

2001 DRAFTING REQUEST

Bill

Received: 11/13/2001

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**

By/Representing: **sarah**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Cowles@legis.state.wi.us**

Carbon copy (CC:) to: **sarah.burdette@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Including lighting systems under commercial and residential building codes

Instructions:

See Attached

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>
/?	rmarchan 11/13/2001	rschluet 11/14/2001		_____			
/1	rmarchan 11/14/2001	csicilia 11/14/2001	jfrantze 11/14/2001	_____	lrb_docadmin 11/14/2001		
/2	rmarchan	jdyer	pgreensl	_____	lrb_docadmin		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/19/2001	12/26/2001	11/14/2001	_____	11/14/2001		
/3			haugeca	_____	lrb_docadmin	lrb_docadmin	
			12/27/2001	_____	12/27/2001	01/15/2002	

FE Sent For: — At intro

<END>

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/3			haugeca	_____	lrb_docadmin		
			12/27/2001	_____	12/27/2001		

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→ for Senate
per RJM

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/2		<p><i>CS</i> <i>12/20/01</i></p> <p><i>13 12/26 jld</i></p>	<p>pgreensl</p> <p><i>CH</i> <i>12-26</i></p>	<p><i>CH</i> <i>HH</i> <i>12-27</i></p>	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			11/14/2001 _____		11/14/2001		

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/1	<i>1/2 js 11/14 61</i>		jfrantze 11/14/2001 <i>11/14 pg 1/2 pg 8</i>		lrb_docadmin 11/14/2001		

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1/2	rmarchan	<i>[Signature]</i> 11-13-01 1/14 jld	<i>[Signature]</i> 11/14	<i>[Signature]</i> 11/14			

FE Sent For:

<END>

DLL:rv;ksm

10/29/2001

1 **AN ACT** *to renumber and amend* 101.027 (2); *to amend* 101.12 (1) (a), 101.63 (1)
2 (intro.) and 101.63 (2); and *to create* 101.027 (2) (c), 101.122 (2) (a) 3. and 101.63
3 (1s) of the statutes; **relating to:** commercial and residential building code provisions
4 related to lighting.

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

LEGISLATIVE COUNCIL STAFF PREFATORY NOTE: Under current law, in general, the department of commerce must require the submittal of plans for commercial buildings, for review to ensure that the buildings will comply with state standards. The review must include the following components:

- (a) Heating, ventilation, air conditioning and fire detection, prevention or suppression systems.
- (b) Industrial exhaust systems.
- (c) Elevators, escalators, ski lift and towing devices and power dumbwaiters.
- (d) Stadiums, grandstands and bleachers.
- (e) Amusement and thrill ride equipment.

This draft adds lighting systems to the list of components that must be included in the plan review for commercial building.

Under current law, the department of commerce must establish standards for the construction and inspection of one- and two-family dwellings, which must include electrical, heating, ventilating, air conditioning and plumbing systems. This draft adds lighting systems to the list of components that must be included in the construction and inspection standards for one- and two-family dwellings.

This draft directs the department of commerce to include, in the energy conservation code for commercial buildings, the rental unit energy efficiency code and the one- and two-family dwelling code, design requirements that, to the extent practical, reduce energy needs for lighting by utilizing natural daylight.

Under current law, the department of commerce must establish standards for inspectors of residential buildings. This draft requires that the rules include standards for inspectors of lighting systems.

1 **SECTION 1.** 101.027 (2) of the statutes is renumbered 101.027 (2) (a) and amended to
2 read:

3 101.027 (2) (a) The department shall review the energy conservation code and shall
4 promulgate rules that change the requirements of the energy conservation code to improve
5 energy conservation. No rule may be promulgated that has not taken into account the cost of
6 the energy conservation code requirement, as changed by the rule, in relationship to the
7 benefits derived from that requirement, including the reasonably foreseeable economic and
8 environmental benefits to the state from any reduction in the use of imported fossil fuel. The
9 proposed rules changing the energy conservation code shall be submitted to the legislature in
10 the manner provided under s. 227.19.

