

AN ACT concerning State government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15 ILCS 205/6.5)

Sec. 6.5. Consumer Utilities Unit.

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

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

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

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

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

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

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

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

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

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

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