

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB111)

Received: 02/20/2004

Received By: jkuesel

Wanted: Soon

Identical to LRB:

For: Robert Cowles (608) 266-0484

By/Representing: Todd Stuart

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters: gmalaise

Subject: State Govt - state bldg proj
Buildings/Safety - bldg codes

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

S Sub to SB-111

Instructions:

Per attached e mail, 2/18, but retain rule-making requirement.

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>
/?	jkuesel 02/20/2004	kfollett 02/20/2004		_____			
/1			pgreensl 02/23/2004	_____	lemery 02/23/2004	lemery 02/23/2004	
/2	jkuesel	kfollett	jfrantze	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/24/2004 gmalaise 02/24/2004	02/25/2004	02/25/2004	_____	02/25/2004	02/25/2004	

FE Sent For:

<END>

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/1	jkuesel	12 kjf 2/25	pgreensl 02/23/2004	_____	lemery 02/23/2004	lemery 02/23/2004	

FE Sent For:

Handwritten notes and signatures:

- 12 kjf
- 2/25
- pgreensl
- 02/23/2004
- lemery
- 02/23/2004
- Handwritten initials and dates: 2/25, 2/25, 2/25

<END>

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/1			pgreensl 02/23/2004	_____	lemery 02/23/2004	lemery 02/23/2004	

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DNOTE

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1/1	jkuesel 2/20	1/1 kjf 2/20	2/20 ps	2/20 ps			

FE Sent For:

<END>

Kuesel, Jeffery

From: Stuart, Todd
Sent: Wednesday, February 18, 2004 1:06 PM
To: Kuesel, Jeffery
Subject: FW: SB 111

Jeff, please call me on this. I would like to incorporate these changes along with the amendment you already prepared. Looks like I will need a sub.

Thanks much-

-----Original Message-----

From: Schey, Jim
Sent: Wednesday, February 18, 2004 11:57 AM
To: Stuart, Todd
Cc: Cramer, Robert; Tabrizi, Adel; Haley, Dave
Subject: FW: SB 111

Todd,

The following is to recap our conversation on recommended SB 111 changes.

The opening line would be revised from "The department shall, by rule, prescribe and revise as necessary", to "The State Building Commission shall establish policies and procedures for". *annually*

The next sentence, "at all times" would be deleted. As part of the Building Commission policy, we would propose annually updating the standards.

You indicated the Illuminating Engineering Society of North America lighting standard was being deleted due to redundancy with ASHRAE.

Page 2, line 13, first sentence under (b), delete "the project" and replace with "contracts administered by DOA". This addresses the movable equipment purchases by the agencies which occur outside of our specifications/standards. ?

Page 4, line 8, we discussed adding "for all new design work" to the effective date. After reviewing it, this isn't the appropriate location for the recommended clarification. Rather it should be in the preceding paragraph Section 3. Initial Applicability. Again, the reason for this is once design has commenced on a project, we would incur significant costs and project delays to change specifications already edited and developed for the specific project. I recommend the following: "(1) This act first applies with respect to new design work on the effective date of this subsection or, in relation to design work for which bids are not solicited, with respect to contracts for design and construction work or leases or other contracts providing for construction work that are entered into on the effective date of this subsection."

Sincerely,
Jim Schey
Division of State Facilities

-----Original Message-----

From: Stuart, Todd
Sent: Tuesday, February 17, 2004 10:47 AM
To: Schey, Jim
Cc: Cramer, Robert
Subject: SB 111

Hi Jim:

This morning at the Governor's Task Force on Energy Efficiency and Renewables, they voted to push for an amended version of SB 111. The suggestion had asked for an implementation timeframe for these updated codes and guidelines. If you have some suggested language, please let me know ASAP so that we can get it drafted on time before the end of this session.

Thanks for your help on this matter,
-TS

<http://www.legis.state.wi.us/2003/data/SB-111.pdf>

Todd C. Stuart
Office of State Senator Rob Cowles
608.266.0484 Office
608.267.0304 Fax
todd.stuart@legis.state.wi.us

DNBTE

50376/11

LRB-0887/3

JTK:kjf&jld:W

2003 - 2004 LEGISLATURE

wanted Mon 2/23

SENATE SUBSTITUTE AMEND -

TO 2003 SENATE BILL 111

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

Regen

- 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.

substitute amendment

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 standards.

