



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4099

Introduced 1/15/2004, by Julie Hamos, Eileen Lyons, Harry Osterman

SYNOPSIS AS INTRODUCED:

New Act

Creates the Energy Efficient Commercial Building Act. Establishes an Energy Efficient Commercial Building Code that applies to commercial buildings in this State. Provides for technical assistance to certain design professions to explain the requirements of the Code. Preempts home rule powers. Effective one year after becoming law.

LRB093 16165 BDD 44166 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT in relation to energy conservation.

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

4 Section 1. Short title. This Act may be cited as the
5 Energy Efficient Commercial Building Act.

6 Section 5. Findings.

7 (a) The legislature finds that an effective energy
8 efficient commercial building code is essential to:

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

12 (2) moderate future peak electric power demand;

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

15 (4) control energy costs for residents and businesses
16 in this State.

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

23 Section 10. Definitions.

24 "Board" means the Capital Development Board.

25 "Code" means the 2000 International Energy Conservation
26 Code, the 2001 supplement to that Code, and the adaptations to
27 the Code that are made by the Board.

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

30 "Municipality" means any city, village, or incorporated
31 town.

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

8 Section 15. Energy Efficient Building Code. The Board
9 shall adopt, as minimum Code requirements applying to the
10 construction of, renovations to, and additions to all
11 commercial buildings in the State, the 2000 International
12 Energy Conservation Code and 2002 Supplement to the 2000
13 International Energy Conservation Code as adopted by the
14 International Code Council. The Board may appropriately adapt
15 the International Energy Conservation Code to apply to the
16 particular economy, population distribution, geography, and
17 climate of the State and construction therein, consistent with
18 the public policy objectives of this Act.

19 Section 20. Applicability.

20 (a) Except as otherwise provided by this Act, the Code
21 shall apply to any commercial building or structure in this
22 State for which a building permit application is received by a
23 municipality or county on or after the effective date of this
24 Act.

25 (b) The following buildings shall be exempt from the Energy
26 Efficient Building Code:

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

30 (2) Buildings that do not use either electricity or
31 fossil fuel for comfort conditioning. For purposes of
32 determining whether this exemption applies, a building
33 will be presumed to be heated by electricity, even in the
34 absence of equipment used for electric comfort heating,

1 whenever the building is provided with electrical service
2 in excess of 100 amps, unless the code enforcement official
3 determines that this electrical service is necessary for
4 purposes other than providing electric comfort heating.

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

11 (4) Residential buildings.

12 (5) Other buildings specified as exempt by the
13 International Energy Conservation Code.

14 Section 25. Technical assistance.

15 (a) The Board shall make available to builders, designers,
16 engineers, and architects implementation materials that
17 explain the requirements of the Code and describe methods of
18 compliance acceptable to Code Enforcement Officials.

19 (b) The materials shall include software tools, simplified
20 prescriptive options, and other materials as appropriate. The
21 simplified materials shall be designed for projects in which a
22 design professional may not be involved.

23 (c) The Board shall provide local jurisdictions with
24 technical assistance concerning implementation and enforcement
25 of the Code.

26 Section 30. Enforcement. The Board shall determine
27 procedures for compliance with the Code. These procedures may
28 include but need not be limited to certification by a national,
29 State, or local accredited energy conservation program or
30 inspections from private Code-certified inspectors using the
31 Code.

32 Section 35. Rules. The Board may adopt any rules that are
33 necessary for the furtherance of this Act.

1 Section 40. Input from interested parties. When developing
2 Code adaptations, rules, and procedures for compliance with the
3 Code, the Capital Development Board, or the Illinois Building
4 Commission as directed by the Board, shall seek input from
5 representatives from the building trades, design
6 professionals, construction professionals, code
7 administrators, and other interested entities affected.

8 Section 45. Home rule. No unit of local government,
9 including any home rule unit, may regulate energy efficient
10 building standards in a manner that is less stringent than the
11 provisions contained in this Act. This Section is a denial and
12 limitation of home rule powers and functions under subsection
13 (i) of Section 6 of Article VII of the Illinois Constitution on
14 the concurrent exercise by home rule units of powers and
15 functions exercised by the State.

16 Section 99. Effective date. This Act takes effect one year
17 after becoming law.