



Sen. Michael W. Halpin

Filed: 5/21/2025

10400HB3493sam001

LRB104 10246 HLH 26537 a

1 AMENDMENT TO HOUSE BILL 3493

2 AMENDMENT NO. _____. Amend House Bill 3493 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Capital Development Board Act is amended
5 by 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,

1 rules, or regulations or related to environmental protection,
2 as supported by industry standards.

3 Upon the Board's request, a sanitary district or unit of
4 local government regulating a municipally-owned wastewater
5 system must provide to the Board information that verifies
6 that an ordinance or permitting requirement described in
7 subsection (a) is mandated by State or federal laws, rules, or
8 regulations or that an ordinance or permitting requirement
9 described in subsection (a) related to environmental
10 protection is supported by industry standards.

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

13 (c) Before undertaking any activity involving the
14 construction, reconstruction, improvement, or installation of
15 any State facility, the Board shall coordinate and consult
16 with the units of local government that are responsible for
17 providing utility and fire protection services to that State
18 facility in order to ensure that utility and fire protection
19 services can be provided by the unit of local government to the
20 State facility in the most effective manner.

21 (d) Nothing in this Section shall relieve the Board from
22 compliance with any State or federal mandate. This Section
23 does not relieve the Board from the obligation to compensate
24 units of local governments for fair and reasonable connection,
25 restoration, or impact costs.

26 (e) This Section applies to the construction,

1 reconstruction, improvement, and installation of State
2 facilities that is ongoing on the effective date of this
3 amendatory Act of the 104th General Assembly and to all
4 projects that begin on or after the effective date of this
5 amendatory Act of the 104th General Assembly.

6 (f) This Section does not apply to a municipality with
7 more than 500,000 inhabitants that has entered into one or
8 more comprehensive or project-specific agreements with the
9 Board establishing terms explicitly agreed upon as alternative
10 or supplemental to this Section. Nothing in this Section shall
11 prohibit those municipalities from regulating the use of the
12 public right-of-way, including streets, sidewalks, and alleys,
13 in connection with the construction, reconstruction,
14 improvement, or installation of a State facility. In those
15 municipalities, the Board shall comply with all applicable
16 municipal regulations governing street closures, temporary
17 traffic control, and pedestrian access in the same manner
18 required of private entities.

19 (g) A home rule unit may not regulate the construction,
20 reconstruction, improvement, or installation of a State
21 facility in a manner that is inconsistent with this Section.
22 This Section is a limitation under subsection (i) of Section 6
23 of Article VII of the Illinois Constitution on the concurrent
24 exercise by home rule units of powers and functions exercised
25 by the State.

26 (h) As used in this Section:

1 "Fair and reasonable connection, restoration, or impact
2 costs" means demonstrated costs incurred by the unit of local
3 government that (i) directly result from the Board's use of or
4 impact on local infrastructure or (ii) are consistent with
5 similar costs that are applied to non-governmental capital
6 projects.

7 "State facility" means any capital project under the
8 authority of the Capital Development Board."