



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4529

by Rep. Ron Sandack

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3105/10.18 new	
20 ILCS 3125/40	
20 ILCS 3125/45	
20 ILCS 3918/Act rep.	
55 ILCS 5/5-1063	from Ch. 34, par. 5-1063
55 ILCS 5/5-1064	from Ch. 34, par. 5-1064
65 ILCS 5/1-2-3.1	
210 ILCS 85/8	from Ch. 111 1/2, par. 149

Repeals the Illinois Building Commission Act. Abolishes the Illinois Building Commission. Amends the Capital Development Board Act. Transfers the Illinois Building Commission's function of identifying local building codes to the Capital Development Board. Amends the Energy Efficient Building Act, the Counties Code, the Illinois Municipal Code, and the Hospital Licensing Act to make conforming changes. Effective immediately.

LRB099 15928 SMS 40245 b

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 Section 10.18 as follows:

6 (20 ILCS 3105/10.18 new)

7 Sec. 10.18. Identification of local building codes. All  
8 municipalities with a population of less than 1,000,000 or a  
9 county adopting a new building code or amending an existing  
10 building code must, at least 30 days before adopting the code  
11 or amendment, provide an identification of the code, by title  
12 and edition, or the amendment to the Capital Development Board.  
13 The Capital Development Board must identify the proposed code,  
14 by the title and edition, and note if any amendments were made  
15 to the public on the Capital Development Board website.

16 For the purposes of this Section, "building code" means a  
17 model building code regulating the construction and  
18 maintenance of structures within the municipality or county.

19 Section 10. The Energy Efficient Building Act is amended by  
20 changing Sections 40 and 45 as follows:

21 (20 ILCS 3125/40)

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

9 (20 ILCS 3125/45)

10 Sec. 45. Home rule.

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

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

1 equivalent to or more stringent than the 2006 International  
2 Energy Conservation Code, (ii) a unit of local government,  
3 including a home rule unit, that has, on or before May 15,  
4 2009, provided to the Capital Development Board, as required by  
5 Section 10.18 of the Capital Development Board Act ~~55 of the~~  
6 ~~Illinois Building Commission Act~~, an identification of an  
7 energy efficient building code or amendment that is equivalent  
8 to or more stringent than the 2006 International Energy  
9 Conservation Code, and (iii) a municipality with a population  
10 of 1,000,000 or more.

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

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

1 the Code under this Act.

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

3 (20 ILCS 3918/Act rep.)

4 Section 15. The Illinois Building Commission Act is  
5 repealed.

6 Section 20. The Counties Code is amended by changing  
7 Sections 5-1063 and 5-1064 as follows:

8 (55 ILCS 5/5-1063) (from Ch. 34, par. 5-1063)

9 Sec. 5-1063. Building construction, alteration and  
10 maintenance. For the purpose of promoting and safeguarding the  
11 public health, safety, comfort and welfare, a county board may  
12 prescribe by resolution or ordinance reasonable rules and  
13 regulations (a) governing the construction and alteration of  
14 all buildings, structures and camps or parks accommodating  
15 persons in house trailers, house cars, cabins or tents and  
16 parts and appurtenances thereof and governing the maintenance  
17 thereof in a condition reasonably safe from hazards of fire,  
18 explosion, collapse, electrocution, flooding, asphyxiation,  
19 contagion and the spread of infectious disease, where such  
20 buildings, structures and camps or parks are located outside  
21 the limits of cities, villages and incorporated towns, but  
22 excluding those for agricultural purposes on farms including  
23 farm residences, but any such resolution or ordinance shall be

1 subject to any rule or regulation heretofore or hereafter  
2 adopted by the State Fire Marshal pursuant to "An Act to  
3 regulate the storage, transportation, sale and use of gasoline  
4 and volatile oils", approved June 28, 1919, as amended; (b) for  
5 prohibiting the use for residential purposes of buildings and  
6 structures already erected or moved into position which do not  
7 comply with such rules and regulations; and (c) for the  
8 restraint, correction and abatement of any violations.

