



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2297

Introduced 2/14/2008, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-19-1

from Ch. 24, par. 11-19-1

Amends the Illinois Municipal Code. Provides that no municipality with a population of less than 1,000,000 may award a franchise to a private entity for the collection of waste from non-residential locations without first: (i) holding at least one public hearing; (ii) providing at least 45 days' written notice of the hearing to all private entities that provide non-residential waste collection services within the municipality; and (iii) providing public notice of the hearing. Requires the municipality to provide at least 3 years' notice to all private entities then providing waste collection services to non-residential locations within the municipality before awarding a franchise to a private entity for the collection of waste from non-residential locations. Preempts home rule powers.

LRB095 19075 RCE 45266 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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) No municipality with a population of less than
6 1,000,000 may award a franchise to a private entity for the
7 collection of waste from non-residential locations without
8 first: (i) holding at least one public hearing seeking comment
9 on the advisability of awarding such a franchise; (ii)
10 providing at least 45 days' written notice of the hearing,
11 delivered by first class mail to all private entities that
12 provide non-residential waste collection services within the
13 municipality that the municipality is able to identify through
14 local government records; and (iii) providing public notice of
15 the hearing.

16 (c) Before a municipality with a population of less than
17 1,000,000 awards a franchise to a private entity for the
18 collection of waste from non-residential locations, the
19 municipality must provide at least 3 years' notice to all
20 private entities then providing waste collection services to
21 non-residential locations within the municipality.

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

24 (e) A home rule unit may not award a franchise to a private
25 entity for the collection of waste, or terminate or decline to
26 issue any license, in a manner contrary to the provisions of

1 this Section; this Section is a limitation under subsection (i)
2 of Section 6 of Article VII of the Illinois Constitution on the
3 concurrent exercise by home rule units of powers and functions
4 exercised by the State.

5 (Source: P.A. 86-1023; 86-1025; 86-1039; 86-1475.)