



HR0341

LRB098 12034 GRL 45674 r

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HOUSE RESOLUTION

2           WHEREAS, The Office of the State Fire Marshal is  
3 considering adopting rules, under the administrative rules  
4 process that is controlled by the Illinois Administrative  
5 Procedure Act, that would affect the market prices of many  
6 forms of housing constructed throughout Illinois, including  
7 the supply of housing aimed at satisfying the needs of  
8 first-time homeowners and young families; and

9           WHEREAS, Much of the housing of Illinois is constructed by  
10 small businesses and their workers; "small business" is defined  
11 under the Illinois Administrative Procedure Act as those firms  
12 with fewer than 50 full-time employees, or having gross annual  
13 sales of less than \$4 million; and

14           WHEREAS, The Illinois Administrative Procedure Act (5 ILCS  
15 100/5-30) requires that all of the rules promulgated by State  
16 agencies under its umbrella be promulgated with the goal of  
17 maximizing the welfare and job-creating ability of Illinois  
18 small businesses and preventing damages to their interests; and

19           WHEREAS, Illinois statutory law recognizes the interest of  
20 first-time home buyers and potential first-time home buyers as  
21 a stakeholding group, and defines them in law (765 ILCS  
22 77/70(a)); and

1           WHEREAS, Any rulemaking that imposes unfunded mandates  
2 directly upon the homebuilding industry, and indirectly upon  
3 first-time home buyers, raises questions and concerns about the  
4 ability of the State of Illinois to achieve other pre-existing  
5 policy goals; and

6           WHEREAS, The reported terms of a rulemaking concerning fire  
7 sprinklers on residential property, being considered by the  
8 Office of the State Fire Marshal as of May 2013, extend well  
9 beyond the statutory powers and responsibilities of the Office;  
10 therefore, be it

11           RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
12 NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that  
13 we request that the State Fire Marshal withdraw any pending  
14 rulemaking or rulemakings that may be under consideration as of  
15 May 2013 that attempt to increase the placement of  
16 fire-suppression sprinklers in Illinois residential properties  
17 that impose requirements upon the Illinois private sector in a  
18 way that goes beyond the statutory powers and duties of the  
19 Office and impose an undue burden upon Illinois small  
20 businesses and Illinois first-time home buyers, in violation of  
21 other statutes within Illinois law; and be it further

22           RESOLVED, That the Office of the State Fire Marshal is

1 urged, if it seeks to utilize its professional expertise to  
2 develop ways and means to increase utilization of fire-safety  
3 sprinklers in residential settings, to utilize the statutory  
4 legislative process; and be it further

5       RESOLVED, That suitable copies of this resolution be  
6 delivered to the Illinois State Fire Marshal and the Governor.