



Sen. Don Harmon

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09600SB3692sam002

LRB096 14101 RLJ 39025 a

1 AMENDMENT TO SENATE BILL 3692

2 AMENDMENT NO. _____. Amend Senate Bill 3692, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Municipal Code is amended by
6 changing Section 11-19-1 as follows:

7 (65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)

8 Sec. 11-19-1. Contracts.

9 (a) Any city, village or incorporated town may make
10 contracts with any other city, village, or incorporated town or
11 with any person, corporation, or county, or any agency created
12 by intergovernmental agreement, for more than one year and not
13 exceeding 30 years relating to the collection and final
14 disposition, or relating solely to either the collection or
15 final disposition of garbage, refuse and ashes. A municipality
16 may contract with private industry to operate a designated

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

13 (b) If a municipality with a population of less than
14 1,000,000 has never awarded a franchise to a private entity for
15 the collection of waste from non-residential locations, then
16 that municipality may not award such a franchise without
17 issuing a request for proposal. The municipality may not issue
18 a request for proposal without first: (i) holding at least one
19 public hearing seeking comment on the advisability of issuing a
20 request for proposal and awarding ~~such~~ a franchise; (ii)
21 providing at least 30 days' written notice of the hearing,
22 delivered by first class mail to all private entities that
23 provide non-residential waste collection services within the
24 municipality that the municipality is able to identify through
25 its records; ~~and~~ (iii) providing at least 30 days' public
26 notice of the hearing; and (iv) allowing at least 21 days after

1 the public hearing for written public comments to be submitted
2 to the municipality on the question of whether a request for
3 proposal should be issued and a franchise awarded.

4 After issuing a request for proposal, the municipality may
5 not award a franchise without first: (i) allowing at least 30
6 days for proposals to be submitted to the municipality; (ii)
7 holding at least one public hearing after the receipt of
8 proposals on whether to award a franchise to a proposed
9 franchisee; (iii) providing at least 21 days' public notice of
10 the hearing; and (iv) allowing at least 14 days after the
11 public hearing for written public comments to be submitted to
12 the municipality. A municipality may not award a franchise less
13 than 21 days after the close of the comment period required
14 under this paragraph. At the public hearing, the municipality
15 must disclose and discuss the proposed franchise fee or
16 calculation formula of such franchise fee that it will receive
17 under the proposed franchise.

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

22 (b-10) If a municipality has not awarded a franchise within
23 150 days after the date that a request for proposal is issued
24 pursuant to subsection (b), then the municipality must adhere
25 to all of the requirements set forth in subsections (b) and
26 (b-5).

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

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

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

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

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

23 Section 90. The State Mandates Act is amended by adding
24 Section 8.34 as follows:

1 (30 ILCS 805/8.34 new)

2 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 96th General Assembly.

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