



Sen. Pamela J. Althoff

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09900SB2202sam002

LRB099 15568 AWJ 47561 a

1 AMENDMENT TO SENATE BILL 2202

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2202 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 (a-5) If a municipality with a population of less than  
13 1,000,000 located in a county as defined in the Solid Waste and  
14 Recycling Program Act has never awarded a franchise to a  
15 private entity for the collection of waste from non-residential  
16 locations, then the municipality may not award a franchise  
17 unless:

18 (1) the municipality provides prior written notice to  
19 all haulers licensed to provide waste hauling service in  
20 that municipality of the municipality's intent to issue a  
21 request for proposal under this Section;

22 (2) the municipality adopts an ordinance requiring  
23 each licensed hauler, for a period of no less than 36  
24 continuous months commencing on the first day of the month  
25 following the effective date of such ordinance, to report  
26 every 6 months to the municipality the number of

1 non-residential locations served by the hauler in the  
2 municipality and the number of non-residential locations  
3 contracting with the hauler for the recyclable materials  
4 collection service pursuant to Section 10 of the Solid  
5 Waste Hauling and Recycling Program Act; and

6 (3) the report to the municipality required under  
7 paragraph (2) of this subsection (a-5) for the final 6  
8 months of that 36-month period establishes that less than  
9 50% of the non-residential locations in the municipality  
10 contract for recyclable material collection services  
11 pursuant to Section 10 of the Solid Waste Hauling and  
12 Recycling Program Act.

13 All such reports shall be filed with the municipality by  
14 the hauler on or before the last day of the month following the  
15 end of the 6-month reporting period. Within 15 days after the  
16 last day for licensed haulers to file such reports, the  
17 municipality shall post on its website: (i) the information  
18 provided by each hauler pursuant to paragraph (2) of this  
19 subsection (a-5), without identifying the hauler; and (ii) the  
20 aggregate number of non-residential locations served by all  
21 licensed haulers in the municipality and the aggregate number  
22 of non-residential locations contracting with all licensed  
23 haulers in the municipality for the recyclable materials  
24 collection service under Section 10 of the Solid Waste Hauling  
25 and Recycling Program Act.

26 (a-10) Beginning at the conclusion of the 36-month

1 reporting period and thereafter, and upon written request of  
2 the municipality, each licensed hauler shall, for every 6-month  
3 period, report to the municipality (i) the number of  
4 non-residential locations served by the hauler in the  
5 municipality and the number of non-residential locations  
6 contracting with the hauler for the recyclable materials  
7 collection service pursuant to Section 10 of the Solid Waste  
8 Hauling and Recycling Program Act, (ii) an estimate of the  
9 quantity of recyclable materials, in tons, collected by the  
10 hauler in the municipality from non-residential locations  
11 contracting with the hauler for recyclable materials  
12 collection service pursuant to Section 10 of the Solid Waste  
13 Hauling and Recycling Program Act, and (iii) an estimate of the  
14 quantity of municipal waste, in tons, collected by the hauler  
15 in the municipality from those non-residential locations. All  
16 reports for that 6-month period shall be filed with the  
17 municipality by the hauler on or before the last day of the  
18 month following the end of the 6-month reporting period. Within  
19 15 days after the last day for licensed haulers to file such  
20 reports, the municipality shall post on its website: (i) the  
21 information provided by each hauler pursuant to this subsection  
22 (a-10), without identifying the hauler; and (ii) the aggregate  
23 number of non-residential locations served by all licensed  
24 haulers in the municipality and the aggregate number of  
25 non-residential locations contracting with all licensed  
26 haulers in the municipality for the recyclable materials

1 collection service under Section 10 of the Solid Waste Hauling  
2 and Recycling Program Act.

3 A municipality subject to subsection (a-5) of this Section  
4 may not award a franchise unless 2 consecutive 6-month reports  
5 determine that less than 50% of the non-residential locations  
6 within the municipality contract for recyclable material  
7 collection service pursuant to Section 10 of the Solid Waste  
8 Hauling and Recycling Program Act.

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

23 After issuing a request for proposal, the municipality may  
24 not award a franchise without first: (i) allowing at least 30  
25 days for proposals to be submitted to the municipality; (ii)  
26 holding at least one public hearing after the receipt of

1 proposals on whether to award a franchise to a proposed  
2 franchisee; and (iii) providing at least 30 days' public notice  
3 of the hearing. At the public hearing, the municipality must  
4 disclose and discuss the proposed franchise fee or calculation  
5 formula of such franchise fee that it will receive under the  
6 proposed franchise.

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

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

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

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

1 that is 15 months after the date the ordinance or resolution  
2 approving the award of the franchise is adopted.

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

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

11 (f) On and after the effective date of this amendatory Act  
12 of the 99th General Assembly, a municipality with a population  
13 under 1,000,000 shall not award a franchise to, or enter into a  
14 contract with, a private entity that includes open top  
15 temporary roll-off dumpster service. This subsection shall not  
16 prohibit the renewal of any such franchise or contract that  
17 includes open top temporary roll-off dumpster service  
18 irrespective of whether the contract or franchise  
19 automatically renews, is amended or is subject to a new request  
20 for proposal after the effective date of this amendatory Act of  
21 the 99th General Assembly.

22 A home rule municipality may not award a franchise to, or  
23 enter into a contract with, a private entity that includes open  
24 top temporary roll-off dumpster service in a manner  
25 inconsistent with this subsection. This subsection is a  
26 limitation under subsection (i) of Section 6 of Article VII of

1 the Illinois Constitution on the concurrent exercise by home  
2 rule units of powers and functions exercised by the State.

3 (Source: P.A. 98-1079, eff. 8-26-14.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".