



Rep. Martin J. Moylan

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1 AMENDMENT TO SENATE BILL 1226

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1226, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Energy Efficient Building Act is amended by  
6 changing Sections 1, 5, 10, 15, 20, 25, 30, 40, and 45 as  
7 follows:

8 (20 ILCS 3125/1)

9 Sec. 1. Short title. This Act may be cited as the Energy  
10 Efficient Building and Green Construction Act.

11 (Source: P.A. 96-778, eff. 8-28-09.)

12 (20 ILCS 3125/5)

13 Sec. 5. Findings.

14 (a) The legislature finds that an effective energy  
15 efficient building and green construction code is essential to:

1 (1) reduce the air pollutant emissions from energy  
2 consumption that are affecting the health of residents of  
3 this State;

4 (2) moderate future peak electric power demand;

5 (3) assure the reliability of the electrical grid and  
6 an adequate supply of heating oil and natural gas; ~~and~~

7 (4) control energy costs for residents and businesses  
8 in this State; ~~and~~

9 (5) ensure clean water, reduced flooding, and enhanced  
10 water supplies;

11 (6) provide for mitigation and adaptation to the  
12 impacts of climate change;

13 (7) benefit both wildlife habitat and community  
14 health; and

15 (8) create green jobs and cost savings.

16 (b) The legislature further finds that this State has a  
17 number of different climate types, all of which require energy  
18 for both cooling and heating, and that there are many  
19 cost-effective measures that can reduce peak energy use and  
20 reduce cooling, heating, lighting, and other energy costs in  
21 buildings.

22 (Source: P.A. 96-778, eff. 8-28-09.)

23 (20 ILCS 3125/10)

24 Sec. 10. Definitions.

25 "Board" means the Capital Development Board.

1 "Building" includes both residential buildings and  
2 commercial buildings.

3 "Green Code" means the latest published editions ~~edition~~ of  
4 the International Code Council's International Energy  
5 Conservation Code and International Green Construction Code,  
6 as adopted by the Board, excluding published supplements but  
7 including the amendments and adaptations to either ~~the~~ Code  
8 that are made by the Board.

9 "Commercial building" means any building except a building  
10 that is a residential building, as defined in this Section.

11 "Department" means the Department of Commerce and Economic  
12 Opportunity.

13 "Municipality" means any city, village, or incorporated  
14 town.

15 "Residential building" means (i) a detached one-family or  
16 2-family dwelling or (ii) any building that is 3 stories or  
17 less in height above grade that contains multiple dwelling  
18 units, in which the occupants reside on a primarily permanent  
19 basis, such as a townhouse, a row house, an apartment house, a  
20 convent, a monastery, a rectory, a fraternity or sorority  
21 house, a dormitory, and a rooming house; provided, however,  
22 that when applied to a building located within the boundaries  
23 of a municipality having a population of 1,000,000 or more, the  
24 term "residential building" means a building containing one or  
25 more dwelling units, not exceeding 4 stories above grade, where  
26 occupants are primarily permanent.

1 (Source: P.A. 96-778, eff. 8-28-09; 97-1033, eff. 8-17-12.)

2 (20 ILCS 3125/15)

3 Sec. 15. ~~Green Energy Efficient Building~~ Code. The Board,  
4 in consultation with the Department, shall adopt the  
5 International Energy Conservation Code and the International  
6 Green Construction Code, ~~Code~~ as minimum requirements for  
7 commercial buildings, applying to the construction of,  
8 renovations to, and additions to all commercial buildings in  
9 the State. The Board, in consultation with the Department,  
10 shall also adopt the International Energy Conservation Code as  
11 the minimum and maximum requirements for residential  
12 buildings, applying to the construction of all residential  
13 buildings in the State, except as provided for in Section 45 of  
14 this Act. The Board may appropriately adapt the International  
15 Energy Conservation Code and the International Green  
16 Construction Code, to apply to the particular economy,  
17 population distribution, geography, and climate of the State  
18 and construction therein, consistent with the public policy  
19 objectives of this Act.

