

2003 DRAFTING REQUEST

Bill

Received: **01/29/2004**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Cathy Stepp (608) 266-1832**

By/Representing: **Scott Manley**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - bldg codes**
Buildings/Safety - clean ind air

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Indoor air quality in schools

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>
/?	gmalaise 02/06/2004	kgilfoy 02/10/2004		_____			S&L
/1			pgreensl 02/11/2004	_____	Inorthro 02/11/2004		S&L
/2	gmalaise	kgilfoy	pgreensl	_____	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>
	02/12/2004	02/13/2004	02/16/2004 _____		02/16/2004	03/08/2004	

FE Sent For:

<END>

At
Intro,

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1?	gmalaise	1-2/10 King	PS	PS			

FE Sent For: R
<END>

Malaise, Gordon

From: Manley, Scott
Sent: Tuesday, January 20, 2004 10:58 AM
To: Malaise, Gordon
Subject: Indoor Air Quality in Schools

Gordon,

Attached is an electronic copy of the draft we just spoke about. I would be happy to answer any questions you may have about our intent.

Thank you,

Scott



Indoor
Environmental Quality

This memorandum outlines the concepts for drafting an indoor Environmental Quality in Schools Act.

AN ACT to create sections of the statute; relating to: creation of an Indoor Environmental Quality in Schools Act.

Legislative Analysis

This bill creates the Indoor Environmental Quality in Schools Act. The bill requires the development of plans by the State Department of Commerce and all local school districts that will guide local decisions in the maintenance and construction of schools and the quality of the environment in which children receive instruction. This bill places primary authority for school indoor environmental quality under the Department of Commerce.

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

Section 1. Title

(a) This Act may be cited as the "Indoor Environmental Quality in Schools Act of 2004".

Section 2. Findings

(a) The Legislature finds that:

- (1) The quality of indoor environments in schools can either impede or assist schools in meeting their core mission--educating students;
- (2) Failure to prevent or quickly resolve indoor environmental quality problems in schools can:
 - (i) increase the potential for long term and short-term health problems;
 - (ii) reduce productivity for students, faculty and staff;
 - (iii) strain relationships among school administrators, parents, faculty, and staff;
 - (iv) create potential liability problems.
- (3) Poor indoor environmental quality is often caused by heating, ventilating, and air conditioning (HVAC) equipment that is improperly maintained and operated. Failure to correct these conditions can result in reduced operating efficiency and higher energy consumption for the HV AC equipment, as well as poor indoor air quality.
- (4) A U.S. Government Accounting Office report found that over half of U.S. schools had problems which adversely affect indoor air quality;
- (5) A U.S. Environmental Protection Agency investigation found inadequate ventilation in most of the schools studied; and

(6) Nearly one in five schools has at least one room with radon above the EPA recommended action level of 4 Pico curies per liter.

Section 3. Definitions

- (a) For the purposes of this Act, the term
- (1) "school" means any school in the state providing for the education of students in grades kindergarten through twelfth grade.

Section 4. IAQ in Schools Management Plan

- (a) Within one year of enactment, the ^(E)state shall develop an Indoor Environmental Quality (IEQ) in Schools Management Plan. ^{department} ~~In consultation of the council,~~ ^{In developing plan, shall consider ~~recommendations~~ ^{advice of}}
- (b) Within two years of enactment, every school in the state shall be required to comply with the IEQ in Schools Management Plan.

~~(c) The Plan shall be developed by the state department of Commerce and in consultation with the IEQ in Schools Task Force established under section 8.~~

Section 5. Training for School Personnel

- (a) The department of commerce shall devise a plan and schedule for the implementation of the training recommendations made by the IEQ in Schools Task Force (section 8 (d)(3)).
- (b) All relevant school personnel, as identified by the Task Force, shall receive initial IEQ training within three years of the effective date of this act.

Section 6. IEQ Information for Students, Parents & School Employees

(a) Within one year of enactment, ^{educational materials} ~~from the department of commerce~~ ^{environmental} ~~information~~ ^{teachers, other} developed in consultation with the IEQ in Schools Task Force, regarding indoor air quality in schools, generally, and the state's plans to improve IAQ in schools.

(b) ^(E) As school-specific IEQ information (including test results) is developed, the school district, school principal, or others, shall make this information available in writing or via the Internet to students, parents and school employees.

Section 7. New School Construction & School Renovation

~~(a) All contracts for architectural and engineering design services for new school construction, renovation or remodeling must include provisions to assure that:~~

- (1) the design of the new building, addition, or renovation facilitates good indoor environmental quality for the occupants of all spaces affected by the design; and

(2) the design of the new building, addition, or renovation facilitates operation and maintenance of the spaces affected by the design in such a manner that promotes good indoor environmental quality.

systems & equipment

"state" IEQ?
13.01 (13)
"healthy"?

(b) Prior to the approval of construction contracts for new building, addition, renovation or remodeling, the local education authority shall determine that the construction plan and schedule appropriately consider and address:

school b.d. or governing body of private school

(1) indoor air quality concerns during the construction process;

(2) the need to transfer from the design and construction teams to operations and maintenance personnel important information on the proper operation and maintenance of the building and its systems so as to foster good indoor environmental quality; and

necessary for

(3) the proper indoor environmental quality commissioning procedures prior to occupancy of the spaces affected by the project.

(testing?)
proper commissioning procedures followed prior to occupancy to ensure

"commission" to put into use

(c) Authorities responsible for reviewing architectural and engineering drawings and specifications for the purpose of issuing building permits shall determine, prior to issuing the necessary building permits, that the design of the new building, addition, or renovation facilitates good indoor environmental quality for the occupants of the spaces affected by the design.

County, city, village, town

Dpt 10/12 county, city, village, town and 10/12

approve plan 10/12

Section 8. IEQ in Schools Task Force

(a) An Indoor Environmental Quality (IEQ) in Schools Task Force, consisting of 13 members, is established.

(b) Members of the Task Force shall be appointed by the State Department of Commerce Secretary and shall include:

- (1) a representative of the state department of health and family services;
- (2) a representative of the state department of Agriculture Trade and Consumer Protection;
- (3) a representative of the state department of commerce;
- (4) a representative of the state school board association;
- (5) a legislator representing the state assembly;
- (6) a legislator representing the state senate;
- (7) a representative of a non-profit public health organization;
- (8) a representative of a parent association;
- (9) a representative of a teacher union;
- (10) a state licensed architect or engineer actively engaged in the practice of school design and construction; and

(11) three public members, two of whom shall have expertise in indoor environmental quality and one who shall be a contractor with expertise in school construction

(c) The Task Force shall elect a Chair from its members. The Secretary of the Department of Commerce shall call the first Task Force meeting. Subsequent meetings of the Task Force shall be at the call of the Chair.