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

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

18 101.027 (2) (c) In conducting a review under this subsection, the department shall
19 incorporate into the energy conservation code design requirements that, to the extent practical,
20 reduce energy needs for lighting by utilizing natural daylight.

NOTE: Requires inclusion of daylighting design requirements in the energy conservation code for commercial buildings.

21 **SECTION 3.** 101.12 (1) (a) of the statutes is amended to read:

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

NOTE: Adds lighting systems to the list of building components subject to plan review under the commercial building code.

3 SECTION 4. 101.122 (2) (a) 3. of the statutes is created to read:

4 101.122 (2) (a) 3. The rules under this paragraph shall include design requirements that,
5 to the extent practical, reduce energy needs for lighting by utilizing natural daylight.

NOTE: Requires inclusion of daylighting design requirements in the rental unit energy efficiency code.

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

7 101.63 (1) (intro.) Adopt rules which establish standards for the construction and
8 inspection of one- and two-family dwellings and components thereof. Where feasible, the
9 standards used shall be those nationally recognized and shall apply to the dwelling and to its
10 electrical, heating, ventilating, air conditioning and other systems, including plumbing, as
11 defined in s. 145.01 (10), and lighting. No set of rules may be adopted which has not taken
12 into account the conservation of energy in construction and maintenance of dwellings and the
13 costs of specific code provisions to home buyers in relationship to the benefits derived from
14 the provisions. Rules promulgated under this subsection do not apply to a bed and breakfast
15 establishment, as defined under s. 254.61 (1), except that the rules apply to all of the following:

NOTE: Adds lighting systems to the list of building components subject to plan review under the one- and two-family dwelling code.

16 SECTION 6. 101.63 (1s) of the statutes is created to read:

17 101.63 (1s) Adopt a rule that specifies design requirements for one- and two- family
18 dwellings that, to the extent practical, reduce energy needs for lighting by utilizing natural
19 daylight.

add to
(a) 1
3
40
w/ 2.

NOTE: Requires inclusion of daylighting design requirements in the one- and two-family dwelling code.

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

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

NOTE: Expands rules relating to certification of building inspectors to include inspectors of lighting systems.

10

(END)

Why not add to manufactured bldg code (101.73(1))?



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4250/1

RJM:.....
rs jld
fm NR

11-30-01

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DNOTE

Gen

1 AN ACT ...; relating to: the regulation of commercial and residential lighting
2 systems.

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.

Current law also generally requires the department to promulgate rules regulating the construction of one- and two-family dwellings in this state. These rules include standards for such things as a dwelling's heating, ventilation, air conditioning, and 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 and a rental unit energy efficiency code. This bill requires the department to include in these codes design requirements that, to the extent practical, reduce energy needs for lighting by utilizing natural daylight.

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

at the next time it reviews the energy conservation codes, to incorporate into the code

NO # The bill requires the department to incorporate similar design requirements into the rental unit energy efficiency code, as well.

1 *Fix*
Component SECTION 1. 101.027 (2) ✓ of the statutes is ~~renumbered 101.027 (2) (a) and~~
2 amended to read:

3 (3) 101.027 (2) (a) The department shall review the energy conservation code and
4 shall promulgate rules that change the requirements of the energy conservation code
5 to improve energy conservation. No rule may be promulgated that has not taken into
6 account the cost of the energy conservation code requirement, as changed by the rule,
7 in relationship to the benefits derived from that requirement, including the
8 reasonably foreseeable economic and environmental benefits to the state from any
9 reduction in the use of imported fossil fuel. The proposed rules changing the energy
10 conservation code shall be submitted to the legislature in the manner provided under
11 s. 227.19.

