence presented at hearings held by the Commission  
25 or under its authority shall become a part of the records of  
26 the Commission. In all cases in which the Commission bases any

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

6 To the extent consistent with this Section and the Illinois  
7 Administrative Procedure Act, the Commission may adopt  
8 reasonable and proper rules and regulations relative to the  
9 exercise of its powers, and proper rules to govern its  
10 proceedings, and regulate the mode and manner of all  
11 investigations and hearings, and alter and amend the same.

12 (Source: P.A. 88-45.)".