

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
5 changing Section 11-19-1 as follows:

6 (65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)

7 Sec. 11-19-1. Contracts.

8 (a) Any city, village or incorporated town may make
9 contracts with any other city, village, or incorporated town or
10 with any person, corporation, or county, or any agency created
11 by intergovernmental agreement, for more than one year and not
12 exceeding 30 years relating to the collection and final
13 disposition, or relating solely to either the collection or
14 final disposition of garbage, refuse and ashes. A municipality
15 may contract with private industry to operate a designated
16 facility for the disposal, treatment or recycling of solid
17 waste, and may enter into contracts with private firms or local
18 governments for the delivery of waste to such facility. In
19 regard to a contract involving a garbage, refuse, or garbage
20 and refuse incineration facility, the 30 year contract
21 limitation imposed by this Section shall be computed so that
22 the 30 years shall not begin to run until the date on which the
23 facility actually begins accepting garbage or refuse. The

1 payments required in regard to any contract entered into under
2 this Division 19 shall not be regarded as indebtedness of the
3 city, village, or incorporated town, as the case may be, for
4 the purpose of any debt limitation imposed by any law.

5 (b) If a municipality with a population of less than
6 1,000,000 has never awarded a franchise to a private entity for
7 the collection of waste from non-residential locations, then
8 that municipality may not award such a franchise without first:

9 (i) holding at least one public hearing seeking comment on the
10 advisability of awarding such a franchise; (ii) providing at
11 least 30 days' written notice of the hearing, delivered by
12 first class mail to all private entities that provide
13 non-residential waste collection services within the
14 municipality that the municipality is able to identify through
15 its records; and (iii) providing public notice of the hearing.

16 At the public hearing, the municipality must disclose and
17 discuss the proposed franchise fee or calculation formula of
18 such franchise fee that it will receive under the proposed
19 franchise.

20 (c) If a municipality with a population of less than
21 1,000,000 has never awarded a franchise to a private entity for
22 the collection of waste from non-residential locations, then a
23 private entity may not begin providing waste collection
24 services to non-residential locations under a franchise
25 agreement with that municipality at any time before the date
26 that is 15 months after the date the ordinance or resolution

1 approving the award of the franchise is adopted.

2 (d) For purposes of this Section, "waste" means garbage,
3 refuse, or ashes as defined in Section 11-19-2.

4 (e) A home rule unit may not award a franchise to a private
5 entity for the collection of waste in a manner contrary to the
6 provisions of this Section. This Section is a limitation under
7 subsection (i) of Section 6 of Article VII of the Illinois
8 Constitution on the concurrent exercise by home rule units of
9 powers and functions exercised by the State.

10 (Source: P.A. 86-1023; 86-1025; 86-1039; 86-1475.)

11 Section 99. Effective date. This Act takes effect October
12 1, 2008.