

## 2003 SENATE BILL 537

March 9, 2004 – Introduced by Senators STEPP, HARSDORF, SCHULTZ and ROESSLER, cosponsored by Representatives POPE-ROBERTS, KRAWCZYK, HINES, NASS, OTT, J. LEHMAN, MCCORMICK and ALBERS. Referred to Committee on Economic Development, Job Creation and Housing.

1     **AN ACT** *to amend* 120.13 (9), 121.02 (1) (i) and 254.22 (4); and *to create* 101.29  
2           of the statutes; **relating to:** indoor environmental quality in schools and  
3           granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a school board is required to provide safe and healthful facilities that comply with, among other requirements, the laws administered and the rules promulgated by the Department of Commerce (department) relating to the safety of public buildings, including a requirement that the department or, in certain cases, a county, city, village, or town (political subdivision) review plans for the construction or alteration of, or an addition to, a public building for compliance with the rules of the department before construction is started.

This bill creates certain provisions relating to indoor environmental quality in schools, which the bill defines to include any public elementary or secondary school in the state. The bill requires all of the following:

1. The secretary of commerce to establish a special committee to be called the “Indoor Environmental Quality in Schools Task Force” (task force) to do all of the following:

- a. Advise the department in the development of a management plan to improve indoor environmental quality in schools (management plan).

- b. Recommend training requirements for school maintenance employees and a schedule for implementation of those training requirements.

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c. Recommend educational materials regarding indoor environmental quality in schools and develop guidelines for making that information available to students, parents, guardians, legal custodians, teachers, and other school employees.

d. Identify interim changes that can be readily implemented to improve indoor environmental quality in schools pending full compliance with the bill.

e. Identify the need for additional resources and authority for school boards so as to promote good indoor environmental quality for students, teachers, and other school employees.

f. Recommend for promulgation by the department rules to implement the bill.

g. On completion of its duties, report its findings and recommendations to the governor and the legislature and then cease to exist on the date on which the department promulgates rules to implement the bill, unless the secretary of commerce determines that the operations of the department require the task force to continue in existence after that date.

2. The department to establish the management plan by the first day of the 12th month beginning after the month in which the task force submits its report, and the school board of each school district (school board) to ensure that each school building under the control of the school board is in compliance with the management plan by the first day of the 12th month beginning after the month in which the department establishes the management plan.

3. The department to establish indoor environmental quality training requirements for school maintenance employees and a schedule for the implementation of those training requirements by the first day of the 12th month beginning after the month in which the department establishes the management plan.

4. The department, beginning on the first day of the 12th month beginning after the month in which the department establishes the management plan, to make available in printed format and by the Internet, educational materials regarding indoor environmental quality in schools and a summary of the management plan to all students enrolled in each school district, to the parents, guardians, and legal custodians of those students, and to all teachers and other employees of each school district.

5. A school board that becomes aware of any information concerning the indoor environmental quality of a specific school building, including test results, to make that information available to all students assigned to the school building, the parents, guardians, and legal custodians of those students, and all teachers and other employees assigned to the school building.

6. A school board to include in a contract for the preparation of plans and specifications for the construction of a new school building, for an addition to an existing school building, or for an alteration to an existing school building that will cause a material change to the mechanical systems and equipment of that building a provision to ensure that the design of the new building, addition, or alteration facilitates good indoor environmental quality for all occupants of the spaces affected by the design in accordance with the management plan and facilitates operation and maintenance of the spaces, systems, and equipment affected by the design in a

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manner that promotes good indoor environmental quality in accordance with the management plan.

7. A school board, before approving a contract for the construction of a new school building, for an addition to an existing school building, or for an alteration to an existing school building that will cause a material change to the mechanical systems and equipment of that building, to determine that the plan and schedule for the construction, addition, or alteration consider and address concerns about indoor environmental quality during the construction process; the transfer from the designers and builders to school maintenance employees of information necessary for the proper operation and maintenance of the new building, addition, or alteration and its systems and equipment so as to promote good indoor environmental quality in accordance with the management plan; and the implementation of proper commissioning procedures, including testing of any new systems or equipment, before occupancy of the spaces affected by the project.

