



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT 5,
TO 2009 SENATE BILL 409**

April 8, 2010 – Offered by Representative MOLEPSKE JR..

1 At the locations indicated, amend the bill, as shown by senate substitute
amendment 1, as follows:

2 **1.** Page 2, line 6: after “businesses,” insert “energy conservation standards for
the construction of certain buildings; energy and environmental design standards
for state buildings, structures, and facilities; energy and environmental design
standards for school district facilities and other local government buildings; leasing
of state buildings, structures, and facilities; standards for the construction and use
of graywater systems;”.

3 **2.** Page 2, line 9: before that line insert:

4 “**SECTION 1d.** 13.48 (2) (jm) of the statutes is created to read:

5 13.48 (2) (jm) 1. In this paragraph, “conditioned space” means space that is
6 designed to have controlled environmental conditions.

1 2. The building commission shall not approve the design or construction of any
2 project for the construction of any building, structure, or facility for a board, agency,
3 officer, department, commission, or body corporate, if the building, structure, or
4 facility after construction will contain at least 10,000 gross square feet of conditioned
5 space for occupancy by any such entity, or of any project for the repair, renewal,
6 renovation, or expansion of any existing building, structure, or facility for occupancy
7 by any such entity if the building, structure, or facility contains at least 10,000 gross
8 square feet of conditioned space and the project affects more than 50 percent of the
9 existing gross square feet of conditioned space in the building, structure, or facility,
10 regardless of the funding source of the project, unless the department of
11 administration verifies and certifies to the commission, after reviewing the plans
12 and specifications, all of the following:

13 a. That the project conforms at a minimum to the requirements under the
14 LEED Green Building Rating System for certification at the silver level, as defined
15 in s. 16.856 (1) (f), for construction projects.

16 b. That the energy performance for the project is at least 30 percent better than
17 the performance standard prescribed by the department of commerce under s.
18 101.028 based upon standard 90.1-2007 of the American Society of Heating,
19 Refrigerating and Air Conditioning Engineers or its most current equivalent, as
20 documented by energy modeling and certified in writing by the chief engineer for the
21 project.

22 c. That at least 75 percent of the construction materials delivered to the project
23 site but not used in the project and the demolition materials from any demolition
24 required to undertake the project are recycled in the project or transferred to a 3rd

1 party for recycling as a part of another construction project for an agency, as defined
2 in s. 16.70 (1e), or a local governmental unit, as defined in s. 19.42 (7u).

3 d. That the ventilation components for the project are strictly in conformity
4 with standards prescribed by the department of commerce under s. 101.028 based
5 upon standard 62.1-2004 of the American Society of Heating, Refrigerating, and Air
6 Conditioning Engineers, and the chief engineer for the project certifies in writing
7 that no exemptions from strict conformity with that standard have been authorized.

8 e. That the project has an indoor air quality management plan that addresses
9 adherence to the heating, ventilation, and air conditioning performance standards
10 for the project, source control that ensures use of low emission materials and
11 finishes, pathway interruption to prevent migration of contaminants during the
12 construction process, housekeeping procedures to prevent the spread and growth of
13 contaminants during the construction process, and construction activity scheduling
14 to prevent cross contamination of materials used in the project during the
15 construction process. The plan shall be consistent at a minimum with standards
16 promulgated by the department of commerce under s. 101.028 based upon indoor air
17 quality guidelines for occupied building of the Sheet Metal and Air Conditioning
18 Contractors' National Association, 2nd edition, 2007.

19 f. That the project upon completion will attain a level of interior water use no
20 greater than 30 percent below the interior water use baseline, as determined by the
21 department of administration in accordance with the LEED Green Building Rating
22 System, as defined in s. 16.856 (1) (e) assuming that 100 percent of the indoor
23 plumbing fixtures used in the project are in compliance with standards promulgated
24 by the department of commerce under s. 101.028 based upon the strictest applicable
25 standard under the Uniform Plumbing Codes-2006 promulgated by the

1 International Association of Plumbing and Mechanical Officials or the International
2 Plumbing Codes–2006 fixture and fitting performance requirements promulgated
3 by the International Code Council.