9 In addition, the county board may by resolution or  
10 ordinance require that each occupant of an industrial or  
11 commercial building located outside the limits of cities,  
12 villages and incorporated towns obtain an occupancy permit  
13 issued by the county. The county board may by resolution or  
14 ordinance require that an occupancy permit be obtained for each  
15 newly constructed residential dwelling located outside the  
16 limits of cities, villages, and incorporated towns, but may not  
17 require more than one occupancy permit per newly constructed  
18 residential dwelling. Such permit may be valid for the duration  
19 of the occupancy or for a specified period of time, and shall  
20 be valid only with respect to the occupant to which it is  
21 issued. A county board may not impose a fee on an occupancy  
22 permit for a newly constructed residential dwelling issued  
23 pursuant to this Section. If, before the effective date of this  
24 amendatory Act of the 96th General Assembly, a county board  
25 imposes a fee on an occupancy permit for a newly constructed  
26 residential dwelling, then the county board may continue to

1 impose the occupancy permit fee.

2       Within 30 days after its adoption, such resolution or  
3 ordinance shall be printed in book or pamphlet form, published  
4 by authority of the County Board; or it shall be published at  
5 least once in a newspaper published and having general  
6 circulation in the county; or if no newspaper is published  
7 therein, copies shall be posted in at least 4 conspicuous  
8 places in each township or Road District. No such resolution or  
9 ordinance shall take effect until 10 days after it is published  
10 or posted. Where such building or camp or park rules and  
11 regulations have been published previously in book or pamphlet  
12 form, the resolution or ordinance may provide for the adoption  
13 of such rules and regulations or portions thereof, by reference  
14 thereto without further printing, publication or posting,  
15 provided that not less than 3 copies of such rules and  
16 regulations in book or pamphlet form shall have been filed, in  
17 the office of the County Clerk, for use and examination by the  
18 public for at least 30 days prior to the adoption thereof by  
19 the County Board.

20       Beginning on the effective date of this amendatory Act of  
21 the 92nd General Assembly, any county adopting a new building  
22 code or amending an existing building code under this Section  
23 must, at least 30 days before adopting the building code or  
24 amendment, provide an identification of the building code, by  
25 title and edition, or the amendment ~~to the Illinois Building~~  
26 ~~Commission~~ for identification under Section 10.18 of the

1 Capital Development Board Act ~~on the Internet~~. For the purposes  
2 of this Section, "building code" means any ordinance,  
3 resolution, law, housing or building code, or zoning ordinance  
4 that establishes construction related activities applicable to  
5 structures in the county.

6 The violation of any rule or regulation adopted pursuant to  
7 this Section, except for a violation of the provisions of this  
8 amendatory Act of the 92nd General Assembly and the rules and  
9 regulations adopted under those provisions, shall be a petty  
10 offense.

11 All rules and regulations enacted by resolution or  
12 ordinance under the provisions of this Section shall be  
13 enforced by such officer of the county as may be designated by  
14 resolution of the County Board.

15 No such resolution or ordinance shall be enforced if it is  
16 in conflict with any law of this State or with any rule of the  
17 Department of Public Health.

18 (Source: P.A. 96-721, eff. 1-1-10.)

19 (55 ILCS 5/5-1064) (from Ch. 34, par. 5-1064)

20 Sec. 5-1064. Buildings in certain counties of less than  
21 1,000,000 population. The county board in any county with a  
22 population not in excess of 1,000,000 located in the area  
23 served by the Northeastern Illinois Metropolitan Area Planning  
24 Commission may prescribe by resolution or ordinance reasonable  
25 rules and regulations (a) governing the construction and



