



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1321

Introduced 2/9/2005, by Rep. Annazette Collins

#### SYNOPSIS AS INTRODUCED:

15 ILCS 205/4  
15 ILCS 205/6.5

from Ch. 14, par. 4

Amends the Attorney General Act. Deletes a provision authorizing the Office of Public Counsel to represent the interest of Illinois citizens in all proceedings pertinent to utility regulation. Provides that the Attorney General shall protect the rights and interests of the public in the provision of all elements of natural gas and water service. Makes corresponding changes. Provides that, upon request, the Office of the Attorney General shall have access to all files, records, data, and documents in the possession or control of the Illinois Commerce Commission. Provides that the Office of the Attorney General may use that information, including information that is designated as and that qualifies for confidential treatment, for law enforcement purposes only. Effective immediately.

LRB094 07971 MKM 38152 b

1 AN ACT concerning State government.

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

4 Section 5. The Attorney General Act is amended by changing  
5 Sections 4 and 6.5 as follows:

6 (15 ILCS 205/4) (from Ch. 14, par. 4)

7 Sec. 4. The duties of the Attorney General shall be--

8 First - To appear for and represent the people of the State  
9 before the supreme court in all cases in which the State or the  
10 people of the State are interested. ~~Notwithstanding this~~  
11 ~~provision, the Office of Public Counsel shall be authorized to~~  
12 ~~represent the interests of the people of the State in all~~  
13 ~~proceedings pertinent to utility regulation, including cases~~  
14 ~~before the supreme court, where any such case is properly~~  
15 ~~brought by the Office pursuant to its statutory duties and~~  
16 ~~powers.~~

17 Second - To institute and prosecute all actions and  
18 proceedings in favor of or for the use of the State, which may  
19 be necessary in the execution of the duties of any State  
20 officer.

21 Third - To defend all actions and proceedings against any  
22 State officer, in his official capacity, in any of the courts  
23 of this State or the United States.

24 Fourth - To consult with and advise the several State's  
25 Attorneys in matters relating to the duties of their office;  
26 and when, in his judgment, the interest of the people of the  
27 State requires it, he shall attend the trial of any party  
28 accused of crime, and assist in the prosecution. When the  
29 Attorney General has requested in writing that a State's  
30 Attorney initiate court proceedings to enforce any provisions  
31 of the Election Code or to initiate a criminal prosecution with  
32 respect to a violation of the Election Code, and when the

1 State's Attorney has declined in writing to initiate those  
2 proceedings or prosecutions or when the State's Attorney has  
3 neither initiated the proceedings or prosecutions nor  
4 responded in writing to the Attorney General within 60 days of  
5 the receipt of the request, the Attorney General may,  
6 concurrently with or independently of the State's Attorney,  
7 initiate such proceedings or prosecutions.

8 Fifth - To investigate alleged violations of the statutes  
9 which the Attorney General has a duty to enforce and to conduct  
10 other investigations in connection with assisting in the  
11 prosecution of a criminal offense at the request of a State's  
12 Attorney.

13 Sixth - To consult with and advise the governor and other  
14 State officers, and give, when requested, written opinions upon  
15 all legal or constitutional questions relating to the duties of  
16 such officers respectively.

17 Seventh - To prepare, when necessary, proper drafts for  
18 contracts and other writings relating to subjects in which the  
19 State is interested.

20 Eighth - To give written opinions, when requested by either  
21 branch of the general assembly, or any committee thereof, upon  
22 constitutional or legal questions.

23 Ninth - To enforce the proper application of funds  
24 appropriated to the public institutions of the State, prosecute  
25 breaches of trust in the administration of such funds, and,  
26 when necessary, prosecute corporations for failure or refusal  
27 to make the reports required by law.

28 Tenth - To keep, a register of all cases prosecuted or  
29 defended by him, in behalf of the State or its officers, and of  
30 all proceedings had in relation thereto, and to deliver the  
31 same to his successor in office.

32 Eleventh - To keep on file in his office a copy of the  
33 official opinions issued by the Attorney General and deliver  
34 same to his successor.

35 Twelfth - To pay into the State treasury all moneys  
36 received by him for the use of the State.

1 Thirteenth - To attend to and perform any other duty which  
2 may, from time to time, be required of him by law.

3 Fourteenth - To attend, present evidence to and prosecute  
4 indictments returned by each Statewide Grand Jury.

5 (Source: P.A. 87-466.)

