

AN ACT concerning State government.

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

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

(20 ILCS 3105/10.20 new)

Sec. 10.20. Local regulation of State facilities.

(a) Notwithstanding any other provision of law, except as otherwise provided in this Section, no ordinance or permitting requirement of a unit of local government shall be enforced against the construction, reconstruction, improvement, or installation of a State facility, other than an ordinance or permitting requirement that is (i) an ordinance or permitting requirement of a sanitary district or an ordinance or permitting requirement regulating a municipally-owned wastewater system and (ii) mandated by State or federal laws, rules, or regulations or related to environmental protection, as supported by industry standards.

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

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

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

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

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

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

(f) This Section does not apply to a municipality with more than 500,000 inhabitants that has entered into one or

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

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

(h) As used in this Section:

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

"State facility" means any capital project under the

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authority of the Capital Development Board.