1 alteration of all buildings and structures and parts and  
2 appurtenances thereof and governing the maintenance thereof in  
3 a condition reasonably safe from the hazards of fire,  
4 explosion, collapse, contagion and the spread of infectious  
5 disease, but any such resolution or ordinance shall be subject  
6 to any rule or regulation now or hereafter adopted by the State  
7 Fire Marshal pursuant to "An Act to regulate the storage,  
8 transportation, sale and use of gasoline and volatile oils",  
9 approved June 28, 1919, as amended, (b) for prohibiting the use  
10 for residential purposes of buildings and structures already  
11 erected or moved into position which do not comply with such  
12 rules and regulations, and (c) for the restraint, correction  
13 and abatement of any violations. However, the county shall  
14 exempt all municipalities located wholly or partly within the  
15 county where the municipal building code is equal to the county  
16 regulation and where the local authorities are enforcing the  
17 municipal building code. Such rules and regulations shall be  
18 applicable throughout the county but this Section shall not be  
19 construed to prevent municipalities from establishing higher  
20 standards nor shall such rules and regulations apply to the  
21 construction or alteration of buildings and structures used or  
22 to be used for agricultural purposes and located upon a tract  
23 of land which is zoned and used for agricultural purposes.

24 In the adoption of rules and regulations under this Section  
25 the county board shall be governed by the publication and  
26 posting requirements set out in Section 5-1063.

1           Beginning on the effective date of this amendatory Act of  
2 the 92nd General Assembly, any county adopting a new building  
3 code or amending an existing building code under this Section  
4 must, at least 30 days before adopting the building code or  
5 amendment, provide an identification of the building code, by  
6 title and edition, or the amendment ~~to the Illinois Building~~  
7 ~~Commission~~ for identification under Section 10.18 of the  
8 Capital Development Board Act ~~on the Internet.~~

9           For the purposes of this Section, "building code" means any  
10 ordinance, resolution, law, housing or building code, or zoning  
11 ordinance that establishes construction related activities  
12 applicable to structures in the county.

13           Violation of any rule or regulation adopted pursuant to  
14 this Section, except for a violation of the provisions of this  
15 amendatory Act of the 92nd General Assembly and the rules and  
16 regulations adopted under those provisions, shall be deemed a  
17 petty offense.

18           All rules and regulations enacted by resolution or  
19 ordinance under the provisions of this Section shall be  
20 enforced by such officer of the county as may be designated by  
21 resolution of the county board.

22           (Source: P.A. 92-489, eff. 7-1-02.)

23           Section 25. The Illinois Municipal Code is amended by  
24 changing Section 1-2-3.1 as follows:

1 (65 ILCS 5/1-2-3.1)

2 Sec. 1-2-3.1. Building codes. Beginning on the effective  
3 date of this amendatory Act of the 92nd General Assembly, any  
4 municipality with a population of less than 1,000,000 adopting  
5 a new building code or amending an existing building code must,  
6 at least 30 days before adopting the code or amendment, provide  
7 an identification of the code, by title and edition, or the  
8 amendment ~~to the Illinois Building Commission~~ for  
9 identification under Section 10.18 of the Capital Development  
10 Board Act ~~on the Internet~~.

11 For the purposes of this Section, "building code" means any  
12 ordinance, resolution, law, housing or building code, or zoning  
13 ordinance that establishes construction related activities  
14 applicable to structures in the municipality.

15 (Source: P.A. 92-489, eff. 7-1-02.)

16 Section 30. The Hospital Licensing Act is amended by  
17 changing Section 8 as follows:

18 (210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

19 Sec. 8. Facility plan review; fees.

20 (a) Before commencing construction of new facilities or  
21 specified types of alteration or additions to an existing  
22 hospital involving major construction, as defined by rule by  
23 the Department, with an estimated cost greater than \$100,000,  
24 architectural plans and specifications therefor shall be

