



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2554

Introduced 2/18/2005, by Rep. Michael K. Smith

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3105/4.07 new  
20 ILCS 3105/4.08 new  
20 ILCS 3105/4.10 new  
20 ILCS 3918/Act rep.

Amends the Capital Development Board Act. Upon the effective date of the amendatory Act, abolishes the Illinois Building Commission (IBC), transfers all of its powers, duties, and functions to the Capital Development Board (CDB), and terminates all appointments to the Commission. Provides that CDB is the successor agency to IBC. Requires CDB to establish and administer an Ad Hoc Advisory Board on Building Codes and Regulations with members appointed by the Executive Director of CDB. Provides that members shall serve without compensation. Requires CDB to serve as a forum for resolution of conflicts between State agencies, or between State agencies and another entity that consents to the forum, concerning State building requirements and requires the Board to impose fees for the purpose of administering the dispute resolution forum. Repeals the Illinois Building Commission Act. Effective immediately.

LRB094 10167 MKM 40432 b

FISCAL NOTE ACT  
MAY APPLY

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 Sections 4.07, 4.08, and 4.10 as follows:

6 (20 ILCS 3105/4.07 new)

7 Sec. 4.07. Illinois Building Commission abolished;  
8 transfer of powers, duties, and functions. Upon the effective  
9 date of this amendatory Act of the 94th General Assembly, the  
10 Illinois Building Commission is abolished and all appointments  
11 to the Commission made under the Illinois Building Commission  
12 Act are terminated. All of the powers, duties, and functions of  
13 the Illinois Building Commission are transferred to the Capital  
14 Development Board. For purposes of the Successor Agency Act and  
15 Section 9b of the State Finance Act, the Capital Development  
16 Board is the successor to the Illinois Building Commission.

17 (20 ILCS 3105/4.08 new)

18 Sec. 4.08. Ad Hoc Advisory Board on Building Codes and  
19 Regulations. The Capital Development Board shall administer an  
20 Ad Hoc Advisory Board on Building Codes and Regulations.  
21 Members of the Ad Hoc Advisory Board shall be appointed by the  
22 Director of the Capital Development Board and shall represent  
23 (i) the design or construction industry or (ii) members of the  
24 public affected by building codes and regulations. The members  
25 shall serve without compensation.

26 (20 ILCS 3105/4.10 new)

27 Sec. 4.10. Dispute resolution forum.

28 (a) The Capital Development Board shall serve as a forum  
29 for resolution of conflicts concerning State building  
30 requirements between State agencies, or between a State agency

1 and another entity that consents to the forum.

2 (b) As used in this Section, for dispute resolution arising  
3 out of Section 8 or 8.5 of the Hospital Licensing Act,  
4 "building requirements" means the application of building  
5 codes for new and existing construction and related Department  
6 of Public Health rules and standards under the Hospital  
7 Licensing Act, including, without limitation, rules and  
8 standards for: (i) design and construction; (ii) engineering  
9 and maintenance of the physical plant site, equipment, and  
10 systems (heating, cooling, electrical, ventilation, plumbing,  
11 water, sewer, and solid waste disposal); and (iii) fire safety.

12 (c) If the suggested resolution of a conflict between the  
13 Department of Public Health and a health care provider is to:  
14 (i) accept an equivalency determined by the Fire Safety  
15 Evaluation System; (ii) waive State rules or standards; or  
16 (iii) seek a waiver of federal rules or standards, the Capital  
17 Development Board shall take any action it deems necessary to  
18 facilitate the recommended resolution, including preparing a  
19 waiver request and directing the Department of Public Health to  
20 recommend the request to the appropriate federal agency.

21 (d) The Capital Development Board shall collect the  
22 following fees for the purpose of administering the dispute  
23 resolution forum:

24 (1) For services provided by the Capital Board in  
25 fulfilling any of the Board's mandates under this Act, a  
26 fee of at least \$250.

27 (2) For the use of the general dispute resolution  
28 process for disputes between the Department of Public  
29 Health and a health care provider, a fee not to exceed  
30 \$10,000, plus an alternative dispute resolution request  
31 fee of \$2,000 per process.

32 All fees collected by the Board shall be deposited into the  
33 Capital Development Board Revolving Fund. The Board may also  
34 accept donations or moneys from any other legal source for  
35 deposit into that Fund. All interest accrued on the fees,  
36 donations, and other deposits to this Fund shall be deposited

1 into the Fund. Subject to appropriation, all moneys in the Fund  
2 shall be used to carry out the purposes of the Capital  
3 Development Board.

4 (20 ILCS 3918/Act rep.)

5 Section 10. The Illinois Building Commission Act is  
6 repealed.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.