(d) Duties of the Task Force shall be to:

- (1) advise the. department of commerce of the IEQ in Schools Management Plan;
- (2) Recommend educational materials for distribution to students, parents, and teachers on indoor environmental quality in schools and develop guidelines for the dissemination of indoor environmental quality test results and information to students, parents and teachers; and
- (3) recommend training requirements for school maintenance and other employees.
- (4) identify interim changes that can be readily implemented by school officials to improve indoor environmental quality in schools.
- (5) identify the need for additional resources and/or authority for schools so as to assure good indoor environmental quality for students and teachers.
- (6) recommend regulations necessary for the enforcement of this bill.

(e) In activities (d) (1)-(4) above, the Task Force shall have the authority to retain as consultants professionals knowledgeable and experienced in indoor environmental quality management and control.

Section 9. IEQ in Schools Report .

(a) The IEQ in Schools Task Force shall report its findings and recommendations in an Indoor Environmental Quality (IAQ) in Schools Report to the legislature within 12 months of enactment.

(b) The IEQ in Schools Report shall be sent to the administrator of each school district, and the principal of every school in the state.

(c) The IEQ in Schools Report shall be made available to the public upon request. Electronic access through state web sites shall also be implemented.

Section 10. Enforcement

(a) The state department of commerce shall have sole authority for enforcing these provisions and shall notify the students, parents, faculty, and staff of any school, as well as the general public, regarding non-compliance that poses health risks to any school's occupants. The department also shall have authority to adopt regulations to further enhance compliance with these provisions.

dept may inspect
conflicts w/ 101.12
local approval & inspection
rules
Sts. for IEQ in schools

(b) The departments of Health and Family Services, Commerce and Agriculture, Trade and Consumer Protection shall provide expertise, assistance, and all other necessary

resources to support the responsibilities of the Department of Commerce in enforcing this act.

Section 11. Effective Date

~~(a)~~ The effective date of this act shall be 60 days after enactment.

Section 12. Relationship to Other Health & Safety Provisions

~~(a)~~ Nothing in this act shall be construed to conflict with other health and safety provisions or preempt more stringent health and safety provisions under state law.

= Compliance w/
this section
does not relieve
school from
compliance
w/ any other
health & safety
law or rule
that is more
stringent

Section 13. Appropriations

~~(a)~~ Such funds shall be appropriated for the proper implementation of this act.

Covered
s. 20.143 (3) (j)

END



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Model Legislation on Indoor Air Quality in Schools

The Consumer Federation of America has drafted model legislation that addresses indoor air quality (IAQ) in schools. This legislation includes the following key components:

- The state department of education has sole authority for the implementation of an Indoor Air Quality Management Plan. The plan is developed in collaboration with the state department of health, state Environmental Protection Agency and an IAQ Schools Task Force.
- A 13 member IAQ Task Force is appointed representing prescribed stakeholder groups. The Task Force:
 - advises the development of the IAQ Management Plan;
 - recommends educational materials for stakeholders;
 - recommends training requirements; and
 - identifies the need for resources.
- Findings of the Task Force are reported to the state legislature.
- Training is required for relevant personnel within 3 years of enactment.
- School-specific IAQ information is made available to students and parents. Notification of students, staff, parents and the general public is required regarding noncompliance with the plan.

[Click here for a full copy of CFA Model Legislation on IAQ in Schools](#)

Consumer Federation of America is a nonprofit association of some 260 consumer groups, with a combined membership of 50 million. CFA was founded in 1968 to advance consumer interests through advocacy and education.

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- Sexual and Reproductive Health
- Substance Use

Model Legislation
Indoor Air Quality in Schools Act
Summary of Core & Optional Provisions

CORE PROVISIONS

- Section 1. Title
- Section 2. Findings
- Section 3. Definitions
- Section 4. IAQ in Schools Management Plan
- Section 5. Training for School Personnel
- Section 6. IAQ Information for Students, Parents & School Employees
- Section 7. New School Construction & School Renovation
- Section 8. IAQ Task Force
- Section 9. IAQ in Schools Report
- Section 10. No Smoking Policy
- Section 11. Enforcement
- Section 12. Effective Date

OPTIONAL PROVISIONS

- Section # IAQ Ombudsperson
- Section # Relationship to Other Health & Safety Provisions
- Section # Appropriations
- Section 3. Definitions

Indoor Air Quality in Schools Act

Section 1. Title

(a) This Act may be cited as the "Indoor Air Quality in Schools Act of 1999".

Section 2. Findings

(a) The Legislature finds that:

(1) The quality of indoor air in schools can either impede or assist schools in meeting their core mission--educating students;

(2) Failure to prevent or quickly resolve indoor air quality problems in schools can:

(i) increase the potential for long term and short term health problems;

(ii) reduce productivity for students, faculty and staff;

(iii) strain relationships among school administrators, parents, faculty, and staff;

(iv) create potential liability problems.

(3) Poor indoor air quality is often caused by heating, ventilating, and air conditioning (HVAC) equipment that is improperly maintained and operated. Failure to correct these conditions can result in reduced operating efficiency and higher energy consumption for the HVAC equipment, as well as poor indoor air quality.

(4) A U.S. Government Accounting Office report found that over half of U.S. schools had which adversely affect indoor air quality;

(5) A U.S. Environmental Protection Agency investigation found inadequate ventilation in most of the schools studied; and

(6) Nearly one in five schools has at least one room with radon above the EPA recommended action level of 4 picocuries per liter.

Section 3. Definitions

(a) For the purposes of this Act, the term

(1) "school" means any school in the state providing for the education of students in grades kindergarten through twelfth grade.

(2) "U.S. Environmental Protection Agency's IAQ Tools for Schools documents" means the materials contained in the 1995 (or latest) including, but not limited to, the IAQ Coordinator's Guide, IAQ Coordinator's Forms, IAQ Backgrounder, IAQ Checklists, IAQ Problem Solving Wheel and IAQ Tools for Schools-Ventilation Basics Video.

Section 4. IAQ in Schools Management Plan

department

(a) Within one year of enactment, the state shall develop an Indoor Air Quality (IAQ) in Schools Management Plan.

(b) Within two years of enactment, every school in the state shall be required to comply with the IAQ in Schools Management Plan.

