State of Wisconsin
2009 - 2010 LEGISLATURE

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2009 BILL

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AN ACT ***to renumber and amend*** 13.48 (15) and 101.025 (4) (intro.); ***to amend*** 16.84 (5), 101.027 (2), 101.027 (3) (a) 1., 101.027 (3) (b) 1., 101.05 (1) and (3), 101.65 (1) (a) (intro.) and 119.04 (1); and ***to create*** 13.48 (2) (jm), 13.48 (15) (b), 16.85 (3m), 16.856, 20.255 (2) (ed), 66.0902, 101.02 (23), 101.025 (4) (ar), 101.028, 120.24 and 145.133 of the statutes; **relating to:** energy conservation standards for the construction of certain buildings, energy and environmental design standards for state buildings, structures, and facilities, energy and environmental design standards for school district facilities and other local government buildings, leasing of state buildings, structures, and facilities, standards for the construction and use of graywater systems, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, the Department of Administration (DOA) must ensure that the specifications for each state construction project require the use of recovered and recycled materials to the extent that such use is technically and economically feasible. With certain exceptions, DOA must also prescribe and enforce

energy efficiency standards for energy consuming equipment that is installed in connection with state construction projects. The standards must meet or exceed specified statutory standards. The Building Commission must also apply these standards when entering into certain leases on behalf of the state. Current law also requires the commission to employ a design for cogeneration of steam and electricity in state-owned central steam generating facilities unless the commission determines that such a design is not cost-effective and technically feasible. Currently, the commission must also ensure that state-operated steam generating facilities are designed to allow the use of biomass fuels and refuse-derived fuels to the greatest extent cost-effective and technically feasible. In addition, under current law, the commission is prohibited from approving the construction or major remodeling of or addition to any state building or structure unless the building or structure makes maximum practical use of passive solar energy system design elements and, unless not technically or economically feasible, incorporates an active solar energy system or photovoltaic solar energy system or other renewable energy system.

This bill directs DOA and the Building Commission to ensure that the plans and specifications for each major state construction project (each project for the construction of any new state building, structure, or facility containing at least 10,000 gross square feet of conditioned space, or for the repair, renewal, or renovation, of any existing building, structure, or facility for occupancy by any state entity if the building, structure, or facility contains at least 10,000 gross square feet of conditioned space and the project affects more than 50 percent of the existing gross square feet of conditioned space in the building, structure, or facility, or for the expansion of an existing state building, structure, or facility to add at least 10,000 gross square feet of conditioned space) conform at a minimum to the requirements under the LEED Green Building Rating System at the silver performance level, as prescribed by the Department of Commerce (Commerce) based upon the standards of the U.S. Green Building Council. The bill also directs DOA and the Building Commission to ensure that each such building, structure, or facility conforms to specific standards specified by Commerce that are derived from various national and international building codes for energy performance, ventilation components, indoor air quality performance, and water usage level. The bill also directs DOA and the commission to ensure that each project to construct such a building, structure, or facility for the state shall conform to specified requirements for recycling of construction waste and demolition materials. In addition, the bill directs the commission to enforce compliance with the bill's requirements with respect to all major construction projects whenever the buildings, structures, or facilities being constructed are purchased by the state under a purchase agreement or whenever construction, repair, renewal, renovation, or expansion of a building, structure, or facility is performed for the state under a lease agreement with option to purchase.

Upon completion of a major state construction project, the bill directs DOA to obtain certification by the U.S. Green Building Council that the project conforms to the minimum requirements for the LEED silver level.

The bill also directs the Building Commission to apply all moneys available for its use under the Authorized State Building Program to achieve certification as of January 1, 2015, by the U.S. Green Building Council for not less than 15 percent of the gross square footage of conditioned space owned or leased by state agencies, as

determined by DOA, as meeting minimum LEED energy performance requirements for the operation and maintenance of existing buildings. In addition, the bill directs DOA to promulgate rules that require the Building Commission to continue to apply all moneys available for its use under the Authorized State Building Program during the period from January 1, 2015, to January 1, 2030, to achieve certification by the U.S. Green Building Council for greater percentages of the gross square footage of conditioned space owned or leased by state agencies as meeting minimum LEED performance requirements for the operation and maintenance of existing buildings by specified dates.

Currently, DOA has responsibility for the negotiation and administration of leases of real property by this state, except as otherwise provided by law. The Building Commission has authority to approve leases of real property by the state, except as otherwise provided by law. This bill directs DOA, before entering into any lease, or renewing or extending any lease, for improved real property to be used by a state agency, to require the prospective lessor to disclose the energy use intensity for the total property and the annual energy usage for the total property, calculated in accordance with Energy Star standards, as determined by Commerce, and to verify and forward that information to the Building Commission. The bill directs DOA to require other state agencies that have authority to enter into leases for improved real property to obtain and forward the same information to the Building Commission before entering into, or renewing or extending, any lease for real property. The bill then prohibits the Building Commission from approving any lease containing at least 10,000 square feet of conditioned space for improved real property to be used by this state unless DOA certifies to the commission that the energy use intensity for the total property and the annual energy usage for the total property conform to Energy Star standards at a level sufficient to meet the minimum threshold for compliance with the LEED Green Building Rating System for existing buildings-operation and maintenance performance requirements, as determined by Commerce. Prior to occupance of any such property the bill directs the Building Commission to obtain certification by the U.S. Green Building Council that the property conforms to the minimum requirements for the LEED silver level. The bill directs the Building Commission to require other state agencies that have authority to enter into leases for improved real property, to certify to the commission, before entering into, or renewing or extending, any lease for real property to be used by this state, that the energy use intensity for the total property and the annual energy usage for the total property conform to the same standards.

The bill also requires DOA, with limited exceptions, to ensure that major state buildings, structures, and facilities that are constructed by or for the state conform to specified energy performance standards at increasingly stringent levels by specified dates beginning on the first day of the 7th month beginning after the day the act resulting from the bill becomes law and ending on January 1, 2030, by which date all major state buildings, structures, and facilities that are constructed by or for the state must achieve a zero net energy level of energy performance. In addition, the bill directs DOA to report annually to the governor and the Building Commission concerning the percentage level of adherence to the requirements imposed upon DOA under the bill that become effective on a date later than the end of the preceding year and the percentage level of adherence to the requirement imposed upon the Building Commission to apply all moneys available to the commission to achieve

certification for at least 15 percent of conditioned space in existing owned or leased state buildings, structures, or facilities as meeting the LEED energy performance standards specified in the bill.

Under current law, Commerce is required to promulgate an energy conservation code that sets design requirements for construction and equipment for the purpose of energy conservation in public buildings and places of employment. Commerce must consider incorporating into the energy conservation code design requirements from the most current national energy efficiency design standards, including the International Energy Conservation Code (IECC) or another energy efficiency code that is generally accepted and used by engineers and the construction industry. Current law requires that Commerce review the code on a regular basis, including whenever there is a revision of the IECC, and update the code accordingly.

This bill requires Commerce to incorporate into the energy conservation code a standard that is based upon a specific standard of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) and eliminates the requirement to use other standards specified under current law. As with the revision requirements under current law, the bill requires Commerce to update the code whenever the ASHRAE standard is revised.

Current law also requires Commerce to promulgate rules for ventilation systems in public buildings and places of employment. This bill requires Commerce to incorporate a specific ASHRAE standard into those rules and to update the rules when the standard is revised.

Under current law, a city, village, town, or county may exercise jurisdiction over the construction of new dwellings by passing an ordinance, provided that the ordinance meets the requirements of the one- and two-family dwelling code under current law, this bill provides that such an ordinance may exceed the requirements of that code as they relate to energy conservation in the construction of new dwellings.

This bill authorizes Commerce to promulgate rules that establish standards for the installation of graywater and rainwater systems and that authorize the reuse of graywater and rainwater within the building, or on the property surrounding the building, from which the graywater or rainwater was generated. Under the bill, graywater is defined as wastewater generated from the use of a clothes washer, sink, shower, or bathtub.

This bill also imposes on a political subdivision (any city, village, town, or county) certain requirements for a major construction project. Under the bill, a major construction project means a project for the construction of a public building by or for a political subdivision that will contain at least 10,000 gross square feet of office space, or for the repair, renewal, or renovation of an existing public building that contains such space if the repair, renewal, renovation, or expansion affects more than 50 percent of the existing building, or for the expansion of an existing public building that adds at least 10,000 gross square feet of such space. The requirements imposed on a political subdivision under the bill are based on the requirements that the bill imposes on DOA and the Building Commission for a major state construction project.

U.S. Green Building

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upon completion of a major construction project, the political subdivision to obtain certification from the Council that the project meets at least the minimum standards for the LEED silver level

The bill requires a political subdivision to ensure that the plans and specifications for each major construction project conform at a minimum to the requirements for certification at the silver performance level under the LEED Green Building Rating System, as prescribed by Commerce and based on the standards of the U.S. Green Building Council, and that the energy performance, use and disposal of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to the standards ~~that~~ apply to a major state construction project of DOA and the Building Commission.

This bill imposes similar requirements for major construction projects of school districts. Each school board must ensure that the plans and specifications for each major construction project conform at a minimum to the requirements of the LEED Green Building Rating System at the silver performance level, as prescribed by Commerce. Upon the request of a school district, the state must pay all necessary LEED registration and certification fees on behalf of the school district. The bill also directs each school board to ensure that the energy performance, use and disposal of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to standards specified by Commerce that are derived from various national and international building codes.

upon completion of a major construction project, a school district must obtain certification from the U.S. Green Building Council that the project meets at least the minimum standards for the LEED silver level.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.48 (2) (jm) of the statutes is created to read:

13.48 **(2)** (jm) 1. In this paragraph, "conditioned space" means space that is designed to have controlled environmental conditions.