8. The department or any political subdivision that is authorized to examine the plans for the construction or alteration of, or an addition to, a public building to determine that the design for the construction of a new school building, for an addition to an existing school building, or for an alteration to an existing school building that will cause a material change to the mechanical systems and equipment of that building facilitates good indoor environmental quality for the occupants of the spaces affected by the design in accordance with the management plan before the department or political subdivision may approve those plans.

9. The department to notify the school board if the department determines that the school board is not in compliance with the bill and to make that information available, in printed format and by the Internet, to the students assigned to a school building, the parents, guardians, and legal custodians of those students, all teachers and other employees assigned to a school building, and the general public if the department determines that the noncompliance poses a risk to the health and safety of the occupants of any school building.

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.** 101.29 of the statutes is created to read:

2           **101.29 Indoor environmental quality in schools. (1) DEFINITIONS.** In this  
3 section:

4           (a) “School” means any public elementary or secondary school in this state.

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1 (b) “Task force” means the indoor environmental quality in schools task force  
2 created under 2003 Wisconsin Act .... (this act), section 5 (1).

3 **(2) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS MANAGEMENT PLAN.** (a) By the  
4 first day of the 12th month beginning after the month in which the task force submits  
5 its report under 2003 Wisconsin Act .... (this act), section 5 (1) (f), the department  
6 shall establish a management plan to improve indoor environmental quality in  
7 schools. In developing that plan, the department shall consider the advice of the task  
8 force.

9 (b) By the first day of the 12th month beginning after the month in which the  
10 department establishes the management plan under par. (a), the school board of each  
11 school district shall ensure that each school building under the control of the school  
12 board is in compliance with the management plan.

13 **(3) TRAINING FOR SCHOOL PERSONNEL.** By the first day of the 12th month  
14 beginning after the month in which the task force submits its report under 2003  
15 Wisconsin Act .... (this act), section 5 (1) (f), the department shall establish indoor  
16 environmental quality training requirements for school district employees who are  
17 responsible for the operation and maintenance of school buildings and for other  
18 school district employees as determined by the department based on the  
19 recommendations of the task force and shall establish a schedule for implementation  
20 of those training requirements.

21 **(4) INDOOR ENVIRONMENTAL QUALITY INFORMATION FOR STUDENTS, PARENTS, AND**  
22 **SCHOOL EMPLOYEES.** (a) Beginning on the first day of the 12th month beginning after  
23 the month in which the department establishes the management plan under sub. (2)  
24 (a), the department shall make available, in printed format or by the Internet,  
25 educational materials relating to indoor environmental quality in schools and a

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1 summary of the management plan to all students enrolled in each school district, to  
2 the parents, guardians, and legal custodians of those students, and to all teachers  
3 and other employees of each school district.

4 (b) A school board that becomes aware of any information concerning the indoor  
5 environmental quality of a specific school building, including test results, shall make  
6 that information available, in printed format or by the Internet, to all students  
7 assigned to the school building, the parents, guardians, and legal custodians of those  
8 students, and all teachers and other school district employees assigned to the school  
9 building.

10 **(5) SCHOOL BUILDING CONSTRUCTION, ALTERATIONS, AND ADDITIONS.** (a) A school  
11 board shall include in a contract for the preparation of plans and specifications for  
12 the construction of a new school building, for an addition to an existing school  
13 building, or for an alteration to an existing school building that will cause a material  
14 change to the mechanical systems and equipment of that building a provision to  
15 ensure that the design of the new building, addition, or alteration facilitates all of  
16 the following:

17 1. Good indoor environmental quality for all occupants of the spaces affected  
18 by the design in accordance with the management plan established under sub. (2)  
19 (a).

20 2. Operation and maintenance of the spaces, systems, and equipment affected  
21 by the design in a manner that promotes good indoor environmental quality in  
22 accordance with the management plan established under sub. (2) (a).

23 (b) Before a school board may approve a contract for the construction of a new  
24 school building, for an addition to an existing school building, or for an alteration to  
25 an existing school building that will cause a material change to the mechanical

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1 systems and equipment of that building, the school board shall determine that the  
2 plan and schedule for that construction, addition, or alteration consider and address  
3 all of the following:

4 1. Concerns about indoor environmental quality during the construction  
5 process.