12 (b) In conducting a review under this subsection, the department shall consider
13 incorporating, into the energy conservation code, design requirements from the most
14 current national energy efficiency design standards, including standard 90.1 - 1989
15 or an energy efficiency code other than standard 90.1 - 1989 if that energy efficiency
16 code is used to prescribe design requirements for the purpose of conserving energy
17 in buildings and is generally accepted and used by engineers and the construction
18 industry.

19 ~~History: 1993 a. 242.~~ SECTION 2. 101.027 (2) (c) ✓ of the statutes is created to read:

20 101.027 (2) (c) In conducting a review under this subsection, ✓ the department
21 shall incorporate into the energy conservation code design requirements that, to the
22 extent practical, reduce energy needs for lighting by utilizing natural daylight.

23 SECTION 3. 101.12 (1) (a) ✓ of the statutes is amended to read:

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

~~History: 1974 c. 185; 1971 c. 228 s. 42; Stats. 1971 s. 101.12; 1973 c. 326; 1979 c. 64, 243; 1983 a. 27; 1989 a. 31, 347; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3660, 3660m, 26 (19).~~

3 **SECTION 4.** 101.122 (2) (a) 1. of the statutes is renumbered 101.122 (2) (a) and
4 amended to read:

5 101.122 (2) (a) Promulgate rules which establish a code of minimum energy
6 efficiency standards for the attics, sill boxes, heat and plumbing supply systems in
7 unheated crawl spaces, shower heads, furnaces, boilers, air conditioners, appliances,
8 lighting systems, and storm windows and doors of rental units. The rules shall
9 include a standard that establishes a maximum air infiltration rate of the thermal
10 envelope, as defined by the department by rule. At the request of the owner of a
11 rental unit, the department shall apply this air infiltration standard in lieu of the
12 standard for storm windows and doors. The rules shall require installation of
13 specified energy conservation measures and shall include design requirements that,
14 to the extent practical, reduce energy needs for lighting by utilizing natural daylight.
15 The rules may include a separate standard based on thermal performance. The
16 present value benefits of each energy measure, in terms of saved energy over a
17 5-year period after installation, shall be more than the total present value cost of
18 installing the measures.

~~History: 1979 c. 221; 1981 c. 341; 1983 a. 27, 233; 1985 a. 174; 1987 a. 186, 399; 1989 a. 56; 1991 a. 269; 1997 a. 288.~~

DUS
3-19-19

19 **SECTION 5.** 101.122 (2) (a) 2. of the statutes is repealed.

20 **SECTION 6.** 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 and 2-family dwellings and components thereof. Where
23 feasible, the standards used shall be those nationally recognized and shall apply to
24 the dwelling and to its electrical, heating, ventilating, air conditioning, and other

plain?

1 systems, including plumbing, as defined in s. 145.01 (10), and lighting.[✓] No set of
 2 rules may be adopted which has not taken into account the conservation of energy
 3 in construction and maintenance of dwellings and the costs of specific code provisions
 4 to home buyers in relationship to the benefits derived from the provisions. Rules
 5 promulgated under this subsection do not apply to a bed and breakfast
 6 establishment, as defined under s. 254.61 (1), except that the rules apply to all of the
 7 following:

~~History: 1975 c. 404; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1983 s. 189 s. 329 (8); 1987 a. 343; 1993 a. 26, 126, 414; 1999 a. 9, 135.~~

8 **SECTION 7.** 101.63 (1s) of the statutes is created to read:

9 101.63 (1s) Adopt a rule that specifies design requirements for one-² and
 10 ~~two~~ family dwellings that, to the extent practical, reduce energy needs for lighting
 11 by utilizing natural daylight.

family

12 **SECTION 8.** 101.63 (2)[✓] of the statutes is amended to read:

13 101.63 (2) Adopt rules for the certification, including provisions for suspension
 14 and revocation thereof, of inspectors for the purpose of inspecting building
 15 construction, electrical wiring, heating, ventilating, air conditioning, and other
 16 systems, including plumbing, as defined in s. 145.01 (10), and lighting,[✓] of one- and
 17 2-family dwellings under sub. (1). Persons certified as inspectors may be employees
 18 of the department, a city, village, town, county, or an independent inspection agency.
 19 The department may not adopt any rule which prohibits any city, village, town, or
 20 county from licensing persons for performing work on a dwelling in which the
 21 licensed person has no legal or equitable interest.