2. The building commission shall not approve the design or construction of any project for the construction of any building, structure, or facility for a board, agency, officer, department, commission, or body corporate, if the building, structure, or facility after construction will contain at least 10,000 gross square feet of conditioned space for occupancy by any such entity, or of any project for the repair, renewal, renovation, or expansion of any existing building, structure, or facility for occupancy by any such entity if the building, structure, or facility contains at least 10,000 gross

1 square feet of conditioned space and the project affects more than 50 percent of the
2 existing gross square feet of conditioned space in the building, structure, or facility,
3 regardless of the funding source of the project, unless the department of
4 administration verifies and certifies to the commission, after reviewing the plans
5 and specifications, all of the following:

6 a. That the project conforms at a minimum to the requirements under the
7 LEED Green Building Rating System at the silver level, as defined in s. 16.856 (1)
8 (f), for construction projects.

9 b. That the energy performance for the project is at least 30 percent better than
10 the performance standard prescribed by the department of commerce under s.
11 101.028 based upon standard 90.1-2007 of the American Society of Heating,
12 Refrigerating and Air Conditioning Engineers or its most current equivalent, as
13 documented by energy modeling and certified in writing by the chief engineer for the
14 project.

15 c. That at least 75 percent of the construction materials delivered to the project
16 site but not used in the project and the demolition materials from any demolition
17 required to undertake the project are recycled in the project or transferred to a 3rd
18 party for recycling as a part of another construction project for an agency, as defined
19 in s. 16.70 (1e), or a local governmental unit, as defined in s. 19.42 (7u).

20 d. That the ventilation components for the project are strictly in conformity
21 with standards prescribed by the department of commerce under s. 101.028 based
22 upon standard 62.1-2004 of the American Society of Heating, Refrigerating, and Air
23 Conditioning Engineers, and the chief engineer for the project certifies in writing
24 that no exemptions from strict conformity with that standard have been authorized.

1 e. That the project has an indoor air quality management plan that addresses
2 adherence to the heating, ventilation, and air conditioning performance standards
3 for the project, source control that ensures use of low emission materials and
4 finishes, pathway interruption to prevent migration of contaminants during the
5 construction process, housekeeping procedures to prevent the spread and growth of
6 contaminants during the construction process, and construction activity scheduling
7 to prevent cross contamination of materials used in the project during the
8 construction process. The plan shall be consistent at a minimum with standards
9 promulgated by the department of commerce under s. 101.028 based upon indoor air
10 quality guidelines for occupied building of the Sheet Metal and Air Conditioning
11 Contractors' National Association, 2nd edition, 2007.

12 f. That the project upon completion will attain a level of interior water use no
13 greater than 30 percent below the interior water use baseline, as determined by the
14 department of administration in accordance with the LEED Green Building Rating
15 System, as defined in s. 16.856 (1) (e) assuming that 100 percent of the indoor
16 plumbing fixtures used in the project are in compliance with standards promulgated
17 by the department of commerce under s. 101.028 based upon the strictest applicable
18 standard under the Uniform Plumbing Codes-2006 promulgated by the
19 International Association of Plumbing and Mechanical Officials or the International
20 Plumbing Codes-2006 fixture and fitting performance requirements promulgated
21 by the International Code Council.

22 3. The building commission shall not enter into an agreement for the purchase
23 of or for the lease of, or renewal of a lease of, with option to purchase, any building,
24 structure, or facility that is constructed or to be constructed for occupancy by any
25 board, agency, officer, department, commission, or body corporate, if the building,

structure, or facility after construction will contain at least 10,000 gross square feet of conditioned space for occupancy by any such entity, or any building, structure, or facility that is to be repaired, renewed, renovated, or expanded for occupancy by any such entity if the building, structure, or facility contains at least 10,000 gross square feet of conditioned space and the repair, renewal, renovation, or expansion affects more than 50 percent of the existing gross square feet of conditioned space in the building, structure, or facility, regardless of the funding source of the agreement, unless the department of administration verifies and certifies that the building, structure, or facility conforms or will after construction, repair, renewal, renovation or expansion conform to all of the standards specified in subd. 2. Prior to occupancy, the building commission shall obtain certification by the U.S. Green Building Council that the building, structure, or facility conforms to the minimum requirements for the LEED Silver level.

4. The building commission shall apply all moneys available for its use under the authorized state building program to achieve certification as of January 1, 2015, by the U.S. Green Building Council for not less than 15 percent of the total gross square footage of conditioned space in buildings, structures, and facilities that are owned or leased by agencies on that date, as determined by the department of administration under s. 16.856 (3), for meeting the minimum LEED performance requirements for the operation and maintenance of existing buildings, as defined in s. 16.856 (1) (h).

5. The building commission shall apply all moneys available for its use under the authorized state building program to achieve certification by the dates specified by rule of the department of administration under s. 16.856 (6) by the U.S. Green Building Council for not less than the percentages specified by that rule of the total gross square footage of conditioned space in buildings, structures, and facilities that are owned or leased by agencies on the dates specified by that rule, as determined by the department of administration under s. 16.856 (3), for meeting the minimum

LEED performance requirements for the operation and maintenance of existing buildings, as defined in s. 16.856 (1) (h).

SECTION 2. 13.48 (15) of the statutes is renumbered 13.48 (15) (a) and amended to read:

13.48 **(15)** (a) Subject to the requirements of par. (b) and s. 20.924 (1) (i), the building commission shall have the authority to acquire leasehold interests in land and buildings where such authority is not otherwise provided to an agency by law.

SECTION 3. 13.48 (15) (b) of the statutes is created to read:

13.48 **(15)** (b) The building commission shall not approve the leasing of, or the renewal or extension of any lease for, property for use by this state unless the department of administration has certified to the commission that the energy use intensity for the total property and the annual energy usage for the total property conform to standards promulgated by the department of commerce under s. 101.028 based upon Energy Star standards consistent with the minimum LEED performance requirements for the operation and maintenance of existing buildings. The commission shall also require other agencies, as defined in s. 16.70 (1e), that have authority to lease improved real property, to certify to the commission, before entering into, or renewing or extending, any lease of real property, that the energy use intensity for the total property and the annual energy usage for the total property conform to the same standards.

SECTION 4. 16.84 (5) of the statutes is amended to read:

16.84 **(5)** Have responsibility, subject to approval of the governor, for all functions relating to the leasing, acquisition, allocation and utilization of all real property by the state, except where such responsibility is otherwise provided by the statutes. ~~In this connection, the~~ Prior to entering into any lease, or renewing or

1 extending any lease, for property to be used by this state, the department shall
2 require the prospective lessor to disclose the energy use intensity for the total
3 property, measured on a square foot basis, and the annual energy usage for the total
4 property, calculated in accordance with standards promulgated by the department
5 of commerce under s. 101.028 based upon Energy Star standards, as defined in s.
6 13.48 (15) (b), consistent with the minimum LEED performance requirements for the
7 operation and maintenance of existing buildings, as defined in s. 16.856 (1) (h). The
8 department shall verify and certify this information to the building commission
9 before the commission considers approval of the lease, or the renewal or extension
10 of the lease. The department shall also require other agencies, as defined in s. 16.70
11 (1e), that have authority to enter into leases for real property to obtain, verify, and
12 certify the same information to the commission before entering into any lease, or
13 renewing or extending any lease, for property to be used by those agencies. The
14 department shall, with the governor's approval, require physical consolidation of
15 office space utilized by any executive branch agency having fewer than 50 authorized
16 full-time equivalent positions with office space utilized by another executive branch
17 agency, whenever feasible. The department shall lease or acquire office space for
18 legislative offices or legislative service agencies at the direction of the joint
19 committee on legislative organization. In this subsection, "executive branch agency"
20 has the meaning given in s. 16.70 (4).

21 **SECTION 5.** 16.85 (3m) of the statutes is created to read:

22 16.85 **(3m)** To appoint or approve the appointment of a chief engineer for each
23 major construction project, as defined in s. 16.856 (1) (g).

24 **SECTION 6.** 16.856 of the statutes is created to read:

1 **16.856 Energy and environmental design standards for certain state**
2 **buildings, structures, and facilities. (1)** In this section:
3 (a) "Agency" has the meaning given in s. 16.70 (1e).
4 (b) "ASHRAE standard" means the standard promulgated by the department
5 of commerce under s. 101.028 based upon standard 90.1-2007 of the American
6 Society of Heating, Refrigerating and Air Conditioning Engineers or its current
7 equivalent as determined by the department of commerce under s. 101.028.
8 (c) "Conditioned space" means space that is designed to have controlled
9 environmental conditions.
10 (d) "IECC standards" means the energy efficiency design standards
11 promulgated by the department of commerce under s. 101.028 based upon the
12 national energy efficiency design standards of the International Energy
13 Conservation Code or their current equivalents as determined by the department of
14 commerce under s. 101.028.
15 (e) "LEED Green Building Rating System" means the green building rating
16 system of the U.S. Green Building Council designated as the leadership in energy
17 and environmental design system or its current equivalent as determined by the
18 department of commerce under s. 101.028.
19 (f) "LEED silver level" means the performance level designated as the silver
20 level under the LEED Green Building Rating System or its current equivalent as
21 determined by the department of commerce under s. 101.028.
22 (g) "Major construction project" means a project for the construction of a state
23 building, structure, or facility that will, upon completion, contain at least 10,000
24 gross square feet of conditioned space, or for the repair, renewal, or renovation of an
25 existing state building, structure, or facility containing at least 10,000 gross square

feet of conditioned space that affects more than 50 percent of the existing gross square feet of conditioned space in that building, structure, or facility, or for the expansion of an existing state building, structure, or facility to add at least 10,000 gross square feet of conditioned space.

