

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB616)

Received: 04/20/2010

Received By: rkite

Wanted: As time permits

Companion to LRB:

For: Fred Risser (608) 266-1627

By/Representing: Ryan

May Contact:

Drafter: rkite

Subject: Buildings/Safety - bldg stndrds
State Finance - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Risser@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Amendment compile

Instructions:

See attached: compile amendments as passed by Jt. finance except without local ordinance language contained in LRBa2345

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 04/20/2010	nmatzke 04/20/2010		_____			
/1			phenry 04/20/2010	_____	mbarman 04/20/2010	mbarman 04/20/2010	

FE Sent For:

<END>

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB616)

Received: **04/20/2010**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Ryan**

May Contact:

Drafter: **rkite**

Subject: **Buildings/Safety - bldg stndrds
State Finance - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Amendment compile

Instructions:

See attached: compile amendments as passed by Jt. finance except without local ordinance language contained in LRBA2345

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	rkite	/1 nwn 4/20	4 by ph	4 by ph			
----	-------	----------------	---------------	---------------	--	--	--

FE Sent For:

<END>

Kite, Robin

From: Supple, Ryan
Sent: Tuesday, April 20, 2010 9:49 AM
To: Maloney2, Eric
Cc: 'gruder@engr.wisc.edu'; Molepske, Louis; 'molepskelaw@gmail.com'
Subject: RE: Sub Amendment Info

I just gave Robin the ok. I'm CC'ing her on this just so she has this request in writing.

Eric, you may want to have Louie double-check with leadership when he gets out of committee. I don't want to drop the other option until we are positive that your leadership will send the tweaked bill right to the floor. I know they told you they would verbally, but I'd feel better if they promised it to Louie. Thanks,

Ryan

From: Maloney2, Eric
Sent: Tuesday, April 20, 2010 9:40 AM
To: Supple, Ryan
Cc: 'gruder@engr.wisc.edu'; Molepske, Louis; 'molepskelaw@gmail.com'
Subject: Sub Amendment Info

Robin will be calling you on this. Essentially, we're drafting two sub amendments (I'm stealing language from your e-mail yesterday):

For the first substitute amendment to SB-616:
We would like it to be identical to what the Joint Finance Committee passed with AB-843 yesterday. So the Sub would include all of these amendments to the Assembly bill: LRBA1919/1, LRBA2284/1, LRBA2348/1, LRBA2349/1, and LRBA2345/1

But more importantly, we would first like another substitute amendment drafted to SB-616:
This would include all of those amendments (LRBA1919/1, LRBA2284/1, LRBA2348/1, LRBA2349/1) PLUS a modified version of LRBA2345/1 that does not include the last paragraph of the amendment. This would allow the voluntary energy code to be truly voluntary, removing the ability of municipalities to adopt it through ordinance for their areas.

Does this all make sense? I don't really see a need for a sub without LRBA2345/1 if we introduce this modified version.

Eric

Eric Maloney
Office of Rep. Louis Molepske
State Capitol
Room 214 N
Madison, WI 53708
(608) 267-2372
Toll-Free: (888) 534-0071
Eric.Maloney2@legis.wi.gov

*take out last
language in
a 2345 re:
local ordinance
requirements*



SENATE SUBSTITUTE AMENDMENT

TO 2009 ~~ASSEMBLY~~ BILL ~~843~~ 616

SENATE

D-NOTE

No changes

Regen.

1 AN ACT *to renumber and amend* 13.48 (15) and 101.025 (4) (intro.); *to amend*
 2 16.84 (5), 101.027 (2), 101.027 (3) (a) 1., 101.027 (3) (b) 1., 101.05 (1) and (3) and
 3 119.04 (1); and *to create* 13.48 (2) (jm), 13.48 (15) (b), 16.85 (3m), 16.856,
 4 66.0902, 101.02 (23), 101.025 (4) (ar), 101.028, 101.61 (1m), 101.63 (1g), 101.63
 5 (1m), 120.24 and 145.133 of the statutes; **relating to:** energy conservation
 6 standards for the construction of certain buildings, energy and environmental
 7 design standards for state buildings, structures, and facilities, energy and
 8 environmental design standards for school district facilities and other local
 9 government buildings, leasing of state buildings, structures, and facilities,
 10 standards for the construction and use of graywater systems, and granting
 11 rule-making authority.

