

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.