(h) "Minimum LEED performance requirements for the operation and maintenance of existing buildings" means the performance requirements so designated under the LEED Green Building Rating System, as prescribed by the U.S. Green Building Council, or its current equivalent as determined by the department of commerce under s. 101.028.

(i) "Zero net energy" means an energy consumption level under which a building, structure, or facility produces as much energy for electricity, heating, and cooling from renewable sources in any calendar year as the building, structure, or facility consumes during the same period.

(2) The department shall ensure that the plans and specifications for each major construction project conform at a minimum to the requirements for certification at the LEED silver level. The department shall also ensure that the energy performance, recycling of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to the standards specified s. 13.48 (2) (jm) 2.

Upon completion of each major construction project, the department shall obtain certification by the U.S. Green Building Council that the project conforms to the minimum requirements for the LEED Silver level.

(3) The department shall maintain a current inventory of the location and gross square footage of the conditioned space in all buildings, structures, and facilities that are owned or leased by any agency for its use or the use of another agency. The inventory shall include for each building, structure, or facility information concerning the conditioned space in the building, structure, or facility and whether the building, structure, or facility or any portion thereof is certified or

1 eligible for certification by the U.S. Green Building Council as meeting the minimum
2 LEED performance requirements for the operation and maintenance of existing
3 buildings.

4 **(4)** Except as provided in sub. (5), the department shall ensure that each
5 building, structure, or facility constructed, repaired, renewed, renovated, or
6 expanded by or for the state that is a major construction project conforms to
7 whichever of the following energy performance standards applies, based upon the
8 year in which construction, repair, renewal, renovation, or expansion of the building,
9 structure, or facility begins:

10 (a) For a building, structure, or facility the construction, repair, renewal,
11 renovation, or expansion of which begins on or after the first day of the 7th month
12 beginning after the effective date of this paragraph .... [LRB inserts date], but before
13 January 1, 2015, the energy performance shall be at least 30 percent better than the
14 energy performance under the ASHRAE standard or the IECC standards, whichever
15 is the most stringent.

16 (b) For a building, structure, or facility the construction, repair, renewal,
17 renovation, or expansion of which begins after December 31, 2014, but before
18 January 1, 2020, the energy performance shall be at least 70 percent better than the
19 performance under the ASHRAE standard or the IECC standards, whichever is the
20 most stringent.

21 (c) For a building, structure, or facility the construction, repair, renewal,
22 renovation, or expansion of which begins after December 31, 2019, but before
23 January 1, 2025, the energy performance shall be at least 80 percent better than the
24 energy performance under the ASHRAE standard or the IECC standards, whichever
25 is the most stringent.

1 (d) For a building, structure, or facility the construction, repair, renewal,
2 renovation, or expansion of which begins after December 31, 2024, but before
3 January 1, 2030, the energy performance shall be at least 90 percent better than the
4 energy performance under the ASHRAE standard or the IECC standards, whichever
5 is the most stringent.

6 (e) For a building, structure, or facility the construction, repair, renewal,
7 renovation, or expansion of which begins after December 31, 2029, the energy
8 performance shall be 100 percent better than the energy performance under the
9 ASHRAE standard or the IECC standards, whichever is more stringent, and the
10 building, structure, or facility shall consume zero net energy.

11 **(5)** Subsection (4) does not apply to the gross square footage of enclosed space
12 of any building, structure, or facility that is dedicated for laboratory usage if the
13 ventilation requirements for that gross square footage do not permit compliance with
14 sub. (4) in that area.

15 **(6)** The department shall assess the feasibility of achieving certification by the
16 U.S. Green Building Council for greater than 15 percent of the total gross square
17 footage of conditioned space in buildings, structures, and facilities that are owned or
18 leased by agencies, as determined under sub. (3), for meeting the minimum LEED
19 performance requirements for the operation and maintenance of existing buildings
20 and shall, by rule, specify, for purposes of s. 13.48 (2) (jm) 5., increased levels of
21 certification and dates during the period from January 1, 2015, to January 1, 2030,
22 by which those increased levels are to be achieved.

23 **(7)** Annually no later than March 31, the department shall report to the
24 governor and the building commission concerning the percentage level of adherence
25 as of the preceding December 31 to each of the requirements under s. 13.48 (2) (jm)

Upon completion of each major construction project, the political subdivision shall obtain certification from the U.S. Green Building Council that the project conforms to the minimum requirements for the LEED silver level.

and this section that become effective on a date following that December 31 and the percentage level of adherence as of the preceding December 31 to the applicable requirement under s. 13.48 (2) (jm) 4. or 5.

SECTION 7. 20.255 (2) (ed) of the statutes is created to read:

20.255 **(2)** (ed) *LEED fees.* A sum sufficient to pay LEED registration and certification fees on behalf of school districts under s. 120.24.

SECTION 8. 66.0902 of the statutes is created to read:

66.0902 Energy and environmental design standards for political subdivision facilities. (1) In this section:

(a) "Conditioned space" means space that is designated to have controlled environmental conditions.

(b) "LEED silver level" has the meaning given in s. 16.856 (1) (f).

(c) "Major construction project" means a project for the construction of a public building by or for a political subdivision that will, upon completion of the project, contain at least 10,000 gross square feet of conditioned space, or for the repair, renewal, or renovation of an existing public building by or for a political subdivision containing at least 10,000 gross square feet of conditioned space that affects more than 50 percent of the existing gross square feet of conditioned space in that building, or for the expansion of an existing public building by or for a political subdivision to add at least 10,000 gross square feet of conditioned space.

(d) "Political subdivision" means any city, village, town, or county.

(2) A political subdivision shall ensure that the plans and specifications for each major construction project conform at a minimum to the requirements for certification at the LEED silver level. The political subdivision shall also ensure that the energy performance, use and disposal of construction and demolition materials,

ventilation components, indoor air quality performance, and water usage level for each major construction project conform to the standards specified s. 13.48 (2) (jm) 2.

SECTION 9. 101.02 (23) of the statutes is created to read:

101.02 **(23)** The department may promulgate rules that establish building and design requirements for public buildings and places of employment that are based upon standard 189.1-2009 developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers in conjunction with the U.S. Green Building Council and the Illuminating Engineering Society or that are based upon the current equivalent of that standard. If the department promulgates rules under this subsection, the department shall review the rules whenever a revision of standard 189.1-2009, or its current equivalent, is published. The department shall complete its review of the rules and submit to the legislature proposed rules changing the requirements no later than 18 months after the date on which the revision of the standard is published.

SECTION 10. 101.025 (4) (intro.) of the statutes is renumbered 101.025 (4) (ag), and 101.025 (4) (ag) (intro.), as renumbered, is amended to read:

101.025 **(4)** (ag) (intro.) For ventilation systems in public buildings and places of employment, the department shall ~~adopt~~ promulgate rules ~~setting~~ that incorporate standard 62.1-2007, or its current equivalent, of the American Society of Heating, Refrigerating and Air Conditioning Engineers and that set all of the following:

SECTION 11. 101.025 (4) (ar) of the statutes is created to read:

101.025 **(4)** (ar) The department shall review the rules promulgated under par. (ag) whenever a revision of standard 62.1-2007, or its current equivalent, of the

American Society of Heating, Refrigerating and Air Conditioning Engineers, is published. The department shall complete its review of the rules and submit to the legislature a proposed rule changing the rules no later than 18 months after the date on which the revision of the standard is published.

SECTION 12. 101.027 (2) of the statutes is amended to read:

101.027 **(2)** The department shall review the energy conservation code and shall promulgate rules that change the requirements of the energy conservation code to improve energy conservation. No rule may be promulgated that has not taken into account the cost of the energy conservation code requirement, as changed by the rule, in relationship to the benefits derived from that requirement, including the reasonably foreseeable economic and environmental benefits to the state from any reduction in the use of imported fossil fuel. The proposed rules changing the energy conservation code shall be submitted to the legislature in the manner provided under s. 227.19. In conducting a review under this subsection, the department shall ~~consider incorporating~~ incorporate, into the energy conservation code, ~~design requirements from~~ standard 90.1-2007, or its current equivalent, of the ~~most current national energy efficiency design standards, including the International Energy Conservation Code or an energy efficiency code other than the International Energy Conservation Code if that energy efficiency code is used to prescribe design requirements for the purpose of conserving energy in buildings and is generally accepted and used by engineers and the construction industry~~ American Society of Heating, Refrigerating and Air Conditioning Engineers.

SECTION 13. 101.027 (3) (a) 1. of the statutes is amended to read:

101.027 **(3)** (a) 1. A revision of standard 90.1-2007, or its current equivalent, of the ~~International Energy Conservation Code~~ American Society of Heating, Refrigerating and Air Conditioning Engineers is published.

SECTION 14. 101.027 (3) (b) 1. of the statutes is amended to read:

101.027 **(3)** (b) 1. If the department begins a review under sub. (2) because a revision of standard 90.1-2007, or its current equivalent, of the ~~International Energy Conservation Code~~ American Society of Heating, Refrigerating and Air Conditioning Engineers is published, the department shall complete its review of the energy conservation code, as defined in sub. (1), and submit to the legislature proposed rules changing the energy conservation code, as defined in sub. (1), no later than 18 months after the date on which the revision of standard 90.1-2007, or its current equivalent, of the ~~International Energy Conservation Code~~ American Society of Heating, Refrigerating and Air Conditioning Engineers is published.

