

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 information ~~material~~ the Attorney General's
14 office shall maintain as confidential, to be used for law
15 enforcement purposes only, which information ~~material~~ may be
16 shared with other law enforcement officials. Nothing in this
17 Section is intended to take away or limit any of the powers the
18 Attorney General has pursuant to common law or other statutory
19 law.

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

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