(c) The Plan shall be developed by the state department of education in conjunction with the state departments of public health and environmental protection and in consultation with the IAQ in Schools Task Force established under section 8.

(d) The Plan shall, at a minimum, require schools to meet the guidelines established as part of the U.S. Environmental Protection Agency's IAQ Tools for Schools documents.

Section 5. Training for School Personnel

(a) The department of education, in consultation with the departments of public health and environmental protection, shall devise a plan and schedule for the implementation of the training recommendations made by the IAQ in Schools Task Force (section 8 (d)(3)).

(b) All relevant school personnel, as identified by the Task Force, shall receive initial IAQ training within three years of the effective date of this act.

Section 6. IAQ Information for Students, Parents & School Employees

(a) Within one year of enactment, students, parents and school employees shall receive from the department of education information developed in consultation with the departments of public health and environmental protection and the IAQ in Schools Task Force (optional: and the IAQ in Schools Ombudsperson), regarding indoor air quality in schools, generally, and the state's plans to improve IAQ in schools.

(b) As school-specific IAQ information (including test results) is developed, the school district, school principal, (optional: the IAQ in Schools Ombudsperson), or others, in conjunction with the department of education and the department of the environment, shall make this information available in writing to students, parents and school employees.

Section 7. New School Construction & School Renovation

(a) All contracts for architectural and engineering design services for new school construction and for school renovation costing over \$5000 must include provisions to assure that:

(1) the design of the new building, addition, or renovation facilitates good indoor air quality for the occupants of all spaces affected by the design; and

(2) the design of the new building, addition, or renovation facilitates operation and maintenance of the spaces affected by the design in such a manner that promotes good indoor air quality.

(b) Prior to the approval of construction contracts for new building, addition, or renovation projects costing over \$5000, the ~~local education authority~~ ^{school bd. or governing body of private school} shall determine that the construction plan and schedule appropriately consider and address:

(1) indoor air quality concerns during the construction process;

(2) the need to transfer from the design and construction teams to operations and maintenance personnel important information on the proper operation and maintenance of the building and its systems so as to foster good indoor air quality; and

(3) the proper indoor air quality commissioning procedures prior to occupancy of the spaces affected by the project.

(c) Authorities responsible for reviewing architectural and engineering drawings and specifications for the purpose of issuing building permits shall determine, prior to issuing the necessary building permits, that the design of the new building, addition, or renovation facilitates good indoor air quality for the occupants of the spaces affected by the design.

Section 8. IAQ in Schools Task Force

~~(a)~~ An Indoor Air Quality (IAQ) in Schools Task Force, consisting of 13 members, is established.

~~(b)~~ Members of the Task Force shall be appointed by the Secretary ~~(Commissioner, Chair, or other appropriate title)~~ of Education and shall include:

(1) a representative of the state health department;

(2) a representative of the state environment department;

~~(3)~~ a representative of the state education department;

~~(4)~~ a representative of the state school board association;

~~(5)~~ a legislator representing the state assembly (house or lower legislative body);

~~(6)~~ a legislator representing the state senate;

~~(7)~~ a representative of a non-profit public health organization;

~~(8)~~ a representative of a parent association;

~~(9)~~ a representative of a teacher association or union;

~~(10)~~ a state licensed architect or engineer actively engaged in the practice of school design and construction; and

~~(11)~~ three public members, two of whom shall have expertise in indoor air quality .

~~(c)~~ The Task Force shall elect a Chair from its members. The Secretary (~~Commissioner, Chair, or other appropriate title~~) of Education shall call the first Task Force meeting. Subsequent meetings of the Task Force shall be at the call of the Chair but shall occur no less than three times per year.

(d) Duties of the Task Force shall be to:

(1) advise the departments of ~~education, public health, and environmental protection~~ in the development of the IAQ in Schools Management Plan;

(2) recommend educational materials for distribution to students, parents, and teachers on indoor air quality in schools and develop guidelines for the dissemination of indoor air quality test results and information to students, parents and teachers; and

(3) recommend training requirements for school maintenance and other employees.

(4) identify interim changes that can be readily implemented by school officials to improve indoor air quality in schools, pending full compliance with the Indoor Air Quality in Schools Management Plan.

(5) identify the need for additional resources and/or authority for schools so as to assure good indoor air quality for students and teachers.

(6) recommend regulations necessary for the

enforcement of this bill.

(e) In activities (d) (1)-(4) above, the Task Force shall rely to the extent appropriate on the U.S. Environmental Protection Agency's IAQ Tools for Schools documents. The Task Force shall have the authority to retain as consultants professionals knowledgeable and experienced in indoor air quality management and control.

Section 9. IAQ in Schools Report

(a) The IAQ in Schools Task Force shall report its findings and recommendations in an Indoor Air Quality (IAQ) in Schools Report to the legislature within 12 months of enactment.

(b) The IAQ in Schools Report shall be sent to the ^{superintendent} administrator of each school district, and the principal of every school in the state.

(c) The IAQ in Schools Report shall be made available to the public upon request. Electronic access through state web sites shall also be implemented.

~~Section 10. No Smoking Policy~~

- ~~a. Smoking is prohibited inside all schools and on all schools grounds in the state.~~

Section 11. Enforcement

(a) The state department of education shall have sole authority for enforcing these provisions and shall notify the students, parents, faculty, and staff of any school, as well as the general public, regarding non-compliance that poses health risks to any school's occupants. The department also shall have authority to adopt regulations to further enhance compliance with these provisions.

(b) The departments of public health and environmental protection shall provide expertise, assistance, and all other necessary resources to support the responsibilities of the department of education in enforcing this act.

Section 12. Effective Date

- (a) The effective date of this act shall be 60 days after enactment.

OPTIONAL PROVISIONS

~~Section #. IAQ Ombudsperson~~

- ~~(a) Within the department of education, there shall be designated an Indoor Air Quality Ombudsperson.~~

(b) ~~The duties of the Indoor Air Quality Ombudsperson shall include, but not be limited to:~~

~~(1) facilitating the coordination between various governments departments for the actions designated in this legislation,~~

~~(2) informing students, parents, teachers, school officials, and the public about the availability of information regarding the indoor air quality in school buildings and facilities; and~~

~~(3) communicating with and providing technical assistance to school principals and others concerning the interim changes identified by the IAQ Task Force that can be readily implemented by schools officials to improve indoor air quality in schools pending full compliance with the IAQ in Schools Management Plan.~~

Section #. Relationship to Other Health & Safety Provisions

(a) Nothing in this act shall be construed to conflict with other health and safety provisions or preempt more stringent health and safety provisions under state law.