6 2. The transfer from the persons who designed and constructed the new  
7 building, addition, or alteration to the school personnel who are responsible for  
8 operating and maintaining the new building, addition, or alteration of information  
9 necessary for the proper operation and maintenance of the new building, addition,  
10 or alteration and its systems and equipment so as to promote good indoor  
11 environmental quality in accordance with the management plan established under  
12 sub. (2) (a).

13 3. The implementation of proper commissioning procedures, including testing  
14 of any new systems or equipment, before occupancy of the spaces affected by the  
15 project.

16 (c) Before the department or any other person authorized under s. 101.12 to  
17 examine the essential drawings, calculations, and specifications for a public building  
18 may approve those drawings, calculations, and specifications for the construction of  
19 a new school building, for an addition to an existing school building, or for an  
20 alteration to an existing school building that will cause a material change to the  
21 mechanical systems and equipment of that building, the department or other person  
22 authorized under s. 101.12 shall determine that the design of the new building,  
23 addition, or alteration facilitates good indoor environmental quality for the  
24 occupants of the spaces affected by the design in accordance with the management  
25 plan established under sub. (2) (a).

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1           **(6) NOTICE OF NONCOMPLIANCE.** If the department determines that a school  
2 board is not in compliance with sub. (2) (b), (3), (4) (b), or (5) (a) or (b), the department  
3 shall notify the school board of that noncompliance. If that noncompliance poses a  
4 risk to the health and safety of the occupants of any school building, the department  
5 shall also make that information available, in printed format or by the Internet, to  
6 the students assigned to the school building, the parents, guardians, and legal  
7 custodians of those students, all teachers and other school district employees  
8 assigned to the school building, and the general public.

9           **(7) RELATIONSHIP TO OTHER HEALTH AND SAFETY LAWS.** If a provision of this section  
10 or of any rule promulgated under sub. (8) (a) conflicts with any other law, rule, or  
11 ordinance relating to the health and safety of school buildings, the more stringent  
12 provision shall prevail.

13           **(8) ADMINISTRATION.** (a) The department shall promulgate rules to implement  
14 this section.

15           (b) The secretary of commerce may request the department of health and family  
16 services, the department of agriculture, trade and consumer protection, or any other  
17 state agency or officer to provide expertise, technical assistance, or any other  
18 resources to assist the department of commerce in administering this section, and  
19 those agencies and officers shall cooperate to the fullest extent possible.

20           **SECTION 2.** 120.13 (9) of the statutes is amended to read:

21           120.13 **(9) ARCHITECTS AND ENGINEERS.** Contract with or employ architects and  
22 engineers for the preparation of plans and specifications for school buildings,  
23 structures and other improvements to school district property and for all other  
24 related services. A contract under this subsection for the preparation of plans and

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1 specifications for the construction of a new school building or for the alteration of or  
2 an addition to an existing school building shall comply with s. 101.29 (5) (a).

3 **SECTION 3.** 121.02 (1) (i) of the statutes is amended to read:

4 121.02 (1) (i) Provide safe and healthful facilities. The facilities shall comply  
5 with subchs. I and IV of ch. 101, ch. 145, and ss. 254.11 to 254.178 and any rule  
6 promulgated under those sections subch. I or IV of ch. 101, ch. 145, or ss. 254.11 to  
7 254.178.

8 **SECTION 4.** 254.22 (4) of the statutes is amended to read:

9 254.22 (4) Assist the department of commerce with the enforcement of ~~s.~~ ss.  
10 101.123 and 101.129.

11 **SECTION 5. Nonstatutory provisions.**

12 (1) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS TASK FORCE.

13 (a) The secretary of commerce shall establish a special committee under section  
14 15.04 (1) (c) of the statutes to be called the indoor environmental quality in schools  
15 task force. That task force shall consist of the following members:

16 1. The secretary of commerce or his or her designee.

17 2. The secretary of health and family services or his or her designee.

18 3. The secretary of agriculture, trade and consumer protection or his or her  
19 designee.

20 4. A member of the assembly appointed in the same manner as members of  
21 assembly standing committees are appointed.

22 5. A member of the senate appointed in the same manner as members of senate  
23 standing committees are appointed.

24 6. One member who is a representative of the Wisconsin Association of School  
25 Boards.