4 3. The building commission shall not enter into an agreement for the purchase
5 of or for the lease of, or renewal of a lease of, with option to purchase, any building,
6 structure, or facility that is constructed or to be constructed for occupancy by any
7 board, agency, officer, department, commission, or body corporate, if the building,
8 structure, or facility after construction will contain at least 10,000 gross square feet
9 of conditioned space for occupancy by any such entity, or any building, structure, or
10 facility that is to be repaired, renewed, renovated, or expanded for occupancy by any
11 such entity if the building, structure, or facility contains at least 10,000 gross square
12 feet of conditioned space and the repair, renewal, renovation, or expansion affects
13 more than 50 percent of the existing gross square feet of conditioned space in the
14 building, structure, or facility, regardless of the funding source of the agreement,
15 unless the department of administration verifies and certifies that the building,
16 structure, or facility conforms or will after construction, repair, renewal, renovation
17 or expansion conform to all of the standards specified in subd. 2. The building
18 commission shall obtain certification by the U.S. Green Building Council that the
19 building, structure, or facility conforms at a minimum to the requirements for
20 certification at the LEED silver level.

21 4. The building commission shall apply all moneys available for its use under
22 the authorized state building program to achieve certification as of January 1, 2015,
23 by the U.S. Green Building Council for not less than 15 percent of the total gross
24 square footage of conditioned space in buildings, structures, and facilities that are
25 owned or leased by agencies on that date, as determined by the department of

1 administration under s. 16.856 (3), as conforming at a minimum to LEED
2 performance requirements for the operation and maintenance of existing buildings,
3 as defined in s. 16.856 (1) (h).

4 5. The building commission shall apply all moneys available for its use under
5 the authorized state building program to achieve certification by the dates specified
6 by rule of the department of administration under s. 16.856 (6) by the U.S. Green
7 Building Council for not less than the percentages specified by that rule of the total
8 gross square footage of conditioned space in buildings, structures, and facilities that
9 are owned or leased by agencies on the dates specified by that rule, as determined
10 by the department of administration under s. 16.856 (3), for meeting at a minimum
11 the LEED performance requirements for the operation and maintenance of existing
12 buildings, as defined in s. 16.856 (1) (h).

13 **SECTION 1e.** 13.48 (15) of the statutes is renumbered 13.48 (15) (a) and
14 amended to read:

15 13.48 (15) (a) Subject to the requirements of par. (b) and s. 20.924 (1) (i), the
16 building commission shall have the authority to acquire leasehold interests in land
17 and buildings where such authority is not otherwise provided to an agency by law.

18 **SECTION 1f.** 13.48 (15) (b) of the statutes is created to read:

19 13.48 (15) (b) The building commission shall not approve the leasing of, or the
20 renewal or extension of any lease for, property for use by this state unless the
21 department of administration has certified to the commission that the energy use
22 intensity for the total property and the annual energy usage for the total property
23 conform to standards promulgated by the department of commerce under s. 101.028
24 based upon Energy Star standards consistent with the minimum LEED performance
25 requirements for the operation and maintenance of existing buildings. The

1 commission shall also require other agencies, as defined in s. 16.70 (1e), that have
2 authority to lease improved real property, to certify to the commission, before
3 entering into, or renewing or extending, any lease of real property, that the energy
4 use intensity for the total property and the annual energy usage for the total property
5 conform to the same standards.

6 **SECTION 1g.** 16.84 (5) of the statutes is amended to read:

