

1993 Senate Bill 92

Date of enactment: **April 8, 1994**
Date of publication*: **April 22, 1994**

1993 WISCONSIN ACT 242

AN ACT to create 101.027 of the statutes, **relating to:** an energy conservation code for public buildings and places of employment and granting rule-making authority.

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

SECTION 1. 101.027 of the statutes is created to read:

101.027 Energy conservation code for public buildings and places of employment. (1) In this section:

(a) "Energy conservation code" means the energy conservation code promulgated by the department that sets design requirements for construction and equipment for the purpose of energy conservation in public buildings and places of employment.

(b) "Standard 90.1 – 1989" means the American society of heating, refrigerating and air-conditioning engineers standard 90.1 – 1989 — energy efficient design of new buildings except low-rise residential buildings.

(2) The department shall review the energy conservation code and shall promulgate rules that change the requirements of the energy conservation code to improve energy conservation. No rule may be promulgated that has not taken into account the cost of the energy conservation code requirement, as changed by the rule, in relationship to the benefits derived from that requirement, including the reasonably foreseeable economic and environmental benefits to the state from any reduction in the use of imported fossil fuel. The proposed rules changing the energy conservation code shall be submitted to the legislature in the manner provided under s. 227.19. In conducting a review under this subsection, the department shall consider incorporating, into the energy conservation code, design requirements from the most current national energy efficiency design standards,

including standard 90.1 – 1989 or an energy efficiency code other than standard 90.1 – 1989 if that energy efficiency code is used to prescribe design requirements for the purpose of conserving energy in buildings and is generally accepted and used by engineers and the construction industry.

(3) (a) The department shall begin a review under sub. (2) whenever one of the following occurs:

1. A revision of standard 90.1 – 1989 is published.
2. Five years have passed from the date on which the department last submitted to the legislature proposed rules changing the energy conservation code.

(b) The department shall complete a review under sub. (2) as follows:

1. If the department begins a review under sub. (2) because a revision of standard 90.1 – 1989 is published, the department shall complete its review of the energy conservation code and submit to the legislature proposed rules changing the energy conservation code no later than 18 months after the date on which the revision of standard 90.1 – 1989 is published.

2. If the department begins a review under sub. (2) because 5 years have passed from the date on which the department last submitted to the legislature proposed rules changing the energy conservation code, the department shall complete its review of the energy conservation code and submit to the legislature proposed rules changing the energy conservation code no later than 9 months after the last day of the 5-year period.

SECTION 2. Nonstatutory provisions. Notwithstanding section 101.027 (2) and (3) (a) and (b) of the statutes, as created by this act, before January 1, 1994, the

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department of industry, labor and human relations shall review the energy conservation code in chapter ILHR 63, Wisconsin administrative code, and submit to the legislature, in the manner provided under section 227.19 of the statutes, proposed rules changing the energy conservation code to improve energy conservation. In reviewing the energy conservation code in chapter ILHR 63, Wisconsin administrative code, and in preparing the proposed rules changing the energy conservation code, the department of industry, labor and human relations shall refer to the American society of heating, refrigerating

and air-conditioning engineers standard 90.1 – 1989 — energy efficient design of new buildings except low-rise residential buildings, and to the standards prescribed by regulation under California public resources code section 25400 to 25403.5 that are in effect on the effective date of this SECTION.

SECTION 3m. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 101.027 of the statutes takes effect on January 1, 1994.
