

2001 SENATE BILL 449

February 20, 2002 – Introduced by Senators COWLES, BAUMGART, BURKE and HANSEN, cosponsored by Representatives MILLER and BLACK. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to amend* 101.027 (2), 101.12 (1) (a), 101.63 (1) (intro.), 101.63 (2), 101.73
2 (1) and 101.73 (2); and *to create* 101.026 and 101.027 (2) (c) of the statutes;
3 **relating to:** the regulation of commercial and residential lighting systems and
4 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Current law generally requires the department of commerce (department) to promulgate rules regulating the construction of commercial buildings in this state. With certain exceptions, current law requires the department to review plans for the construction of commercial buildings to ensure that the proposed construction complies with the department's rules. This review currently covers such things as the building's proposed heating, ventilation, and air conditioning systems, fire detection systems, and elevator systems. This bill requires the review to also include the building's proposed lighting systems. In addition, this bill requires the department to consider the standards of the Illuminating Engineering Society of North America in promulgating rules relating to lighting in commercial buildings and, with certain exceptions, requires exit lighting fixtures in commercial buildings to operate at five watts or less.

Current law also generally requires the department to promulgate rules regulating the construction of one-family and two-family dwellings and certain manufactured buildings designed to be used as dwellings. These rules include standards for such things as a dwelling's heating, ventilation, air conditioning, and

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plumbing systems. This bill requires these rules to also include standards for a dwelling's lighting systems.

In addition, current law requires the department to promulgate an energy conservation code. This bill requires the department, the next time it reviews the energy conservation code, to incorporate into the code design requirements that, to the extent practical, reduce energy needs for lighting by utilizing natural daylight.

For further information see the *state* 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.** 101.026 of the statutes is created to read:

2 **101.026 Lighting requirements for public buildings and places of**
3 **employment. (1)** In promulgating rules under s. 101.02 (15) that establish
4 standards for lighting, the department shall consider incorporating, into the
5 standards, the procedures for determining required lighting levels that are specified
6 in the most current standards of the Illuminating Engineering Society of North
7 America.

8 **(2)** Exit lighting fixtures installed in public buildings and places of
9 employment on or after the effective date of this subsection [revisor inserts date],
10 shall be designed to operate at 5 watts or less per face, except that an exit lighting
11 fixture that is designed to operate at a higher wattage may be used, consistent with
12 the rules promulgated under s. 101.02 (15), if it also provides egress lighting.

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

14 **101.027 (2) (a)** The department shall review the energy conservation code and
15 shall promulgate rules that change the requirements of the energy conservation code
16 to improve energy conservation. No rule may be promulgated that has not taken into
17 account the cost of the energy conservation code requirement, as changed by the rule,
18 in relationship to the benefits derived from that requirement, including the

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1 reasonably foreseeable economic and environmental benefits to the state from any
2 reduction in the use of imported fossil fuel. The proposed rules changing the energy
3 conservation code shall be submitted to the legislature in the manner provided under
4 s. 227.19.

5 (b) In conducting a review under this subsection, the department shall consider
6 incorporating, into the energy conservation code, design requirements from the most
7 current national energy efficiency design standards, including standard 90.1 – 1989
8 or an energy efficiency code other than standard 90.1 – 1989 if that energy efficiency
9 code is used to prescribe design requirements for the purpose of conserving energy
10 in buildings and is generally accepted and used by engineers and the construction
11 industry.

12 **SECTION 3.** 101.027 (2) (c) of the statutes is created to read:

13 101.027 (2) (c) In conducting a review under this subsection, the department
14 shall incorporate into the energy conservation code design requirements that, to the
15 extent practical, reduce energy needs for lighting by utilizing natural daylight
16 without increasing energy needs for cooling.

17 **SECTION 4.** 101.12 (1) (a) of the statutes is amended to read:

18 101.12 (1) (a) Heating, ventilation, air conditioning, lighting, and fire
19 detection, prevention or suppression systems.