SECTION 15. 101.028 of the statutes is created to read:

101.028 Energy performance and environmental design standards for certain public buildings, structures and facilities. (1) In this section:

(a) "Energy Star standards" means the standards prescribed by the U.S. Environmental Protection Agency under 42 USC 7403 (g) for energy use in buildings.

(b) "LEED Green Building Rating System" means the green building rating system of the U.S. Green Building Council designated as the leadership in energy and environmental design system or its current equivalent as determined by the department.

(c) "LEED silver level" means the performance level designated as the silver level under the LEED Green Building Rating System or its current equivalent as determined by the department.

1 (d) "Minimum LEED performance requirements for the operation and
2 maintenance of existing buildings" means the performance requirements so
3 designated under the LEED Green Building Rating System, as prescribed by the
4 U.S. Green Building Council, or its current equivalent as determined by the
5 department.

6 (e) "U.S. Green Building Council" means the United States Green Building
7 Council or any successor organization that is substantially the same organization,
8 as determined by the department.

9 **(2)** The department shall prescribe, by rule, standards for energy performance
10 and environmental design in buildings, structures, and facilities which shall apply
11 to the extent required under ss. 13.48 (2) and (15), 16.84 (5), 16.856, 66.0902, and
12 120.24. The standards shall be based upon the following standards or, if they are
13 updated, their current equivalents:

14 (a) The LEED silver level for new building construction.

15 (b) Minimum LEED performance requirements for the operation and
16 maintenance of existing buildings.

17 (c) Energy Star standards.

18 (d) Energy performance standard 90.1-2007 of the American Society of
19 Hearing, Refrigerating, and Air Conditioning Engineers.

20 (e) Standard 62.1-2004 of the American Society of Heating, Refrigerating, and
21 Air Conditioning Engineers.

22 (f) National energy efficiency design standards of the International Energy
23 Conservation Code adopted the the International Code Council-2006.

24 (g) The Uniform Plumbing Codes-2006 promulgated by the International
25 Association of Plumbing and Mechanical Officials.

(i) Indoor air quality guidelines for occupied buildings promulgated by the Sheet Metal and Air Conditioning Contractors' National Association, 2nd edition, 2007.

(j) The International Plumbing Codes-2006 fixture and fitting performance requirements promulgated by the International Code Council.

(3) The department shall review a rule promulgated under sub. (2) whenever a revision of a standard on which the rule is based is published. The department shall complete its review of the rule and submit to the legislature a proposed rule changing the standard no later than 18 months after the date on which the revision of the standard is published.

SECTION 16. 101.05 (1) and (3) of the statutes are amended to read:

101.05 **(1)** ~~No~~ Except for rules promulgated under s. 101.028, no building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.

(3) ~~No~~ Except for rules promulgated under s. 101.028, no standard, rule, code or regulation of the department under this subchapter applies to construction undertaken by the state for the purpose of renovation of the state capitol building.

SECTION 17. 101.65 (1) (a) (intro.) of the statutes is amended to read:

101.65 **(1)** (a) (intro.) Exercise jurisdiction over the construction and inspection of new dwellings by passage of ordinances, provided such ordinances meet the requirements of the one- and 2-family dwelling code adopted in accordance with this subchapter. An ordinance under this paragraph may exceed the requirements of the one- and 2-family dwelling code that relate to energy conservation in the

construction of new dwellings. Except as provided by s. 101.651, a county ordinance shall apply in any city, village or town which has not enacted such ordinance.

SECTION 18. 119.04 (1) of the statutes, as affected by 2009 Wisconsin Acts 60 and 96, is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24 (1), (2) (c) to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), 120.24, and 120.25 are applicable to a 1st class city school district and board.

SECTION 19. 120.24 of the statutes is created to read:

120.24 Energy performance and environmental design standards for school district facilities. (1) In this section:

(a) "Conditioned space" has the meaning given in s. 16.856 (1) (c).

(b) "LEED silver level" has the meaning given in s. 16.856 (1) (f).

(c) "Major construction project" means a project for the construction of a building that will, upon completion, contain at least 10,000 gross square feet of conditioned space, or for the repair, renewal, or renovation of an existing building containing at least 10,000 gross square feet of conditioned space that affects more than 50 percent of the existing gross square feet of conditioned space in that building, or for the expansion of an existing building to add at least 10,000 gross square feet of conditioned space.

1 **(2)** Each school board shall ensure that the plans and specifications for each
2 major construction project conform at a minimum to the requirements for
3 certification at the LEED silver level. The school board shall also ensure that the
4 energy performance, use and disposal of construction and demolition materials,
5 ventilation components, indoor air quality performance, and water usage level for
6 each major construction project conform to the standards specified s. 13.48 (2) (jm)
7 2.

8 **(3)** Upon request, the department shall pay necessary LEED registration and
9 certification fees for a major construction project on behalf of a school district. The
10 department shall pay the fees from the appropriation under s. 20.255 (2) (ed).

11 **SECTION 20.** 145.133 of the statutes is created to read:

12 **145.133 Graywater systems. (1)** In this section:

13 (a) "Graywater" means wastewater generated from the use of a clothes washer,
14 sink, shower, or bathtub.

15 (b) "Graywater system" means a system for the collection and reuse of
16 graywater.

17 (c) "Rainwater system" means a system for the collection and reuse of
18 rainwater generated from building roofs.

19 **(2)** The department shall promulgate rules that establish standards for the
20 installation of graywater and rainwater systems. The standards shall authorize the
21 reuse of graywater and rainwater within the building, or on the property
22 surrounding the building, from which the graywater or rainwater was generated.

23 **SECTION 21. Initial applicability.**

Upon completion of each major construction project, the school board shall obtain certification from the U.S. Green Building Council that the project conforms to the minimum requirements for the LEED silver level.

1 (1) The treatment of section 13.48 (2) (jm) 2. and 3. of the statutes first applies
2 with respect to projects approved and agreements entered into on the effective date
3 of this subsection.

4 (2) The treatment of section 16.856 (2) of the statutes first applies with respect
5 to projects for which design is commenced on the effective date of this subsection.

6 (3) The treatment of section 16.84 (5) of the statutes, the renumbering and
7 amendment of section 13.48 (15) of the statutes, and the creation of section 13.48 (15)
8 (b) of the statutes first apply with respect to leases of real property by the state that
9 are entered into, renewed, or extended on the effective date of this subsection.

10 (4) The treatment of section 120.24 (2) of the statutes first applies with respect
11 to projects for which design is commenced on the effective date of this subsection.

12 (5) The treatment of section 66.0902 (2) of the statutes first applies with respect
13 to projects for which a request for proposal is issued by a political subdivision on the
14 effective date of this subsection.

15 **(END)**

Kuesel, Jeffery

To: Van de Bogert, Abigail
Subject: RE: New Green Building Draft

Abby,
I think your understanding is correct. I don't think we will need your section g) language because the draft language covers the same point, but in addition makes clear who is to obtain (and pay for) the certification and whose certification must be obtained. I don't think it's necessary for the Building Commission to report the fact that a project is certified to DOA because DOA staffs the Building Commission and will in fact be doing the legwork for the commission.

Jeffery Kuesel
Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us

-----Original Message-----
From: Van de Bogert, Abigail
Sent: Friday, March 05, 2010 9:38 AM
To: Kuesel, Jeffery
Subject: RE: New Green Building Draft

Hi Jeff,

Okay, that makes sense. Just so I understand correctly, you will be leaving in the specific language about who obtains certification, and then adding the edits from the three paragraphs that I sent (pages 12, 16, and 22) to ensure that it is possible to build above the minimum level. You will also be striking "prior to occupancy" on page 8. Will you be adding our proposed section (g) or do you think the current language makes it entirely unnecessary?

Thank you!
Abby

-----Original Message-----
From: Kuesel, Jeffery
Sent: Thu 3/4/2010 5:38 PM
To: Van de Bogert, Abigail
Cc: Kite, Robin; Shovers, Marc; Grant, Peter
Subject: RE: New Green Building Draft

Abby,
The language on page 8, lines 4 to 20, is the portion of the draft that governs state leased property. It may be existing improved property or it may be a build-to-suit project specifically intended for initial occupancy by the state. On line 17, we can certainly delete "Prior to occupancy". The rest of the sentence that follows is the similar to other sentences in the /3 draft that make it the responsibility of the Building Commission or DOA to obtain certification at the LEED silver level for the [leased] property. This is the same in substance as your new section g). Once again, I think we need the existing language to ensure that there is a specific actor (the BC) who must obtain (and pay for) the certification from a specific party (the USGBC).
Your other changes look OK to me.

Jeffery Kuesel
Managing Attorney
Wisconsin Legislative Reference Bureau

P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us

From: Van de Bogert, Abigail
Sent: Thursday, March 04, 2010 4:49 PM
To: Kuesel, Jeffery
Subject: RE: New Green Building Draft

Hi Jeff,

Okay, you can ignore 1) from my original email. Please leave these parts as they were in the /3 draft.

I am told that if section g is added as we requested, then lines 17-20 on page 8 ("Prior to occupancy.LEED silver level.") are unnecessary (because that section will refer to subd. 2) and can be deleted. Does this make sense?

I will have Risser's office send their bill back.