Section #. Appropriations

(a) Such funds shall be appropriated for the proper implementation of this act.

Section 3. Definitions

(1) "school" means any school receiving funding from the state and providing for the education of students in grades kindergarten through twelfth grade.

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Email: info@neahin.org



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-41647

GMM.....

King

Week of 2/9
(for intro. this session)

1 AN ACT ^{Sen. Act.} relating to: indoor environmental quality in schools and granting
2 rule-making authority.

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 private, as well as public, elementary or secondary school in the state. The bill requires all of the following:

1. The department to establish a management plan to improve indoor environmental quality in schools (management plan) by the first day of the 12th month beginning after the effective date of the bill, and the school board of each school district (school board) and the governing body of each private school (governing body) to ensure that each school building under the control of the school board or governing body is in compliance with the management plan by the first day of the 24th month beginning after the effective date of the bill.
2. The department to establish indoor environmental quality training requirements for school district and private school employees who are responsible for the operation and maintenance of school buildings (maintenance employees) and a schedule for the implementation of those training requirements by the first day of the 12th month beginning after the effective date of the bill, and each school board

and governing body to ensure that all maintenance employees who are employed by the school district or private school on the first day of the 36th month beginning after the effective date of the bill have received that training by that date and that all maintenance employees who commence employment with the school district or private school after that date will receive that training within a reasonable time after commencing employment.

3. The department, beginning on the first day of the 12th month beginning after the effective date of the bill and annually after that, to distribute educational materials regarding indoor environmental quality in schools and a summary of the management plan to all students enrolled in each school district and private school, to the parents, guardians, and legal custodians of those students, and to all teachers and other employees of each school district and private school.

4. A school board or governing body 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.

5. A school board or governing body to include in a contract for the preparation of plans and specifications for the construction of a new school building or for the alteration of or an addition to an existing school building a provision to ensure that the design of the new building, alteration, or addition facilitates good indoor environmental quality for all occupants of the spaces affected by the design and facilitates operation and maintenance of the spaces, systems, and equipment affected by the design in a manner that promotes good indoor environmental quality.

6. A school board or governing body, before approving a contract for the construction of a new school building or for the alteration of or an addition to an existing school building, to determine that the plan and schedule for the construction, alteration, or addition 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, alteration, or addition and its systems and equipment so as to promote good indoor environmental quality; and the implementation of proper commissioning procedures, including testing of any new systems or equipment, before occupancy of the spaces affected by the project.

7. 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 or for the alteration of or an addition to an existing school building facilitates good indoor environmental quality for the occupants of the spaces affected by the design before the department or political subdivision may approve those plans, and a political subdivision to make the same determination before the political subdivision may issue a building permit for the construction of a new school building or for the alteration of or an addition to an existing school building.

8. The department to notify 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 school board or governing body is not in compliance with the bill and that the noncompliance poses a risk to the health and safety of the occupants of any school building.

9. The secretary of commerce to establish a special committee to be called the "Indoor Environmental Quality in Schools Task Force" to do all of the following:

- a. Advise the department in the development of the management plan.
- b. Recommend training requirements for school maintenance employees.
- c. Recommend educational materials regarding indoor environmental quality in schools for distribution by the department to students, parents, guardians, legal custodians, teachers, and other school employees and guidelines for the distribution by school boards and governing bodies to those persons of information concerning the indoor environmental quality of a specific school.
- 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 and governing bodies 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. Report its findings and recommendations to the governor and the legislature by the first day of the 12th month beginning after publication of the bill and then cease to exist.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 101.29 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 or private elementary or secondary school in this
5 state.

6 (b) "Task force" means the indoor environmental quality in schools task force
7 created under 2003 Wisconsin Act ... (this act), section (1).

7

A

auto ref. "B"
auto ref. "A"

1 (2) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS MANAGEMENT PLAN. (a) By the
2 first day of the 12th month beginning after the effective date of this paragraph ...
3 [revisor inserts date], the department shall establish a management plan to improve
4 indoor environmental quality in schools. In developing that plan, the department
5 shall consider the advice of the task force.

6 (b) By the first day of the 24th month beginning after the effective date of this
7 paragraph ... [revisor inserts date], the school board of each school district and the
8 governing body of each private school shall ensure that each school building under
9 the control of the school board or governing body is in compliance with the
10 management plan under par. (a).

11 (3) TRAINING FOR SCHOOL PERSONNEL. (a) By the first day of the 12th month
12 beginning after the effective date of this paragraph ... [revisor inserts date], the
13 department shall establish indoor environmental quality training requirements for
14 school district and private school employees who are responsible for the operation
15 and maintenance of school buildings and for other school district and private school
16 employees as determined by the department based on the recommendations of the
17 task force and shall establish a schedule for implementation of those training
18 requirements.

19 (b) The school board of each school district and the governing body of each
20 private school shall ensure that all employees of the school district or private school
21 specified in par. (a) who are employed by the school district or private school on the
22 first day of the 36th month beginning after the effective date of this paragraph ...
23 [revisor inserts date] have received the training specified in par. (a) by that date and
24 that all employees of the school district or private school specified in par. (a) who

1 commence employment after that date will receive that training within a reasonable
2 time after commencing employment.

3 (4) INDOOR ENVIRONMENTAL QUALITY INFORMATION FOR STUDENTS, PARENTS, AND
4 SCHOOL EMPLOYEES. (a) Beginning on the first day of the 12th month beginning after
5 the effective date of this paragraph [revisor inserts date] and annually after that,
6 the department shall distribute educational materials relating to indoor
7 environmental quality in schools and a summary of the management plan
8 established under sub. (2) (a) to all students enrolled in each school district and
9 private school, to the parents, guardians, and legal custodians of those students, and
10 to all teachers and other employees of each school district and private school.

11 (b) A school board or governing body of a private school that becomes aware of
12 any information concerning the indoor environmental quality of a specific school
13 building, including test results, shall make that information available, in printed
14 format or by the Internet, to all students assigned to the school building, the parents,
15 guardians, and legal custodians of those students, and all teachers and other school
16 district or private school employees assigned to the school building.

17 (5) SCHOOL BUILDING CONSTRUCTION, ALTERATIONS, AND ADDITIONS. (a) A school
18 board or a governing body of a private school shall include in a contract for the
19 preparation of plans and specifications for the construction of a new school building
20 or for the alteration of or an addition to an existing school building a provision to
21 ensure that the design of the new building, alteration, or addition facilitates all of
22 the following:

23 1. Good indoor environmental quality for all occupants of the spaces affected
24 by the design.

