



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5605

by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-129-6.5 new
65 ILCS 5/11-130-3.5 new
65 ILCS 5/11-139-8.5 new
30 ILCS 805/8.42 new

Amends the Illinois Municipal Code. Provides that a municipal waterworks system, water supply system, or combined waterworks and sewerage system may not charge consumers for the provision of water service in an amount that is determined by a court to be unconscionably extreme or represents a gross disparity between the cost to the municipality of providing the water service and the cost charged to the consumer. Limits home rule powers. Amends the State Mandates Act requiring implementation without reimbursement. Effective immediately.

LRB100 20055 AWJ 35337 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by adding
5 Sections 11-129-6.5, 11-130-3.5, and 11-139-8.5 as follows:

6 (65 ILCS 5/11-129-6.5 new)

7 Sec. 11-129-6.5. Unconscionable rates; gross disparities.

8 (a) A municipal waterworks system or water supply system
9 may not charge consumers for the provision of water service in
10 an amount that:

11 (1) is determined by a court to be unconscionably
12 extreme; or

13 (2) represents a gross disparity between the cost to
14 the municipality of providing the water service and the
15 cost charged to the consumer.

16 (b) A home rule municipality may not charge consumers for
17 the provision of water service in a manner inconsistent with
18 this Section. This Section is a limitation under subsection (i)
19 of Section 6 of Article VII of the Illinois Constitution on the
20 concurrent exercise by home rule units of powers and functions
21 exercised by the State.

22 (65 ILCS 5/11-130-3.5 new)

1 Sec. 11-130-3.5. Unconscionable rates; gross disparities.

2 (a) A municipal waterworks system may not charge consumers
3 for the provision of water service in an amount that:

4 (1) is determined by a court to be unconscionably
5 extreme; or

6 (2) represents a gross disparity between the cost to
7 the municipality of providing the water service and the
8 cost charged to the consumer.

9 (b) A home rule municipality may not charge consumers for
10 the provision of water service in a manner inconsistent with
11 this Section. This Section is a limitation under subsection (i)
12 of Section 6 of Article VII of the Illinois Constitution on the
13 concurrent exercise by home rule units of powers and functions
14 exercised by the State.

15 (65 ILCS 5/11-139-8.5 new)

16 Sec. 11-139-8.5. Unconscionable rates; gross disparities.

17 (a) A municipality that maintains and operations a combined
18 waterworks and sewerage system may not charge consumers for the
19 provision of water service in an amount that:

20 (1) is determined by a court to be unconscionably
21 extreme; or

22 (2) represents a gross disparity between the cost to
23 the municipality of providing the water service and the
24 cost charged to the consumer.

25 (b) A home rule municipality may not charge consumers for

1 the provision of water service in a manner inconsistent with
2 this Section. This Section is a limitation under subsection (i)
3 of Section 6 of Article VII of the Illinois Constitution on the
4 concurrent exercise by home rule units of powers and functions
5 exercised by the State.

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.42 as follows:

8 (30 ILCS 805/8.42 new)

9 Sec. 8.42. Exempt mandate. Notwithstanding Sections 6 and 8
10 of this Act, no reimbursement by the State is required for the
11 implementation of any mandate created by this amendatory Act of
12 the 100th General Assembly.

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