Abby

Abby Van de Bogert
Office of Rep. Louis Molepske, Jr.
214 N, State Capitol
(608) 267-9649
abigail.vandebogert@legis.wisconsin.gov

From: Kuesel, Jeffery
Sent: Thursday, March 04, 2010 4:26 PM
To: Van de Bogert, Abigail
Cc: Kite, Robin; Shovers, Marc; Grant, Peter
Subject: RE: New Green Building Draft

Abby,

I have not looked at how all this plugs into your draft yet, but I do have one question at this point. In drafting, we try never to use the passive voce because if it's unclear who the actor is, no one has the responsibility to act, with the likely result that no one will act. If the DOA and Building Commission are not to be involved in obtaining LEED certification (and paying for it) who should do it? Who is the "3rd party"? Isn't it the Green Building Council as the draft provides?

Please have Sen. Risser send the jacket back also. Thanks.

Jeffery Kuesel
Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us

From: Van de Bogert, Abigail
Sent: Thursday, March 04, 2010 4:00 PM
To: Kuesel, Jeffery; Shovers, Marc; Kite, Robin; Grant, Peter
Cc: Rep.Molepske
Subject: New Green Building Draft
Importance: High

Hello Jeff, Peter, Marc, and Robin,

I hate to do this, but unfortunately Rep. Molepske is still not satisfied with the green building bill (LRB 3485). There are three items he would like changed:

1) In the most recent set of edits, the body seeking LEED certification was specified (i.e., "the building commission shall obtain certification."). However, the organizations you mention (building commission, the department, the school board) are not necessarily the ones that will be seeking certification. Was this wording chosen for a particular reason? The language we sent to you yesterday was, "At completion, the project shall be third party certified by the US Green Building Council." He feels that this wording would better reflect the fact that the actual body seeking certification may vary (could be the UW system, could be a school district, could be the state, etc.) Is it possible to use the wording we suggested? If not, what language would you suggest to accommodate the fact that different projects will have different bodies seeking certification?

2) "Prior to occupancy" needs to be struck from page 8 line 17. Certification can take a long time and it is not reasonable to require buildings to remain empty during this period.

3) Please insert on page 8, line 4, a new section called g which reads: "That the project, upon completion, will be third party certified by the US Green Building Council and that the certification achieved be reported to the Department." Can you please verify that this new section will also apply to the section on leaseholds on page 8?

4) He is concerned that the language added in the most recent draft will constrain the builders from exceeding the minimum LEED silver standard. He would like the wording adjusted as follows:

Pages 12 (line 25) to 13 (line 2): Please make it read as follows:

BILL SECTION 6

"Upon completion of each major construction project, the department shall obtain certification by the U.S. Green Building Council to verify that the project conforms at minimum to requirements for the LEED silver level.

The department shall also ensure that the energy performance, recycling of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to the standards specified s. 13.48 (2) (jm) 2.

Page 16, lines 12-15: same changes as above

(2) A political subdivision shall ensure that the plans and specifications for each major construction project conform at a minimum to the requirements for certification at the LEED silver level. Upon completion of each major construction project, the political subdivision shall obtain certification from the U.S. Green Building Council to verify that the project conforms {delete to the} at minimum to requirements for the

LEED silver level.

Page 22 lines 17-20: same changes as above

(2) Each school board shall ensure that the plans and specifications for each major construction project conform at a minimum to the requirements for certification at the LEED silver level. Upon completion of each major construction project, the school board shall obtain certification from the U.S. Green Building Council to verify that the project conforms at minimum to requirements for the LEED silver level.

I hope this is clear. I will call Jeff to give him a heads up on these edits, but please don't hesitate to call me if you have any questions. Thank you very much!

Abby Van de Bogert
Office of Rep. Louis Molepske, Jr.
214 N, State Capitol
(608) 267-9649
abigail.vandebogert@legis.wisconsin.gov

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3485/~~3~~ 4
JTK/RNK/PG/MES:cjs&nwn:rs

2009 BILL

today

Regen.

AN ACT ***to renumber and amend*** 13.48 (15) and 101.025 (4) (intro.); ***to amend*** 16.84 (5), 101.027 (2), 101.027 (3) (a) 1., 101.027 (3) (b) 1., 101.05 (1) and (3), 101.65 (1) (a) (intro.) and 119.04 (1); and ***to create*** 13.48 (2) (jm), 13.48 (15) (b), 16.85 (3m), 16.856, 20.255 (2) (ed), 66.0902, 101.02 (23), 101.025 (4) (ar), 101.028, 120.24 and 145.133 of the statutes; **relating to:** energy conservation standards for the construction of certain buildings, energy and environmental design standards for state buildings, structures, and facilities, energy and environmental design standards for school district facilities and other local government buildings, leasing of state buildings, structures, and facilities, standards for the construction and use of graywater systems, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, the Department of Administration (DOA) must ensure that the specifications for each state construction project require the use of recovered and recycled materials to the extent that such use is technically and economically feasible. With certain exceptions, DOA must also prescribe and enforce

energy efficiency standards for energy consuming equipment that is installed in connection with state construction projects. The standards must meet or exceed specified statutory standards. The Building Commission must also apply these standards when entering into certain leases on behalf of the state. Current law also requires the commission to employ a design for cogeneration of steam and electricity in state-owned central steam generating facilities unless the commission determines that such a design is not cost-effective and technically feasible. Currently, the commission must also ensure that state-operated steam generating facilities are designed to allow the use of biomass fuels and refuse-derived fuels to the greatest extent cost-effective and technically feasible. In addition, under current law, the commission is prohibited from approving the construction or major remodeling of or addition to any state building or structure unless the building or structure makes maximum practical use of passive solar energy system design elements and, unless not technically or economically feasible, incorporates an active solar energy system or photovoltaic solar energy system or other renewable energy system.

This bill directs DOA and the Building Commission to ensure that the plans and specifications for each major state construction project (each project for the construction of any new state building, structure, or facility containing at least 10,000 gross square feet of conditioned space, or for the repair, renewal, or renovation, of any existing building, structure, or facility for occupancy by any state entity if the building, structure, or facility contains at least 10,000 gross square feet of conditioned space and the project affects more than 50 percent of the existing gross square feet of conditioned space in the building, structure, or facility, or for the expansion of an existing state building, structure, or facility to add at least 10,000 gross square feet of conditioned space) conform at a minimum to the requirements under the LEED Green Building Rating System at the silver performance level, as prescribed by the Department of Commerce (Commerce) based upon the standards of the U.S. Green Building Council. Upon completion of a major state construction project, the bill directs DOA to obtain certification by the U.S. Green Building Council that the project conforms ~~to the~~ minimum requirements for the LEED silver level. The bill also directs DOA and the Building Commission to ensure that each such building, structure, or facility conforms to specific standards specified by Commerce that are derived from various national and international building codes for energy performance, ventilation components, indoor air quality performance, and water usage level. The bill also directs DOA and the commission to ensure that each project to construct such a building, structure, or facility for the state shall conform to specified requirements for recycling of construction waste and demolition materials. In addition, the bill directs the commission to enforce compliance with the bill's requirements with respect to all major construction projects whenever the buildings, structures, or facilities being constructed are purchased by the state under a purchase agreement or whenever construction, repair, renewal, renovation, or expansion of a building, structure, or facility is performed for the state under a lease agreement with option to purchase.

certification at

at a

to the

BILL

The bill also directs the Building Commission to apply all moneys available for its use under the Authorized State Building Program to achieve certification as of January 1, 2015, by the U.S. Green Building Council for not less than 15 percent of the gross square footage of conditioned space owned or leased by state agencies, as determined by DOA, as meeting minimum LEED energy performance requirements for the operation and maintenance of existing buildings. In addition, the bill directs DOA to promulgate rules that require the Building Commission to continue to apply all moneys available for its use under the Authorized State Building Program during the period from January 1, 2015, to January 1, 2030, to achieve certification by the U.S. Green Building Council for greater percentages of the gross square footage of conditioned space owned or leased by state agencies as meeting minimum LEED performance requirements for the operation and maintenance of existing buildings by specified dates.

Currently, DOA has responsibility for the negotiation and administration of leases of real property by this state, except as otherwise provided by law. The Building Commission has authority to approve leases of real property by the state, except as otherwise provided by law. This bill directs DOA, before entering into any lease, or renewing or extending any lease, for improved real property to be used by a state agency, to require the prospective lessor to disclose the energy use intensity for the total property and the annual energy usage for the total property, calculated in accordance with Energy Star standards, as determined by Commerce, and to verify and forward that information to the Building Commission. The bill directs DOA to require other state agencies that have authority to enter into leases for improved real property to obtain and forward the same information to the Building Commission before entering into, or renewing or extending, any lease for real property. The bill then prohibits the Building Commission from approving any lease for improved real property to be used by this state containing at least 10,000 square feet of conditioned space unless DOA certifies to the commission that the energy use intensity for the total property and the annual energy usage for the total property conform to Energy Star standards at a level sufficient to meet the minimum threshold for compliance with the LEED Green Building Rating System for existing buildings–operation and maintenance performance requirements, as determined by Commerce. Prior to occupancy of any such property, the bill directs the Building Commission to obtain certification by the U.S. Green Building Council that the property conforms to the minimum requirements for the LEED silver level. The bill directs the Building Commission to require other state agencies that have authority to enter into leases for improved real property, to certify to the commission, before entering into, or renewing or extending, any lease for real property to be used by this state, that the energy use intensity for the total property and the annual energy usage for the total property conform to the same standards.