1 2. Operation and maintenance of the spaces, systems, and equipment affected
2 by the design in a manner that promotes good indoor environmental quality.

3 (b) Before a school board or a governing body of a private school may approve
4 a contract for the construction of a new school building or for the alteration of or an
5 addition to an existing school building, the school board or governing body shall
6 determine that the plan and schedule for that construction, alteration, or addition
7 consider and address all of the following:

8 1. Concerns about indoor environmental quality during the construction
9 process.

10 2. The transfer from the persons who designed and constructed the new
11 building, alteration, or addition to the school personnel who are responsible for
12 operating and maintaining the new building, alteration, or addition of information
13 necessary for the proper operation and maintenance of the new building, alteration,
14 or addition and its systems and equipment so as to promote good indoor
15 environmental quality.

16 3. The implementation of proper commissioning procedures, including testing
17 of any new systems or equipment, before occupancy of the spaces affected by the
18 project.

19 (c) Before the department or any other person authorized under s. 101.12 to
20 examine the essential drawings, calculations, and specifications for a public building
21 may approve those drawings, calculations, and specifications for the construction of
22 a new school building or for the alteration of or an addition to an existing school
23 building, and before a county, city, village, or town may issue a building permit for
24 the construction of a new school building or for the alteration of or an addition to an
25 existing school building, the department, other person authorized under s. 101.12,

1 or county, city, village, or town shall determine that the design of the new building,
2 alteration, or addition facilitates good indoor environmental quality for the
3 occupants of the spaces affected by the design.

4 (6) NOTICE OF NONCOMPLIANCE. If the department determines that a school
5 board or a governing body of a private school is not in compliance with sub. (2) (b),
6 (3) (b), (4) (b), or (5) (a) or (b) and that the noncompliance poses a risk to the health
7 and safety of the occupants of any school building, the department shall notify the
8 students assigned to the school building, the parents, guardians, and legal
9 custodians of those students, all teachers and other school district or private school
10 employees assigned to the school building, and the general public of that
11 noncompliance.

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

16 (8) ADMINISTRATION. (a) The department shall promulgate rules to implement
17 this section.

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

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

24 120.13 (9) ARCHITECTS AND ENGINEERS. Contract with or employ architects and
25 engineers for the preparation of plans and specifications for school buildings,

1 structures and other improvements to school district property and for all other
 2 related services. A contract under this subsection for the preparation of plans and
 3 specifications for the construction of a new school building or for the alteration of or
 4 an addition to an existing school building shall comply with s. 101.29 (5) (a).

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105.

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

6 121.02 (1) (i) Provide safe and healthful facilities. The facilities shall comply
 7 with subchs. I and IV of ch. 101, ch. 145, and ss. 254.11 to 254.178 and any rule
 8 promulgated under ~~those sections~~ subchs. I or IV of ch. 101, ch. 145, or ss. 254.11 to
 9 254.178.

History: 1973 c. 90, 115, 243, 333; 1975 c. 39, 198; 1977 c. 29, 178, 206, 418, 429, 447; 1979 c. 34, 221; 1985 a. 29, 228; 1987 a. 27, 399; 1989 a. 31, 285; 1991 a. 48, 269; 1993 a. 16, 339, 430, 450; 1995 a. 27 ss. 4036 to 4038, 9145 (1); 1997 a. 27, 113; 1999 a. 9; 2001 a. 16.

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

11 254.22 (4) Assist the department of commerce with the enforcement of ~~s.~~ ss.
 12 101.123 and 101.129.

History: 1993 a. 27; 1995 a. 27 ss. 6331, 9116 (5).

13 **SECTION 5. Nonstatutory provisions.**

14 (B) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS TASK FORCE. (a) The secretary
 15 of commerce shall establish a special committee under section 15.04 (1) (c) of the
 16 statutes to be called the indoor environmental quality in schools task force. That
 17 task force shall consist of the following members:

- 18 1. The secretary of commerce or his or her designee.
- 19 2. The secretary of health and family services or his or her designee.
- 20 3. The secretary of agriculture, trade and consumer protection or his or her
 21 designee.
- 22 4. A member of the assembly appointed in the same manner as members of
 23 assembly standing committees are appointed.

auto. ref. "A"

(A)

auto. ref. "B"

auto. ref. "C"

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

3 6. One member who is a representative of the Wisconsin Association of School
4 Boards. *auto. ref. "D"*

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

7 8. One member who is a representative of the Wisconsin Congress of Parents
8 and Teachers, Inc.

9 9. One member who is a representative of a nonprofit organization concerned
10 with public health.

11 10. One member who is registered as an architect or professional engineer
12 under chapter 443 of the statutes and who is actively engaged in the practice of school
13 design and construction. *auto. ref. "D"*

14 11. One member who is a contractor actively engaged in school construction. *auto. ref. "E"*

15 12. Two members who have expertise in indoor environmental quality.

16 (b) The secretary of commerce shall appoint the members of the task force
17 specified in paragraph (a) 6. to *12.*, shall appoint or determine the method of
18 appointment of the officers of the task force, and shall call the first meeting of the
19 task force. *auto ref. "C"*

20 (c) The department of commerce shall provide administrative support services
21 to the task force. The task force may call upon the department of health and family
22 services, the department of agriculture, trade and consumer protection, or any other
23 state agency or officer to assist the task force, and those agencies or officers shall
24 cooperate with the task force to the fullest extent possible. The department of
25 commerce may contract with professionals who are knowledgeable and experienced

auto ref. "F"

auto ref. "H"

auto ref. "G"

1 in indoor environmental quality management to assist the task force in performing
2 its duties under paragraph (e) 1. to 4.

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

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

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

11 2. Recommend for implementation by the department of commerce under
12 section 101.129 (3) (a) of the statutes, as created by this act, indoor environmental
13 quality training requirements for school district and private school employees who
14 are responsible for the operation and maintenance of school buildings and for other
15 school district and private school employees as recommended by the task force.

16 3. Recommend educational materials relating to indoor environmental quality
17 in schools for distribution by the department of commerce to students, parents,
18 guardians, legal custodians, teachers, and other school district and private school
19 employees under section 101.129 (4) (a) of the statutes, as created by this act, and
20 development guidelines for the distribution of information concerning the indoor
21 environmental quality of specific schools, including test results, by school boards and
22 the governing bodies of private schools to students, parents, guardians, legal
23 custodians, teachers, and other school district and private school employees under
24 section 101.129 (4) (b) of the statutes, as created by this act.

auto ref. "H"

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

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

9 6. Recommend for promulgation by the department of commerce under section
10 101.129 (8) (a) of the statutes, as created by this act, rules to implement section
11 101.129 of the statutes, as created by this act.

