

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Capital Development Board Act is amended by  
5 adding Section 10.20 as follows:

6 (20 ILCS 3105/10.20 new)

7 Sec. 10.20. Local regulation of State facilities.

8 (a) Notwithstanding any other provision of law, no  
9 ordinance or permitting requirement of a unit of local  
10 government shall be enforced against the construction,  
11 reconstruction, improvement, or installation of a State  
12 facility, other than an ordinance or permitting requirement  
13 that is (i) an ordinance or permitting requirement of a  
14 sanitary district or an ordinance or permitting requirement  
15 regulating a municipally-owned wastewater system and (ii)  
16 mandated by State or federal laws, rules, or regulations or  
17 related to environmental protection, as supported by industry  
18 standards.

19 Upon the Board's request, a sanitary district or unit of  
20 local government regulating a municipally-owned wastewater  
21 system must provide to the Board information that verifies  
22 that an ordinance or permitting requirement described in  
23 subsection (a) is mandated by State or federal laws, rules, or

1 regulations or that an ordinance or permitting requirement  
2 described in subsection (a) related to environmental  
3 protection is supported by industry standards.

4 (b) The Board shall coordinate with local utilities  
5 regarding utility connection requirements and procedures.

6 (c) Before undertaking any activity involving the  
7 construction, reconstruction, improvement, or installation of  
8 any State facility, the Board shall coordinate and consult  
9 with the units of local government that are responsible for  
10 providing utility and fire protection services to that State  
11 facility in order to ensure that utility and fire protection  
12 services can be provided by the unit of local government to the  
13 State facility in the most effective manner.

14 (d) Nothing in this Section shall relieve the Board from  
15 compliance with any State or federal mandate. This Section  
16 does not relieve the Board from the obligation to compensate  
17 units of local governments for fair and reasonable connection  
18 or impact costs.

19 (e) This Section applies to the construction,  
20 reconstruction, improvement, and installation of State  
21 facilities that is ongoing on the effective date of this  
22 amendatory Act of the 104th General Assembly and to all  
23 projects that begin on or after the effective date of this  
24 amendatory Act of the 104th General Assembly.

25 (f) A home rule unit may not regulate the construction,  
26 reconstruction, improvement, or installation of a State

1 facility in a manner that is inconsistent with this Section.  
2 This Section is a limitation under subsection (i) of Section 6  
3 of Article VII of the Illinois Constitution on the concurrent  
4 exercise by home rule units of powers and functions exercised  
5 by the State.

6 (g) As used in this Section:

7 "Fair and reasonable connection or impact costs" means  
8 demonstrated costs incurred by the unit of local government  
9 that (i) directly result from the Board's use of or impact on  
10 local infrastructure or (ii) are consistent with similar costs  
11 that are applied to non-governmental capital projects.

12 "State facility" means any capital project under the  
13 authority of the Capital Development Board.