



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 843	Assembly Amendment 1
<i>Memo published: April 7, 2010</i>	<i>Contact: Mary Matthias, Senior Staff Attorney (266-0932) and Scott Grosz, Staff Attorney (266-1307)</i>

2009 Assembly Bill 843 (the bill) requires certain state and local building and renovation projects to conform to specified “green” building standards. The modifications made to the bill by Assembly Amendment 1 are described below.

Rating System for Building Projects; Use of Wood-Based Materials

Under **the bill**, the plans and specifications for covered projects must conform to the requirements for certification at the LEED (Leadership in Energy and Environmental Design) Green Building Rating System silver level.

Under the bill, “LEED Green Building Rating System” means the green building rating system of the U.S. Green Building Council as the leadership in energy and environmental design system or its current equivalent as determined by the Department of Commerce (Commerce).

Under the bill, “LEED silver level” means the performance level designated as the silver level under the LEED Green Building Rating System or its current equivalent as determined by Commerce.

Assembly Amendment 1 expands the definition of “LEED silver level” to include a performance level of another rating system that is equivalent to the silver level of the LEED system, as determined by Commerce.

Assembly Amendment 1 also specifies that regardless of the rating system utilized, the use of wood-based materials and products from the Forest Stewardship Council (FSC), American Tree Farm System (ATFS), and Sustainable Forest Initiative (SFI) certification programs must be recognized.

LEED Certification of School District and Political Subdivision Construction Projects

The bill requires school boards and political subdivisions to ensure that any major construction projects that they undertake conform, at a minimum, to the LEED silver level. Upon completion of the project, the school board or political subdivision must obtain LEED certification of the project.

Assembly Amendment 1 deletes the requirement for school districts and political subdivisions to obtain LEED certification of major construction projects. However, the plans and specifications for these projects must still conform at a minimum to the requirements for certification at the LEED silver level. The amendment also deletes the requirement that, upon request, the Department of Public Instruction must pay necessary LEED registration and certification fees for a major construction project on behalf of a school district.

Definition of “Major Construction Project” for Political Subdivisions and School Districts

Under **the bill**, any “major construction project” undertaken by a school district or political subdivision is subject to the provisions of the bill. A major construction project includes, among other things, the repair, renewal, or renovating of certain existing buildings.

Assembly Amendment 1 changes the definition of “major construction project” applicable to political subdivisions and school district projects. With this change, a project for the *repair or renewal* of an existing building undertaken by a political subdivision or school district is not subject to the provisions of the bill.

Under **the bill**, a project undertaken by a political subdivision or school district for the expansion of an existing building to add at least 10,000 gross square feet of conditioned space is subject to the provisions of the bill.

Assembly Amendment 1 provides, instead, that the expansion of or addition to an existing building that adds conditioned space that is equal in size to 50% or more of the existing building is subject to the provisions of the bill.

Local Ordinances

The bill authorizes local dwelling code ordinances to exceed the requirements of the one- and two-family dwelling code that relate to energy conservation in the construction of new dwellings.

Assembly Amendment 1 deletes this modification to local dwelling code ordinances.

Legislative History

Assembly Amendment 1 was offered by Representative Molepske, Jr., on March 29, 2010. On March 31, 2010, the Assembly Committee on Jobs, the Economy and Small Business recommended adoption of the amendment on a vote of Ayes, 12; Noes, 0; and recommended passage of the bill, as amended, on a vote of Ayes, 7; Noes, 5.