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

annually reviewed and

and

substitute amendment

substitute amendment

function under any contract administered by DOA

any equipment that is designed for

substitute amendment purchase purchase

purchased

SENATE BILL 111

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~~ ^{shall} 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.

substitute amendment

~~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:

SECTION 1. 16.855 (10s) [✓] of the statutes is created to read:

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

(b) ~~For each proposed construction project,~~ ^{for} the department shall ensure that the specifications ^{for that is designed} require that any equipment installed as a component of the project ^{under any contract administered by the department meet} for heating, ventilation, air conditioning, water heating or cooling, lighting, refrigeration, or any other function that consumes energy ~~meets~~ applicable standards established under par. (a). If there is no standard under par. (a) applicable

within a building, structure, or facility
-3-
purchased

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~~ *purchased under each contract* 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.

administered by the department

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).

SENATE BILL 111

1 SECTION 3. Initial applicability.

2 (1) This act first applies with respect to ~~bids for construction work that are~~ *design work for projects and*
 3 ~~contracts~~ *purchases that begins* on the effective date of this subsection or, in relation to ~~construction work~~ *Purchases for*
 4 ~~for which bids are not solicited~~ *which design work is not required* with respect to ~~contracts for construction work or~~ *purchases made*
 5 ~~leases or other contracts providing for construction work that are entered into~~ on the
 6 effective date of this subsection.

7 SECTION 4. Effective date.

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

9 (END)

D-Note

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

LRBs0376/1dn

JTK. *JTK*

Date

Senator Cowles:

In proposed s. 16.855 (10s) (b), I have reworded the specifications requirement to cover situations in which moveable equipment is purchased. I have also changed the initial applicability in SECTION 3 to address these situations. It seemed to me that when moveable equipment is purchased on a ready-to-install basis, the draft should first apply to purchases made on the day the bill becomes law because there may not be any design work involved in that case.

Please let me know if any portion of the draft does not reflect your intent.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

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

LRBs0376/1dn
JTK:kjf:pg

February 23, 2004

Senator Cowles:

In proposed s. 16.855 (10s) (b), I have reworded the specifications requirement to cover situations in which moveable equipment is purchased. I have also changed the initial applicability in SECTION 3 to address these situations. It seemed to me that when moveable equipment is purchased on a ready-to-install basis, the draft should first apply to purchases made on the day the bill becomes law because there may not be any design work involved in that case.

Please let me know if any portion of the draft does not reflect your intent.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Kuesel, Jeffery

From: Stuart, Todd
Sent: Monday, February 23, 2004 5:32 PM
To: Kuesel, Jeffery
Subject: FW: SB111 amendment

Jeff-

Two comments/revisions based on DOA's feedback:

Annual review and contracts administered by DOA looks good.

1. However on page 4, par.(1), I believe there was a misunderstanding according to DOA . DOA does not write specifications for nor control agency purchases of movable equipment, so "purchases" and references to them should be deleted from this paragraph.

2. DOA thinks a fair amount of this bill is covered in current statute by 13.48 (2) (h) under the building commission. That was the basis for their suggestion last week that the commission be given any additional responsibilities here. DOA suggests you review the commission's current statutory responsibilities here.

Kuesel, Jeffery

From: Stuart, Todd
Sent: Tuesday, February 24, 2004 2:24 PM
To: Kuesel, Jeffery
Subject: SB 111

David:
Rob says this looks OK.

Jeff:
If we could add this to the bill with the changes already discussed, I think we will have the changes incorporated as a substitute amendment.

Thanks for your help on this-

-----Original Message-----

From: Lovell, David
Sent: Tuesday, February 24, 2004 2:11 PM
To: Stuart, Todd
Subject:



SB 111 non
stat.doc

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

Proposed non-stat. provision to be added to LRBs0103/1, draft sub. to SB 111

The department of commerce shall submit in proposed form the rules required under section 101.027 (2) of the statutes to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 18th month after the effective date of this section. To the extent practicable, the department of commerce shall integrate the most recent applicable standards promulgated by the American society of heating, refrigerating, and air-conditioning engineers in the proposed rules under this section.



TH 2/26

SENATE SUBSTITUTE AMENDMENT,
TO 2003 SENATE BILL 111

a review of the Energy Conservation Code for public buildings and places of employment,

Reger

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 substitute amendment directs the Department of Administration (DOA) to prescribe and annually review and revise as necessary energy efficiency standards for equipment installed under state construction projects. The standards must 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, and standards established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers. The substitute amendment also requires DOA to ensure that specifications for any equipment that is designed for any energy-consuming function under any contract administered by DOA meet the applicable standards prescribed by DOA. Under the substitute amendment, if there is no standard applicable to the type of equipment being purchased, DOA is required to ensure that the equipment that is selected for purchase maximizes energy efficiency to the extent technically and economically feasible. The substitute amendment provides that the energy

efficiency of equipment shall be considered to be economically feasible if the difference between the cost of the purchase and 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 substitute amendment provides that the Building Commission shall 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.