~~History: 1975 c. 404; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1983 s. 189 s. 329 (8); 1987 a. 343; 1993 a. 26, 126, 414; 1999 a. 9, 135.~~

22 (END)

Section #. 101.122 (4) (a) ^X of the statutes is amended to read:

101.122 (4) (a) Except as provided under pars. (b) and (c), no owner may transfer a rental unit unless an inspector has inspected the unit and has issued a certificate stating that the unit satisfies applicable standards under sub. (2) (a) 1. or 2. ✓

~~History: 1979 c. 221; 1981 c. 341; 1983 a. 27, 233; 1985 a. 174; 1987 a. 186, 399; 1989 a. 56; 1991 a. 269; 1997 a.~~

288.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4250/1dn

RJM:.....

rs + jld
Jld

Date

Senator Cowles:

Attached is the draft you requested regarding the regulation of commercial and residential lighting construction. The instructions did not include a request to amend s. 101.73 (1), stats., in order to include lighting system standards in the manufactured building code. If you intend to grant the department of commerce authority to uniformly regulate lighting systems in commercial and residential construction, you may want to amend this statute.

(department)

You also may want to include a delayed effective date in order to allow the department time to incorporate lighting system standards into the various codes. Without a delayed effective date, for example, the department may be required to review commercial lighting system plans for compliance with the commercial building code before any lighting system standards are added to the commercial building code.

Please feel free to call if you would like to make either or both of these changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4250/1dn
RJM:rs&ejld:jf

November 14, 2001

Senator Cowles:

Attached is the draft you requested regarding the regulation of commercial and residential lighting construction. The instructions did not include a request to amend s. 101.73 (1), stats., in order to include lighting system standards in the manufactured building code. If you intend to grant the department of commerce (department) authority to uniformly regulate lighting systems in commercial and residential construction, you may want to amend this statute.

You also may want to include a delayed effective date in order to allow the department time to incorporate lighting system standards into the various codes. Without a delayed effective date, for example, the department may be required to review commercial lighting system plans for compliance with the commercial building code before any lighting system standards are added to the commercial building code.

Please feel free to call if you would like to make either or both of these changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4250/E 2
RJM:rs&jld/jf

TODAY

2001 BILL

§ cs

RJM

NOTE

and granting rule-making authority

1 AN ACT to repeal 101.122 (2) (a) 2.; to renumber and amend 101.122 (2) (a) 1.;
2 to amend 101.027 (2), 101.12 (1) (a), 101.122 (4) (a), 101.63 (1) (intro.) and
3 101.63 (2); and to create 101.027 (2) (c) and 101.63 (1s) of the statutes; relating
4 to: the regulation of commercial and residential lighting systems.

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.

Current law also generally requires the department to promulgate rules regulating the construction of one-family and two-family dwellings in this state. These rules include standards for such things as a dwelling's heating, ventilation, air conditioning, and 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 and a rental unit energy efficiency 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

BILL

for lighting by utilizing natural daylight. The bill requires the department to incorporate similar design requirements into the rental unit energy efficiency code, as well.

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

1 **SECTION 1.** 101.027 (2) of the statutes is amended to read:

2 101.027 (2) (a) The department shall review the energy conservation code and
3 shall promulgate rules that change the requirements of the energy conservation code
4 to improve energy conservation. No rule may be promulgated that has not taken into
5 account the cost of the energy conservation code requirement, as changed by the rule,
6 in relationship to the benefits derived from that requirement, including the
7 reasonably foreseeable economic and environmental benefits to the state from any
8 reduction in the use of imported fossil fuel. The proposed rules changing the energy
9 conservation code shall be submitted to the legislature in the manner provided under
10 s. 227.19.

