



## 2009 ASSEMBLY BILL 843

March 11, 2010 - Introduced by Representatives MOLEPSKE JR., MASON, PASCH, ROYS, POPE-ROBERTS, MILROY, SINICKI and BERCEAU, cosponsored by Senators RISSER and SCHULTZ. Referred to Committee on Jobs, the Economy and Small Business.

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),  
3           101.65 (1) (a) (intro.) and 119.04 (1); and *to create* 13.48 (2) (jm), 13.48 (15) (b),  
4           16.85 (3m), 16.856, 20.255 (2) (ed), 66.0902, 101.02 (23), 101.025 (4) (ar),  
5           101.028, 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, granting  
11          rule-making authority, and making an appropriation.

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### *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

**ASSEMBLY BILL 843**

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 at a minimum to the requirements for certification at 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.

**ASSEMBLY BILL 843**

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 conforming at a minimum to the 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 conform at a minimum to the threshold for compliance with the LEED Green Building Rating System for existing buildings-operation and maintenance performance requirements, as determined by Commerce. The bill directs the Building Commission to obtain certification by the U.S. Green Building Council that any such property conforms at a minimum to the requirements for certification at 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

**ASSEMBLY BILL 843**

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 conforming at a minimum to 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

**ASSEMBLY BILL 843**

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 certification at 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 conforms at a minimum to the standards for certification at 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.

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***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.

**ASSEMBLY BILL 843****SECTION 1**

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

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

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

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

**ASSEMBLY BILL 843**

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

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

**ASSEMBLY BILL 843****SECTION 1**

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

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

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



**ASSEMBLY BILL 843**

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

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

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

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

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

19 13.48 (15) (b) The building commission shall not approve the leasing of, or the  
20 renewal or extension of any lease for, property for use by this state unless the  
21 department of administration has certified to the commission that the energy use  
22 intensity for the total property and the annual energy usage for the total property  
23 conform to standards promulgated by the department of commerce under s. 101.028  
24 based upon Energy Star standards consistent with the minimum LEED performance  
25 requirements for the operation and maintenance of existing buildings. The

**ASSEMBLY BILL 843****SECTION 3**

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

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

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

**ASSEMBLY BILL 843**

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

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

7 16.85 (3m) To appoint or approve the appointment of a chief engineer for each  
8 major construction project, as defined in s. 16.856 (1) (g).

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

10 **16.856 Energy and environmental design standards for certain state**  
11 **buildings, structures, and facilities. (1)** In this section:

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

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

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

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

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

**ASSEMBLY BILL 843****SECTION 6**

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

**ASSEMBLY BILL 843**

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

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

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

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

**ASSEMBLY BILL 843****SECTION 6**

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

**ASSEMBLY BILL 843**

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

3 **(6)** The department shall assess the feasibility of achieving certification by the  
4 U.S. Green Building Council for greater than 15 percent of the total gross square  
5 footage of conditioned space in buildings, structures, and facilities that are owned or  
6 leased by agencies, as determined under sub. (3), as conforming at a minimum to  
7 LEED performance requirements for the operation and maintenance of existing  
8 buildings and shall, by rule, specify, for purposes of s. 13.48 (2) (jm) 5., increased  
9 levels of certification and dates during the period from January 1, 2015, to January  
10 1, 2030, by which those increased levels are to be achieved.

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

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

18 20.255 **(2)** (ed) *LEED fees.* A sum sufficient to pay LEED registration and  
19 certification fees on behalf of school districts under s. 120.24.

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

21 **66.0902 Energy and environmental design standards for political**  
22 **subdivision facilities.** **(1)** In this section:

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

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

**ASSEMBLY BILL 843****SECTION 8**

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

9 (d) “Political subdivision” means any city, village, town, or county.

10 (2) A political subdivision shall ensure that the plans and specifications for  
11 each major construction project conform at a minimum to the requirements for  
12 certification at the LEED silver level. Upon completion of each major construction  
13 project, the political subdivision shall obtain certification from the U.S. Green  
14 Building Council that the project conforms at a minimum to the requirements for  
15 certification at the LEED silver level. The political subdivision shall also ensure that  
16 the energy performance, use and disposal of construction and demolition materials,  
17 ventilation components, indoor air quality performance, and water usage level for  
18 each major construction project conform to the standards specified s. 13.48 (2) (jm)  
19 2.

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

21 101.02 (23) The department may promulgate rules that establish building and  
22 design requirements for public buildings and places of employment that are based  
23 upon standard 189.1-2009 developed by the American Society of Heating,  
24 Refrigerating and Air-Conditioning Engineers in conjunction with the U.S. Green  
25 Building Council and the Illuminating Engineering Society or that are based upon



**ASSEMBLY BILL 843**

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

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

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

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

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

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

22 101.027 (2) The department shall review the energy conservation code and  
23 shall promulgate rules that change the requirements of the energy conservation code  
24 to improve energy conservation. No rule may be promulgated that has not taken into  
25 account the cost of the energy conservation code requirement, as changed by the rule,

**ASSEMBLY BILL 843****SECTION 12**

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

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

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

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

19 101.027 (3) (b) 1. If the department begins a review under sub. (2) because a  
20 revision of standard 90.1-2007, or its current equivalent, of the International  
21 Energy Conservation Code American Society of Heating, Refrigerating and Air  
22 Conditioning Engineers is published, the department shall complete its review of the  
23 energy conservation code, as defined in sub. (1), and submit to the legislature  
24 proposed rules changing the energy conservation code, as defined in sub. (1), no later  
25 than 18 months after the date on which the revision of standard 90.1-2007, or its

**ASSEMBLY BILL 843**

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

3 **SECTION 15.** 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.

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

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

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

**ASSEMBLY BILL 843****SECTION 15**

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 Heating, 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:

**ASSEMBLY BILL 843**

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

9           101.65 (1) (a) (intro.) Exercise jurisdiction over the construction and inspection  
10 of new dwellings by passage of ordinances, provided such ordinances meet the  
11 requirements of the one- and 2-family dwelling code adopted in accordance with this  
12 subchapter. An ordinance under this paragraph may exceed the requirements of the  
13 one- and 2-family dwelling code that relate to energy conservation in the  
14 construction of new dwellings. Except as provided by s. 101.651, a county ordinance  
15 shall apply in any city, village or town which has not enacted such ordinance.

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

18           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
19 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
20 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
21 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,  
22 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24  
23 (1), (2) (c) to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51,  
24 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),

**ASSEMBLY BILL 843****SECTION 18**

1 (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), 120.24, and  
2 120.25 are applicable to a 1st class city school district and board.

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

4 **120.24 Energy performance and environmental design standards for**  
5 **school district facilities. (1)** In this section:

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

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

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

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

**ASSEMBLY BILL 843**

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.