7 16.84 (5) Have responsibility, subject to approval of the governor, for all
8 functions relating to the leasing, acquisition, allocation and utilization of all real
9 property by the state, except where such responsibility is otherwise provided by the
10 statutes. In this connection, the Prior to entering into any lease, or renewing or
11 extending any lease, for property to be used by this state, the department shall
12 require the prospective lessor to disclose the energy use intensity for the total
13 property, measured on a square foot basis, and the annual energy usage for the total
14 property, calculated in accordance with standards promulgated by the department
15 of commerce under s. 101.028 based upon Energy Star standards, as defined in s.
16 13.48 (15) (b), consistent with the minimum LEED performance requirements for the
17 operation and maintenance of existing buildings, as defined in s. 16.856 (1) (h). The
18 department shall verify and certify this information to the building commission
19 before the commission considers approval of the lease, or the renewal or extension
20 of the lease. The department shall also require other agencies, as defined in s. 16.70
21 (1e), that have authority to enter into leases for real property to obtain, verify, and
22 certify the same information to the commission before entering into any lease, or
23 renewing or extending any lease, for property to be used by those agencies. The
24 department shall, with the governor's approval, require physical consolidation of
25 office space utilized by any executive branch agency having fewer than 50 authorized

1 full-time equivalent positions with office space utilized by another executive branch
2 agency, whenever feasible. The department shall lease or acquire office space for
3 legislative offices or legislative service agencies at the direction of the joint
4 committee on legislative organization. In this subsection, “executive branch agency”
5 has the meaning given in s. 16.70 (4).

6 **SECTION 1h.** 16.85 (3m) of the statutes is created to read:

7 16.85 (3m) To appoint or approve the appointment of a chief engineer for each
8 major construction project, as defined in s. 16.856 (1) (g).

9 **SECTION 1i.** 16.856 of the statutes is created to read:

10 **16.856 Energy and environmental design standards for certain state**
11 **buildings, structures, and facilities. (1)** In this section:

12 (a) “Agency” has the meaning given in s. 16.70 (1e).

13 (b) “ASHRAE standard” means the standard promulgated by the department
14 of commerce under s. 101.028 based upon standard 90.1-2007 of the American
15 Society of Heating, Refrigerating and Air Conditioning Engineers or its current
16 equivalent as determined by the department of commerce under s. 101.028.

17 (c) “Conditioned space” means space that is designed to have controlled
18 environmental conditions.

19 (d) “IECC standards” means the energy efficiency design standards
20 promulgated by the department of commerce under s. 101.028 based upon the
21 national energy efficiency design standards of the International Energy
22 Conservation Code or their current equivalents as determined by the department of
23 commerce under s. 101.028.

24 (e) “LEED Green Building Rating System” means the green building rating
25 system of the U.S. Green Building Council designated as the leadership in energy

1 and environmental design system or its current equivalent as determined by the
2 department of commerce under s. 101.028.

3 (f) “LEED silver level” means the performance level designated as the silver
4 level under the LEED Green Building Rating System or its current equivalent, or an
5 equivalent performance level under an equivalent rating system, as determined by
6 the department of commerce under s. 101.028. The department shall recognize the
7 use of wood-based materials and products certified by the Forest Stewardship
8 Council, American Tree Farm System, or Sustainable Forest Initiative programs.

9 (g) “Major construction project” means a project for the construction of a state
10 building, structure, or facility that will, upon completion, contain at least 10,000
11 gross square feet of conditioned space, or for the repair, renewal, or renovation of an
12 existing state building, structure, or facility containing at least 10,000 gross square
13 feet of conditioned space that affects more than 50 percent of the existing gross
14 square feet of conditioned space in that building, structure, or facility, or for the
15 expansion of an existing state building, structure, or facility to add at least 10,000
16 gross square feet of conditioned space.

17 (h) “Minimum LEED performance requirements for the operation and
18 maintenance of existing buildings” means the performance requirements so
19 designated under the LEED Green Building Rating System, as prescribed by the
20 U.S. Green Building Council, or its current equivalent as determined by the
21 department of commerce under s. 101.028.

22 (i) “Zero net energy” means an energy consumption level under which a
23 building, structure, or facility produces as much energy for electricity, heating, and
24 cooling from renewable sources in any calendar year as the building, structure, or
25 facility consumes during the same period.

1 (2) The department shall ensure that the plans and specifications for each
2 major construction project conform at a minimum to the requirements for
3 certification at the LEED silver level. Upon completion of each major construction
4 project, the department shall obtain certification by the U.S. Green Building Council
5 that the project conforms at a minimum to the requirements for certification at the
6 LEED silver level. The department shall also ensure that the energy performance,
7 recycling of construction and demolition materials, ventilation components, indoor
8 air quality performance, and water usage level for each major construction project
9 conform to the standards specified s. 13.48 (2) (jm) 2.