The bill also requires DOA, with limited exceptions, to ensure that major state buildings, structures, and facilities that are constructed by or for the state conform to specified energy performance standards at increasingly stringent levels by specified dates beginning on the first day of the 7th month beginning after the day the act resulting from the bill becomes law and ending on January 1, 2030, by which

date all major state buildings, structures, and facilities that are constructed by or for the state must achieve a zero net energy level of energy performance. In addition, the bill directs DOA to report annually to the governor and the Building Commission concerning the percentage level of adherence to the requirements imposed upon DOA under the bill that become effective on a date later than the end of the preceding year and the percentage level of adherence to the requirement imposed upon the Building Commission to apply all moneys available to the commission to achieve certification for at least 15 percent of conditioned space in existing owned or leased state buildings, structures, or facilities as meeting the LEED energy performance standards specified in the bill.

Under current law, Commerce is required to promulgate an energy conservation code that sets design requirements for construction and equipment for the purpose of energy conservation in public buildings and places of employment. Commerce must consider incorporating into the energy conservation code design requirements from the most current national energy efficiency design standards, including the International Energy Conservation Code (IECC) or another energy efficiency code that is generally accepted and used by engineers and the construction industry. Current law requires that Commerce review the code on a regular basis, including whenever there is a revision of the IECC, and update the code accordingly.

This bill requires Commerce to incorporate into the energy conservation code a standard that is based upon a specific standard of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) and eliminates the requirement to use other standards specified under current law. As with the revision requirements under current law, the bill requires Commerce to update the code whenever the ASHRAE standard is revised.

Current law also requires Commerce to promulgate rules for ventilation systems in public buildings and places of employment. This bill requires Commerce to incorporate a specific ASHRAE standard into those rules and to update the rules when the standard is revised.

Under current law, a city, village, town, or county may exercise jurisdiction over the construction of new dwellings by passing an ordinance, provided that the ordinance meets the requirements of the one- and two-family dwelling code under current law, this bill provides that such an ordinance may exceed the requirements of that code as they relate to energy conservation in the construction of new dwellings.

This bill authorizes Commerce to promulgate rules that establish standards for the installation of graywater and rainwater systems and that authorize the reuse of graywater and rainwater within the building, or on the property surrounding the building, from which the graywater or rainwater was generated. Under the bill, graywater is defined as wastewater generated from the use of a clothes washer, sink, shower, or bathtub.

This bill also imposes on a political subdivision (any city, village, town, or county) certain requirements for a major construction project. Under the bill, a major construction project means a project for the construction of a public building by or for a political subdivision that will contain at least 10,000 gross square feet of

office space, or for the repair, renewal, or renovation of an existing public building that contains such space if the repair, renewal, renovation, or expansion affects more than 50 percent of the existing building, or for the expansion of an existing public building that adds at least 10,000 gross square feet of such space. The requirements imposed on a political subdivision under the bill are based on the requirements that the bill imposes on DOA and the Building Commission for a major state construction project.

The bill requires a political subdivision to ensure that the plans and specifications for each major construction project conform at a minimum to the requirements for certification at the silver performance level under the LEED Green Building Rating System, as prescribed by Commerce and based on the standards of the U.S. Green Building Council, and that the energy performance, use and disposal of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to the standards that apply to a major state construction project of DOA and the Building Commission. Upon completion of a major construction project, the bill requires a political subdivision to obtain certification from the U.S. Green Building Council that the project meets at least the minimum standards for the LEED silver level.

This bill imposes similar requirements for major construction projects of school districts. Each school board must ensure that the plans and specifications for each major construction project conform at a minimum to the requirements of the LEED Green Building Rating System at the silver performance level, as prescribed by Commerce. Upon the request of a school district, the state must pay all necessary LEED registration and certification fees on behalf of the school district. Upon completion of a major construction project, a school district must obtain certification from the U.S. Green Building Council that the project meets at least the minimum standards for the LEED silver level. The bill also directs each school board to ensure that the energy performance, use and disposal of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to standards specified by Commerce that are derived from various national and international building codes.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.48 (2) (jm) of the statutes is created to read:

2 13.48 **(2)** (jm) 1. In this paragraph, "conditioned space" means space that is

3 designed to have controlled environmental conditions.

2. The building commission shall not approve the design or construction of any project for the construction of any building, structure, or facility for a board, agency, officer, department, commission, or body corporate, if the building, structure, or facility after construction will contain at least 10,000 gross square feet of conditioned space for occupancy by any such entity, or of any project for the repair, renewal, renovation, or expansion of any existing building, structure, or facility for occupancy by any such entity if the building, structure, or facility contains at least 10,000 gross square feet of conditioned space and the project affects more than 50 percent of the existing gross square feet of conditioned space in the building, structure, or facility, regardless of the funding source of the project, unless the department of administration verifies and certifies to the commission, after reviewing the plans and specifications, all of the following:

a. That the project conforms at a minimum to the requirements under the LEED Green Building Rating System for certification at the silver level, as defined in s. 16.856 (1) (f), for construction projects.

b. That the energy performance for the project is at least 30 percent better than the performance standard prescribed by the department of commerce under s. 101.028 based upon standard 90.1-2007 of the American Society of Heating, Refrigerating and Air Conditioning Engineers or its most current equivalent, as documented by energy modeling and certified in writing by the chief engineer for the project.

c. That at least 75 percent of the construction materials delivered to the project site but not used in the project and the demolition materials from any demolition required to undertake the project are recycled in the project or transferred to a 3rd

party for recycling as a part of another construction project for an agency, as defined in s. 16.70 (1e), or a local governmental unit, as defined in s. 19.42 (7u).

d. That the ventilation components for the project are strictly in conformity with standards prescribed by the department of commerce under s. 101.028 based upon standard 62.1-2004 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers, and the chief engineer for the project certifies in writing that no exemptions from strict conformity with that standard have been authorized.

e. That the project has an indoor air quality management plan that addresses adherence to the heating, ventilation, and air conditioning performance standards for the project, source control that ensures use of low emission materials and finishes, pathway interruption to prevent migration of contaminants during the construction process, housekeeping procedures to prevent the spread and growth of contaminants during the construction process, and construction activity scheduling to prevent cross contamination of materials used in the project during the construction process. The plan shall be consistent at a minimum with standards promulgated by the department of commerce under s. 101.028 based upon indoor air quality guidelines for occupied building of the Sheet Metal and Air Conditioning Contractors' National Association, 2nd edition, 2007.

f. That the project upon completion will attain a level of interior water use no greater than 30 percent below the interior water use baseline, as determined by the department of administration in accordance with the LEED Green Building Rating System, as defined in s. 16.856 (1) (e) assuming that 100 percent of the indoor plumbing fixtures used in the project are in compliance with standards promulgated by the department of commerce under s. 101.028 based upon the strictest applicable standard under the Uniform Plumbing Codes-2006 promulgated by the

International Association of Plumbing and Mechanical Officials or the International Plumbing Codes-2006 fixture and fitting performance requirements promulgated by the International Code Council.

3. The building commission shall not enter into an agreement for the purchase of or for the lease of, or renewal of a lease of, with option to purchase, any building, structure, or facility that is constructed or to be constructed for occupancy by any board, agency, officer, department, commission, or body corporate, if the building, structure, or facility after construction will contain at least 10,000 gross square feet of conditioned space for occupancy by any such entity, or any building, structure, or facility that is to be repaired, renewed, renovated, or expanded for occupancy by any such entity if the building, structure, or facility contains at least 10,000 gross square feet of conditioned space and the repair, renewal, renovation, or expansion affects more than 50 percent of the existing gross square feet of conditioned space in the building, structure, or facility, regardless of the funding source of the agreement, unless the department of administration verifies and certifies that the building, structure, or facility conforms or will after construction, repair, renewal, renovation or expansion conform to all of the standards specified in subd. 2. ~~Prior to occupancy,~~ the building commission shall obtain certification by the U.S. Green Building Council that the building, structure, or facility conforms ~~to the~~ at a minimum to the requirements for certification at the LEED silver level.

4. The building commission shall apply all moneys available for its use under the authorized state building program to achieve certification as of January 1, 2015, by the U.S. Green Building Council for not less than 15 percent of the total gross square footage of conditioned space in buildings, structures, and facilities that are owned or leased by agencies on that date, as determined by the department of

administration under s. 16.856 (3), ~~for meeting the minimum~~ as conforming at a minimum to LEED performance requirements for the operation and maintenance of existing buildings, as defined in s. 16.856 (1) (h).

5. The building commission shall apply all moneys available for its use under the authorized state building program to achieve certification by the dates specified by rule of the department of administration under s. 16.856 (6) by the U.S. Green Building Council for not less than the percentages specified by that rule of the total gross square footage of conditioned space in buildings, structures, and facilities that are owned or leased by agencies on the dates specified by that rule, as determined by the department of administration under s. 16.856 (3), for meeting ~~the~~ at a minimum the LEED performance requirements for the operation and maintenance of existing buildings, as defined in s. 16.856 (1) (h).

SECTION 2. 13.48 (15) of the statutes is renumbered 13.48 (15) (a) and amended to read:

13.48 **(15)** (a) Subject to the requirements of par. (b) and s. 20.924 (1) (i), the building commission shall have the authority to acquire leasehold interests in land and buildings where such authority is not otherwise provided to an agency by law.

SECTION 3. 13.48 (15) (b) of the statutes is created to read:

13.48 **(15)** (b) The building commission shall not approve the leasing of, or the renewal or extension of any lease for, property for use by this state unless the department of administration has certified to the commission that the energy use intensity for the total property and the annual energy usage for the total property conform to standards promulgated by the department of commerce under s. 101.028 based upon Energy Star standards consistent with the minimum LEED performance requirements for the operation and maintenance of existing buildings. The

commission shall also require other agencies, as defined in s. 16.70 (1e), that have authority to lease improved real property, to certify to the commission, before entering into, or renewing or extending, any lease of real property, that the energy use intensity for the total property and the annual energy usage for the total property conform to the same standards.