Insert
A

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

11 (b) The department shall ensure that the specifications for any equipment that
12 is designed for heating, ventilation, air conditioning, water heating or cooling,
13 lighting, refrigeration, or any other function that consumes energy under any
14 contract administered by the department meet applicable standards established
15 under par. (a). If there is no standard under par. (a) applicable to the type of
16 equipment being purchased or if the equipment meeting that standard is not

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

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

17 20.924 (1) (j) Shall not enter into any lease or other contract that provides for
 18 the construction of any building, structure, or facility, or portion thereof, for initial
 19 occupancy by the state and that contains an option for the state to purchase the
 20 building, structure, or facility unless the seller or lessor agrees that all equipment
 21 to be installed as a component of the building, structure, or facility that relates to any
 22 function that consumes energy meets applicable requirements for state building
 23 projects under s. 16.855 (10s).

24 SECTION 3. Initial applicability.

errate auto ref (A)

23
24
Insert
3-23

create auto
ref (B)

for which design

- 1
- 2
- 3
- 4

(1) This act first applies with respect to ~~design work for projects and purchases~~
~~that~~ ^{work} begins on the effective date of this subsection ~~or, in relation to purchases for~~
~~which design work is not required, with respect to purchases made on the effective~~
~~date of this subsection.~~

- 5
- 6
- 7

~~SECTION 4. Effective date.~~

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

(END)

insert
4-6

(INSERT 3-23)

~~SECTION #~~ **SECTION 1. Nonstatutory provisions.**

(1) REVIEW OF ENERGY CONSERVATION CODE. Notwithstanding section 101.027
(3) (a) and (b) of the statutes, the department of commerce shall begin a review of the
Energy Conservation Code, as defined in section 101.027 (1) (a) of the statutes, on
the effective date of this subsection and shall complete that review and submit
proposed rules changing the Energy Conservation Code as provided in section
101.027 (2) of the statutes to the legislative council staff under section 227.15 (1) of
the statutes by no later than the first day of the 18th month beginning after the
effective date of this subsection. Notwithstanding section 101.027 (2) of the statutes,
in conducting the review under this subsection, the department of commerce, to the
extent practicable, shall consider incorporating into the Energy Conservation Code
design requirements from the most current national energy efficiency design
standards for new buildings, except low-rise residential buildings, published by the
American Society of Heating, Refrigerating, and Air-Conditioning Engineers.

(END OF INSERT)

(INSERT 4-6)

~~SECTION #~~ **SECTION 2. Effective dates.** This act takes effect on the day after publication,
except as follows:

(1) ENERGY EFFICIENCY STANDARDS FOR EQUIPMENT INSTALLED IN STATE BUILDING PROJECTS. The treatment of sections 16.855 (10s) and 20.924 (1)(j) of the statutes and SECTION 4 of this act take effect on January 1, 2005.

A.R. A (F) A.R. (B)
CS

(END OF INSERT)

(INSERT A)

Under current law, the department of commerce (department) is required to promulgate an Energy Conservation Code for the purpose of energy conservation in public buildings and places of employment and to review that code and promulgate rules that change that code to improve energy conservation whenever the American Society of Heating, Refrigerating, and Air-Conditioning Engineers revises its standards for the energy efficient design of new buildings and whenever five years have elapsed since the last review of that code. Current law requires the department, in conducting that review, to consider incorporating into the Energy Conservation Code design requirements from the most current national energy efficiency design standards that are generally acceptable and used by engineers and the construction industry.

This substitute amendment requires the department, notwithstanding those deadlines for reviewing the Energy Conservation Code, to begin a review of the Energy Conservation Code on the effective date of this substitute amendment and to complete that review and submit proposed rules changing the Energy Conservation Code to improve energy conservation to the legislative council staff by no later than the first day of the 18th month beginning after the effective date of the substitute amendment. The substitute amendment also requires the department, in conducting that review, to consider, to the extent practicable, incorporating into the Energy Conservation Code design requirements from the most current national energy efficiency design standards for new buildings published by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers.

(END OF INSERT)