10 (3) The department shall maintain a current inventory of the location and
11 gross square footage of the conditioned space in all buildings, structures, and
12 facilities that are owned or leased by any agency for its use or the use of another
13 agency. The inventory shall include for each building, structure, or facility
14 information concerning the conditioned space in the building, structure, or facility
15 and whether the building, structure, or facility or any portion thereof is certified or
16 eligible for certification by the U.S. Green Building Council as conforming at a
17 minimum to LEED performance requirements for the operation and maintenance of
18 existing buildings.

19 (4) Except as provided in sub. (5), the department shall ensure that each
20 building, structure, or facility constructed, repaired, renewed, renovated, or
21 expanded by or for the state that is a major construction project conforms to
22 whichever of the following energy performance standards applies, based upon the
23 year in which construction, repair, renewal, renovation, or expansion of the building,
24 structure, or facility begins:

1 (a) For a building, structure, or facility the construction, repair, renewal,
2 renovation, or expansion of which begins on or after the first day of the 7th month
3 beginning after the effective date of this paragraph [LRB inserts date], but before
4 January 1, 2015, the energy performance shall be at least 30 percent better than the
5 energy performance under the ASHRAE standard or the IECC standards, whichever
6 is the most stringent.

7 (b) For a building, structure, or facility the construction, repair, renewal,
8 renovation, or expansion of which begins after December 31, 2014, but before
9 January 1, 2020, the energy performance shall be at least 70 percent better than the
10 performance under the ASHRAE standard or the IECC standards, whichever is the
11 most stringent.

12 (c) For a building, structure, or facility the construction, repair, renewal,
13 renovation, or expansion of which begins after December 31, 2019, but before
14 January 1, 2025, the energy performance shall be at least 80 percent better than the
15 energy performance under the ASHRAE standard or the IECC standards, whichever
16 is the most stringent.

17 (d) For a building, structure, or facility the construction, repair, renewal,
18 renovation, or expansion of which begins after December 31, 2024, but before
19 January 1, 2030, the energy performance shall be at least 90 percent better than the
20 energy performance under the ASHRAE standard or the IECC standards, whichever
21 is the most stringent.

22 (e) For a building, structure, or facility the construction, repair, renewal,
23 renovation, or expansion of which begins after December 31, 2029, the energy
24 performance shall be 100 percent better than the energy performance under the

1 ASHRAE standard or the IECC standards, whichever is more stringent, and the
2 building, structure, or facility shall consume zero net energy.

3 (5) Subsection (4) does not apply to the gross square footage of enclosed space
4 of any building, structure, or facility that is dedicated for laboratory usage if the
5 ventilation requirements for that gross square footage do not permit compliance with
6 sub. (4) in that area.

7 (6) The department shall assess the feasibility of achieving certification by the
8 U.S. Green Building Council for greater than 15 percent of the total gross square
9 footage of conditioned space in buildings, structures, and facilities that are owned or
10 leased by agencies, as determined under sub. (3), as conforming at a minimum to
11 LEED performance requirements for the operation and maintenance of existing
12 buildings and shall, by rule, specify, for purposes of s. 13.48 (2) (jm) 5., increased
13 levels of certification and dates during the period from January 1, 2015, to January
14 1, 2030, by which those increased levels are to be achieved.

15 (7) Annually no later than March 31, the department shall report to the
16 governor and the building commission concerning the percentage level of adherence
17 as of the preceding December 31 to each of the requirements under s. 13.48 (2) (jm)
18 and this section that become effective on a date following that December 31 and the
19 percentage level of adherence as of the preceding December 31 to the applicable
20 requirement under s. 13.48 (2) (jm) 4. or 5.”.

21 **3.** Page 2, line 9: delete “SECTION 1” and substitute “SECTION 1m”.