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1           7. One member who is a representative of the largest statewide labor  
2 organization representing teachers.

3           8. One member who is a representative of a nonprofit organization concerned  
4 with public health.

5           9. One member who is registered as an architect or professional engineer under  
6 chapter 443 of the statutes and who is actively engaged in the practice of school  
7 design and construction.

8           10. One member who is a contractor actively engaged in school construction.

9           11. Two members who have expertise in indoor environmental quality.

10          (b) The secretary of commerce shall appoint the members of the task force  
11 specified in paragraph (a) 6. to 11., shall appoint or determine the method of  
12 appointment of the officers of the task force, and shall call the first meeting of the  
13 task force.

14          (c) The department of commerce shall provide administrative support services  
15 to the task force. The task force may call upon the department of health and family  
16 services, the department of agriculture, trade and consumer protection, or any other  
17 state agency or officer to assist the task force, and those agencies or officers shall  
18 cooperate with the task force to the fullest extent possible. The department of  
19 commerce may contract with professionals who are knowledgeable and experienced  
20 in indoor environmental quality management to assist the task force in performing  
21 its duties under paragraph (e) 1. to 4.

22          (d) From the appropriation account under section 20.505 (4) (ba) of the statutes  
23 and within the budget of the task force authorized under section 16.40 (14) of the  
24 statutes, the department of administration shall reimburse members of the task  
25 force for their actual and necessary expenses incurred in carrying out their functions.

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1 (e) The task force shall do all of the following:

2 1. Advise the department of commerce in the development of the indoor  
3 environmental quality in schools management plan under section 101.129 (2) (a) of  
4 the statutes, as created by this act.

5 2. Recommend for implementation by the department of commerce under  
6 section 101.129 (3) of the statutes, as created by this act, indoor environmental  
7 quality training requirements for school district employees who are responsible for  
8 the operation and maintenance of school buildings and for other school district  
9 employees as recommended by the task force and a schedule for implementation of  
10 those training requirements.

11 3. Recommend educational materials relating to indoor environmental quality  
12 in schools and develop guidelines for making that information available to students,  
13 parents, guardians, legal custodians, teachers, and other school district employees  
14 under section 101.129 (4) (a) of the statutes, as created by this act.

15 4. Identify interim changes that can be readily implemented by school boards  
16 to improve indoor environmental quality in schools pending full compliance with the  
17 indoor environmental quality in schools management plan under section 101.129 (2)  
18 (a) of the statutes, as created by this act.

19 5. Identify the need for additional resources and authority for school boards and  
20 the governing bodies of private schools so as to promote good indoor environmental  
21 quality for students, teachers, and other school district employees.

22 6. Recommend for promulgation by the department of commerce under section  
23 101.129 (8) (a) of the statutes, as created by this act, rules to implement section  
24 101.129 of the statutes, as created by this act.

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1 (f) On completion of its duties under paragraph (e), the task force shall report  
2 its findings and recommendations to the legislature for distribution to the  
3 appropriate standing committees in the manner provided under section 13.172 (3)  
4 of the statutes and to the governor. The task force shall cease to exist on the date on  
5 which the department of commerce promulgates the rules specified in paragraph (e)  
6 6., unless the secretary of commerce determines under section 15.04 (1) (c) of the  
7 statutes that the operations of the department of commerce require the task force to  
8 continue in existence after that date.

9 (g) The department of commerce shall provide a copy of the task force's report  
10 under paragraph (f) to each school district administrator, as defined in section  
11 115.001 (8) of the statutes, in this state and to the principal of each public school in  
12 this state and shall make a copy of that report available to the public on the Internet.

**SECTION 6. Initial applicability.**

13  
14 (1) SCHOOL BUILDING CONSTRUCTION, ADDITIONS, AND ALTERATIONS. The treatment  
15 of section 101.129 (5) (c) of the statutes first applies to essential drawings,  
16 calculations, and specifications submitted to the department of commerce or other  
17 person authorized under section 101.12 of the statutes to examine those drawings,  
18 calculations, and specifications on the effective date of this subsection.

**SECTION 7. Effective date.**

19  
20 (1) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS. This act takes effect on the first  
21 day of the 2nd month beginning after publication.

22 (END)