



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3002

Introduced 1/20/2006, by Sen. John O. Jones - Cheryl Axley - Peter J. Roskam - Kirk W. Dillard - William E. Peterson, et al.

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-117-12.5 new
65 ILCS 5/11-117-12.6 new
65 ILCS 5/11-117-90 new
220 ILCS 5/8-308 new
220 ILCS 5/8-309 new
30 ILCS 805/8.30 new

Amends the Illinois Municipal Code and the Public Utilities Act. Provides that, during the months of November, December, January, February and March, each public utility and municipal utility must insert winter energy conservation information with each billing statement. Requires each public utility and municipal utility to offer budget payment plans that allow customers to pay the same amount each month throughout the year. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB094 18924 MKM 54371 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning regulation.

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

4 Section 40. The Illinois Municipal Code is amended by
5 adding Sections 11-117-12.5, 11-117-12.6, and 11-117-90 as
6 follows:

7 (65 ILCS 5/11-117-12.5 new)

8 Sec. 11-117-12.5. Winter energy conservation information.

9 A municipality that provides gas or electric service to
10 residential customers must insert with each billing statement
11 sent to those customers during the months of November,
12 December, January, February, and March information concerning
13 winter energy conservation that informs the customer about
14 steps the customer can take to reduce the customer's winter
15 energy costs.

16 (65 ILCS 5/11-117-12.6 new)

17 Sec. 11-117-12.6. Budget payment plan.

18 (a) Each municipality that provides gas or electric service
19 must offer to its residential customers a budget payment plan
20 option. The budget payment plan must allow the customer to pay
21 the same amount each month, in an amount equal to the amount of
22 gas or electricity used at the customer's address in the
23 preceding 12 months, divided by 12. The municipality must
24 review the initial calculation after 120 days of enrollment in
25 the budget payment plan and again after 240 days of enrollment
26 in the budget payment plan. If this reevaluation results in an
27 increase of more than \$3, then the municipality must increase
28 the amount due under the budget payment plan. At the end of
29 each 12 months of enrollment in the budget payment plan, the
30 municipality must calculate the difference between the cost of
31 the energy the customer actually used during the 12 months and

1 the amount the customer paid on the budget payment plan. If the
2 amount the customer paid is less than the amount required to
3 cover the cost of the energy the customer actually used, then
4 the municipality may bill the customer for the remaining
5 balance. If the amount the customer paid is greater than the
6 cost of the energy the customer actually used, then the
7 municipality must credit the customer's account.

8 (b) If a customer fails to make a scheduled payment under a
9 budget payment plan, then the municipality may remove the
10 customer from the plan at the end of the billing cycle. If the
11 amount paid by the customer under the budget payment plan is
12 less than the amount required to cover the cost of the energy
13 the customer actually used while the customer was enrolled in
14 the budget payment plan, then the municipality must bill the
15 customer for the remaining balance. If the amount the customer
16 paid under the budget payment plan is greater than the cost of
17 the energy the customer actually used while the customer was
18 enrolled in the budget payment plan, then the municipality must
19 credit the customer's account.

20 (c) Each billing statement sent by a municipality that
21 provides gas or electric service to a residential customer must
22 include information about the budget payment plan option and a
23 telephone number that the customer can use to obtain
24 information from the municipality about the budget payment plan
25 option. In addition, each billing statement sent to a customer
26 enrolled in a budget payment plan must include the following:

27 (1) A statement informing the customer that failure to
28 make a scheduled payment under the budget payment plan may
29 result in the customer's removal from the plan.

30 (2) A statement that, at the time of removal, the
31 municipality will bill the customer for the remaining
32 balance.

33 (3) A statement concerning eligibility for a budget
34 payment plan after removal.

1 Sec. 11-117-90. Home rule. A home rule unit may not
2 regulate the provision of gas and electric service and supply
3 in a manner inconsistent with the provisions of this amendatory
4 Act of the 94th General Assembly. This amendatory Act of the
5 94th General Assembly is a limitation under subsection (i) of
6 Section 6 of Article VII of the Illinois Constitution on the
7 concurrent exercise by home rule units of powers and functions
8 exercised by the State.

9 Section 45. The Public Utilities Act is amended by adding
10 Sections 8-308 and 8-309 as follows:

11 (220 ILCS 5/8-308 new)

12 Sec. 8-308. Winter energy conservation information. A
13 public utility must insert with each billing statement sent to
14 each residential customer during the months of November,
15 December, January, February, and March information concerning
16 winter energy conservation that informs the customer about
17 steps the customer can take to reduce the customer's winter
18 energy costs.

19 (220 ILCS 5/8-309 new)

20 Sec. 8-309. Budget payment plan.

21 (a) Each utility must offer to its residential customers a
22 budget payment plan option. The budget payment plan must allow
23 the customer to pay the same amount each month, in an amount
24 equal to the amount of gas or electricity used at the
25 customer's address in the preceding 12 months, divided by 12.
26 The utility must review the initial calculation after 120 days
27 of enrollment in the budget payment plan and again after 240
28 days of enrollment in the budget payment plan. If this
29 reevaluation results in an increase of more than \$3, then the
30 utility must increase the amount due under the budget payment
31 plan. At the end of the first 12 months of enrollment in the
32 budget payment plan, the utility must calculate the difference
33 between the cost of the energy the customer actually used

1 during the first 12 months and the amount the customer paid on
2 the budget payment plan. If the amount the customer paid is
3 less than the amount required to cover the cost of the energy
4 the customer actually used, then the utility may bill the
5 customer for the remaining balance. If the amount the customer
6 paid is greater than the cost of the energy the customer
7 actually used, then the utility must credit the customer's
8 account.

9 (b) If a customer fails to make a scheduled payment under a
10 budget payment plan, then the utility may remove the customer
11 from the plan at the end of the billing cycle. If the amount
12 paid by the customer under the budget payment plan is less than
13 the amount required to cover the cost of the energy the
14 customer actually used while the customer was enrolled in the
15 budget payment plan, then the utility must bill the customer
16 for the remaining balance. If the amount the customer paid
17 under the budget payment plan is greater than the cost of the
18 energy the customer actually used while the customer was
19 enrolled in the budget payment plan, then the utility must
20 credit the customer's account.

21 (c) Each billing statement sent to a customer of a public
22 utility must include information about the budget payment plan
23 option and a telephone number that the customer can use to
24 obtain information from the utility about the budget payment
25 plan option. In addition, each billing statement sent to a
26 customer enrolled in a budget payment plan must include the
27 following:

28 (1) A statement informing the customer that failure to
29 make a scheduled payment under the budget payment plan may
30 result in the customer's removal from the plan.

31 (2) A statement that, at the time of removal, the
32 utility will bill the customer for the remaining balance.

33 (3) A statement concerning eligibility for a budget
34 payment plan after removal.

35 Section 90. The State Mandates Act is amended by adding

1 Section 8.30 as follows:

2 (30 ILCS 805/8.30 new)

3 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
4 of this Act, no reimbursement by the State is required for the
5 implementation of any mandate created by this amendatory Act of
6 the 94th General Assembly.

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