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

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

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1 101.027 (2) (c) In conducting a review under this subsection, the department
2 shall incorporate into the energy conservation code design requirements that, to the
3 extent practical, reduce energy needs for lighting by utilizing natural daylight.

4 **SECTION 3.** 101.12 (1) (a) of the statutes is amended to read:

5 101.12 (1) (a) Heating, ventilation, air conditioning, lighting, and fire
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7 **SECTION 4.** 101.122 (2) (a) 1. of the statutes is renumbered 101.122 (2) (a) and
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9 101.122 (2) (a) Promulgate rules which establish a code of minimum energy
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13 include a standard that establishes a maximum air infiltration rate of the thermal
14 envelope, as defined by the department by rule. At the request of the owner of a
15 rental unit, the department shall apply this air infiltration standard in lieu of the
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19 The rules may include a separate standard based on thermal performance. The
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22 installing the measures.

23 **SECTION 5.** 101.122 (2) (a) 2. of the statutes is repealed.

24 **SECTION 6.** 101.122 (4) (a) of the statutes is amended to read:

BILL

1 101.122 (4) (a) Except as provided under pars. (b) and (c), no owner may
2 transfer a rental unit unless an inspector has inspected the unit and has issued a
3 certificate stating that the unit satisfies applicable standards under sub. (2) (a) ~~1. or~~
4 ~~2.~~

5 **SECTION 7.** 101.63 (1) (intro.) of the statutes is amended to read:

6 101.63 (1) (intro.) Adopt rules which establish standards for the construction
7 and inspection of one and 2-family dwellings and components thereof. Where
8 feasible, the standards used shall be those nationally recognized and shall apply to
9 the dwelling and to its electrical, heating, ventilating, air conditioning, and other
10 systems, including plumbing, as defined in s. 145.01 (10), and lighting. No set of
11 rules may be adopted which has not taken into account the conservation of energy
12 in construction and maintenance of dwellings and the costs of specific code provisions
13 to home buyers in relationship to the benefits derived from the provisions. Rules
14 promulgated under this subsection do not apply to a bed and breakfast
15 establishment, as defined under s. 254.61 (1), except that the rules apply to all of the
16 following:

17 **SECTION 8.** 101.63 (1s) of the statutes is created to read:

18 101.63 (1s) Adopt a rule that specifies design requirements for one-family and
19 2-family dwellings that, to the extent practical, reduce energy needs for lighting by
20 utilizing natural daylight.

21 **SECTION 9.** 101.63 (2) of the statutes is amended to read:

22 101.63 (2) Adopt rules for the certification, including provisions for suspension
23 and revocation thereof, of inspectors for the purpose of inspecting building
24 construction, electrical wiring, heating, ventilating, air conditioning, and other
25 systems, including plumbing, as defined in s. 145.01 (10), and lighting, of one- and

BILL

1 2-family dwellings under sub. (1). Persons certified as inspectors may be employees
2 of the department, a city, village, town, county, or an independent inspection agency.
3 The department may not adopt any rule which prohibits any city, village, town, or
4 county from licensing persons for performing work on a dwelling in which the
5 licensed person has no legal or equitable interest.

6

(END)

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

LRB-4250/12a 2du
RJM:rsd/jd:jf
cjs

November 14, 2001

a corrected copy of

no ff The previous version contained an error in the relating clause.
no ff The remainder of this drafter's note is taken from the previous version of this draft.
H

Senator Cowles:

Attached is the draft you requested regarding the regulation of commercial and residential lighting construction. The instructions did not include a request to amend s. 101.73 (1), stats., in order to include lighting system standards in the manufactured building code. If you intend to grant the department of commerce (department) authority to uniformly regulate lighting systems in commercial and residential construction, you may want to amend this statute.

