

AN ACT in relation to energy conservation.

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

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

Section 5. Findings.

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

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

(2) moderate future peak electric power demand;

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

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

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

Section 10. Definitions.

"Board" means the Capital Development Board.

"Code" means the 2000 International Energy Conservation Code, the ASHRAE 90.1-1999 Standard, which is included within that Code, the 2001 supplement to that Code, and the adaptations to the Code that are made by the Board.

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

"Department" means the Department of Commerce and Economic

Opportunity.

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

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

Section 15. Energy Efficient Building Code. The Board, in consultation with the Department, shall adopt the Code as minimum requirements applying to the construction of, renovations to, and additions to all commercial buildings in the State. The Board may appropriately adapt the International Energy Conservation Code to apply to the particular economy, population distribution, geography, and climate of the State and construction therein, consistent with the public policy objectives of this Act.

Section 20. Applicability.

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

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

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

(2) Buildings that do not use either electricity or

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

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

(4) Residential buildings.

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

Section 25. Technical assistance.

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

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

(c) The Department shall provide local jurisdictions with technical assistance concerning implementation and enforcement of the Code.

Section 30. Enforcement. The Board, in consultation with the Department, shall determine procedures for compliance with the Code. These procedures may include but need not be limited to certification by a national, State, or local accredited energy conservation program or inspections from private

Code-certified inspectors using the Code.

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

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

Section 45. Home rule. No unit of local government, including any home rule unit, may regulate energy efficient building standards in a manner that is less stringent than the provisions contained in this Act. This Section is a denial and limitation of home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. Nothing in this Section, however, prevents a unit of local government from adopting an energy efficiency code or standards that are more stringent than the Code under this Act.

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