



## 2021 ASSEMBLY BILL 786

January 4, 2022 - Introduced by Representatives HEBL, BALDEH, NEUBAUER, ANDERSON, ANDRACA, BROSTOFF, CABRERA, CONLEY, CONSIDINE, EMERSON, HONG, B. MEYERS, MILROY, OHNSTAD, POPE, S. RODRIGUEZ, SHELTON, SINICKI, SNODGRASS, STUBBS, SUBECK and VRUWINK, cosponsored by Senators AGARD, ROYS, ERPENBACH, L. TAYLOR and LARSON. Referred to Committee on Energy and Utilities.

1 **AN ACT to create** 101.02 (7r) (h) and 101.028 of the statutes; **relating to:**  
2 creating a stretch energy code.

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### *Analysis by the Legislative Reference Bureau*

This bill requires the Department of Safety and Professional Services to create a stretch energy code working group, which is required to establish a stretch energy code.

Under current law, DSPS promulgates rules setting design requirements for construction and equipment for the purpose of energy conservation in public buildings and places of employment (commonly known as the “energy conservation code”). In general, a local unit of government is prohibited from enacting or enforcing an ordinance establishing minimum standards for constructing, altering, or adding to public buildings or buildings that are places of employment unless that ordinance strictly conforms to applicable DSPS rules.

The bill requires the stretch energy code working group to establish the stretch energy code, which must have separate components for commercial and residential buildings and must establish minimum energy efficiency requirements that may exceed the requirements of the energy conservation code. The bill provides that any county, city, village, or town may by ordinance adopt the residential or commercial components of the stretch energy code, or both, and make the adopted requirements of the stretch energy code applicable within the county, city, village, or town.

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

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

1           **SECTION 1.** 101.02 (7r) (h) of the statutes is created to read:

2           101.02 **(7r)** (h) Notwithstanding par. (a), a county, city, village, or town may  
3 enact and enforce an ordinance establishing an energy code that is stricter than rules  
4 promulgated by the department under s. 101.027 (2) if the ordinance is in strict  
5 conformity with the stretch energy code established by the stretch energy code  
6 working group under under s. 101.028 (2).

7           **SECTION 2.** 101.028 of the statutes is created to read:

8           **101.028 Stretch energy code.** (1) The department shall create a stretch  
9 energy code working group consisting of the secretary, or his or her designee, and  
10 other members appointed by the secretary, or his or her designee, who are any of the  
11 following:

12           (a) An employee of the department.

13           (b) An industry leader in deep clean energy.

14           (c) A nonprofit leader focused on scaling climate solutions.

15           (d) A representative from a municipality that has a climate action plan.

16           **(2)** No later than December 31, 2023, the stretch energy code working group  
17 shall establish the stretch energy code, which shall have separate components for  
18 commercial and residential buildings and shall establish minimum energy efficiency  
19 requirements that may exceed the minimum energy efficiency requirements  
20 established in the energy conservation code under s. 101.027.

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1           **(3)** A county, city, village, or town may by ordinance adopt the residential or  
2      commercial components of the stretch energy code, or both, and make the adopted  
3      requirements of the stretch energy code applicable within the county, city, village, or  
4      town.

5           **SECTION 3. Nonstatutory provisions.**

6           (1) The authorized FTE positions for the department of safety and professional  
7      services are increased by 1.0 GPR project position, to be funded from the  
8      appropriation under s. 20.165 (1) (a), for the purpose of administering the creation  
9      of the stretch energy code under s. 101.028.

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**(END)**