



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1390

Introduced 2/9/2011, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

15 ILCS 205/8 new

Amends the Attorney General Act. Requires that the Attorney General appoint a Special Assistant Attorney General to represent a State agency if: (i) the State agency requests that the Office of the Attorney General represent the State agency and (ii) the acceptance of the request for representation by the Office of the Attorney General creates a concurrent conflict of interest as to that matter. Provides that a Special Assistant Attorney General has the sole duty to represent the State agency in the matter in which he or she was appointed to serve as the Special Assistant Attorney General. Effective immediately.

LRB097 09396 RLJ 49531 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 adding
5 Section 8 as follows:

6 (15 ILCS 205/8 new)

7 Sec. 8. Appointment of a Special Assistant Attorney
8 General.

9 (a) The Attorney General shall appoint a Special Assistant
10 Attorney General to represent a State agency on any matter if:

11 (1) The State agency requests that the Office of the
12 Attorney General represent it in the matter.

13 (2) The acceptance of the request for representation by
14 the Office of the Attorney General creates a concurrent
15 conflict of interest as to that matter. For the purposes of
16 this paragraph, a concurrent conflict of interest exists
17 whenever the Office of Attorney General has expressed an
18 interest in the matter for which the State agency requests
19 representation through the following: (i) participation in
20 the administrative record before the State agency related
21 to the matter at issue, (ii) participation in a previous
22 legal proceeding where the same or substantially similar
23 issues raised by the matter at issue are present, or (iii)

1 communication with a member of the General Assembly for the
2 ultimate purpose of influencing any legislative action
3 related to the matter at issue.

4 (b) A Special Assistant Attorney General must be either an
5 attorney employed by the State agency making the request for
6 representation under this Section or a private attorney not
7 employed by the State or a unit of local government. A Special
8 Assistant Attorney General has the sole duty to represent the
9 State agency in the matter in which he or she was appointed to
10 serve as the Special Assistant Attorney General.

11 (c) For the purposes of this Section, "State agency" means
12 all executive agencies, departments, boards, commissions, and
13 authorities under the jurisdiction of the Governor.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.