20 **SECTION 5.** 101.63 (1) (intro.) of the statutes is amended to read:

21 101.63 (1) (intro.) Adopt rules which establish standards for the construction
22 and inspection of ~~one~~ one-family and 2-family dwellings and components thereof.
23 Where feasible, the standards used shall be those nationally recognized and shall
24 apply to the dwelling and to its electrical, heating, ventilating, air conditioning, and
25 other systems, including plumbing, as defined in s. 145.01 (10), and lighting. No set

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1 of rules may be adopted which has not taken into account the conservation of energy
2 in construction and maintenance of dwellings and the costs of specific code provisions
3 to home buyers in relationship to the benefits derived from the provisions. Rules
4 promulgated under this subsection do not apply to a bed and breakfast
5 establishment, as defined under s. 254.61 (1), except that the rules apply to all of the
6 following:

7 **SECTION 6.** 101.63 (2) of the statutes is amended to read:

8 101.63 (2) Adopt rules for the certification, including provisions for suspension
9 and revocation thereof, of inspectors for the purpose of inspecting building
10 construction, electrical wiring, heating, ventilating, air conditioning, and other
11 systems, including plumbing, as defined in s. 145.01 (10), and lighting, of ~~one-~~
12 one-family and 2-family dwellings under sub. (1). Persons certified as inspectors
13 may be employees of the department, a city, village, town, county, or an independent
14 inspection agency. The department may not adopt any rule which prohibits any city,
15 village, town, or county from licensing persons for performing work on a dwelling in
16 which the licensed person has no legal or equitable interest.

17 **SECTION 7.** 101.73 (1) of the statutes is amended to read:

18 101.73 (1) Adopt rules which establish standards for the use of building
19 materials, methods, and equipment in the manufacture and installation of
20 manufactured buildings for use as dwellings or dwelling units. Where feasible, the
21 standards used shall be those nationally recognized and shall apply to the dwelling
22 and to its electrical, heating, ventilating, air conditioning, lighting, and other
23 systems. Such rules shall take into account the conservation of energy in
24 construction and maintenance of dwellings and the costs to home buyers of specific
25 code provisions in relation to the benefits derived therefrom.

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1 **SECTION 8.** 101.73 (2) of the statutes is amended to read:

2 101.73 (2) Adopt rules for the examination of plans and specifications and for
3 periodic in-plant and on-site inspections of manufacturing facilities, processes,
4 fabrication, assembly, and installation of manufactured buildings to ensure that
5 examinations and inspections are made in compliance with the rules adopted for
6 construction, electrical wiring, heating, ventilating, air conditioning, lighting, and
7 other systems under ss. 101.70 to 101.77 and with the rules for indoor plumbing
8 adopted by the department under ch. 145.

9 **SECTION 9. Nonstatutory provisions.**

10 (1) RULES DEADLINE. The department of commerce shall submit in proposed
11 form the rules relating to lighting required under sections 101.63 (1) (intro.) and (2)
12 and 101.73 (1) and (2) of the statutes, as affected by this act, to the legislative council
13 staff under section 227.15 (1) of the statutes no later than the first day of the 7th
14 month beginning after the effective date of this subsection.

15 **SECTION 10. Effective dates.** This act takes effect on the day after publication,
16 except as follows:

17 (1) LIGHTING REQUIREMENTS FOR ONE-FAMILY AND TWO-FAMILY DWELLINGS AND
18 MANUFACTURED BUILDINGS. The treatment of sections 101.63 (1) (intro.) and (2) and
19 101.73 (1) and (2) of the statutes takes effect on the first day of the 10th month
20 beginning after publication.

21 (2) PLAN REVIEW REQUIREMENTS FOR PUBLIC BUILDINGS AND PLACES OF EMPLOYMENT.
22 The treatment of section 101.12 (1) (a) of the statutes takes effect on the first day of
23 the 7th month beginning after publication.

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(END)