1 submitted by the licensee to the Department for review and  
2 approval. A hospital may submit architectural drawings and  
3 specifications for other construction projects for Department  
4 review according to subsection (b) that shall not be subject to  
5 fees under subsection (d). The Department must give a hospital  
6 that is planning to submit a construction project for review  
7 the opportunity to discuss its plans and specifications with  
8 the Department before the hospital formally submits the plans  
9 and specifications for Department review. Review of drawings  
10 and specifications shall be conducted by an employee of the  
11 Department meeting the qualifications established by the  
12 Department of Central Management Services class specifications  
13 for such an individual's position or by a person contracting  
14 with the Department who meets those class specifications. Final  
15 approval of the plans and specifications for compliance with  
16 design and construction standards shall be obtained from the  
17 Department before the alteration, addition, or new  
18 construction is begun. Subject to this Section 8, and prior to  
19 January 1, 2012, the Department shall consider the re-licensing  
20 of an existing hospital structure according to the standards  
21 for an existing hospital, as set forth in the Department's  
22 rules. Re-licensing under this provision shall occur only if  
23 that facility operated as a licensed hospital on July 1, 2005,  
24 has had no intervening use as other than a hospital, and exists  
25 in a county with a population of less than 20,000 that does not  
26 have another licensed hospital on the effective date of this

1 amendatory Act of the 95th General Assembly.

2 (b) The Department shall inform an applicant in writing  
3 within 10 working days after receiving drawings and  
4 specifications and the required fee, if any, from the applicant  
5 whether the applicant's submission is complete or incomplete.  
6 Failure to provide the applicant with this notice within 10  
7 working days shall result in the submission being deemed  
8 complete for purposes of initiating the 60-day review period  
9 under this Section. If the submission is incomplete, the  
10 Department shall inform the applicant of the deficiencies with  
11 the submission in writing. If the submission is complete and  
12 the required fee, if any, has been paid, the Department shall  
13 approve or disapprove drawings and specifications submitted to  
14 the Department no later than 60 days following receipt by the  
15 Department. The drawings and specifications shall be of  
16 sufficient detail, as provided by Department rule, to enable  
17 the Department to render a determination of compliance with  
18 design and construction standards under this Act. If the  
19 Department finds that the drawings are not of sufficient detail  
20 for it to render a determination of compliance, the plans shall  
21 be determined to be incomplete and shall not be considered for  
22 purposes of initiating the 60 day review period. If a  
23 submission of drawings and specifications is incomplete, the  
24 applicant may submit additional information. The 60-day review  
25 period shall not commence until the Department determines that  
26 a submission of drawings and specifications is complete or the

1 submission is deemed complete. If the Department has not  
2 approved or disapproved the drawings and specifications within  
3 60 days, the construction, major alteration, or addition shall  
4 be deemed approved. If the drawings and specifications are  
5 disapproved, the Department shall state in writing, with  
6 specificity, the reasons for the disapproval. The entity  
7 submitting the drawings and specifications may submit  
8 additional information in response to the written comments from  
9 the Department or request a reconsideration of the disapproval.  
10 A final decision of approval or disapproval shall be made  
11 within 45 days of the receipt of the additional information or  
12 reconsideration request. A final decision shall be subject to  
13 review under the Administrative Review Law. ~~If denied, the~~  
14 ~~Department shall state the specific reasons for the denial and~~  
15 ~~the applicant may elect to seek dispute resolution pursuant to~~  
16 ~~Section 25 of the Illinois Building Commission Act, which the~~  
17 ~~Department must participate in.~~

18 (c) The Department shall provide written approval for  
19 occupancy pursuant to subsection (g) and shall not issue a  
20 violation to a facility as a result of a licensure or complaint  
21 survey based upon the facility's physical structure if:

22 (1) the Department reviewed and approved or deemed  
23 approved the drawing and specifications for compliance  
24 with design and construction standards;

25 (2) the construction, major alteration, or addition  
26 was built as submitted;

1           (3) the law or rules have not been amended since the  
2           original approval; and

3           (4) the conditions at the facility indicate that there  
4           is a reasonable degree of safety provided for the patients.

5           (c-5) The Department shall not issue a violation to a  
6           facility if the inspected aspects of the facility were  
7           previously found to be in compliance with applicable standards,  
8           the relevant law or rules have not been amended, conditions at  
9           the facility reasonably protect the safety of its patients, and  
10          alterations or new hazards have not been identified.

