

**SB3539**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB3539**

Introduced 2/8/2012, by Sen. John J. Millner

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/11-19-1

from Ch. 24, par. 11-19-1

Amends the Illinois Municipal Code. Provides that contracts entered into by any city, village, or incorporated town relating to the collection and final disposition of garbage, refuse, and ashes shall not include material that is intended to be recycled, except in the case of residential curbside recycling.

LRB097 20126 KMW 65513 b

**A BILL FOR**

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, other than  
15 material that is intended or collected to be recycled, except  
16 for residential curbside recycling. A municipality may  
17 contract with private industry to operate a designated facility  
18 for the disposal, treatment or recycling of solid waste, and  
19 may enter into contracts with private firms or local  
20 governments for the delivery of waste to such facility. In  
21 regard to a contract involving a garbage, refuse, or garbage  
22 and refuse incineration facility, the 30 year contract  
23 limitation imposed by this Section shall be computed so that

1 the 30 years shall not begin to run until the date on which the  
2 facility actually begins accepting garbage or refuse. The  
3 payments required in regard to any contract entered into under  
4 this Division 19 shall not be regarded as indebtedness of the  
5 city, village, or incorporated town, as the case may be, for  
6 the purpose of any debt limitation imposed by any law.

7 (b) If a municipality with a population of less than  
8 1,000,000 has never awarded a franchise to a private entity for  
9 the collection of waste from non-residential locations, then  
10 that municipality may not award such a franchise without  
11 issuing a request for proposal. The municipality may not issue  
12 a request for proposal without first: (i) holding at least one  
13 public hearing seeking comment on the advisability of issuing a  
14 request for proposal and awarding a franchise; (ii) providing  
15 at least 30 days' written notice of the hearing, delivered by  
16 first class mail to all private entities that provide  
17 non-residential waste collection services within the  
18 municipality that the municipality is able to identify through  
19 its records; and (iii) providing at least 30 days' public  
20 notice of the hearing.

21 After issuing a request for proposal, the municipality may  
22 not award a franchise without first: (i) allowing at least 30  
23 days for proposals to be submitted to the municipality; (ii)  
24 holding at least one public hearing after the receipt of  
25 proposals on whether to award a franchise to a proposed  
26 franchisee; and (iii) providing at least 30 days' public notice

1 of the hearing. At the public hearing, the municipality must  
2 disclose and discuss the proposed franchise fee or calculation  
3 formula of such franchise fee that it will receive under the  
4 proposed franchise.

5 (b-5) If no request for proposal is issued within 120 days  
6 after the initial public hearing required in subsection (b),  
7 then the municipality must hold another hearing as outlined in  
8 subsection (b).

9 (b-10) If a municipality has not awarded a franchise within  
10 210 days after the date that a request for proposal is issued  
11 pursuant to subsection (b), then the municipality must adhere  
12 to all of the requirements set forth in subsections (b) and  
13 (b-5).

14 (b-15) The franchise fee and any other fees, taxes, or  
15 charges imposed by the municipality in connection with a  
16 franchise for the collection of waste from non-residential  
17 locations must be used exclusively for costs associated with  
18 administering the franchise program.

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

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

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

9           (Source: P.A. 95-856, eff. 10-1-08; 96-1215, eff. 7-22-10.)