You also may want to include a delayed effective date in order to allow the department time to incorporate lighting system standards into the various codes. Without a delayed effective date, for example, the department may be required to review commercial lighting system plans for compliance with the commercial building code before any lighting system standards are added to the commercial building code.

Please feel free to call if you would like to make either or both of these changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4250/2dn
RJM:cjs:pg

November 14, 2001

Senator Cowles:

Attached is a corrected copy of the draft you requested regarding the regulation of commercial and residential lighting construction. The previous version contained an error in the relating cause. The remainder of this drafter's note is taken from the previous version of this draft.

The instructions did not include a request to amend s. 101.73 (1), stats., in order to include lighting system standards in the manufactured building code. If you intend to grant the department of commerce (department) authority to uniformly regulate lighting systems in commercial and residential construction, you may want to amend this statute.

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Please feel free to call if you would like to make either or both of these changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
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° **Emery, Lynn**

✓ **From:** Emery, Lynn

Sent: Thursday, November 15, 2001 11:30 AM

To: Burdette, Sarah

Subject: LRB-4250/2 (attached as requested) - *resent*

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)
(E-Mail: lynn.emery@legis.state.wi.us) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

11/15/2001

TCF David Lovell
Redraft - LRB 4250

AM ~~1/11/11~~ Pg 2, line 11 + 12 : delete reference to hearing
line 8: after "less" insert "per face"



State of Wisconsin
2001-2002 LEGISLATURE

LRB-4250/2 3

RJM/rs&jld&cs/pg

Due
January 3, 2002

2001 BILL

keep
RMR
ONOTIS

re-fer

1 AN ACT to repeal 101.122 (2) (a) 2.; to renumber and amend 101.122 (2) (a) 1.;
2 to amend 101.027 (2), 101.12 (1) (a), 101.122 (4) (a), 101.63 (1) (intro.) and
3 101.63 (2); and to create 101.027 (2) (c) and 101.63 (1s) of the statutes; relating
4 to: the regulation of commercial and residential lighting systems and granting
5 rule-making authority. ✓

and certain manufactured
building designed to be
used
as
dwellings

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. ✓

Current law also generally requires the department to promulgate rules regulating the construction of one-family and two-family dwellings in this state. These rules include standards for such things as a dwelling's heating, ventilation, air conditioning, and 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 and a rental unit energy efficiency code. This bill requires the

of North America
In addition, this bill requires the department to consider the standards of the International Illuminating Engineering Society 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. ✓

five

BILL

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. ~~The bill requires the department to incorporate similar design requirements into the rental unit energy efficiency code, as well~~

FE-S ✓
→

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

INS 429 ✓
2-1
→

1 SECTION 1. 101.027 (2) ✓ of the statutes is amended to read:

2 101.027 (2) (a) The department shall review the energy conservation code and
3 shall promulgate rules that change the requirements of the energy conservation code
4 to improve energy conservation. No rule may be promulgated that has not taken into
5 account the cost of the energy conservation code requirement, as changed by the rule,
6 in relationship to the benefits derived from that requirement, including the
7 reasonably foreseeable economic and environmental benefits to the state from any
8 reduction in the use of imported fossil fuel. The proposed rules changing the energy
9 conservation code shall be submitted to the legislature in the manner provided under
10 s. 227.19.

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

18 SECTION 2. 101.027 (2) (c) ✓ of the statutes is created to read:

BILL

without increasing energy needs for ~~heating~~ cooling

1 101.027 (2) (c) In conducting a review under this subsection, the department
2 shall incorporate into the energy conservation code design requirements that, to the
3 extent practical, reduce energy needs for lighting by utilizing natural daylight.

4 **SECTION 3.** 101.12 (1) (a) of the statutes is amended to read:

5 101.12 (1) (a) Heating, ventilation, air conditioning, lighting, and fire
6 detection, prevention or suppression systems.