20 (Source: P.A. 96-778, eff. 8-28-09.)

21 (20 ILCS 3125/20)

22 Sec. 20. Applicability.

23 (a) The Board shall review and adopt the International  
24 Energy Conservation Code and the International Green

1 Construction Code within one year after their ~~its~~ publication.  
2 The Codes ~~Code~~ shall take effect within 6 months after they are  
3 ~~it is~~ adopted by the Board, except that, beginning January 1,  
4 2012, the International Energy Conservation Code adopted in  
5 2012 shall take effect on January 1, 2013. Except as otherwise  
6 provided in this Act, the Code shall apply to (i) any new  
7 building or structure in this State for which a building permit  
8 application is received by a municipality or county and (ii)  
9 beginning on the effective date of this amendatory Act of the  
10 100th General Assembly, each State facility specified in  
11 Section 4.01 of the Capital Development Board Act. In the case  
12 of any addition, alteration, renovation, or repair to an  
13 existing commercial structure, the Green Code adopted under  
14 this Act applies only to the portions of that structure that  
15 are being added, altered, renovated, or repaired. The changes  
16 made to this Section by Public Act 97-1033 ~~this amendatory Act~~  
17 ~~of the 97th General Assembly~~ shall in no way invalidate or  
18 otherwise affect contracts entered into on or before August 17,  
19 2012 (the effective date of Public Act 97-1033) ~~this amendatory~~  
20 ~~Act of the 97th General Assembly~~. The changes made to this  
21 Section by this amendatory Act of the 100th General Assembly  
22 shall in no way invalidate or otherwise affect contracts  
23 entered into on or before the effective date of this amendatory  
24 Act of the 100th General Assembly.

25 (b) The following buildings shall be exempt from the Green  
26 Code, or portions thereof as set forth below:

1           (1) Buildings otherwise exempt from the provisions of a  
2 locally adopted building code are exempt from the Green  
3 Code. Buildings and buildings that do not contain a  
4 conditioned space are exempt from the International Energy  
5 Conservation Code.

6           (2) Buildings that do not use either electricity or  
7 fossil fuel for comfort conditioning are exempt from the  
8 International Energy Conservation Code. For purposes of  
9 determining whether this exemption applies, a building  
10 will be presumed to be heated by electricity, even in the  
11 absence of equipment used for electric comfort heating,  
12 whenever the building is provided with electrical service  
13 in excess of 100 amps, unless the code enforcement official  
14 determines that this electrical service is necessary for  
15 purposes other than providing electric comfort heating.

16           (3) Historic buildings are exempt from the Green Code.  
17 This exemption shall apply to those buildings that are  
18 listed on the National Register of Historic Places or the  
19 Illinois Register of Historic Places, and to those  
20 buildings that have been designated as historically  
21 significant by a local governing body that is authorized to  
22 make such designations.

23           (4) (Blank).

24           (5) Other buildings specified as exempt by the  
25 International Energy Conservation Code or the  
26 International Green Construction Code.

1 (c) Additions, alterations, renovations, or repairs to an  
2 existing building, building system, or portion thereof shall  
3 conform to the provisions of the Green Code as they relate to  
4 new construction without requiring the unaltered portion of the  
5 existing building or building system to comply with the Code.  
6 The following need not comply with the International Energy  
7 Conservation Code, provided that the energy use of the building  
8 is not increased: (i) storm windows installed over existing  
9 fenestration, (ii) glass-only replacements in an existing sash  
10 and frame, (iii) existing ceiling, wall, or floor cavities  
11 exposed during construction, provided that these cavities are  
12 filled with insulation, and (iv) construction where the  
13 existing roof, wall, or floor is not exposed.

14 (d) A unit of local government that does not regulate  
15 energy efficient building or green construction standards is  
16 not required to adopt, enforce, or administer the Green Code;  
17 however, any energy efficient building or green construction  
18 standards adopted by a unit of local government must comply  
19 with this Act. If a unit of local government does not regulate  
20 energy efficient building or green construction standards, any  
21 construction, renovation, or addition to buildings or  
22 structures is subject to the provisions contained in this Act.