SECTION 4. 16.84 (5) of the statutes is amended to read:

16.84 **(5)** Have responsibility, subject to approval of the governor, for all functions relating to the leasing, acquisition, allocation and utilization of all real property by the state, except where such responsibility is otherwise provided by the statutes. ~~In this connection, the~~ Prior to entering into any lease, or renewing or extending any lease, for property to be used by this state, the department shall require the prospective lessor to disclose the energy use intensity for the total property, measured on a square foot basis, and the annual energy usage for the total property, calculated in accordance with standards promulgated by the department of commerce under s. 101.028 based upon Energy Star standards, as defined in s. 13.48 (15) (b), consistent with the minimum LEED performance requirements for the operation and maintenance of existing buildings, as defined in s. 16.856 (1) (h). The department shall verify and certify this information to the building commission before the commission considers approval of the lease, or the renewal or extension of the lease. The department shall also require other agencies, as defined in s. 16.70 (1e), that have authority to enter into leases for real property to obtain, verify, and certify the same information to the commission before entering into any lease, or renewing or extending any lease, for property to be used by those agencies. The department shall, with the governor's approval, require physical consolidation of office space utilized by any executive branch agency having fewer than 50 authorized

full-time equivalent positions with office space utilized by another executive branch agency, whenever feasible. The department shall lease or acquire office space for legislative offices or legislative service agencies at the direction of the joint committee on legislative organization. In this subsection, "executive branch agency" has the meaning given in s. 16.70 (4).

SECTION 5. 16.85 (3m) of the statutes is created to read:

16.85 **(3m)** To appoint or approve the appointment of a chief engineer for each major construction project, as defined in s. 16.856 (1) (g).

SECTION 6. 16.856 of the statutes is created to read:

16.856 Energy and environmental design standards for certain state buildings, structures, and facilities. (1) In this section:

(a) "Agency" has the meaning given in s. 16.70 (1e).

(b) "ASHRAE standard" means the standard promulgated by the department of commerce under s. 101.028 based upon standard 90.1-2007 of the American Society of Heating, Refrigerating and Air Conditioning Engineers or its current equivalent as determined by the department of commerce under s. 101.028.

(c) "Conditioned space" means space that is designed to have controlled environmental conditions.

(d) "IECC standards" means the energy efficiency design standards promulgated by the department of commerce under s. 101.028 based upon the national energy efficiency design standards of the International Energy Conservation Code or their current equivalents as determined by the department of commerce under s. 101.028.

(e) "LEED Green Building Rating System" means the green building rating system of the U.S. Green Building Council designated as the leadership in energy

1 and environmental design system or its current equivalent as determined by the
2 department of commerce under s. 101.028.

3 (f) "LEED silver level" means the performance level designated as the silver
4 level under the LEED Green Building Rating System or its current equivalent as
5 determined by the department of commerce under s. 101.028.

6 (g) "Major construction project" means a project for the construction of a state
7 building, structure, or facility that will, upon completion, contain at least 10,000
8 gross square feet of conditioned space, or for the repair, renewal, or renovation of an
9 existing state building, structure, or facility containing at least 10,000 gross square
10 feet of conditioned space that affects more than 50 percent of the existing gross
11 square feet of conditioned space in that building, structure, or facility, or for the
12 expansion of an existing state building, structure, or facility to add at least 10,000
13 gross square feet of conditioned space.

14 (h) "Minimum LEED performance requirements for the operation and
15 maintenance of existing buildings" means the performance requirements so
16 designated under the LEED Green Building Rating System, as prescribed by the
17 U.S. Green Building Council, or its current equivalent as determined by the
18 department of commerce under s. 101.028.

19 (i) "Zero net energy" means an energy consumption level under which a
20 building, structure, or facility produces as much energy for electricity, heating, and
21 cooling from renewable sources in any calendar year as the building, structure, or
22 facility consumes during the same period.

23 **(2)** The department shall ensure that the plans and specifications for each
24 major construction project conform at a minimum to the requirements for
25 certification at the LEED silver level. Upon completion of each major construction

project, the department shall obtain certification by the U.S. Green Building Council that the project conforms ~~to the~~ at a minimum to the requirements for certification at the LEED silver level. The department shall also ensure that the energy performance, recycling of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to the standards specified s. 13.48 (2) (jm) 2.

(3) The department shall maintain a current inventory of the location and gross square footage of the conditioned space in all buildings, structures, and facilities that are owned or leased by any agency for its use or the use of another agency. The inventory shall include for each building, structure, or facility information concerning the conditioned space in the building, structure, or facility and whether the building, structure, or facility or any portion thereof is certified or eligible for certification by the U.S. Green Building Council as ~~meeting the~~ conforming at a minimum to LEED performance requirements for the operation and maintenance of existing buildings.

(4) Except as provided in sub. (5), the department shall ensure that each building, structure, or facility constructed, repaired, renewed, renovated, or expanded by or for the state that is a major construction project conforms to whichever of the following energy performance standards applies, based upon the year in which construction, repair, renewal, renovation, or expansion of the building, structure, or facility begins:

(a) For a building, structure, or facility the construction, repair, renewal, renovation, or expansion of which begins on or after the first day of the 7th month beginning after the effective date of this paragraph .... [LRB inserts date], but before January 1, 2015, the energy performance shall be at least 30 percent better than the

1 energy performance under the ASHRAE standard or the IECC standards, whichever
2 is the most stringent.

3 (b) For a building, structure, or facility the construction, repair, renewal,
4 renovation, or expansion of which begins after December 31, 2014, but before
5 January 1, 2020, the energy performance shall be at least 70 percent better than the
6 performance under the ASHRAE standard or the IECC standards, whichever is the
7 most stringent.

8 (c) For a building, structure, or facility the construction, repair, renewal,
9 renovation, or expansion of which begins after December 31, 2019, but before
10 January 1, 2025, the energy performance shall be at least 80 percent better than the
11 energy performance under the ASHRAE standard or the IECC standards, whichever
12 is the most stringent.

13 (d) For a building, structure, or facility the construction, repair, renewal,
14 renovation, or expansion of which begins after December 31, 2024, but before
15 January 1, 2030, the energy performance shall be at least 90 percent better than the
16 energy performance under the ASHRAE standard or the IECC standards, whichever
17 is the most stringent.

18 (e) For a building, structure, or facility the construction, repair, renewal,
19 renovation, or expansion of which begins after December 31, 2029, the energy
20 performance shall be 100 percent better than the energy performance under the
21 ASHRAE standard or the IECC standards, whichever is more stringent, and the
22 building, structure, or facility shall consume zero net energy.

23 **(5)** Subsection (4) does not apply to the gross square footage of enclosed space
24 of any building, structure, or facility that is dedicated for laboratory usage if the

ventilation requirements for that gross square footage do not permit compliance with sub. (4) in that area.

(6) The department shall assess the feasibility of achieving certification by the U.S. Green Building Council for greater than 15 percent of the total gross square footage of conditioned space in buildings, structures, and facilities that are owned or leased by agencies, as determined under sub. (3), as conforming at a ~~for meeting the~~ minimum to LEED performance requirements for the operation and maintenance of existing buildings and shall, by rule, specify, for purposes of s. 13.48 (2) (jm) 5., increased levels of certification and dates during the period from January 1, 2015, to January 1, 2030, by which those increased levels are to be achieved.

(7) Annually no later than March 31, the department shall report to the governor and the building commission concerning the percentage level of adherence as of the preceding December 31 to each of the requirements under s. 13.48 (2) (jm) and this section that become effective on a date following that December 31 and the percentage level of adherence as of the preceding December 31 to the applicable requirement under s. 13.48 (2) (jm) 4. or 5.

SECTION 7. 20.255 (2) (ed) of the statutes is created to read:

20.255 **(2)** (ed) *LEED fees.* A sum sufficient to pay LEED registration and certification fees on behalf of school districts under s. 120.24.

SECTION 8. 66.0902 of the statutes is created to read:

66.0902 Energy and environmental design standards for political subdivision facilities. (1) In this section:

(a) "Conditioned space" means space that is designated to have controlled environmental conditions.

(b) "LEED silver level" has the meaning given in s. 16.856 (1) (f).

(c) "Major construction project" means a project for the construction of a public building by or for a political subdivision that will, upon completion of the project, contain at least 10,000 gross square feet of conditioned space, or for the repair, renewal, or renovation of an existing public building by or for a political subdivision containing at least 10,000 gross square feet of conditioned space that affects more than 50 percent of the existing gross square feet of conditioned space in that building, or for the expansion of an existing public building by or for a political subdivision to add at least 10,000 gross square feet of conditioned space.

(d) "Political subdivision" means any city, village, town, or county.

(2) A political subdivision shall ensure that the plans and specifications for each major construction project conform at a minimum to the requirements for certification at the LEED silver level. Upon completion of each major construction project, the political subdivision shall obtain certification from the U.S. Green Building Council that the project conforms to the minimum requirements for the LEED silver level. The political subdivision shall also ensure that the energy performance, use and disposal of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to the standards specified s. 13.48 (2) (jm) 2.

SECTION 9. 101.02 (23) of the statutes is created to read:

101.02 **(23)** The department may promulgate rules that establish building and design requirements for public buildings and places of employment that are based upon standard 189.1-2009 developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers in conjunction with the U.S. Green Building Council and the Illuminating Engineering Society or that are based upon the current equivalent of that standard. If the department promulgates rules under

this subsection, the department shall review the rules whenever a revision of standard 189.1-2009, or its current equivalent, is published. The department shall complete its review of the rules and submit to the legislature proposed rules changing the requirements no later than 18 months after the date on which the revision of the standard is published.

