



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3652

Introduced 2/5/2026, by Sen. Paul Faraci

#### SYNOPSIS AS INTRODUCED:

220 ILCS 30/17.3  
220 ILCS 30/17.4  
220 ILCS 30/17.5  
220 ILCS 30/17.6  
220 ILCS 30/17.8

Amends the Electric Supplier Act. In provisions concerning rights granted to electric cooperative broadband grant recipients, provides that, outside of the grant service area, a broadband provider may access and use (i) any existing electric easement held or controlled by the broadband provider or (ii) any other existing electric easement contingent upon an agreement with the easement holder or controller for the delivery of broadband service by the broadband provider. Provides that, if the proper permits are acquired by State and local authorities, no property owner of property located outside the grant service area shall forbid or prevent a proposed broadband provider from entering upon the property for purposes of and in connection with the deployment of broadband infrastructure, nor shall any such property owner forbid or prohibit the broadband provider from deploying upon, beneath, or over that property broadband infrastructure utilized by the broadband provider for such broadband service. Provides that the property owner may be entitled to the payment of just compensation by that broadband provider and the broadband provider shall indemnify the property owner for any physical damage caused by the deployment of the broadband infrastructure and service. Changes references in the Electrical Service Broadband Deployment and Access Law to include broadband providers.

LRB104 18868 AAS 32313 b

1 AN ACT concerning regulation.

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

4 Section 5. The Electric Supplier Act is amended by  
5 changing Sections 17.3, 17.4, 17.5, 17.6, and 17.8 as follows:

6 (220 ILCS 30/17.3)

7 Sec. 17.3. Rights granted to electric cooperative  
8 broadband grant recipients and broadband providers.

9 (a) In the grant service area, a broadband grant  
10 recipient, subject to the recipient's broadband grant, may  
11 access and use (i) any existing electric easement held or  
12 controlled by the broadband grant recipient or (ii) any other  
13 existing electric easement contingent upon an agreement with  
14 the easement holder or controller for the delivery of  
15 broadband service by the broadband grant recipient.

16 (a-5) Outside of the grant service area, a broadband  
17 provider may access and use (i) any existing electric easement  
18 held or controlled by the broadband provider or (ii) any other  
19 existing electric easement contingent upon an agreement with  
20 the easement holder or controller for the delivery of  
21 broadband service by the broadband provider.

22 (b) If the proper permits are acquired by State and local  
23 authorities, no property owner of property located within the

1 grant service area shall forbid or prevent a proposed  
2 broadband grant recipient from entering upon the property for  
3 purposes of and in connection with the deployment of broadband  
4 infrastructure, nor shall any such property owner forbid or  
5 prohibit the broadband grant recipient from deploying upon,  
6 beneath, or over that property broadband infrastructure  
7 utilized by the broadband grant recipient for such broadband  
8 service. The property owner may be entitled to the payment of  
9 just compensation by that broadband grant recipient, as  
10 provided in Section 17.4, and the broadband grant recipient  
11 shall indemnify the property owner ~~of the property~~ for any  
12 physical damage caused by deployment of the broadband  
13 infrastructure and service.

14 (c) If the proper permits are acquired by State and local  
15 authorities, no property owner of property located outside the  
16 grant service area shall forbid or prevent a proposed  
17 broadband provider from entering upon the property for  
18 purposes of and in connection with the deployment of broadband  
19 infrastructure, nor shall any such property owner forbid or  
20 prohibit the broadband provider from deploying upon, beneath,  
21 or over that property broadband infrastructure utilized by the  
22 broadband provider for such broadband service. The property  
23 owner may be entitled to the payment of just compensation by  
24 that broadband provider, as provided in Section 17.4, and the  
25 broadband provider shall indemnify the property owner for any  
26 physical damage caused by the deployment of the broadband

1 infrastructure and service.

2 (Source: P.A. 104-426, eff. 8-15-25.)

3 (220 ILCS 30/17.4)

4 Sec. 17.4. Notice and compensation.

5 (a) Broadband ~~The broadband~~ grant recipients and broadband  
6 providers ~~recipient~~ must notify the property owner in writing  
7 by sending notification to the property owner's address  
8 specified in the online or publicly available records of the  
9 applicable county assessor (i) by the United States Postal  
10 Service, certified mail, return receipt requested; (ii) by a  
11 designated private delivery service, as defined by the  
12 Internal Revenue Service, that provides the same function as  
13 certified mail with return receipt; or (iii) by personally  
14 serving the notification. The property owner shall be notified  
15 at least 14 days, but not more than 60 days, prior to the  
16 broadband grant recipient or broadband provider entering upon  
17 such property for purposes of or in connection with the  
18 deployment of broadband infrastructure. The notice shall  
19 include the following information:

20 (1) the address of the property;

21 (2) the name of the broadband grant recipient or  
22 broadband provider and contact information for notice to  
23 the broadband grant recipient or broadband provider;

24 (3) the anticipated date of the proposed installation,  
25 maintenance, repair, or removal of the broadband

1 infrastructure and projected length of time required to  
2 complete the installation, maintenance, or repair;

3 (4) information as to the time within which the owner  
4 may give notice and demand just compensation under this  
5 Section if the property owner believes that the property  
6 is diminished in value due to the burden on the property  
7 from the expanded use of the electric easement or  
8 right-of-way;

9 (5) the manner and method of, and the detailed design  
10 and construction plans for, such installation,  
11 maintenance, repair, and removal, including the location  
12 of the proposed entry and path of broadband facilities  
13 proposed to be placed, repaired, maintained, or removed  
14 upon the property;

15 (6) for installation of broadband infrastructure that  
16 will occur overhead, the details regarding how the  
17 broadband infrastructure installation will conform to  
18 applicable National Electric Safety Code standards for  
19 overhead clearance; and

20 (7) for installation of broadband infrastructure that  
21 will occur below ground, a statement absolving the  
22 property owner or the property owner's tenant from  
23 liability for any damages to broadband infrastructure that  
24 occur in the event of normal property use, including  
25 normal farming operations if the property is used for  
26 farming purposes.

