



Rep. Martin J. Moylan

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LRB100 00362 HLH 43648 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 and by
7 adding Section 3 as 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 3125/3 new)

13 Sec. 3. Illinois Plumbing License Law. In the event of a
14 conflict between this Act and the Illinois Plumbing License
15 Law, the Illinois Plumbing License Law controls.

1 (20 ILCS 3125/5)

2 Sec. 5. Findings.

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

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

8 (2) moderate future peak electric power demand;

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

11 (4) control energy costs for residents and businesses
12 in this State; ~~and~~

13 (5) ensure clean water, reduced flooding, and enhanced
14 water supplies;

15 (6) provide for mitigation and adaptation to the
16 impacts of climate change;

17 (7) benefit both wildlife habitat and community
18 health; and

19 (8) create green jobs and cost savings.

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

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

2 (20 ILCS 3125/10)

3 Sec. 10. Definitions.

4 "Board" means the Capital Development Board.

5 "Building" includes both residential buildings and
6 commercial buildings.

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

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

14 "Department" means the Department of Commerce and Economic
15 Opportunity.

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

22 "Green construction" means construction, renovations, and
23 additions that consider site sustainability, water and energy
24 efficiency, indoor environmental quality, materials and
25 resources, building commissioning, construction, and plans for

1 operations and maintenance for new and existing buildings,
2 building sites, and building materials, components, equipment,
3 and systems.

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

6 "Residential building" means (i) a detached one-family or
7 2-family dwelling or (ii) any building that is 3 stories or
8 less in height above grade that contains multiple dwelling
9 units, in which the occupants reside on a primarily permanent
10 basis, such as a townhouse, a row house, an apartment house, a
11 convent, a monastery, a rectory, a fraternity or sorority
12 house, a dormitory, and a rooming house; provided, however,
13 that when applied to a building located within the boundaries
14 of a municipality having a population of 1,000,000 or more, the
15 term "residential building" means a building containing one or
16 more dwelling units, not exceeding 4 stories above grade, where
17 occupants are primarily permanent.

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

19 (20 ILCS 3125/15)

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

21 (a) The Board, in consultation with the Department, shall
22 adopt the International Energy Conservation Code ~~Code~~ as
23 minimum requirements for commercial buildings, applying to the
24 construction of, renovations to, and additions to all
25 commercial buildings in the State. The Board, in consultation

1 with the Department, shall also adopt the International Energy
2 Conservation Code as the minimum and maximum requirements for
3 residential buildings, applying to the construction of all
4 residential buildings in the State, except as provided for in
5 Section 45 of this Act.

6 (b) The Board, in consultation with the Department, shall
7 adopt the International Green Construction Code as the minimum
8 requirements for the construction of, renovations to, and
9 additions to all commercial buildings in the State that are
10 represented to be green construction.

11 (c) The Board may appropriately adapt the International
12 Energy Conservation Code and the International Green
13 Construction Code to apply to the particular economy,
14 population distribution, geography, and climate of the State
15 and construction therein, consistent with the public policy
16 objectives of this Act.

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

18 (20 ILCS 3125/20)

19 Sec. 20. Applicability.

20 (a) The Board shall review and adopt the International
21 Energy Conservation Code and the International Green
22 Construction Code within one year after their ~~its~~ publication.
23 The Codes Code shall take effect within 6 months after they are
24 ~~it is~~ adopted by the Board, except that, beginning January 1,
25 2012, the International Energy Conservation Code adopted in

1 2012 shall take effect on January 1, 2013. Except as otherwise
2 provided in this Act, the Code shall apply to (i) any new
3 building or structure in this State for which a building permit
4 application is received by a municipality or county and (ii)
5 beginning on the effective date of this amendatory Act of the
6 100th General Assembly, each State facility specified in
7 Section 4.01 of the Capital Development Board Act. In the case
8 of any addition, alteration, renovation, or repair to an
9 existing commercial structure, the Green Code adopted under
10 this Act applies only to the portions of that structure that
11 are being added, altered, renovated, or repaired. The changes
12 made to this Section by Public Act 97-1033 ~~this amendatory Act~~
13 ~~of the 97th General Assembly~~ shall in no way invalidate or
14 otherwise affect contracts entered into on or before August 17,
15 2012 (the effective date of Public Act 97-1033) ~~this amendatory~~
16 ~~Act of the 97th General Assembly~~. The changes made to this
17 Section by this amendatory Act of the 100th General Assembly
18 shall not invalidate or otherwise affect contracts entered into
19 on or before the effective date of this amendatory Act of the
20 100th General Assembly.

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

23 (1) Buildings otherwise exempt from the provisions of a
24 locally adopted building code are exempt from the Green
25 Code. Buildings and buildings that do not contain a
26 conditioned space are exempt from the International Energy

1 Conservation Code.

2 (2) Buildings that do not use either electricity or
3 fossil fuel for comfort conditioning are exempt from the
4 International Energy Conservation Code. For purposes of
5 determining whether this exemption applies, a building
6 will be presumed to be heated by electricity, even in the
7 absence of equipment used for electric comfort heating,
8 whenever the building is provided with electrical service
9 in excess of 100 amps, unless the code enforcement official
10 determines that this electrical service is necessary for
11 purposes other than providing electric comfort heating.

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

19 (4) (Blank).

20 (5) Other buildings specified as exempt by the
21 International Energy Conservation Code or the
22 International Green Construction Code.

23 (c) Additions, alterations, renovations, or repairs to an
24 existing building, building system, or portion thereof shall
25 conform to the provisions of the Green Code as they relate to
26 new construction without requiring the unaltered portion of the

1 existing building or building system to comply with the Code.
2 The following need not comply with the International Energy
3 Conservation Code, provided that the energy use of the building
4 is not increased: (i) storm windows installed over existing
5 fenestration, (ii) glass-only replacements in an existing sash
6 and frame, (iii) existing ceiling, wall, or floor cavities
7 exposed during construction, provided that these cavities are
8 filled with insulation, and (iv) construction where the
9 existing roof, wall, or floor is not exposed.

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

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

20 (20 ILCS 3125/25)

21 Sec. 25. Technical assistance.

22 (a) The Department shall make available to builders,
23 designers, engineers, and architects implementation materials
24 and training to explain the requirements of the Green Code and
25 describe methods of compliance acceptable to Green Code

1 Enforcement Officials.

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

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

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

10 (20 ILCS 3125/30)

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

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

19 (20 ILCS 3125/40)

20 Sec. 40. Input from interested parties. When developing
21 Green Code adaptations, rules, and procedures for compliance
22 with the Green Code, the Capital Development Board shall seek
23 input from representatives from the building trades, design
24 professionals, construction professionals, code

1 administrators, and other interested entities affected.

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

3 (20 ILCS 3125/45)

4 Sec. 45. Home rule.

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

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

1 identification of an energy efficient building code or
2 amendment that is equivalent to or more stringent than the 2006
3 International Energy Conservation Code, and (iii) a
4 municipality with a population of 1,000,000 or more.

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

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

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