

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
9 issuing a request for proposal. The municipality may not issue
10 a request for proposal without first: (i) holding at least one
11 public hearing seeking comment on the advisability of issuing a
12 request for proposal and awarding ~~such~~ a franchise; (ii)
13 providing at least 30 days' written notice of the hearing,
14 delivered by first class mail to all private entities that
15 provide non-residential waste collection services within the
16 municipality that the municipality is able to identify through
17 its records; and (iii) providing at least 30 days' public
18 notice of the hearing.

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

1 formula of such franchise fee that it will receive under the
2 proposed franchise.

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

7 (b-10) If a municipality has not awarded a franchise within
8 210 days after the date that a request for proposal is issued
9 pursuant to subsection (b), then the municipality must adhere
10 to all of the requirements set forth in subsections (b) and
11 (b-5).

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

17 (c) If a municipality with a population of less than
18 1,000,000 has never awarded a franchise to a private entity for
19 the collection of waste from non-residential locations, then a
20 private entity may not begin providing waste collection
21 services to non-residential locations under a franchise
22 agreement with that municipality at any time before the date
23 that is 15 months after the date the ordinance or resolution
24 approving the award of the franchise is adopted.

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

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

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

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.34 as follows:

10 (30 ILCS 805/8.34 new)

11 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 96th General Assembly.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.