23 (Source: P.A. 100-729, eff. 8-3-18.)

24 (20 ILCS 3125/25)

25 Sec. 25. Technical assistance.

1 (a) The Department shall make available to builders,  
2 designers, engineers, and architects implementation materials  
3 and training to explain the requirements of the Green Code and  
4 describe methods of compliance acceptable to Green Code  
5 Enforcement Officials.

6 (b) The materials shall include software tools, simplified  
7 prescriptive options, and other materials as appropriate. The  
8 simplified materials shall be designed for projects in which a  
9 design professional may not be involved.

10 (c) The Department shall provide local jurisdictions with  
11 technical assistance concerning implementation and enforcement  
12 of the Green Code.

13 (Source: P.A. 97-1033, eff. 8-17-12.)

14 (20 ILCS 3125/30)

15 Sec. 30. Enforcement. The Board, in consultation with the  
16 Department, shall determine procedures for compliance with the  
17 Green Code. These procedures may include but need not be  
18 limited to certification by a national, State, or local  
19 accredited energy conservation or green construction program  
20 or inspections from private Code-certified inspectors using  
21 the Green Code.

22 (Source: P.A. 93-936, eff. 8-13-04.)

23 (20 ILCS 3125/40)

24 Sec. 40. Input from interested parties. When developing



1 Green Code adaptations, rules, and procedures for compliance  
2 with the Green Code, the Capital Development Board shall seek  
3 input from representatives from the building trades, design  
4 professionals, construction professionals, code  
5 administrators, and other interested entities affected.

6 (Source: P.A. 99-639, eff. 7-28-16.)

7 (20 ILCS 3125/45)

8 Sec. 45. Home rule.

9 (a) No unit of local government, including any home rule  
10 unit, may regulate energy efficient building or green  
11 construction standards for commercial buildings in a manner  
12 that is less stringent than the provisions contained in this  
13 Act.

14 (b) No unit of local government, including any home rule  
15 unit, may regulate energy efficient building standards for  
16 residential buildings in a manner that is either less or more  
17 stringent than the standards established pursuant to this Act;  
18 provided, however, that the following entities may regulate  
19 energy efficient building standards for residential buildings  
20 in a manner that is more stringent than the provisions  
21 contained in this Act: (i) a unit of local government,  
22 including a home rule unit, that has, on or before May 15,  
23 2009, adopted or incorporated by reference energy efficient  
24 building standards for residential buildings that are  
25 equivalent to or more stringent than the 2006 International

1 Energy Conservation Code, (ii) a unit of local government,  
2 including a home rule unit, that has, on or before May 15,  
3 2009, provided to the Capital Development Board, as required by  
4 Section 10.18 of the Capital Development Board Act, an  
5 identification of an energy efficient building code or  
6 amendment that is equivalent to or more stringent than the 2006  
7 International Energy Conservation Code, and (iii) a  
8 municipality with a population of 1,000,000 or more.

9 (c) No unit of local government, including any home rule  
10 unit or unit of local government that is subject to State  
11 regulation under the Green Code as provided in Section 15 of  
12 this Act, may hereafter enact any annexation ordinance or  
13 resolution, or require or enter into any annexation agreement,  
14 that imposes energy efficient building or green construction  
15 standards for residential buildings that are either less or  
16 more stringent than the energy efficiency or green construction  
17 standards in effect, at the time of construction, throughout  
18 the unit of local government.

19 (d) This Section is a denial and limitation of home rule  
20 powers and functions under subsection (i) of Section 6 of  
21 Article VII of the Illinois Constitution on the concurrent  
22 exercise by home rule units of powers and functions exercised  
23 by the State. Nothing in this Section, however, prevents a unit  
24 of local government from adopting an energy efficiency or green  
25 construction code or standards for commercial buildings that  
26 are more stringent than the Green Code under this Act.

1 (Source: P.A. 99-639, eff. 7-28-16.)".