12 (f) *auto-ref. "j"* No later than the first day of the 12th month beginning after the effective
13 date of this paragraph, the task force shall report its findings and recommendations
14 to the legislature for distribution to the appropriate standing committees in the
15 manner provided under section 13.172 (3) of the statutes and to the governor. On
16 submittal of its report, the task force shall cease to exist.

17 (g) The department of commerce shall provide a copy of the task force's report
18 under paragraph (f) to each school district administrator, as defined in section
19 115.001 (8) of the statutes, *auto-ref. "j"* and private school administrator in this state and to the
20 principal of each public and private school in this state and shall make a copy of that
21 report available to the public on the Internet.

22 **SECTION 6. Initial applicability.**

23 (1) SCHOOL BUILDING CONSTRUCTION, ALTERATIONS, AND ADDITIONS. *e* The treatment
24 of section 101.129 (5) (c) of the statutes first applies to essential drawings,
25 calculations, and specifications submitted to the department of commerce or other

1 person authorized under section 101.12[✓] of the statutes to examine those drawings,
2 calculations, and specifications, and to building permits applied for, on the effective
3 date of this subsection.

4 **SECTION 7. Effective date.**

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

7 (END)

4164

Private schools out

p 10, p 15

lines 15 to 17 out
"k 17" out

18 "develop"

19 "specific" schools - out

p 4, p 1 12 months after task force publishes report

"test" results - out

management plan

"school bd" - out

p 4, p 6 12 months after ~~management plan~~ established

p 4, p 11 12 " " task force publishes report

p 11, p 10

Take out deadline

p 4, p 19 (b) out

take out - cert. exist

task force develop

Commerce
[Cert. exist when ~~Commerce~~'s
promulgates rules or Secy determines
which is later

p 10 of schedule for implementation

management

p 5, p 4 12 month after ~~management plan~~ established

"alteration that will cause
material changes to ~~me~~ buildings
mechanical systems" and
equipment

p 5, p 6 "distribute materials" - out

"shall make available" - in like p 13 & 14

p 5, p 23 to p 6, p 2 reference "mgmt plan"

p 6, p 19 (c) out ~~management plan~~

reference mgmt. plan

[take out bldg. permits]

"in acc. w/ mgmt plan"

p 7, p 4 note, school bd. of noncompliance (non-risk)

If poses risk to make available on Internet

p 9, p 5 & 6 out



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-4164/1
GMM:kmg:pg

MON 2/16

2
RWR

2003 BILL

LPS: Check auto. refs.

Gen. Cat.

month in which the Task Force submits its report

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.

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 private, as well as public, elementary or secondary school in the state. The bill requires all of the following:

1. The department to establish a management plan to improve indoor environmental quality in schools (management plan) by the first day of the 12th month beginning after the effective date of the bill, and the school board of each school district (school board) and the governing body of each private school (governing body) to ensure that each school building under the control of the school board or governing body is in compliance with the management plan by the first day of the 24th month beginning after the effective date of the bill.

2. The department to establish indoor environmental quality training requirements for school district and private school employees who are responsible for

Insert A

2

12th

3

month in which the department establishes the management plan

(use twice)

BILL

month in which the department establishes the management plan

School

~~the operation and maintenance of school buildings, maintenance employees, and a schedule for the implementation of those training requirements by the first day of the 12th month beginning after the effective date of the bill, and each school board and governing body to ensure that all maintenance employees who are employed by the school district or private school on the first day of the 36th month beginning after the effective date of the bill have received that training by that date and that all maintenance employees who commence employment with the school district or private school after that date will receive that training within a reasonable time after commencing employment.~~

(use 3 times)

4

3. The department, beginning on the first day of the 12th month beginning after the effective date of the bill and annually after that, to distribute educational materials regarding indoor environmental quality in schools and a summary of the management plan to all students enrolled in each school district and private school, to the parents, guardians, and legal custodians of those students, and to all teachers and other employees of each school district and private school.

make available in printed format and by the Internet

5

4. A school board or governing body 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.

(use 3 times)

6

5. A school board or governing body to include in a contract for the preparation of plans and specifications for the construction of a new school building or for the alteration of or an addition to an existing school building a provision to ensure that the design of the new building, alteration, or addition facilitates good indoor environmental quality for all occupants of the spaces affected by the design and facilitates operation and maintenance of the spaces, systems, and equipment affected by the design in a manner that promotes good indoor environmental quality.

add. prov. of

7

6. A school board or governing body, before approving a contract for the construction of a new school building or for the alteration of or an addition to an existing school building, to determine that the plan and schedule for the construction, alteration, or addition 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, alteration, or addition and its systems and equipment so as to promote good indoor environmental quality; and the implementation of proper commissioning procedures, including testing of any new systems or equipment, before occupancy of the spaces affected by the project.

or for an alteration to an existing school building that will cause a material change to the mechanical systems and equipment of that building

8

7. 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 or for the alteration of or an addition to an existing school building facilitates good indoor environmental quality for the occupants of the spaces affected by the design before the department or political subdivision may approve those plans, and a political subdivision to make the same determination before the political subdivision may

(use 4 times)

in accordance with the management plan

BILL

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 or by the Internet

~~issue a building permit for the construction of a new school building or for the alteration of or an addition to an existing school building.~~

8. The department to notify 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 school board or governing body~~ is not in compliance with the bill and ~~that the~~ noncompliance poses a risk to the health and safety of the occupants of any school building.

9. The secretary of commerce to establish a special committee to be called the "Indoor Environmental Quality in Schools Task Force" to do all of the following:

- a. Advise the department in the development of the management plan.
- b. Recommend training requirements for school maintenance employees.
- c. Recommend educational materials regarding indoor environmental quality in schools for distribution by the department to students, parents, guardians, legal custodians, teachers, and other school employees and guidelines for the distribution by school boards and governing bodies to those persons of information concerning the indoor environmental quality of a specific school.
- 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 and governing bodies 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. Report its findings and recommendations to the governor and the legislature by the first day of the 12th month beginning after publication of the bill and then cease to exist.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 101.29 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 ~~or private~~ elementary or secondary school in this
5 state.