7 **SECTION 4.** 101.122 (2) (a) 1. of the statutes is renumbered 101.122 (2) (a) and
8 amended to read:

9 101.122 (2) (a) Promulgate rules which establish a code of minimum energy
10 efficiency standards for the attics, sill boxes, heat and plumbing supply systems in
11 unheated crawl spaces, shower heads, furnaces, boilers, air conditioners, appliances,
12 lighting systems, and storm windows and doors of rental units. The rules shall
13 include a standard that establishes a maximum air infiltration rate of the thermal
14 envelope, as defined by the department by rule. At the request of the owner of a
15 rental unit, the department shall apply this air infiltration standard in lieu of the
16 standard for storm windows and doors. The rules shall require installation of
17 specified energy conservation measures and shall include design requirements that,
18 to the extent practical, reduce energy needs for lighting by utilizing natural daylight.
19 The rules may include a separate standard based on thermal performance. The
20 present value benefits of each energy measure, in terms of saved energy over a
21 5-year period after installation, shall be more than the total present value cost of
22 installing the measures.

23 **SECTION 5.** 101.122 (2) (a) 2. of the statutes is repealed.

24 **SECTION 6.** 101.122 (4) (a) of the statutes is amended to read:

BILL

1 101.122 (4) (a) Except as provided under pars. (b) and (c), no owner may
2 transfer a rental unit unless an inspector has inspected the unit and has issued a
3 certificate stating that the unit satisfies applicable standards under sub. (2) (a) ~~1. or~~

4 2.

5 SECTION 7. 101.63 (1) (intro.)[✓] of the statutes is amended to read:

6 101.63 (1) (intro.) Adopt rules which establish standards for the construction
7 and inspection of ~~one~~ ^{one-family} and 2-family dwellings and components thereof. Where
8 feasible, the standards used shall be those nationally recognized and shall apply to
9 the dwelling and to its electrical, heating, ventilating, air conditioning, and other
10 systems, including plumbing, as defined in s. 145.01 (10), and lighting.[✓] No set of
11 rules may be adopted which has not taken into account the conservation of energy
12 in construction and maintenance of dwellings and the costs of specific code provisions
13 to home buyers in relationship to the benefits derived from the provisions. Rules
14 promulgated under this subsection do not apply to a bed and breakfast
15 establishment, as defined under s. 254.61 (1), except that the rules apply to all of the
16 following:

17 SECTION 8. 101.63 (1s) of the statutes is created to read:

18 101.63 (1s) Adopt a rule that specifies design requirements for one-family and
19 2-family dwellings that, to the extent practical, reduce energy needs for lighting by
20 utilizing natural daylight.

21 SECTION 9. 101.63 (2)[✓] of the statutes is amended to read:

22 101.63 (2) Adopt rules for the certification, including provisions for suspension
23 and revocation thereof, of inspectors for the purpose of inspecting building
24 construction, electrical wiring, heating, ventilating, air conditioning, and other
25 systems, including plumbing, as defined in s. 145.01 (10), and lighting, of ~~one~~ ^{one-family} and

BILL

1 2-family dwellings under sub. (1). Persons certified as inspectors may be employees
2 of the department, a city, village, town, county, or an independent inspection agency.
3 The department may not adopt any rule which prohibits any city, village, town, or
4 county from licensing persons for performing work on a dwelling in which the
5 licensed person has no legal or equitable interest.

6 (END)

5

6

INSERT 5-5

INSERT 5-6

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4250/3dn

RJM:.....

3 JLD

Date

Senator Cowles:

Attached is the draft you requested regarding standards for lighting construction. Please review the draft to ensure that it is consistent with your intent. In particular, please review the language of proposed s. 101.026, which I adjusted slightly to more precisely reflect my understanding of your intent. Among other things, this provision refers to the Illuminating Engineering Society of North America, rather than the illumination engineering society.

Please let me know if I have misunderstood your intent or if you desire any additional changes to the draft.