22 **4.** Page 8, line 21: after that line insert:

23 “SECTION 22d. 66.0902 of the statutes is created to read:

1 **66.0902 Energy and environmental design standards for political**
2 **subdivision facilities. (1)** In this section:

3 (a) “Conditioned space” means space that is designated to have controlled
4 environmental conditions.

5 (b) “LEED silver level” has the meaning given in s. 16.856 (1) (f).

6 (c) “Major construction project” means a project for the construction of a public
7 building by or for a political subdivision that will, upon completion of the project,
8 contain at least 10,000 gross square feet of conditioned space, or for the renovation
9 of an existing public building by or for a political subdivision containing at least
10 10,000 gross square feet of conditioned space that affects more than 50 percent of the
11 existing gross square feet of conditioned space in that building, or for the expansion
12 of, or addition to, an existing public building by or for a political subdivision that adds
13 conditioned space that is equal in size to at least 50 percent of the gross square feet
14 of the existing building.

15 (d) “Political subdivision” means any city, village, town, or county.

16 **(2)** A political subdivision shall ensure that the plans and specifications for
17 each major construction project conform at a minimum to the requirements for
18 certification at the LEED silver level. The political subdivision shall also ensure that
19 the energy performance, use and disposal of construction and demolition materials,
20 ventilation components, indoor air quality performance, and water usage level for
21 each major construction project conform to the standards specified s. 13.48 (2) (jm)
22 2.”.

23 **5.** Page 19, line 3: after that line insert:

24 “**SECTION 35d.** 101.02 (23) of the statutes is created to read:

1 101.02 (23) The department may promulgate rules that establish building and
2 design requirements for public buildings and places of employment that are based
3 upon standard 189.1-2009 developed by the American Society of Heating,
4 Refrigerating and Air-Conditioning Engineers in conjunction with the U.S. Green
5 Building Council and the Illuminating Engineering Society or that are based upon
6 the current equivalent of that standard. If the department promulgates rules under
7 this subsection, the department shall review the rules whenever a revision of
8 standard 189.1-2009, or its current equivalent, is published. The department shall
9 complete its review of the rules and submit to the legislature proposed rules
10 changing the requirements no later than 18 months after the date on which the
11 revision of the standard is published.

12 **SECTION 35e.** 101.025 (4) (intro.) of the statutes is renumbered 101.025 (4) (ag),
13 and 101.025 (4) (ag) (intro.), as renumbered, is amended to read:

14 101.025 (4) (ag) (intro.) For ventilation systems in public buildings and places
15 of employment, the department shall ~~adopt~~ promulgate rules setting that
16 incorporate standard 62.1-2007, or its current equivalent, of the American Society
17 of Heating, Refrigerating and Air Conditioning Engineers and that set all of the
18 following:

19 **SECTION 35f.** 101.025 (4) (ar) of the statutes is created to read:

20 101.025 (4) (ar) The department shall review the rules promulgated under par.
21 (ag) whenever a revision of standard 62.1-2007, or its current equivalent, of the
22 American Society of Heating, Refrigerating and Air Conditioning Engineers, is
23 published. The department shall complete its review of the rules and submit to the
24 legislature a proposed rule changing the rules no later than 18 months after the date
25 on which the revision of the standard is published.

1 **SECTION 35g.** 101.027 (2) of the statutes is amended to read:

2 101.027 (2) The department shall review the energy conservation code and
3 shall promulgate rules that change the requirements of the energy conservation code
4 to improve energy conservation. No rule may be promulgated that has not taken into
5 account the cost of the energy conservation code requirement, as changed by the rule,
6 in relationship to the benefits derived from that requirement, including the
7 reasonably foreseeable economic and environmental benefits to the state from any
8 reduction in the use of imported fossil fuel. The proposed rules changing the energy
9 conservation code shall be submitted to the legislature in the manner provided under
10 s. 227.19. In conducting a review under this subsection, the department shall
11 consider ~~incorporating~~ incorporate, into the energy conservation code, design
12 requirements from standard 90.1-2007, or its current equivalent, of the most current
13 ~~national energy efficiency design standards, including the International Energy~~
14 ~~Conservation Code or an energy efficiency code other than the International Energy~~
15 ~~Conservation Code if that energy efficiency code is used to prescribe design~~
16 ~~requirements for the purpose of conserving energy in buildings and is generally~~
17 ~~accepted and used by engineers and the construction industry~~ American Society of
18 Heating, Refrigerating and Air Conditioning Engineers.

