



Sen. Don Harmon

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10000HB3922sam002

LRB100 10387 AMC 27079 a

1 AMENDMENT TO HOUSE BILL 3922

2 AMENDMENT NO. _____. Amend House Bill 3922, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Municipal Code is amended by
6 changing Sections 11-19-1, 11-19-2, and 11-19-5 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. On and
13 after the effective date of this amendatory Act of the 100th
14 General Assembly, a municipality with a population of less than
15 1,000,000 shall not enter into any new contracts with any other
16 unit of local government, by intergovernmental agreement or
17 otherwise, or with any corporation or person relating to the
18 collecting and final disposition of general construction or
19 demolition debris; except that this sentence does not apply to
20 a municipality with a population of less than 1,000,000 that is
21 a party to: (1) a contract relating to the collecting and final
22 disposition of general construction or demolition debris on the
23 effective date of this amendatory Act of the 100th General
24 Assembly; or (2) the renewal or extension of a contract
25 relating to the collecting and final disposition of general
26 construction or demolition debris irrespective of whether the

1 contract automatically renews, is amended, or is subject to a
2 new request for proposal after the effective date of this
3 amendatory Act of the 100th General Assembly.

4 (a-5) If a municipality with a population of less than
5 1,000,000 located in a county as defined in the Solid Waste and
6 Recycling Program Act has never awarded a franchise to a
7 private entity for the collection of waste from non-residential
8 locations, then the municipality may not award a franchise
9 unless:

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

14 (2) the municipality adopts an ordinance requiring
15 each licensed hauler, for a period of no less than 36
16 continuous months commencing on the first day of the month
17 following the effective date of such ordinance, to report
18 every 6 months to the municipality the number of
19 non-residential locations served by the hauler in the
20 municipality and the number of non-residential locations
21 contracting with the hauler for the recyclable materials
22 collection service pursuant to Section 10 of the Solid
23 Waste Hauling and Recycling Program Act; and

24 (3) the report to the municipality required under
25 paragraph (2) of this subsection (a-5) for the final 6
26 months of that 36-month period establishes that less than

1 50% of the non-residential locations in the municipality
2 contract for recyclable material collection services
3 pursuant to Section 10 of the Solid Waste Hauling and
4 Recycling Program Act.

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

18 (a-10) Beginning at the conclusion of the 36-month
19 reporting period and thereafter, and upon written request of
20 the municipality, each licensed hauler shall, for every 6-month
21 period, report to the municipality (i) the number of
22 non-residential locations served by the hauler in the
23 municipality and the number of non-residential locations
24 contracting with the hauler for the recyclable materials
25 collection service pursuant to Section 10 of the Solid Waste
26 Hauling and Recycling Program Act, (ii) an estimate of the

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

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

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

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

25 (b-5) If no request for proposal is issued within 120 days
26 after the initial public hearing required in subsection (b),

1 then the municipality must hold another hearing as outlined in
2 subsection (b).

3 (b-10) If a municipality has not awarded a franchise within
4 210 days after the date that a request for proposal is issued
5 pursuant to subsection (b), then the municipality must adhere
6 to all of the requirements set forth in subsections (b) and
7 (b-5).

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

13 (c) 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 a
16 private entity may not begin providing waste collection
17 services to non-residential locations under a franchise
18 agreement with that municipality at any time before the date
19 that is 15 months after the date the ordinance or resolution
20 approving the award of the franchise is adopted.

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

23 (e) A home rule unit may not award a franchise to a private
24 entity for the collection of waste in a manner contrary to the
25 provisions of this Section. This Section is a limitation under
26 subsection (i) of Section 6 of Article VII of the Illinois

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

3 (f) A municipality with a population of less than 1,000,000
4 shall not award a franchise or contract to any private entity
5 for the collection of general construction or demolition debris
6 from residential or non-residential locations. This subsection
7 does not apply to a municipality with a population of less than
8 1,000,000 that is a party to: (1) a franchise or contract with
9 a private entity for the collection of general construction or
10 demolition debris from residential or non-residential
11 locations on the effective date of this amendatory Act of the
12 100th General Assembly; or (2) the renewal or extension of a
13 franchise or contract with a private entity for the collection
14 of general construction or demolition debris from residential
15 or non-residential locations irrespective of whether the
16 franchise or contract automatically renews, is amended, or is
17 subject to a new request for proposal after the effective date
18 of this amendatory Act of the 100th General Assembly.

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

20 (65 ILCS 5/11-19-2) (from Ch. 24, par. 11-19-2)

21 Sec. 11-19-2. As used in this Division 19, ~~the words~~
22 ~~"garbage", "refuse", and "ashes" have the following meanings:~~

23 (1) "Garbage" means wastes. ~~Wastes~~ resulting from the
24 handling, preparation, cooking and consumption of food; wastes
25 from the handling, storage and sale of produce.

1 (2) "Refuse" means combustible. ~~Combustible~~ trash,
2 including, but not limited to, paper, cartons, boxes, barrels,
3 wood, excelsior, tree branches, yard trimmings, wood
4 furniture, bedding; noncombustible trash, including, but not
5 limited to, metals, tin cans, metal furniture, dirt, small
6 quantities of rock and pieces of concrete, glass, crockery,
7 other mineral waste; street rubbish, including, but not limited
8 to, street sweepings, dirt, leaves, catch-basin dirt, contents
9 of litter receptacles, but refuse does not mean earth and
10 wastes from building operations, nor shall it include solid
11 wastes resulting from industrial processes and manufacturing
12 operations such as food processing wastes, boiler-house
13 cinders, lumber, scraps and shavings.

14 (3) "Ashes" means residue. ~~Residue~~ from fires used for
15 cooking and for heating buildings.

16 (4) "General construction or demolition debris" has the
17 meaning given to that term in Section 3.160 of the
18 Environmental Protection Act.

19 (Source: Laws 1961, p. 576.)

20 (65 ILCS 5/11-19-5) (from Ch. 24, par. 11-19-5)

21 Sec. 11-19-5. Every city, village or incorporated town may
22 provide such method or methods as shall be approved by the
23 corporate authorities for the disposition of garbage, refuse
24 and ashes. Any municipality may provide by ordinance that such
25 method or methods shall be the exclusive method or methods for

1 the disposition of garbage, refuse and ashes to be allowed
2 within that municipality. Such ordinance may be enacted
3 notwithstanding the fact that competition may be displaced or
4 that such ordinance may have an anti-competitive effect. Such
5 methods may include, but need not be limited to land fill,
6 feeding of garbage to hogs, incineration, reduction to
7 fertilizer, or otherwise. Salvage and fertilizer or other
8 matter or things of value may be sold and the proceeds used for
9 the operation of the system. Material that is intended or
10 collected to be recycled is not garbage, refuse or ashes. A
11 municipality with a population of less than 1,000,000 shall not
12 provide by ordinance for any methods that award a franchise for
13 the collection or final disposition of general construction or
14 demolition debris, except as allowed under Section 11-19-1.

15 (Source: P.A. 84-794.)

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