1           (b) If the property owner intends to demand just  
2 compensation, the property owner must serve written notice  
3 thereof upon the broadband grant recipient or broadband  
4 provider within 45 days after the anticipated date of  
5 broadband deployment as provided in the notice to the property  
6 owner. Unless timely notice as provided in this subsection is  
7 given by the property owner to the broadband grant recipient  
8 or broadband provider, it will be conclusively presumed that  
9 the property owner does not claim just compensation for the  
10 burden on the property from the expanded use of the electric  
11 easement or the right-of-way.

12           (c) Any property owner described in subsection (a) who has  
13 given timely written notice to the broadband grant recipient  
14 or broadband provider, as provided in subsection (b), may  
15 assert a claim for just compensation for diminution in value  
16 of the property from the expanded use of the electric easement  
17 or right-of-way. A property owner may bring suit in an  
18 applicable circuit court with jurisdiction to enforce a claim  
19 for just compensation and to have the amount of just  
20 compensation determined by a jury. Such action must be  
21 commenced within 6 months of delivery of the broadband grant  
22 recipient's or broadband provider's original notice of intent  
23 to deploy broadband infrastructure. A property owner who has  
24 not given timely notice as provided in subsection (b) is  
25 barred from asserting such a claim.

26           (d) Neither the property owner's notice to demand just

1 compensation, nor the property owner's assertion of a specific  
2 claim for just compensation, nor the initiation of any legal  
3 action to enforce the claim of just compensation shall delay  
4 or impair the right of the broadband grant recipient or  
5 broadband provider to deploy broadband infrastructure and  
6 provide broadband service within or upon, beneath, or over  
7 property described in subsection (a).

8 (Source: P.A. 104-426, eff. 8-15-25.)

9 (220 ILCS 30/17.5)

10 Sec. 17.5. Rights-of-way. Conditional upon acquiring the  
11 proper agreement or permit with the highway right-of-way  
12 controller or holder, a broadband grant recipient or broadband  
13 provider may install, maintain, and use broadband  
14 infrastructure below ground along a highway right-of-way  
15 within the grant service area. The broadband grant recipient  
16 or broadband provider shall comply with all applicable  
17 provisions of Section 9-113 of the Illinois Highway Code and  
18 relevant administrative rules. No property owner of property  
19 located within the grant service area shall forbid or prevent  
20 such proposed broadband grant recipient or broadband provider  
21 from entering upon such property for purposes of and in  
22 connection with the deployment of broadband infrastructure,  
23 nor shall any such property owner forbid or prohibit the  
24 covered provider from deploying upon, beneath, or over such  
25 property broadband infrastructure utilized by the covered

1 provider for providing broadband service. The property owner  
2 may be entitled to payment of just compensation by that  
3 broadband grant recipient or broadband provider, as provided  
4 in Section 17.4, and the broadband grant recipient or  
5 broadband provider shall indemnify the owner of such property  
6 for any physical damage caused by the deployment of such  
7 broadband infrastructure and service. Nothing in this  
8 amendatory Act of the 104th General Assembly shall be  
9 construed as reducing the ability of the Department of  
10 Transportation from exercising its authority to (1) approve or  
11 deny permits for use of its right-of-way, (2) collect fees and  
12 compensation required as part of the Department of  
13 Transportation's administrative rules, and (3) manage the use  
14 of its right-of-way.

15 (Source: P.A. 104-426, eff. 8-15-25.)

16 (220 ILCS 30/17.6)

17 Sec. 17.6. Labor standards and protection. Electric  
18 cooperative broadband grant recipients and broadband providers  
19 under this Law, including any contractors and subcontractors  
20 of the broadband grant recipient or broadband provider,  
21 performing work subject to this Law shall, when applicable,  
22 pay prevailing wages and benefits to workers, comply with the  
23 Davis-Bacon Act, and collect any required certified payrolls.  
24 A broadband grant recipient or broadband provider shall comply  
25 with all requirements set forth in the Prevailing Wage Act,

1 including, but not limited to, inserting into all contracts  
2 for construction a stipulation that not less than the  
3 prevailing rate of wages, as applicable to the project, shall  
4 be paid to all laborers, workers, and mechanics performing  
5 work under the contract, and requiring all surety bonds with  
6 contractors to include a provision that guarantees the  
7 faithful performance of the prevailing wage clause in the  
8 contract. The broadband grant recipient or broadband provider  
9 ~~electric cooperative~~ shall report to the Department of Labor  
10 on its compliance with the Prevailing Wage Act on a monthly  
11 basis. Apprentices performing work subject to this Law shall  
12 perform either 10% of the total labor hours actually worked in  
13 each prevailing wage classification or 10% of the estimated  
14 labor hours in each prevailing wage classification, whichever  
15 is less.

16 (Source: P.A. 104-426, eff. 8-15-25.)

17 (220 ILCS 30/17.8)

18 Sec. 17.8. Sunset. The rights and obligations of broadband  
19 project grant recipients, broadband providers, and landowners  
20 set forth in this Law do not apply on and after January 1,  
21 2030.

22 (Source: P.A. 104-426, eff. 8-15-25.)