



Sen. John J. Cullerton

Filed: 5/22/2008

09500HB1842sam003

LRB095 10585 HLH 51344 a

1 AMENDMENT TO HOUSE BILL 1842

2 AMENDMENT NO. _____. Amend House Bill 1842 by replacing
3 everything after the enacting clause with the following:

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

7 (20 ILCS 3125/1)

8 Sec. 1. Short title. This Act may be cited as the Energy
9 Efficient ~~Commercial~~ Building Act.

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

11 (20 ILCS 3125/5)

12 Sec. 5. Findings.

13 (a) The legislature finds that an effective energy
14 efficient ~~commercial~~ building code is essential to:

15 (1) reduce the air pollutant emissions from energy

1 consumption that are affecting the health of residents of
2 this State;

3 (2) moderate future peak electric power demand;

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

6 (4) control energy costs for residents and businesses
7 in this State.

8 (b) The legislature further finds that this State has a
9 number of different climate types, all of which require energy
10 for both cooling and heating, and that there are many
11 cost-effective measures that can reduce peak energy use and
12 reduce cooling, heating, lighting, and other energy costs in
13 ~~commercial~~ buildings.

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

15 (20 ILCS 3125/10)

16 Sec. 10. Definitions.

17 "Board" means the Capital Development Board.

18 "Building" includes both residential buildings and
19 commercial buildings.

20 "Code" means the latest published edition of the
21 International Code Council's International Energy Conservation
22 Code, excluding published supplements but including the
23 adaptations to the Code that are made by the Board.

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

1 "Department" means the Department of Commerce and Economic
2 Opportunity.

3 "Municipality" means any city, village, or incorporated
4 town.

5 "Residential building" means (i) a detached one-family or
6 2-family dwelling or (ii) any building that is 3 stories or
7 less in height above grade that contains multiple dwelling
8 units, in which the occupants reside on a primarily permanent
9 basis, such as a townhouse, a row house, an apartment house, a
10 convent, a monastery, a rectory, a fraternity or sorority
11 house, a dormitory, and a rooming house.

12 (Source: P.A. 93-936, eff. 8-13-04; 94-815, eff. 5-26-06.)

13 (20 ILCS 3125/15)

14 Sec. 15. Energy Efficient Building Code. The Board, in
15 consultation with the Department, shall adopt the Code as
16 minimum requirements for commercial buildings, applying to the
17 construction of, renovations to, and additions to all
18 commercial buildings in the State. The Board, in consultation
19 with the Department, shall also adopt the Code as the minimum
20 and maximum requirements for residential buildings, applying
21 to the construction of all residential buildings in the State.
22 The Board may appropriately adapt the International Energy
23 Conservation Code to apply to the particular economy,
24 population distribution, geography, and climate of the State
25 and construction therein, consistent with the public policy

1 objectives of this Act.

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

3 (20 ILCS 3125/20)

4 Sec. 20. Applicability.

5 (a) The Code shall take effect one year after it is adopted
6 by the Board and shall apply to any new ~~commercial~~ building or
7 structure in this State for which a building permit application
8 is received by a municipality or county, except as otherwise
9 provided by this Act. In the case of any addition, alteration,
10 renovation, or repair to an existing commercial structure, the
11 Code adopted under this Act applies only to the portions of
12 that structure that are being added, altered, renovated, or
13 repaired.

14 (b) The following buildings shall be exempt from the Code:

15 (1) Buildings otherwise exempt from the provisions of a
16 locally adopted building code and buildings that do not
17 contain a conditioned space.

18 (2) Buildings that do not use either electricity or
19 fossil fuel for comfort conditioning. For purposes of
20 determining whether this exemption applies, a building
21 will be presumed to be heated by electricity, even in the
22 absence of equipment used for electric comfort heating,
23 whenever the building is provided with electrical service
24 in excess of 100 amps, unless the code enforcement official
25 determines that this electrical service is necessary for

1 purposes other than providing electric comfort heating.

2 (3) Historic buildings. This exemption shall apply to
3 those buildings that are listed on the National Register of
4 Historic Places or the Illinois Register of Historic
5 Places, and to those buildings that have been designated as
6 historically significant by a local governing body that is
7 authorized to make such designations.

8 (4) Additions, alterations, renovations, or repairs to
9 existing residential structures ~~Residential buildings.~~

10 (5) Other buildings specified as exempt by the
11 International Energy Conservation Code.

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

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

21 (20 ILCS 3125/45)

22 Sec. 45. Home rule. Except as otherwise provided in this
23 Section, no ~~no~~ unit of local government, including any home
24 rule unit, may regulate energy efficient building standards for
25 commercial buildings in a manner that is less stringent than

1 the provisions contained in this Act.

2 Except as otherwise provided in this Section, no unit of
3 local government, including any home rule unit, may regulate
4 energy efficient building standards for residential buildings
5 in a manner that is either less or more stringent than the
6 standards established pursuant to this Act.

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

17 Any unit of local government that has adopted any
18 previously published editions of the International Energy
19 Conservation Code on or before May 1, 2008, may continue to
20 regulate energy efficient building standards under that Code
21 and any supplements the unit of local government has adopted
22 prior to May 1, 2008.

23 This Section is a denial and limitation of home rule powers
24 and functions under subsection (i) of Section 6 of Article VII
25 of the Illinois Constitution on the concurrent exercise by home
26 rule units of powers and functions exercised by the State.

1 Nothing in this Section, however, prevents a unit of local
2 government from adopting an energy efficiency code or standards
3 for commercial buildings that are more stringent than the Code
4 under this Act.

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

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