



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 616

Senate Substitute Amendment 1

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2009 Senate Bill 616 (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 Senate Substitute Amendment 1 (SSA 1) are described below.

Recycling of Construction and Demolition Materials

The bill requires at least 75% of the construction materials that are delivered to a covered project site but not used in the project and any demolition materials from the project to be recycled in the project or transferred to a third party for recycling *as a part of another construction project for a state agency or local governmental unit.*

SSA 1 deletes the phrase in italics, above. Thus, SSA 1 does not specify the manner in which unused materials must be recycled by the third party.

Interior Water Use Requirements

Under **the bill**, the Building Commission may not approve the design or construction of any covered project unless the Department of Administration (DOA) verifies that the plans and specifications for the project conform to a list of requirements. One of those requirements is that upon completion, the project will attain a level of interior water use *no greater than 30%* below the interior water use baseline, as determined by DOA in accordance with the LEED Green Building Rating System.

SSA 1 changes the requirement described above to instead specify that upon completion, the project will attain a maximum level of interior water use *no greater than a level that is 70% of the* interior water use baseline, as determined by DOA in accordance with the LEED Green Building Rating System.

References to Certain Plumbing Codes Deleted

The bill requires the Department of Commerce (Commerce) to promulgate rules that establish standards for energy performance and environmental design that will apply to state and local projects that are covered by the provisions of the bill. The bill specifies that the rules must be based on various standards, including the following:

- The Uniform Plumbing Codes-2006 promulgated by the International Association of Plumbing and Mechanical Officials; and
- The International Plumbing Codes-2006 fixture and fitting performance requirements promulgated by the International Code Council.

SSA 1 deletes the references to these two standards. The bill also deletes references to these standards that appear in the provision of the bill that establishes performance standards for interior water use in covered projects.

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. “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 Commerce. “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.

SSA 1 expands the definition of “LEED silver level” to include “an equivalent performance level under an equivalent rating system, as determined by Commerce.”

SSA 1 also specifies, within the definition of “LEED silver level,” that Commerce “shall recognize the use of wood-based materials and products certified by the Forest Stewardship Council, American Tree Farm System, or Sustainable Forest Initiative programs.”

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. “Political subdivision” means a city, village, town, or county. Upon completion of the project, the school board or political subdivision must obtain LEED certification of the project.

SSA 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.

Coverage of Building Renovation and Expansion Projects Undertaken by Political Subdivisions and School Districts

Under **the bill**, for political subdivisions (cities, villages, towns, and counties) and school districts, the *repair, renewal, or renovation* of an existing building that contains at least 10,000 square feet of conditioned space that affects more than 50% of that space is subject to the provisions of the bill. Conditioned space is space that is designed to have controlled environmental conditions.

Under **SSA 1**, for political subdivisions and school districts, only a project for the *renovation* of an existing building is subject to the provisions of the bill; a project for the repair or renewal of an existing building is not.

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.

SSA 1 provides, instead, for political subdivisions and school districts, 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 gross square feet of the existing building is subject to the provisions of the bill.

“Green” Building and Design Requirements for Public Buildings and Places of Employment

The bill authorizes Commerce to promulgate rules that establish building and design requirements for public buildings and places of employment that are based upon standard 189.1-2009 developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) in conjunction with the U.S. Green Building Council and the Illuminating Engineering Society (or its current equivalent).

SSA 1 provides that the requirements described above that may be established by Commerce may be based either on the ASHRAE standards referenced above, or on the International Green Construction Code, Public Version 1.0 (or its current equivalent).

Energy Conservation Code for Public Buildings and Places of Employment

Under **current law**, Commerce is required to promulgate an energy conservation code that establishes design requirements for construction and equipment for the purpose of energy conservation in public buildings and places of employment. Commerce must consider incorporating into the energy conservation code design requirements from the most current national energy efficiency design standards, including the International Energy Conservation Code (IECC) or another energy efficiency code that is generally accepted and used by engineers and the construction industry.

The bill requires Commerce to incorporate ASHRAE standard 90.1-2007 (or its current equivalent), into the energy conservation code and eliminates the requirement to use other standards specified under current law.

SSA 1 provides instead that Commerce must incorporate into the energy conservation code either ASHRAE standard 90.1-2007 (or its current equivalent), or energy efficiency design requirements from the IECC (or its current equivalent), whichever standard or design is more stringent.

Local Dwelling Code 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.

SSA 1 deletes this provision.

Voluntary Energy Efficiency Standards for One- and Two- Family Dwellings; Logo and Terminology

SSA 1 directs Commerce to promulgate rules that establish voluntary energy efficiency standards for the construction of one- and two-family dwellings. The standards must provide at least a 30% better energy efficiency benefit than the current one- and two- family dwelling code. If the rules incorporate standards from a generally accepted energy code, Commerce must revise the rules no later than 18 months after the generally accepted energy code is revised.

SSA 1 also requires Commerce to develop at least one descriptive term and one logo that it may authorize to be used to identify one- and two-family dwellings that meet the voluntary energy efficiency standards established above.

Legislative History

SSA 1 was offered by Senators Risser and Miller on April 20, 2010. On the same day, SSA 1 was adopted by the Senate on a voice vote and the bill, as amended, passed on a vote of Ayes, 19; Noes, 14.

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