



Rep. Martin J. Moylan

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LRB100 00362 HLH 43575 a

1 AMENDMENT TO SENATE BILL 1226

2 AMENDMENT NO. _____. Amend Senate Bill 1226, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Energy Efficient Building Act is amended by
6 changing Sections 1, 5, 10, 15, 20, 25, 30, 40, and 45 as
7 follows:

8 (20 ILCS 3125/1)

9 Sec. 1. Short title. This Act may be cited as the Energy
10 Efficient Building and Green Construction Act.

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

12 (20 ILCS 3125/5)

13 Sec. 5. Findings.

14 (a) The legislature finds that an effective energy
15 efficient building and green construction code is essential to:

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

4 (2) moderate future peak electric power demand;

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

7 (4) control energy costs for residents and businesses
8 in this State; ~~and~~

9 (5) ensure clean water, reduced flooding, and enhanced
10 water supplies;

11 (6) provide for mitigation and adaptation to the
12 impacts of climate change;

13 (7) benefit both wildlife habitat and community
14 health; and

15 (8) create green jobs and cost savings.

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

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

23 (20 ILCS 3125/10)

24 Sec. 10. Definitions.

25 "Board" means the Capital Development Board.

1 "Building" includes both residential buildings and
2 commercial buildings.

3 ~~"Code" means the latest published edition of the~~
4 ~~International Code Council's International Energy Conservation~~
5 ~~Code as adopted by the Board, excluding published supplements~~
6 ~~but including the amendments and adaptations to the Code that~~
7 ~~are made by the Board.~~

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

10 "Department" means the Department of Commerce and Economic
11 Opportunity.

12 "Green Code" means the latest published editions of the
13 International Code Council's International Energy Conservation
14 Code and International Green Construction Code, as adopted by
15 the Board, excluding published supplements but including the
16 amendments and adaptations to either Code that are made by the
17 Board.

18 "Green construction" means construction, renovations, and
19 additions that consider site sustainability, water and energy
20 efficiency, indoor environmental quality, materials and
21 resources, building commissioning, construction, and plans for
22 operations and maintenance for new and existing buildings,
23 building sites, and building materials, components, equipment,
24 and systems.

25 "Municipality" means any city, village, or incorporated
26 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; provided, however,
8 that when applied to a building located within the boundaries
9 of a municipality having a population of 1,000,000 or more, the
10 term "residential building" means a building containing one or
11 more dwelling units, not exceeding 4 stories above grade, where
12 occupants are primarily permanent.

13 (Source: P.A. 96-778, eff. 8-28-09; 97-1033, eff. 8-17-12.)

14 (20 ILCS 3125/15)

15 Sec. 15. Green ~~Energy Efficient Building~~ Code.

16 (a) The Board, in consultation with the Department, shall
17 adopt the International Energy Conservation Code ~~Code~~ as
18 minimum requirements for commercial buildings, applying to the
19 construction of, renovations to, and additions to all
20 commercial buildings in the State. The Board, in consultation
21 with the Department, shall also adopt the International Energy
22 Conservation Code as the minimum and maximum requirements for
23 residential buildings, applying to the construction of all
24 residential buildings in the State, except as provided for in
25 Section 45 of this Act.

1 (b) The Board, in consultation with the Department, shall
2 adopt the International Green Construction Code as the minimum
3 requirements for the construction of, renovations to, and
4 additions to all commercial buildings in the State that are
5 represented to be green construction.

6 (c) The Board may appropriately adapt the International
7 Energy Conservation Code and the International Green
8 Construction Code to apply to the particular economy,
9 population distribution, geography, and climate of the State
10 and construction therein, consistent with the public policy
11 objectives of this Act.

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

13 (20 ILCS 3125/20)

14 Sec. 20. Applicability.

15 (a) The Board shall review and adopt the International
16 Energy Conservation Code and the International Green
17 Construction Code within one year after their ~~its~~ publication.
18 The Codes Code shall take effect within 6 months after they are
19 ~~it is~~ adopted by the Board, except that, beginning January 1,
20 2012, the International Energy Conservation Code adopted in
21 2012 shall take effect on January 1, 2013. Except as otherwise
22 provided in this Act, the Code shall apply to (i) any new
23 building or structure in this State for which a building permit
24 application is received by a municipality or county and (ii)
25 beginning on the effective date of this amendatory Act of the

1 100th General Assembly, each State facility specified in
2 Section 4.01 of the Capital Development Board Act. In the case
3 of any addition, alteration, renovation, or repair to an
4 existing commercial structure, the Green Code adopted under
5 this Act applies only to the portions of that structure that
6 are being added, altered, renovated, or repaired. The changes
7 made to this Section by Public Act 97-1033 ~~this amendatory Act~~
8 ~~of the 97th General Assembly~~ shall in no way invalidate or
9 otherwise affect contracts entered into on or before August 17,
10 2012 (the effective date of Public Act 97-1033) ~~this amendatory~~
11 ~~Act of the 97th General Assembly~~. The changes made to this
12 Section by this amendatory Act of the 100th General Assembly
13 shall not invalidate or otherwise affect contracts entered into
14 on or before the effective date of this amendatory Act of the
15 100th General Assembly.

