



Sen. Don Harmon

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LRB100 11120 AWJ 24651 a

1 AMENDMENT TO SENATE BILL 1807

2 AMENDMENT NO. _____. Amend Senate Bill 1807 by replacing
3 everything after the enacting clause with the following:

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

24 (a-5) If a municipality with a population of less than
25 1,000,000 located in a county as defined in the Solid Waste and
26 Recycling Program Act has never awarded a franchise to a

1 private entity for the collection of waste from non-residential
2 locations, then the municipality may not award a franchise
3 unless:

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

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

18 (3) the report to the municipality required under
19 paragraph (2) of this subsection (a-5) for the final 6
20 months of that 36-month period establishes that less than
21 50% of the non-residential locations in the municipality
22 contract for recyclable material collection services
23 pursuant to Section 10 of the Solid Waste Hauling and
24 Recycling Program Act.

25 All such reports shall be filed with the municipality by
26 the hauler on or before the last day of the month following the

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

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

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

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

21 (b) 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
24 that municipality may not award such a franchise without
25 issuing a request for proposal. The municipality may not issue
26 a request for proposal without first: (i) holding at least one

1 public hearing seeking comment on the advisability of issuing a
2 request for proposal and awarding a franchise; (ii) providing
3 at least 30 days' written notice of the hearing, delivered by
4 first class mail to all private entities that provide
5 non-residential waste collection services within the
6 municipality that the municipality is able to identify through
7 its records; and (iii) providing at least 30 days' public
8 notice of the hearing.

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

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

23 (b-10) If a municipality has not awarded a franchise within
24 210 days after the date that a request for proposal is issued
25 pursuant to subsection (b), then the municipality must adhere
26 to all of the requirements set forth in subsections (b) and

1 (b-5).

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

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

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

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

23 (f) A municipality with a population of less than 1,000,000
24 shall not award a franchise or contract to any private entity
25 for the collection of general construction or demolition debris
26 from residential or non-residential locations. This subsection

1 does not apply to a municipality with a population of less than
2 1,000,000 that is a party to a franchise or contract with a
3 private entity for the collection of general construction or
4 demolition debris from residential or non-residential
5 locations on the effective date of this amendatory Act of the
6 100th General Assembly.

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

8 (65 ILCS 5/11-19-2) (from Ch. 24, par. 11-19-2)

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

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

14 (2) "Refuse" means combustible. ~~Combustible~~ trash,
15 including, but not limited to, paper, cartons, boxes, barrels,
16 wood, excelsior, tree branches, yard trimmings, wood
17 furniture, bedding; noncombustible trash, including, but not
18 limited to, metals, tin cans, metal furniture, dirt, small
19 quantities of rock and pieces of concrete, glass, crockery,
20 other mineral waste; street rubbish, including, but not limited
21 to, street sweepings, dirt, leaves, catch-basin dirt, contents
22 of litter receptacles, but refuse does not mean earth and
23 wastes from building operations, nor shall it include solid
24 wastes resulting from industrial processes and manufacturing
25 operations such as food processing wastes, boiler-house

1 cinders, lumber, scraps and shavings.

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

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

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

8 (65 ILCS 5/11-19-5) (from Ch. 24, par. 11-19-5)

9 Sec. 11-19-5. Every city, village or incorporated town may
10 provide such method or methods as shall be approved by the
11 corporate authorities for the disposition of garbage, refuse
12 and ashes. Any municipality may provide by ordinance that such
13 method or methods shall be the exclusive method or methods for
14 the disposition of garbage, refuse and ashes to be allowed
15 within that municipality. Such ordinance may be enacted
16 notwithstanding the fact that competition may be displaced or
17 that such ordinance may have an anti-competitive effect. Such
18 methods may include, but need not be limited to land fill,
19 feeding of garbage to hogs, incineration, reduction to
20 fertilizer, or otherwise. Salvage and fertilizer or other
21 matter or things of value may be sold and the proceeds used for
22 the operation of the system. Material that is intended or
23 collected to be recycled is not garbage, refuse or ashes. A
24 municipality with a population of less than 1,000,000 shall not
25 provide by ordinance for any methods that award a franchise for

1 the collection or final disposition of general construction or
2 demolition debris, except as allowed under Section 11-19-1.
3 (Source: P.A. 84-794.)".