19 **SECTION 35h.** 101.027 (3) (a) 1. of the statutes is amended to read:

20 101.027 (3) (a) 1. A revision of standard 90.1-2007, or its current equivalent,
21 of the International Energy Conservation Code American Society of Heating,
22 Refrigerating and Air Conditioning Engineers is published.

23 **SECTION 35i.** 101.027 (3) (b) 1. of the statutes is amended to read:

24 101.027 (3) (b) 1. If the department begins a review under sub. (2) because a
25 revision of standard 90.1-2007, or its current equivalent, of the International

1 ~~Energy Conservation Code American Society of Heating, Refrigerating and Air~~
2 ~~Conditioning Engineers~~ is published, the department shall complete its review of the
3 energy conservation code, as defined in sub. (1), and submit to the legislature
4 proposed rules changing the energy conservation code, as defined in sub. (1), no later
5 than 18 months after the date on which the revision of standard 90.1-2007, or its
6 current equivalent, of the International Energy Conservation Code American
7 Society of Heating, Refrigerating and Air Conditioning Engineers is published.

8 **SECTION 35j.** 101.028 of the statutes is created to read:

9 **101.028 Energy performance and environmental design standards for**
10 **certain public buildings, structures and facilities. (1)** In this section:

11 (a) “Energy Star standards” means the standards prescribed by the U.S.
12 Environmental Protection Agency under 42 USC 7403 (g) for energy use in buildings.

13 (b) “LEED Green Building Rating System” means the green building rating
14 system of the U.S. Green Building Council designated as the leadership in energy
15 and environmental design system or its current equivalent as determined by the
16 department. The department shall recognize the use of wood-based materials and
17 products certified by the Forest Stewardship Council, American Tree Farm System,
18 or Sustainable Forest Initiative programs.

19 (c) “LEED silver level” means the performance level designated as the silver
20 level under the LEED Green Building Rating System or its current equivalent as
21 determined by the department. The department shall recognize the use of
22 wood-based materials and products certified by the Forest Stewardship Council,
23 American Tree Farm System, or Sustainable Forest Initiative programs.

24 (d) “Minimum LEED performance requirements for the operation and
25 maintenance of existing buildings” means the performance requirements so

1 designated under the LEED Green Building Rating System, as prescribed by the
2 U.S. Green Building Council, or its current equivalent as determined by the
3 department.

4 (e) “U.S. Green Building Council” means the United States Green Building
5 Council or any successor organization that is substantially the same organization,
6 as determined by the department.

7 (2) The department shall prescribe, by rule, standards for energy performance
8 and environmental design in buildings, structures, and facilities which shall apply
9 to the extent required under ss. 13.48 (2) and (15), 16.84 (5), 16.856, 66.0902, and
10 120.24. The standards shall be based upon the following standards or, if they are
11 updated, their current equivalents:

12 (a) The LEED silver level for new building construction.

13 (b) Minimum LEED performance requirements for the operation and
14 maintenance of existing buildings.

15 (c) Energy Star standards.

16 (d) Energy performance standard 90.1–2007 of the American Society of
17 Heating, Refrigerating, and Air Conditioning Engineers.

18 (e) Standard 62.1–2004 of the American Society of Heating, Refrigerating, and
19 Air Conditioning Engineers.

20 (f) National energy efficiency design standards of the International Energy
21 Conservation Code adopted the the International Code Council–2006.

22 (g) The Uniform Plumbing Codes–2006 promulgated by the International
23 Association of Plumbing and Mechanical Officials.

1 (i) Indoor air quality guidelines for occupied buildings promulgated by the
2 Sheet Metal and Air Conditioning Contractors' National Association, 2nd edition,
3 2007.