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

(use twice)

BILL

month in which the task force submits its report under 2003 Wisconsin Act ... (this act) section 5 (1)(f)

1 (2) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS MANAGEMENT PLAN. (a) By the
 2 first day of the 12th month beginning after the effective date of this paragraph
 3 ~~revisor inserts date~~, the department shall establish a management plan to improve
 4 indoor environmental quality in schools. In developing that plan, the department
 5 shall consider the advice of the task force. ~~department establishes the management plan~~
 6 (b) By the first day of the ~~24th~~ ^{12th} month beginning after the effective date of this
 7 paragraph ~~revisor inserts date~~, the school board of each school district and the
 8 governing body of each private school shall ensure that each school building under
 9 the control of the school board ~~or governing body~~ is in compliance with the
 10 management plan under par. (a).

11 (3) TRAINING FOR SCHOOL PERSONNEL. (a) By the first day of the 12th month
 12 beginning after the effective date of this paragraph ~~revisor inserts date~~, the
 13 department shall establish indoor environmental quality training requirements for
 14 school district and ~~private school~~ employees who are responsible for the operation
 15 and maintenance of school buildings and for other school district and ~~private school~~
 16 employees as determined by the department based on the recommendations of the
 17 task force and shall establish a schedule for implementation of those training
 18 requirements.

19 (b) ~~The school board of each school district and the governing body of each~~
 20 ~~private school shall ensure that all employees of the school district or private school~~
 21 ~~specified in par. (a) who are employed by the school district or private school on the~~
 22 ~~first day of the 36th month beginning after the effective date of this paragraph~~
 23 ~~[revisor inserts date], have received the training specified in par. (a) by that date and~~
 24 ~~that all employees of the school district or private school specified in par. (a) who~~

BILL ^{Month in which the} A department establishes the management plan under sub. (2)(a)

~~commence employment after that date will receive that training within a reasonable time after commencing employment.~~

(4) INDOOR ENVIRONMENTAL QUALITY INFORMATION FOR STUDENTS, PARENTS, AND SCHOOL EMPLOYEES. (a) Beginning on the first day of the 42th month beginning after

~~the effective date of this paragraph ... [revisor inserts date], and annually after that,~~ ^{make available, in printed format or by the Internet,} the department shall distribute educational materials relating to indoor

environmental quality in schools and a summary of the management plan

~~established under sub. (2)(a) to all students enrolled in each school district and~~

~~private school,~~ to the parents, guardians, and legal custodians of those students, and

to all teachers and other employees of each school district and ~~private school.~~

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

(5) SCHOOL BUILDING CONSTRUCTION, ALTERATIONS, AND ADDITIONS. (a) A school board ~~or a governing body of a private school~~ shall include in a contract for the preparation of plans and specifications for the construction of a new school building

~~or for the alteration of or~~ ^{for} an addition to an existing school building, a provision to ensure that the design of the new building, ^{addition, or} alteration, ~~or addition~~ facilitates all of the following:

1. Good indoor environmental quality for all occupants of the spaces affected by the design.

In accordance with the management plan established under sub. (2)(a)

& that building

or for an alteration to an existing school building that will cause a material change to the mechanical systems and equipment

BILL

in accordance with the management plan established under ~~part~~ sub. (2) (a)

2. Operation and maintenance of the spaces, systems, and equipment affected by the design in a manner that promotes good indoor environmental quality.

(b) ~~Before a school board or a governing body of a private school may approve a contract for the construction of a new school building or for the alteration of or an addition to an existing school building,~~ the school board ~~or governing body~~ shall determine that the plan and schedule for that construction, ~~alteration, or addition~~ consider and address all of the following:

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

2. The transfer from the persons who designed and constructed the new building, ~~alteration, or addition~~ to the school personnel who are responsible for operating and maintaining the new building, ~~alteration, or addition~~ of information necessary for the proper operation and maintenance of the new building, ~~alteration, or addition~~ and its systems and equipment so as to promote good indoor environmental quality.

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

(c) Before the department or any other person authorized under s. 101.12 to examine the essential drawings, calculations, and specifications for a public building may approve those drawings, calculations, and specifications for the construction of a new school building ~~or for the alteration of or an addition to an existing school building,~~ and before a county, city, village, or town may issue a building permit for the construction of a new school building ~~or for the alteration of or an addition to an existing school building,~~ the department, other person authorized under s. 101.12,

for for an alteration to an existing school building that will cause a material change to the mechanical systems and equipment of that building

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SECTION 1
Use 2X

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the department shall notify the school board of that non-compliance. If

1 ~~or county, city, village, or town~~ shall determine that the design of the new building,
2 ~~alteration, or addition~~ *or alteration* facilitates good indoor environmental quality for the
3 occupants of the spaces affected by the design. *In accordance with the Management plan established under sub. (2)(a)*

4 (6) NOTICE OF NONCOMPLIANCE. If the department determines that a school
5 board ~~or a governing body of a private school~~ is not in compliance with sub. (2) (b),
6 (3) ~~(b)~~, (4) (b), or (5) (a) or (b) ~~and that the~~ noncompliance poses a risk to the health
7 and safety of the occupants of any school building, the department shall ~~notify~~ *also* the
8 students assigned to the school building, the parents, guardians, and legal
9 custodians of those students, all teachers and other school district ~~or private school~~
10 employees assigned to the school building, and the general public of ~~that~~
11 ~~noncompliance.~~

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

16 (8) ADMINISTRATION. (a) The department shall promulgate rules to implement
17 this section.

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

23 **SECTION 2.** 120.13 (9) of the statutes is amended to read:
24 120.13 (9) ARCHITECTS AND ENGINEERS. Contract with or employ architects and
25 engineers for the preparation of plans and specifications for school buildings,

Also make that information available in printed format or by the internet to

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1 structures and other improvements to school district property and for all other
2 related services. A contract under this subsection for the preparation of plans and
3 specifications for the construction of a new school building or for the alteration of or
4 an addition to an existing school building shall comply with s. 101.29 (5) (a).

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

6 121.02 (1) (i) Provide safe and healthful facilities. The facilities shall comply
7 with subchs. I and IV of ch. 101, ch. 145, and ss. 254.11 to 254.178 and any rule
8 promulgated under ~~those sections~~ subch. I or IV of ch. 101, ch. 145, or ss. 254.11 to
9 254.178.

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

11 254.22 (4) Assist the department of commerce with the enforcement of ~~s. ss.~~
12 101.123 and 101.129. *auto. refs. 4A*

13 **SECTION 5. Nonstatutory provisions.**

14 *auto. ref. 4B*
(1) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS TASK FORCE.

