

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 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.

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

20 Section 10. The Illinois Independent Tax Tribunal Act of
21 2012 is amended by changing Section 1-80 as follows:

1 (35 ILCS 1010/1-80)

2 Sec. 1-80. Representation.

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

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

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

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

19 (220 ILCS 5/10-101) (from Ch. 111 2/3, par. 10-101)

20 Sec. 10-101. The Commission, or any commissioner or hearing
21 examiner designated by the Commission, shall have power to hold
22 investigations, inquiries and hearings concerning any matters
23 covered by the provisions of this Act, or by any other Acts
24 relating to public utilities subject to such rules and

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

24 Each commissioner and every hearing examiner of the
25 Commission designated by it to hold any inquiry, investigation
26 or hearing, shall have the power to administer oaths and

1 affirmations, certify to all official acts, issue subpoenas,
2 compel the attendance and testimony of witnesses, and the
3 production of papers, books, accounts and documents.

4 Hearings shall be held either by the Commission or by one
5 or more commissioners or hearing examiners.

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

17 All evidence presented at hearings held by the Commission
18 or under its authority shall become a part of the records of
19 the Commission. In all cases in which the Commission bases any
20 action on reports of investigation or inquiries not conducted
21 as hearings, such reports shall be made a part of the records
22 of the Commission. All proceedings of the Commission and all
23 documents and records in its possession shall be public
24 records, except as in this Act otherwise provided.

25 To the extent consistent with this Section and the Illinois
26 Administrative Procedure Act, the Commission may adopt

1 reasonable and proper rules and regulations relative to the
2 exercise of its powers, and proper rules to govern its
3 proceedings, and regulate the mode and manner of all
4 investigations and hearings, and alter and amend the same.

5 (Source: P.A. 88-45.)