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

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

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

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

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

18 b. That the energy performance for the project is at least 30 percent better than
19 the performance standard prescribed by the department of commerce under s.
20 101.028 based upon standard 90.1–2007 of the American Society of Heating,
21 Refrigerating and Air Conditioning Engineers or its most current equivalent, as
22 documented by energy modeling and certified in writing by the chief engineer for the
23 project.

24 c. That at least 75 percent of the construction materials delivered to the project
25 site but not used in the project and the demolition materials from any demolition

1 required to undertake the project are recycled in the project or transferred to a 3rd
2 party for recycling.

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

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

19 f. That the project upon completion will attain a maximum level of interior
20 water use no greater than a level that is 70 percent of the interior water use baseline,
21 as determined by the department of administration in accordance with the LEED
22 Green Building Rating System, as defined in s. 16.856 (1) (e).

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

1 board, agency, officer, department, commission, or body corporate, if the building,
2 structure, or facility after construction will contain at least 10,000 gross square feet
3 of conditioned space for occupancy by any such entity, or any building, structure, or
4 facility that is to be repaired, renewed, renovated, or expanded for occupancy by any
5 such entity if the building, structure, or facility contains at least 10,000 gross square
6 feet of conditioned space and the repair, renewal, renovation, or expansion affects
7 more than 50 percent of the existing gross square feet of conditioned space in the
8 building, structure, or facility, regardless of the funding source of the agreement,
9 unless the department of administration verifies and certifies that the building,
10 structure, or facility conforms or will after construction, repair, renewal, renovation
11 or expansion conform to all of the standards specified in subd. 2. The building
12 commission shall obtain certification by the U.S. Green Building Council that the
13 building, structure, or facility conforms at a minimum to the requirements for
14 certification at the LEED silver level.

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

23 5. The building commission shall apply all moneys available for its use under
24 the authorized state building program to achieve certification by the dates specified
25 by rule of the department of administration under s. 16.856 (6) by the U.S. Green

1 Building Council for not less than the percentages specified by that rule of the total
2 gross square footage of conditioned space in buildings, structures, and facilities that
3 are owned or leased by agencies on the dates specified by that rule, as determined
4 by the department of administration under s. 16.856 (3), for meeting at a minimum
5 the LEED performance requirements for the operation and maintenance of existing
6 buildings, as defined in s. 16.856 (1) (h).

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

9 13.48 (15) (a) Subject to the requirements of par. (b) and s. 20.924 (1) (i), the
10 building commission shall have the authority to acquire leasehold interests in land
11 and buildings where such authority is not otherwise provided to an agency by law.

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

13 13.48 (15) (b) The building commission shall not approve the leasing of, or the
14 renewal or extension of any lease for, property for use by this state unless the
15 department of administration has certified to the commission that the energy use
16 intensity for the total property and the annual energy usage for the total property
17 conform to standards promulgated by the department of commerce under s. 101.028
18 based upon Energy Star standards consistent with the minimum LEED performance
19 requirements for the operation and maintenance of existing buildings. The
20 commission shall also require other agencies, as defined in s. 16.70 (1e), that have
21 authority to lease improved real property, to certify to the commission, before
22 entering into, or renewing or extending, any lease of real property, that the energy
23 use intensity for the total property and the annual energy usage for the total property
24 conform to the same standards.

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

1 16.84 (5) Have responsibility, subject to approval of the governor, for all
2 functions relating to the leasing, acquisition, allocation and utilization of all real
3 property by the state, except where such responsibility is otherwise provided by the
4 statutes. In this connection, the Prior to entering into any lease, or renewing or
5 extending any lease, for property to be used by this state, the department shall
6 require the prospective lessor to disclose the energy use intensity for the total
7 property, measured on a square foot basis, and the annual energy usage for the total
8 property, calculated in accordance with standards promulgated by the department
9 of commerce under s. 101.028 based upon Energy Star standards, as defined in s.
10 13.48 (15) (b), consistent with the minimum LEED performance requirements for the
11 operation and maintenance of existing buildings, as defined in s. 16.856 (1) (h). The
12 department shall verify and certify this information to the building commission
13 before the commission considers approval of the lease, or the renewal or extension
14 of the lease. The department shall also require other agencies, as defined in s. 16.70
15 (1e), that have authority to enter into leases for real property to obtain, verify, and
16 certify the same information to the commission before entering into any lease, or
17 renewing or extending any lease, for property to be used by those agencies. The
18 department shall, with the governor's approval, require physical consolidation of
19 office space utilized by any executive branch agency having fewer than 50 authorized
20 full-time equivalent positions with office space utilized by another executive branch
21 agency, whenever feasible. The department shall lease or acquire office space for
22 legislative offices or legislative service agencies at the direction of the joint
23 committee on legislative organization. In this subsection, "executive branch agency"
24 has the meaning given in s. 16.70 (4).

