



Sen. Martin A. Sandoval

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09600SB3251sam001

LRB096 20452 RLJ 37648 a

1 AMENDMENT TO SENATE BILL 3251

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3251 by replacing  
3 everything after the enacting clause with the following:

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

1 waste, and may enter into contracts with private firms or local  
2 governments for the delivery of waste to such facility. In  
3 regard to a contract involving a garbage, refuse, or garbage  
4 and refuse incineration facility, the 30 year contract  
5 limitation imposed by this Section shall be computed so that  
6 the 30 years shall not begin to run until the date on which the  
7 facility actually begins accepting garbage or refuse. The  
8 payments required in regard to any contract entered into under  
9 this Division 19 shall not be regarded as indebtedness of the  
10 city, village, or incorporated town, as the case may be, for  
11 the purpose of any debt limitation imposed by any law.

12 (b) If a municipality with a population of less than  
13 1,000,000 has never awarded a franchise to a private entity for  
14 the collection of waste from non-residential locations, then  
15 that municipality may not award such a franchise without first:  
16 (i) holding at least one public hearing seeking comment on the  
17 advisability of awarding such a franchise; (ii) providing at  
18 least 30 days' written notice of the hearing, delivered by  
19 first class mail to all private entities that provide  
20 non-residential waste collection services within the  
21 municipality that the municipality is able to identify through  
22 its records; and (iii) providing public notice of the hearing.  
23 At the public hearing, the municipality must disclose and  
24 discuss the proposed franchise fee or calculation formula of  
25 such franchise fee that it will receive under the proposed  
26 franchise.

1 (c) If a municipality with a population of less than  
2 1,000,000 has never awarded a franchise to a private entity for  
3 the collection of waste from non-residential locations, then a  
4 private entity may not begin providing waste collection  
5 services to non-residential locations under a franchise  
6 agreement with that municipality at any time before the date  
7 that is 15 months after the date the ordinance or resolution  
8 approving the award of the franchise is adopted.

9 (c-5) Notwithstanding any provision of law to the contrary,  
10 on or after the effective date of this amendatory Act of the  
11 96th General Assembly, a municipality must award a franchise or  
12 contract for the collection or final disposition of waste by  
13 competitive bidding and no franchise or contract awarded prior  
14 to that effective date other than by competitive bidding may be  
15 renewed or extended by the municipality.

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

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

24 (Source: P.A. 95-856, eff. 10-1-08.)".