11          (d) The Department shall charge the following fees in  
12          connection with its reviews conducted before June 30, 2004  
13          under this Section:

14                 (1) (Blank).

15                 (2) (Blank).

16                 (3) If the estimated dollar value of the major  
17                 construction is greater than \$500,000, the fee shall be  
18                 established by the Department pursuant to rules that  
19                 reflect the reasonable and direct cost of the Department in  
20                 conducting the architectural reviews required under this  
21                 Section. The estimated dollar value of the major  
22                 construction subject to review under this Section shall be  
23                 annually readjusted to reflect the increase in  
24                 construction costs due to inflation.

25                 The fees provided in this subsection (d) shall not apply to  
26                 major construction projects involving facility changes that

1 are required by Department rule amendments or to projects  
2 related to homeland security.

3 The fees provided in this subsection (d) shall also not  
4 apply to major construction projects if 51% or more of the  
5 estimated cost of the project is attributed to capital  
6 equipment. For major construction projects where 51% or more of  
7 the estimated cost of the project is attributed to capital  
8 equipment, the Department shall by rule establish a fee that is  
9 reasonably related to the cost of reviewing the project.

10 Disproportionate share hospitals and rural hospitals shall  
11 only pay one-half of the fees required in this subsection (d).  
12 For the purposes of this subsection (d), (i) "disproportionate  
13 share hospital" means a hospital described in items (1) through  
14 (5) of subsection (b) of Section 5-5.02 of the Illinois Public  
15 Aid Code and (ii) "rural hospital" means a hospital that is (A)  
16 located outside a metropolitan statistical area or (B) located  
17 15 miles or less from a county that is outside a metropolitan  
18 statistical area and is licensed to perform medical/surgical or  
19 obstetrical services and has a combined total bed capacity of  
20 75 or fewer beds in these 2 service categories as of July 14,  
21 1993, as determined by the Department.

22 The Department shall not commence the facility plan review  
23 process under this Section until the applicable fee has been  
24 paid.

25 (e) All fees received by the Department under this Section  
26 shall be deposited into the Health Facility Plan Review Fund, a



1 special fund created in the State treasury. All fees paid by  
2 hospitals under subsection (d) shall be used only to cover the  
3 direct and reasonable costs relating to the Department's review  
4 of hospital projects under this Section. Moneys shall be  
5 appropriated from that Fund to the Department only to pay the  
6 costs of conducting reviews under this Section. None of the  
7 moneys in the Health Facility Plan Review Fund shall be used to  
8 reduce the amount of General Revenue Fund moneys appropriated  
9 to the Department for facility plan reviews conducted pursuant  
10 to this Section.

11 (f) (Blank).

12 (g) The Department shall conduct an on-site inspection of  
13 the completed project no later than 15 business days after  
14 notification from the applicant that the project has been  
15 completed and all certifications required by the Department  
16 have been received and accepted by the Department. The  
17 Department may extend this deadline only if a federally  
18 mandated survey time frame takes precedence. The Department  
19 shall provide written approval for occupancy to the applicant  
20 within 5 working days of the Department's final inspection,  
21 provided the applicant has demonstrated substantial compliance  
22 as defined by Department rule. Occupancy of new major  
23 construction is prohibited until Department approval is  
24 received, unless the Department has not acted within the time  
25 frames provided in this subsection (g), in which case the  
26 construction shall be deemed approved. Occupancy shall be

1 authorized after any required health inspection by the  
2 Department has been conducted.

3 (h) The Department shall establish, by rule, a procedure to  
4 conduct interim on-site review of large or complex construction  
5 projects.

6 (i) The Department shall establish, by rule, an expedited  
7 process for emergency repairs or replacement of like equipment.

8 (j) Nothing in this Section shall be construed to apply to  
9 maintenance, upkeep, or renovation that does not affect the  
10 structural integrity of the building, does not add beds or  
11 services over the number for which the facility is licensed,  
12 and provides a reasonable degree of safety for the patients.

13 (Source: P.A. 95-707, eff. 1-11-08.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.