

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, except as  
9 otherwise provided in this Section, no ordinance or permitting  
10 requirement of a unit of local government shall be enforced  
11 against the construction, reconstruction, improvement, or  
12 installation of a State facility, other than an ordinance or  
13 permitting requirement that is (i) an ordinance or permitting  
14 requirement of a sanitary district or an ordinance or  
15 permitting requirement regulating a municipally-owned  
16 wastewater system and (ii) mandated by State or federal laws,  
17 rules, or regulations or related to environmental protection,  
18 as supported by industry 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 restoration, 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) This Section does not apply to a municipality with  
26 more than 500,000 inhabitants that has entered into one or

1 more comprehensive or project-specific agreements with the  
2 Board establishing terms explicitly agreed upon as alternative  
3 or supplemental to this Section. Nothing in this Section shall  
4 prohibit those municipalities from regulating the use of the  
5 public right-of-way, including streets, sidewalks, and alleys,  
6 in connection with the construction, reconstruction,  
7 improvement, or installation of a State facility. In those  
8 municipalities, the Board shall comply with all applicable  
9 municipal regulations governing street closures, temporary  
10 traffic control, and pedestrian access in the same manner  
11 required of private entities.

12 (g) A home rule unit may not regulate the construction,  
13 reconstruction, improvement, or installation of a State  
14 facility in a manner that is inconsistent with this Section.  
15 This Section is a limitation under subsection (i) of Section 6  
16 of Article VII of the Illinois Constitution on the concurrent  
17 exercise by home rule units of powers and functions exercised  
18 by the State.

19 (h) As used in this Section:

20 "Fair and reasonable connection, restoration, or impact  
21 costs" means demonstrated costs incurred by the unit of local  
22 government that (i) directly result from the Board's use of or  
23 impact on local infrastructure or (ii) are consistent with  
24 similar costs that are applied to non-governmental capital  
25 projects.

26 "State facility" means any capital project under the

1 authority of the Capital Development Board.