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

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

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

4 **16.856 Energy and environmental design standards for certain state**
5 **buildings, structures, and facilities. (1)** In this section:

6 (a) “Agency” has the meaning given in s. 16.70 (1e).

7 (b) “ASHRAE standard” means the standard promulgated by the department
8 of commerce under s. 101.028 based upon standard 90.1–2007 of the American
9 Society of Heating, Refrigerating and Air Conditioning Engineers or its current
10 equivalent as determined by the department of commerce under s. 101.028.

11 (c) “Conditioned space” means space that is designed to have controlled
12 environmental conditions.

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

18 (e) “LEED Green Building Rating System” means the green building rating
19 system of the U.S. Green Building Council designated as the leadership in energy
20 and environmental design system or its current equivalent as determined by the
21 department of commerce under s. 101.028.

22 (f) “LEED silver level” means the performance level designated as the silver
23 level under the LEED Green Building Rating System or its current equivalent, or an
24 equivalent performance level under an equivalent rating system, as determined by
25 the department of commerce under s. 101.028. The department shall recognize the

1 use of wood-based materials and products certified by the Forest Stewardship
2 Council, American Tree Farm System, or Sustainable Forest Initiative programs.

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

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

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

20 (2) The department shall ensure that the plans and specifications for each
21 major construction project conform at a minimum to the requirements for
22 certification at the LEED silver level. Upon completion of each major construction
23 project, the department shall obtain certification by the U.S. Green Building Council
24 that the project conforms at a minimum to the requirements for certification at the
25 LEED silver level. The department shall also ensure that the energy performance,

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

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

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

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

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

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

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

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

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

1 **(6)** The department shall assess the feasibility of achieving certification by the
2 U.S. Green Building Council for greater than 15 percent of the total gross square
3 footage of conditioned space in buildings, structures, and facilities that are owned or
4 leased by agencies, as determined under sub. (3), as conforming at a minimum to
5 LEED performance requirements for the operation and maintenance of existing
6 buildings and shall, by rule, specify, for purposes of s. 13.48 (2) (jm) 5., increased
7 levels of certification and dates during the period from January 1, 2015, to January
8 1, 2030, by which those increased levels are to be achieved.

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

15 **SECTION 7.** 66.0902 of the statutes is created to read:

16 **66.0902 Energy and environmental design standards for political**
17 **subdivision facilities. (1)** In this section:

18 (a) “Conditioned space” means space that is designated to have controlled
19 environmental conditions.

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

21 (c) “Major construction project” means a project for the construction of a public
22 building by or for a political subdivision that will, upon completion of the project,
23 contain at least 10,000 gross square feet of conditioned space, or for the renovation
24 of an existing public building by or for a political subdivision containing at least
25 10,000 gross square feet of conditioned space that affects more than 50 percent of the

1 existing gross square feet of conditioned space in that building, or for the expansion
2 of, or addition to, an existing public building by or for a political subdivision that adds
3 conditioned space that is equal in size to at least 50 percent of the gross square feet
4 of the existing building.

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

6 (2) A political subdivision shall ensure that the plans and specifications for
7 each major construction project conform at a minimum to the requirements for
8 certification at the LEED silver level. The political subdivision shall also ensure that
9 the energy performance, use and disposal of construction and demolition materials,
10 ventilation components, indoor air quality performance, and water usage level for
11 each major construction project conform to the standards specified s. 13.48 (2) (jm)
12 2.

13 **SECTION 8.** 101.02 (23) of the statutes is created to read:

14 101.02 (23) The department may promulgate rules that establish building and
15 design requirements for public buildings and places of employment that are based
16 upon standard 189.1–2009 developed by the American Society of Heating,
17 Refrigerating and Air–Conditioning Engineers in conjunction with the U.S. Green
18 Building Council and the Illuminating Engineering Society, that are based on the
19 International Green Construction Code, Public Version 1.0, or that are based upon
20 the current equivalent of that standard or code. If the department promulgates rules
21 under this subsection, the department shall review the rules whenever a revision of
22 standard 189.1–2009, the International Green Construction Code, Public Version
23 1.0, or either of their current equivalents, are published. The department shall
24 complete its review of the rules and submit to the legislature proposed rules

1 changing the requirements no later than 18 months after the date on which the
2 revision of the standard or code is published.