4 (j) The International Plumbing Codes–2006 fixture and fitting performance
5 requirements promulgated by the International Code Council.

6 **(3)** The department shall review a rule promulgated under sub. (2) whenever
7 a revision of a standard on which the rule is based is published. The department
8 shall complete its review of the rule and submit to the legislature a proposed rule
9 changing the standard no later than 18 months after the date on which the revision
10 of the standard is published.

11 **SECTION 35k.** 101.05 (1) and (3) of the statutes are amended to read:

12 101.05 (1) ~~No Except for rules promulgated under s. 101.028, no building code~~
13 adopted by the department under this chapter shall affect buildings located on
14 research or laboratory farms of public universities or other state institutions and
15 used primarily for housing livestock or other agricultural purposes.

16 **(3)** ~~No Except for rules promulgated under s. 101.028, no standard, rule, code~~
17 or regulation of the department under this subchapter applies to construction
18 undertaken by the state for the purpose of renovation of the state capitol building.

19 **SECTION 35m.** 119.04 (1) of the statutes, as affected by 2009 Wisconsin Acts 60
20 and 96, is amended to read:

21 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
22 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
23 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
24 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
25 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24

1 (1), (2) (c) to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51,
2 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),
3 (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), 120.24, and
4 120.25 are applicable to a 1st class city school district and board.

5 **SECTION 35n.** 120.24 of the statutes is created to read:

6 **120.24 Energy performance and environmental design standards for**
7 **school district facilities. (1)** In this section:

8 (a) “Conditioned space” has the meaning given in s. 16.856 (1) (c).

9 (b) “LEED silver level” has the meaning given in s. 16.856 (1) (f).

10 (c) “Major construction project” means a project for the construction of a
11 building that will, upon completion, contain at least 10,000 gross square feet of
12 conditioned space, or for the renovation of an existing building containing at least
13 10,000 gross square feet of conditioned space that affects more than 50 percent of the
14 existing gross square feet of conditioned space in that building, or for the expansion
15 of, or addition to, an existing public building that adds conditioned space that is equal
16 in size to at least 50 percent of the gross square feet of the existing building.

17 (2) Each school board shall ensure that the plans and specifications for each
18 major construction project conform at a minimum to the requirements for
19 certification at the LEED silver level. The school board shall also ensure that the
20 energy performance, use and disposal of construction and demolition materials,
21 ventilation components, indoor air quality performance, and water usage level for
22 each major construction project conform to the standards specified s. 13.48 (2) (jm)
23 2.

24 **SECTION 35p.** 145.133 of the statutes is created to read:

25 **145.133 Graywater systems. (1)** In this section:

1 (a) “Graywater” means wastewater generated from the use of a clothes washer,
2 sink, shower, or bathtub.

3 (b) “Graywater system” means a system for the collection and reuse of
4 graywater.

5 (c) “Rainwater system” means a system for the collection and reuse of
6 rainwater generated from building roofs.

7 (2) The department shall promulgate rules that establish standards for the
8 installation of graywater and rainwater systems. The standards shall authorize the
9 reuse of graywater and rainwater within the building, or on the property
10 surrounding the building, from which the graywater or rainwater was generated.”.

11 **6.** Page 27, line 16: delete “POSTSECONDARY EDUCATION TAX CREDITS.”.

12 **7.** Page 27, line 22: after that line insert:

13 “(2) The treatment of section 13.48 (2) (jm) 2. and 3. of the statutes first applies
14 with respect to projects approved and agreements entered into on the effective date
15 of this subsection.

16 (3) The treatment of section 16.856 (2) of the statutes first applies with respect
17 to projects for which design is commenced on the effective date of this subsection.

18 (4) The treatment of section 16.84 (5) of the statutes, the renumbering and
19 amendment of section 13.48 (15) of the statutes, and the creation of section 13.48 (15)
20 (b) of the statutes first apply with respect to leases of real property by the state that
21 are entered into, renewed, or extended on the effective date of this subsection.

22 (5) The treatment of section 120.24 (2) of the statutes first applies with respect
23 to projects for which design is commenced on the effective date of this subsection.