SECTION 10. 101.025 (4) (intro.) of the statutes is renumbered 101.025 (4) (ag), and 101.025 (4) (ag) (intro.), as renumbered, is amended to read:

101.025 **(4)** (ag) (intro.) For ventilation systems in public buildings and places of employment, the department shall ~~adopt~~ promulgate rules ~~setting~~ that incorporate standard 62.1-2007, or its current equivalent, of the American Society of Heating, Refrigerating and Air Conditioning Engineers and that set all of the following:

SECTION 11. 101.025 (4) (ar) of the statutes is created to read:

101.025 **(4)** (ar) The department shall review the rules promulgated under par. (ag) whenever a revision of standard 62.1-2007, or its current equivalent, of the American Society of Heating, Refrigerating and Air Conditioning Engineers, is published. The department shall complete its review of the rules and submit to the legislature a proposed rule changing the rules no later than 18 months after the date on which the revision of the standard is published.

SECTION 12. 101.027 (2) of the statutes is amended to read:

101.027 **(2)** The department shall review the energy conservation code and shall promulgate rules that change the requirements of the energy conservation code to improve energy conservation. No rule may be promulgated that has not taken into account the cost of the energy conservation code requirement, as changed by the rule, in relationship to the benefits derived from that requirement, including the

reasonably foreseeable economic and environmental benefits to the state from any reduction in the use of imported fossil fuel. The proposed rules changing the energy conservation code shall be submitted to the legislature in the manner provided under s. 227.19. In conducting a review under this subsection, the department shall ~~consider incorporating~~ incorporate, into the energy conservation code, ~~design requirements from~~ standard 90.1-2007, or its current equivalent, of the ~~most current national energy efficiency design standards, including the International Energy Conservation Code or an energy efficiency code other than the International Energy Conservation Code if that energy efficiency code is used to prescribe design requirements for the purpose of conserving energy in buildings and is generally accepted and used by engineers and the construction industry~~ American Society of Heating, Refrigerating and Air Conditioning Engineers.

SECTION 13. 101.027 (3) (a) 1. of the statutes is amended to read:

101.027 **(3)** (a) 1. A revision of standard 90.1-2007, or its current equivalent, of the ~~International Energy Conservation Code~~ American Society of Heating, Refrigerating and Air Conditioning Engineers is published.

SECTION 14. 101.027 (3) (b) 1. of the statutes is amended to read:

101.027 **(3)** (b) 1. If the department begins a review under sub. (2) because a revision of standard 90.1-2007, or its current equivalent, of the ~~International Energy Conservation Code~~ American Society of Heating, Refrigerating and Air Conditioning Engineers is published, the department shall complete its review of the energy conservation code, as defined in sub. (1), and submit to the legislature proposed rules changing the energy conservation code, as defined in sub. (1), no later than 18 months after the date on which the revision of standard 90.1-2007, or its

current equivalent, of the ~~International Energy Conservation Code~~ American Society of Heating, Refrigerating and Air Conditioning Engineers is published.

SECTION 15. 101.028 of the statutes is created to read:

101.028 Energy performance and environmental design standards for certain public buildings, structures and facilities. (1) In this section:

(a) "Energy Star standards" means the standards prescribed by the U.S. Environmental Protection Agency under 42 USC 7403 (g) for energy use in buildings.

(b) "LEED Green Building Rating System" means the green building rating system of the U.S. Green Building Council designated as the leadership in energy and environmental design system or its current equivalent as determined by the department.

(c) "LEED silver level" means the performance level designated as the silver level under the LEED Green Building Rating System or its current equivalent as determined by the department.

(d) "Minimum LEED performance requirements for the operation and maintenance of existing buildings" means the performance requirements so designated under the LEED Green Building Rating System, as prescribed by the U.S. Green Building Council, or its current equivalent as determined by the department.

(e) "U.S. Green Building Council" means the United States Green Building Council or any successor organization that is substantially the same organization, as determined by the department.

(2) The department shall prescribe, by rule, standards for energy performance and environmental design in buildings, structures, and facilities which shall apply to the extent required under ss. 13.48 (2) and (15), 16.84 (5), 16.856, 66.0902, and

1 120.24. The standards shall be based upon the following standards or, if they are
2 updated, their current equivalents:
3 (a) The LEED silver level for new building construction.
4 (b) Minimum LEED performance requirements for the operation and
5 maintenance of existing buildings.
6 (c) Energy Star standards.
7 (d) Energy performance standard 90.1-2007 of the American Society of
8 Hearing, Refrigerating, and Air Conditioning Engineers.
9 (e) Standard 62.1-2004 of the American Society of Heating, Refrigerating, and
10 Air Conditioning Engineers.
11 (f) National energy efficiency design standards of the International Energy
12 Conservation Code adopted the the International Code Council-2006.
13 (g) The Uniform Plumbing Codes-2006 promulgated by the International
14 Association of Plumbing and Mechanical Officials.
15 (i) Indoor air quality guidelines for occupied buildings promulgated by the
16 Sheet Metal and Air Conditioning Contractors' National Association, 2nd edition,
17 2007.
18 (j) The International Plumbing Codes-2006 fixture and fitting performance
19 requirements promulgated by the International Code Council.
20 **(3)** The department shall review a rule promulgated under sub. (2) whenever
21 a revision of a standard on which the rule is based is published. The department
22 shall complete its review of the rule and submit to the legislature a proposed rule
23 changing the standard no later than 18 months after the date on which the revision
24 of the standard is published.
25 **SECTION 16.** 101.05 (1) and (3) of the statutes are amended to read:

101.05 **(1)** ~~No~~ Except for rules promulgated under s. 101.028, no building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.

(3) ~~No~~ Except for rules promulgated under s. 101.028, no standard, rule, code or regulation of the department under this subchapter applies to construction undertaken by the state for the purpose of renovation of the state capitol building.

SECTION 17. 101.65 (1) (a) (intro.) of the statutes is amended to read:

101.65 **(1)** (a) (intro.) Exercise jurisdiction over the construction and inspection of new dwellings by passage of ordinances, provided such ordinances meet the requirements of the one- and 2-family dwelling code adopted in accordance with this subchapter. An ordinance under this paragraph may exceed the requirements of the one- and 2-family dwelling code that relate to energy conservation in the construction of new dwellings. Except as provided by s. 101.651, a county ordinance shall apply in any city, village or town which has not enacted such ordinance.

SECTION 18. 119.04 (1) of the statutes, as affected by 2009 Wisconsin Acts 60 and 96, is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24 (1), (2) (c) to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),

(17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), 120.24, and 120.25 are applicable to a 1st class city school district and board.

SECTION 19. 120.24 of the statutes is created to read:

120.24 Energy performance and environmental design standards for school district facilities. (1) In this section:

(a) "Conditioned space" has the meaning given in s. 16.856 (1) (c).

(b) "LEED silver level" has the meaning given in s. 16.856 (1) (f).

(c) "Major construction project" means a project for the construction of a building that will, upon completion, contain at least 10,000 gross square feet of conditioned space, or for the repair, renewal, or renovation of an existing building containing at least 10,000 gross square feet of conditioned space that affects more than 50 percent of the existing gross square feet of conditioned space in that building, or for the expansion of an existing building to add at least 10,000 gross square feet of conditioned space.

(2) Each school board shall ensure that the plans and specifications for each major construction project conform at a minimum to the requirements for certification at the LEED silver level. Upon completion of each major construction project, the school board shall obtain certification from the U.S. Green Building Council that the project conforms to the minimum requirements for the LEED silver level. The school board shall also ensure that the energy performance, use and disposal of construction and demolition materials, ventilation components, indoor air quality performance, and water usage level for each major construction project conform to the standards specified s. 13.48 (2) (jm) 2.

1 **(3)** Upon request, the department shall pay necessary LEED registration and
2 certification fees for a major construction project on behalf of a school district. The
3 department shall pay the fees from the appropriation under s. 20.255 (2) (ed).

4 **SECTION 20.** 145.133 of the statutes is created to read:

5 **145.133 Graywater systems. (1)** In this section:

6 (a) "Graywater" means wastewater generated from the use of a clothes washer,
7 sink, shower, or bathtub.

8 (b) "Graywater system" means a system for the collection and reuse of
9 graywater.

10 (c) "Rainwater system" means a system for the collection and reuse of
11 rainwater generated from building roofs.

12 **(2)** The department shall promulgate rules that establish standards for the
13 installation of graywater and rainwater systems. The standards shall authorize the
14 reuse of graywater and rainwater within the building, or on the property
15 surrounding the building, from which the graywater or rainwater was generated.

16 **SECTION 21. Initial applicability.**

17 (1) The treatment of section 13.48 (2) (jm) 2. and 3. of the statutes first applies
18 with respect to projects approved and agreements entered into on the effective date
19 of this subsection.

20 (2) The treatment of section 16.856 (2) of the statutes first applies with respect
21 to projects for which design is commenced on the effective date of this subsection.

22 (3) The treatment of section 16.84 (5) of the statutes, the renumbering and
23 amendment of section 13.48 (15) of the statutes, and the creation of section 13.48 (15)
24 (b) of the statutes first apply with respect to leases of real property by the state that
25 are entered into, renewed, or extended on the effective date of this subsection.

1 (4) The treatment of section 120.24 (2) of the statutes first applies with respect
2 to projects for which design is commenced on the effective date of this subsection.
3 (5) The treatment of section 66.0902 (2) of the statutes first applies with respect
4 to projects for which a request for proposal is issued by a political subdivision on the
5 effective date of this subsection.
6 **(END)**