6 (15 ILCS 205/6.5)

7 Sec. 6.5. Consumer Utilities Unit.

8 (a) The General Assembly finds that the health, welfare,  
9 and prosperity of all Illinois citizens, and the public's  
10 interest in adequate, safe, reliable, cost-effective electric,  
11 natural gas, water, and telecommunications services, requires  
12 effective public representation by the Attorney General to  
13 protect the rights and interests of the public in the provision  
14 of all elements of electric, natural gas, water, and  
15 telecommunications service both during and after the  
16 transition to a competitive market, and that to ensure that the  
17 benefits of competition in the provision of ~~both~~ electric,  
18 natural gas, water, and telecommunications services to all  
19 consumers are attained, there shall be created within the  
20 Office of the Attorney General a Consumer Utilities Unit.

21 (b) As used in this Section: "Electric services" means  
22 services sold by an electric service provider. "Electric  
23 service provider" shall mean anyone who sells, contracts to  
24 sell, or markets electric power, generation, distribution,  
25 transmission, or services (including metering and billing) in  
26 connection therewith. Electric service providers shall include  
27 any electric utility and any alternative retail electric  
28 supplier as defined in Section 16-102 of the Public Utilities  
29 Act.

30 (b-5) As used in this Section: "Telecommunications  
31 services" means services sold by a telecommunications carrier,  
32 as provided for in Section 13-203 of the Public Utilities Act.  
33 "Telecommunications carrier" means anyone who sells, contracts  
34 to sell, or markets telecommunications services, whether  
35 noncompetitive or competitive, including access services,

1 interconnection services, or any services in connection  
2 therewith. Telecommunications carriers include any carrier as  
3 defined in Section 13-202 of the Public Utilities Act.

4 (b-10) As used in this Section: "natural gas services"  
5 means natural gas services sold by a "gas utility" or by an  
6 "alternative gas supplier", as those terms are defined in  
7 Section 19-105 of the Public Utilities Act.

8 (b-15) As used in this Section: "water services" means  
9 services sold by any corporation, company, limited liability  
10 company, association, joint stock company or association,  
11 firm, partnership, or individual, its lessees, trustees, or  
12 receivers appointed by any court and that owns, controls,  
13 operates, or manages within this State, directly or indirectly,  
14 for public use, any plant, equipment, or property used or to be  
15 used for or in connection with (i) the production, storage,  
16 transmission, sale, delivery, or furnishing of water or (ii)  
17 the treatment, storage, transmission, disposal, sale of  
18 services, delivery, or furnishing of sewage or sewage services.

19 (c) There is created within the Office of the Attorney  
20 General a Consumer Utilities Unit, consisting of Assistant  
21 Attorneys General appointed by the Attorney General, who,  
22 together with such other staff as is deemed necessary by the  
23 Attorney General, shall have the power and duty on behalf of  
24 the people of the State to intervene in, initiate, enforce, and  
25 defend all legal proceedings on matters relating to the  
26 provision, marketing, and sale of electric, natural gas, water,  
27 and telecommunications service whenever the Attorney General  
28 determines that such action is necessary to promote or protect  
29 the rights and interests ~~interest~~ of all Illinois citizens,  
30 classes of customers, and users of electric, natural gas,  
31 water, and telecommunications services.

32 (d) In addition to the investigative and enforcement powers  
33 available to the Attorney General, including without  
34 limitation those under the Consumer Fraud and Deceptive  
35 Business Practices Act, ~~and~~ the Illinois Antitrust Act, and any  
36 other law of this State, the Attorney General shall be a party

1 as a matter of right to all proceedings, investigations, and  
2 related matters involving the provision of electric, natural  
3 gas, water, and telecommunications services ~~and to those~~  
4 ~~proceedings, investigations, and related matters involving the~~  
5 ~~provision of telecommunications services~~ before the Illinois  
6 Commerce Commission, the courts, and other public bodies. Upon  
7 request, the Office of the Attorney General shall ~~and shall,~~  
8 ~~upon request,~~ have access to and the use of all files, records,  
9 data, and documents in the possession or control of the  
10 Commission. The Office of the Attorney General may use  
11 information obtained under this Section, including information  
12 that is designated as and that qualifies for confidential  
13 treatment, which material the Attorney General's office shall  
14 ~~maintain as confidential, to be used~~ for law enforcement  
15 purposes only, which information ~~material~~ may be shared with  
16 other law enforcement officials. Nothing in this Section is  
17 intended to take away or limit any of the powers the Attorney  
18 General has pursuant to common law or other statutory law.

19 (Source: P.A. 92-22, eff. 6-30-01.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.