3 **SECTION 9.** 101.025 (4) (intro.) of the statutes is renumbered 101.025 (4) (ag),
4 and 101.025 (4) (ag) (intro.), as renumbered, is amended to read:

5 101.025 **(4)** (ag) (intro.) For ventilation systems in public buildings and places
6 of employment, the department shall ~~adopt~~ promulgate rules ~~setting that~~
7 incorporate standard 62.1–2007, or its current equivalent, of the American Society
8 of Heating, Refrigerating and Air Conditioning Engineers and that set all of the
9 following:

10 **SECTION 10.** 101.025 (4) (ar) of the statutes is created to read:

11 101.025 **(4)** (ar) The department shall review the rules promulgated under par.
12 (ag) whenever a revision of standard 62.1–2007, or its current equivalent, of the
13 American Society of Heating, Refrigerating and Air Conditioning Engineers, is
14 published. The department shall complete its review of the rules and submit to the
15 legislature a proposed rule changing the rules no later than 18 months after the date
16 on which the revision of the standard is published.

17 **SECTION 11.** 101.027 (2) of the statutes is amended to read:

18 101.027 **(2)** The department shall review the energy conservation code and
19 shall promulgate rules that change the requirements of the energy conservation code
20 to improve energy conservation. No rule may be promulgated that has not taken into
21 account the cost of the energy conservation code requirement, as changed by the rule,
22 in relationship to the benefits derived from that requirement, including the
23 reasonably foreseeable economic and environmental benefits to the state from any
24 reduction in the use of imported fossil fuel. The proposed rules changing the energy
25 conservation code shall be submitted to the legislature in the manner provided under

1 s. 227.19. In conducting a review under this subsection, the department shall
2 ~~consider incorporating~~ incorporate, into the energy conservation code, ~~design~~
3 ~~requirements from standard 90.1–2007, or its current equivalent, of the most current~~
4 ~~national energy efficiency design standards, including the International Energy~~
5 ~~Conservation Code or an energy efficiency code other than the International Energy~~
6 ~~Conservation Code if that energy efficiency code is used to prescribe design~~
7 ~~requirements for the purpose of conserving energy in buildings and is generally~~
8 ~~accepted and used by engineers and the construction industry~~ American Society of
9 Heating, Refrigerating and Air Conditioning Engineers or ~~energy efficiency design~~
10 ~~requirements from the International Energy Conservation Code, or its current~~
11 ~~equivalent, whichever standard or design requirement is more stringent.~~

12 **SECTION 12.** 101.027 (3) (a) 1. of the statutes is amended to read:

13 101.027 (3) (a) 1. A revision of standard 90.1–2007, or its current equivalent,
14 ~~of the International Energy Conservation Code~~ American Society of Heating,
15 Refrigerating and Air Conditioning Engineers or a revision of the International
16 Energy Conservation Code, or its current equivalent, is published.

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

18 101.027 (3) (b) 1. If the department begins a review under sub. (2) because a
19 revision of standard 90.1–2007, or its current equivalent, of the International
20 Energy Conservation Code American Society of Heating, Refrigerating and Air
21 Conditioning Engineers is published, or because a revision of the International
22 Energy Conservation Code, or its current equivalent, is published, the department
23 shall complete its review of the energy conservation code, as defined in sub. (1), and
24 submit to the legislature proposed rules changing the energy conservation code, as

1 defined in sub. (1), no later than 18 months after the date on which the revision of
2 the ~~International Energy Conservation Code~~ is published.

3 **SECTION 14.** 101.028 of the statutes is created to read:

4 **101.028 Energy performance and environmental design standards for**
5 **certain public buildings, structures and facilities. (1)** In this section:

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

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

12 (c) “LEED silver level” means the performance level designated as the silver
13 level under the LEED Green Building Rating System or its current equivalent as
14 determined by the department. The department shall recognize the use of
15 wood-based materials and products certified by the Forest Stewardship Council,
16 American Tree Farm System, or Sustainable Forest Initiative programs.

