



Sen. Don Harmon

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09600HB3987sam002

LRB096 11406 JDS 27169 a

1 AMENDMENT TO HOUSE BILL 3987

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3987 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; provided, however,  
12 that when applied to a building located within the boundaries  
13 of a municipality having a population of 1,000,000 or more, the  
14 term "residential building" means a building containing one or  
15 more dwelling units, not exceeding 4 stories above grade, where  
16 occupants are primarily permanent.

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

18 (20 ILCS 3125/15)

19 Sec. 15. Energy Efficient Building Code. The Board, in  
20 consultation with the Department, shall adopt the Code as  
21 minimum requirements for commercial buildings, applying to the  
22 construction of, renovations to, and additions to all  
23 commercial buildings in the State. The Board, in consultation  
24 with the Department, shall also adopt the Code as the minimum  
25 and maximum requirements for residential buildings, applying

1 to the construction of all residential buildings in the State,  
2 except as provided for in Section 45 of this Act. The Board may  
3 appropriately adapt the International Energy Conservation Code  
4 to apply to the particular economy, population distribution,  
5 geography, and climate of the State and construction therein,  
6 consistent with the public policy objectives of this Act.

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

8 (20 ILCS 3125/20)

9 Sec. 20. Applicability.

10 (a) The Board shall adopt the Code within 9 months after  
11 its publication. The Code shall take effect within 3 months ~~one~~  
12 ~~year~~ after it is adopted by the Board and shall apply to any  
13 new ~~commercial~~ building or structure in this State for which a  
14 building permit application is received by a municipality or  
15 county, except as otherwise provided by this Act. In the case  
16 of any addition, alteration, renovation, or repair to an  
17 existing commercial structure, the Code adopted under this Act  
18 applies only to the portions of that structure that are being  
19 added, altered, renovated, or repaired.

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

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

24 (2) Buildings that do not use either electricity or  
25 fossil fuel for comfort conditioning. For purposes of

1 determining whether this exemption applies, a building  
2 will be presumed to be heated by electricity, even in the  
3 absence of equipment used for electric comfort heating,  
4 whenever the building is provided with electrical service  
5 in excess of 100 amps, unless the code enforcement official  
6 determines that this electrical service is necessary for  
7 purposes other than providing electric comfort heating.

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

14 (4) (Blank). ~~Residential buildings.~~

15 (5) Other buildings specified as exempt by the  
16 International Energy Conservation Code.

17 (c) Additions, alterations, renovations, or repairs to an  
18 existing building, building system, or portion thereof shall  
19 conform to the provisions of the Code as they relate to new  
20 construction without requiring the unaltered portion of the  
21 existing building or building system to comply with the Code.  
22 The following need not comply with the Code, provided that the  
23 energy use of the building is not increased: (i) storm windows  
24 installed over existing fenestration, (ii) glass-only  
25 replacements in an existing sash and frame, (iii) existing  
26 ceiling, wall, or floor cavities exposed during construction,

1 provided that these cavities are filled with insulation, and  
2 (iv) construction where the existing roof, wall, or floor is  
3 not exposed.

4 (d) A unit of local government that does not regulate  
5 energy efficient building standards is not required to adopt,  
6 enforce, or administer the Code; however, any energy efficient  
7 building standards adopted by a unit of local government must  
8 comply with this Act. If a unit of local government does not  
9 regulate energy efficient building standards, any  
10 construction, renovation, or addition to buildings or  
11 structures is subject to the provisions contained in this Act.

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

13 (20 ILCS 3125/45)

14 Sec. 45. Home rule.

15 (a) No unit of local government, including any home rule  
16 unit, may regulate energy efficient building standards for  
17 commercial buildings in a manner that is less stringent than  
18 the provisions contained in this Act.

19 (b) No unit of local government, including any home rule  
20 unit, may regulate energy efficient building standards for  
21 residential buildings in a manner that is either less or more  
22 stringent than the standards established pursuant to this Act;  
23 provided, however, that the following entities may regulate  
24 energy efficient building standards for residential buildings  
25 in a manner that is more stringent than the provisions

1 contained in this Act: (i) a unit of local government,  
2 including a home rule unit, that has, on or before May 15,  
3 2009, adopted or incorporated by reference energy efficient  
4 building standards for residential buildings that are  
5 equivalent to or more stringent than the 2006 International  
6 Energy Conservation Code, (ii) a unit of local government,  
7 including a home rule unit, that has, on or before May 15,  
8 2009, provided to the Capital Development Board, as required by  
9 Section 55 of the Illinois Building Commission Act, an  
10 identification of an energy efficient building code or  
11 amendment that is equivalent to or more stringent than the 2006  
12 International Energy Conservation Code, and (iii) a  
13 municipality with a population of 1,000,000 or more.

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

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

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