Robert J. Marchant
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E-mail: robert.marchant@legis.state.wi.us

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4250/3ins
RJM:.....

INSERT A (to Insert)
(5-5)

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

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

History: 1975 c. 405, 1979 c. 221, 1981 c. 20, 1983 a. 27, 1987 a. 343, 1993 a. 414.

INSERT 5-6

SECTION 2. Nonstatutory provisions.

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

SECTION 3. Effective dates. This act takes effect on the day after publication, except as follows:

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

Family (CS)



(2) PLAN REVIEW REQUIREMENTS FOR PUBLIC BUILDINGS AND PLACES OF EMPLOYMENT. ✓

The treatment of section 101.12 (1) (a) ✓ of the statutes takes effect on the first day of the 7th month beginning after publication.

ADD to LRB-4250

+ delayed
P. 2. 9 mos
+ proposed
rules laws

SENATE AMENDMENT,
TO LRB-4250/2

1 At the locations indicated, amend the draft as follows:

LEGISLATIVE COUNCIL STAFF PREFATORY NOTE: This draft, in amendment form, presents several additions to the provisions of LRB-4250/2, relating to the regulation of commercial and residential lighting systems, that were proposed by Ross DePaolo, of Integrated Energy Services. Specifically, the draft adds the following to LRB-4250/2:

1. A requirement that the department of commerce consider incorporating, into the lighting code for public buildings, the methodology of the illumination engineering society for determining required lighting levels.
2. A requirement that exit lighting fixtures in public buildings be designed to use no more than 5 watts, unless they are also used for egress lighting.
3. A clarification that the design standards utilizing daylight are intended to reduce energy needs for lighting *without increasing energy needs for heating or cooling.*
4. A requirement that the department of commerce establish lighting standards for kitchens, bathrooms, laundries and garages in the one- and 2-family dwelling code and in the manufactured building code. It also requires the department of commerce to include lighting standards in general in the manufactured building code. (The draft already includes this requirement relative to the one- and 2-family dwelling code; extension of it to the manufactured building code is in response to a question posed in the drafter's note to the draft.)

The draft does *not* create nonstatutory deadlines for actions by the department of commerce; you may want to consider including such deadlines. In addition, the draft does *not* respond to the question posed in the drafter's note regarding the addition of a delayed effective date.

2 Page 1, line 1: delete that line and substitute.

3 SECTION 101.026 of the statutes is created to read:

Handwritten notes: #, X, In 2-1 start



INSECT 2-1 CONT

promulgating rules under s. 101.02(15) that establish standards for

101.026 Lighting requirements for public buildings and places of employment. (1)

In ~~creating or revising standards for the lighting of public buildings and places of employment,~~ the department shall consider incorporating, into the standards, the procedures specified in the most current standards of the ^{Illuminating} ~~Illumination~~ ^{of North America} engineering society ^{move} for determining required lighting levels ^{that are} ~~or~~ ^{keep period}

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

SECTION 1m. 101.027 (2) of the statutes is amended to read:

2. Page 3, line 3: before the period insert "without increasing energy needs for heating or cooling".

3. Page 4, line 18: delete lines 18 to 20 and substitute:

"101.63 (1s) Adopt a rule establishing lighting requirements for kitchens, bathrooms, garages, and laundry facilities in one- and 2-family dwellings.

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

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

INSECT 5-5

INSECT A

LEWINS

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

LRB-4250/3dn
RJM:rs&jld:cl

December 26, 2001

Senator Cowles:

Attached is the draft you requested regarding standards for lighting construction. Please review the draft to ensure that it is consistent with your intent. In particular, please review the language of proposed s. 101.026, which I adjusted slightly to more precisely reflect my understanding of your intent. Among other things, this provision refers to the Illuminating Engineering Society of North America, rather than the illumination engineering society.

Please let me know if I have misunderstood your intent or if you desire any additional changes to the draft.

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