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

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

1 **(2)** The department shall prescribe, by rule, standards for energy performance
2 and environmental design in buildings, structures, and facilities which shall apply
3 to the extent required under ss. 13.48 (2) and (15), 16.84 (5), 16.856, 66.0902, and
4 120.24. The standards shall be based upon the following standards or, if they are
5 updated, their current equivalents:

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

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

9 (c) Energy Star standards.

10 (d) Energy performance standard 90.1–2007 of the American Society of
11 Heating, Refrigerating, and Air Conditioning Engineers.

12 (e) Standard 62.1–2004 of the American Society of Heating, Refrigerating, and
13 Air Conditioning Engineers.

14 (f) National energy efficiency design standards of the International Energy
15 Conservation Code adopted by the International Code Council–2006.

16 (i) Indoor air quality guidelines for occupied buildings promulgated by the
17 Sheet Metal and Air Conditioning Contractors' National Association, 2nd edition,
18 2007.

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

24 **SECTION 15.** 101.05 (1) and (3) of the statutes are amended to read:

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

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

8 **SECTION 16.** 101.61 (1m) of the statutes is created to read:

9 101.61 (1m) “Generally accepted energy code” means energy design standards
10 contained in an energy efficiency code that is generally accepted and used by
11 architects, engineers, and the construction industry in the construction of one- and
12 2-family dwellings.

13 **SECTION 17.** 101.63 (1g) of the statutes is created to read:

14 101.63 (1g) Promulgate rules that establish voluntary energy efficiency
15 standards for the construction of one- and 2-family dwellings. The standards shall
16 provide at least a 30 percent better energy efficiency benefit as the standards
17 established by the department under rules promulgated under sub. (1). If the rules
18 promulgated by the department under this subsection incorporate standards from
19 a generally accepted energy code, the department shall revise the rules promulgated
20 under this subsection not later than 18 months after the generally accepted energy
21 code is revised.

22 **SECTION 18.** 101.63 (1m) of the statutes is created to read:

23 101.63 (1m) Develop at least one descriptive term and one logo that the
24 department may authorize to be used to identify one- and 2-family dwellings that

1 meet the voluntary energy efficiency standards established in the rules promulgated
2 by the department under sub. (1g).

3 **SECTION 19.** 119.04 (1) of the statutes, as affected by 2009 Wisconsin Acts 60
4 and 96, is amended to read:

5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
7 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
8 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
9 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24
10 (1), (2) (c) to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51,
11 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),
12 (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), 120.24, and
13 120.25 are applicable to a 1st class city school district and board.

14 **SECTION 20.** 120.24 of the statutes is created to read:

15 **120.24 Energy performance and environmental design standards for**
16 **school district facilities. (1)** In this section:

17 (a) “Conditioned space” has the meaning given in s. 16.856 (1) (c).

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

19 (c) “Major construction project” means a project for the construction of a
20 building that will, upon completion, contain at least 10,000 gross square feet of
21 conditioned space, or for the renovation of an existing building containing at least
22 10,000 gross square feet of conditioned space that affects more than 50 percent of the
23 existing gross square feet of conditioned space in that building, or for the expansion
24 of, or addition to, an existing public building that adds conditioned space that is equal
25 in size to at least 50 percent of the gross square feet of the existing building.

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 **SECTION 21.** 145.133 of the statutes is created to read:

9 **145.133 Graywater systems. (1)** In this section:

10 (a) “Graywater” means wastewater generated from the use of a clothes washer,
11 sink, shower, or bathtub.

12 (b) “Graywater system” means a system for the collection and reuse of
13 graywater.

14 (c) “Rainwater system” means a system for the collection and reuse of
15 rainwater generated from building roofs.

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

20 **SECTION 22. Initial applicability.**

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

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

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

50460/1dn
LRB0455/1dn
RNK:nwn:jf

April 20, 2010

This substitute amendment incorporates the changes made by the following amendments: LRBa1919, LRBa2284, LRBa2348, and LRBa2349. It also includes the provisions of LRBa2345 except it does not include the provisions of LRBa2345 that relate to ordinances that incorporate the provisions of the voluntary energy efficiency standards.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0460/1dn
RNK:nwn:ph

April 20, 2010

This substitute amendment incorporates the changes made by the following amendments: LRBa1919, LRBa2284, LRBa2348, and LRBa2349. It also includes the provisions of LRBa2345 except it does not include the provisions of LRBa2345 that relate to ordinances that incorporate the provisions of the voluntary energy efficiency standards.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov