

2003 SENATE BILL 111

April 9, 2003 – Introduced by Senators COWLES, SCHULTZ, HANSEN, RISSER and WIRCH, cosponsored by Representatives VAN ROY, MILLER, BLACK, PLOUFF, CULLEN, BERCEAU, POCAN and LASSA. Referred to Committee on Energy and Utilities.

1 **AN ACT** *to create* 16.855 (10s) and 20.924 (1) (j) of the statutes; **relating to:** the
2 energy efficiency of equipment used in state building projects and certain other
3 projects constructed for the state and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill directs the Department of Administration (DOA) to prescribe and revise as necessary energy efficiency standards for equipment installed under state construction projects. The standards must at all times meet or exceed current applicable guidelines of the U.S. Environmental Protection Agency relating to energy efficiency of heating, ventilation, air conditioning, water heating or cooling, lighting, refrigeration and other energy-consuming functions (for example, the “energy star” program), guidelines that apply to the federal energy management program for federal energy consumption, standards established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, and the Illuminating Engineering Society of North America lighting standard.

The bill also requires DOA to ensure that specifications for any energy-consuming equipment that is installed as a component of these construction projects meet the applicable standards prescribed by DOA. Under the bill, if there is no standard applicable to the type of equipment being installed as a component of a project, DOA is required to ensure that the equipment that is selected for installation maximizes energy efficiency to the extent technically and economically feasible. The bill provides that the energy efficiency of equipment shall be considered to be economically feasible if the difference between the cost of the purchase and

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installation of energy-efficient equipment and the equipment that would otherwise be installed is not greater than the difference between the cost of operating energy-efficient equipment and the equipment that would otherwise be installed over the anticipated life of the equipment. In addition, the bill provides that the Building Commission may not enter into a lease or other contract that provides for construction of a building, structure, or facility to be initially occupied by the state and that contains an option for the state to purchase the building, structure, or facility unless all energy-consuming equipment to be installed meets applicable requirements for state-constructed buildings, structures, and facilities.

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.** 16.855 (10s) of the statutes is created to read:

2 16.855 (10s) (a) The department shall, by rule, prescribe and revise as
3 necessary energy efficiency standards for equipment that is installed as a component
4 of a construction project and that relates to heating, ventilation, air conditioning,
5 water heating or cooling, lighting, refrigeration, or any other function that consumes
6 energy. The standards shall at all times meet or exceed current applicable guidelines
7 of the U.S. Environmental Protection Agency relating to energy efficiency of the
8 functions specified in this paragraph, guidelines that apply to the federal energy
9 management program under 42 USC 8251 et seq., standards established by the
10 American Society of Heating, Refrigerating and Air-Conditioning Engineers and the
11 Illuminating Engineering Society of North America lighting standard.

12 (b) For each proposed construction project, the department shall ensure that
13 the specifications require that any equipment installed as a component of the project
14 for heating, ventilation, air conditioning, water heating or cooling, lighting,
15 refrigeration, or any other function that consumes energy meets applicable
16 standards established under par. (a). If there is no standard under par. (a) applicable

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1 to the type of equipment being installed as a component of a project or if the
2 equipment meeting that standard is not reasonably available, the department shall
3 ensure that all aspects of the building, structure, or facility that affect energy
4 consumption and all equipment that is selected for installation maximizes energy
5 efficiency to the extent technically and economically feasible. The department shall
6 not determine that equipment that meets the applicable standard under par. (a) is
7 not reasonably available on the basis of cost alone unless the difference in the cost
8 of the purchase and installation of the equipment that meets the standard and the
9 equipment that would otherwise be installed is greater than the difference in the cost
10 of operating the equipment that meets the standard and the equipment that would
11 otherwise be installed over the anticipated life of the equipment. The energy
12 efficiency of equipment shall be considered to be economically feasible if the
13 difference between the cost of the purchase and installation of energy-efficient
14 equipment and the equipment that would otherwise be installed is not greater than
15 the difference between the cost of operating energy-efficient equipment and the
16 equipment that would otherwise be installed over the anticipated life of the
17 equipment.

18 **SECTION 2.** 20.924 (1) (j) of the statutes is created to read:

19 20.924 (1) (j) Shall not enter into any lease or other contract that provides for
20 the construction of any building, structure, or facility, or portion thereof, for initial
21 occupancy by the state and that contains an option for the state to purchase the
22 building, structure, or facility unless the seller or lessor agrees that all equipment
23 to be installed as a component of the building, structure, or facility that relates to any
24 function that consumes energy meets applicable requirements for state building
25 projects under s. 16.855 (10s).

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SECTION 3. Initial applicability.

(1) This act first applies with respect to bids for construction work that are solicited on the effective date of this subsection or, in relation to construction work for which bids are not solicited, with respect to contracts for construction work or leases or other contracts providing for construction work that are entered into on the effective date of this subsection.

SECTION 4. Effective date.

(1) This act takes effect on January 1, 2005.

(END)