15 (a) The secretary of commerce shall establish a special committee under section
16 15.04 (1) (c) of the statutes to be called the indoor environmental quality in schools
17 task force. That task force shall consist of the following members:

- 18 1. The secretary of commerce or his or her designee.
- 19 2. The secretary of health and family services or his or her designee.
- 20 3. The secretary of agriculture, trade and consumer protection or his or her
21 designee.
- 22 4. A member of the assembly appointed in the same manner as members of
23 assembly standing committees are appointed.
- 24 5. A member of the senate appointed in the same manner as members of senate
25 standing committees are appointed.

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1 6. One member who is a representative of the Wisconsin Association of School
2 Boards.

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

5 8. One member who is a representative of the Wisconsin Congress of Parents
6 and Teachers, Inc.

7 ~~#8~~ 9. One member who is a representative of a nonprofit organization concerned
8 with public health.

9 ~~#9~~ 10. One member who is registered as an architect or professional engineer
10 under chapter 443 of the statutes and who is actively engaged in the practice of school
11 design and construction.

12 ~~#10~~ 11. One member who is a contractor actively engaged in school construction.

13 ~~#11~~ 12. Two members who have expertise in indoor environmental quality.

14 (b) The secretary of commerce shall appoint the members of the task force
15 specified in paragraph (a) 6. to ~~12~~^{11 ← a.r.}, shall appoint or determine the method of
16 appointment of the officers of the task force, and shall call the first meeting of the
17 task force.

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

BILL

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

5 ^{auto ref. 11A}
 (e) The task force shall do all of the following:

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

And a schedule for implementation of those training requirements

9 2. Recommend for implementation by the department of commerce under
 10 section 101.129 (3) ~~and~~ of the statutes, as created by this act, indoor environmental
 11 quality training requirements for school district ~~and private school~~ employees who
 12 are responsible for the operation and maintenance of school buildings and for other
 13 school district ~~and private school~~ employees as recommended by the task force.

14 3. Recommend educational materials relating to indoor environmental quality
 15 in schools ~~for distribution by the department of commerce to students, parents,~~
 16 ~~guardians, legal custodians, teachers, and other school district and private school~~
 17 ~~employees under section 101.129 (4) (a) of the statutes, as created by this act, and~~

18 ^{develop} development guidelines for the ^{making of that} distribution of information concerning the indoor

19 environmental quality of specific schools, ~~including test results, by school boards and~~

20 ~~the governing bodies of private schools~~ ^{available} to students, parents, guardians, legal

21 custodians, teachers, and other school district ~~and private school~~ employees under

22 section 101.129 (4) ^(a) ~~(b)~~ of the statutes, as created by this act.

23 4. Identify interim changes that can be readily implemented by school boards
 24 ~~and the governing bodies of private schools~~ to improve indoor environmental quality

BILL

1 in schools pending full compliance with the indoor environmental quality in schools
2 management plan under section 101.129 (2) (a) of the statutes, as created by this act.

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

7 6. Recommend for promulgation by the department of commerce under section
8 101.129 (8) (a) of the statutes, as created by this act, rules to implement section
9 101.129 of the statutes, as created by this act.

10 (f) ~~No later than the first day of the 12th month beginning after the effective~~
11 ~~date of this paragraph,~~ the task force shall report its findings and recommendations
12 to the legislature for distribution to the appropriate standing committees in the
13 manner provided under section 13.172 (3) of the statutes and to the governor. ~~On~~
14 ~~submittal of its report,~~ ^{the} task force shall cease to exist.

15 (g) The department of commerce shall provide a copy of the task force's report
16 under paragraph (f) to each school district administrator, as defined in section
17 115.001 (8) of the statutes, and ~~private school administrator~~ in this state and to the
18 principal of each public and ~~private~~ school in this state and shall make a copy of that
19 report available to the public on the Internet.

SECTION 6. Initial applicability.

20 ^{3 ADDITIONS, AND}
21 (1) ~~SCHOOL BUILDING CONSTRUCTION, ALTERATIONS, AND ADDITIONS.~~ The treatment
22 of section 101.129 (5) (c) of the statutes first applies to essential drawings,
23 calculations, and specifications submitted to the department of commerce or other
24 person authorized under section 101.12 of the statutes to examine those drawings,

on the date on which
when the department of commerce promulgates the rules specified
in paragraph (e) 6., unless the secretary of commerce determines ~~that~~
under section 15.04 (1) (c) of the statutes that the operations of the department of commerce

On completion of its duties under
Paragraph (e),
- auto.ref. 11A

auto.ref. 11B

require the task force to
continue in existence after that date

auto.ref. 11A

BILL

① calculations, and specifications, ~~and to building permits applied for,~~ on the effective
2 date of this subsection.

3 **SECTION 7. Effective date.**

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

6 (END)

Insert A

BILL

to improve indoor environmental quality in schools
(management plan)

(Task Force)

and a schedule for
implementation of those
training requirements

issue a building permit for the construction of a new school building or for the alteration of or an addition to an existing school building.

8. The department to notify 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 school board or governing body is not in compliance with the bill and that the noncompliance poses a risk to the health and safety of the occupants of any school building.

The secretary of commerce to establish a special committee to be called the "Indoor Environmental Quality in Schools Task Force" to do all of the following:

- a. Advise the department in the development of the management plan.
- b. Recommend training requirements for school maintenance employees.
- c. Recommend educational materials regarding indoor environmental quality in schools ~~for distribution by the department to students, parents, guardians, legal custodians, teachers, and other school employees and guidelines for the distribution by school boards and governing bodies to those persons of information concerning the indoor environmental quality of a specific school.~~ ^{and develop}
- 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 ~~and governing bodies~~ so as to promote good indoor environmental quality for students, teachers, and other school employees. ^{On completion of its duties, report}
- f. Recommend for promulgation by the department rules to implement the bill.
- g. ~~Report~~ ^{and develop} its findings and recommendations to the governor and the legislature by the first day of the 12th month beginning after publication of the bill and then cease to exist.

For further information see the ^(end of insert) state and local 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. 101.29 of the statutes is created to read:

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

(a) "School" means any public or private elementary or secondary school in this state.

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

making that information available to students, parents, teachers, guardians, legal custodians, teachers, other school employees, and the general public

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

Emery, Lynn

From: Manley, Scott
Sent: Monday, March 08, 2004 9:47 AM
To: LRB.Legal
Subject: Draft review: LRB 03-4164/2 Topic: Indoor air quality in schools

It has been requested by <Manley, Scott> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-4164/2 Topic: Indoor air quality in schools