16 (b) The following buildings shall be exempt from the Green
17 Code, or portions thereof as set forth below:

18 (1) Buildings otherwise exempt from the provisions of a
19 locally adopted building code are exempt from the Green
20 Code. Buildings and buildings that do not contain a
21 conditioned space are exempt from the International Energy
22 Conservation Code.

23 (2) Buildings that do not use either electricity or
24 fossil fuel for comfort conditioning are exempt from the
25 International Energy Conservation Code. For purposes of
26 determining whether this exemption applies, a building

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

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

14 (4) (Blank).

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

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

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

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

14 (Source: P.A. 100-729, eff. 8-3-18.)

15 (20 ILCS 3125/25)

16 Sec. 25. Technical assistance.

17 (a) The Department shall make available to builders,
18 designers, engineers, and architects implementation materials
19 and training to explain the requirements of the Green Code and
20 describe methods of compliance acceptable to Green Code
21 Enforcement Officials.

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

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

4 (Source: P.A. 97-1033, eff. 8-17-12.)

5 (20 ILCS 3125/30)

6 Sec. 30. Enforcement. The Board, in consultation with the
7 Department, shall determine procedures for compliance with the
8 Green Code. These procedures may include but need not be
9 limited to certification by a national, State, or local
10 accredited energy conservation or green construction program
11 or inspections from private Code-certified inspectors using
12 the Green Code.

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

14 (20 ILCS 3125/40)

15 Sec. 40. Input from interested parties. When developing
16 Green Code adaptations, rules, and procedures for compliance
17 with the Green Code, the Capital Development Board shall seek
18 input from representatives from the building trades, design
19 professionals, construction professionals, code
20 administrators, and other interested entities affected.

21 (Source: P.A. 99-639, eff. 7-28-16.)

22 (20 ILCS 3125/45)

23 Sec. 45. Home rule.

1 (a) No unit of local government, including any home rule
2 unit, may regulate energy efficient building or green
3 construction standards for commercial buildings in a manner
4 that is less stringent than the provisions contained in this
5 Act.

6 (b) No unit of local government, including any home rule
7 unit, may regulate energy efficient building standards for
8 residential buildings in a manner that is either less or more
9 stringent than the standards established pursuant to this Act;
10 provided, however, that the following entities may regulate
11 energy efficient building standards for residential buildings
12 in a manner that is more stringent than the provisions
13 contained in this Act: (i) a unit of local government,
14 including a home rule unit, that has, on or before May 15,
15 2009, adopted or incorporated by reference energy efficient
16 building standards for residential buildings that are
17 equivalent to or more stringent than the 2006 International
18 Energy Conservation Code, (ii) a unit of local government,
19 including a home rule unit, that has, on or before May 15,
20 2009, provided to the Capital Development Board, as required by
21 Section 10.18 of the Capital Development Board Act, an
22 identification of an energy efficient building code or
23 amendment that is equivalent to or more stringent than the 2006
24 International Energy Conservation Code, and (iii) a
25 municipality with a population of 1,000,000 or more.

26 (c) No unit of local government, including any home rule

1 unit or unit of local government that is subject to State
2 regulation under the Green Code as provided in Section 15 of
3 this Act, may hereafter enact any annexation ordinance or
4 resolution, or require or enter into any annexation agreement,
5 that imposes energy efficient building or green construction
6 standards for residential buildings that are either less or
7 more stringent than the energy efficiency or green construction
8 standards in effect, at the time of construction, throughout
9 the unit of local government.

10 (d) This Section is a denial and limitation of home rule
11 powers and functions under subsection (i) of Section 6 of
12 Article VII of the Illinois Constitution on the concurrent
13 exercise by home rule units of powers and functions exercised
14 by the State. Nothing in this Section, however, prevents a unit
15 of local government from adopting an energy efficiency or green
16 construction code or standards for commercial buildings that
17 are more stringent than the Green Code under this Act.

18 (Source: P.A. 99-639, eff. 7-28-16.)".