2021 South Dakota Legislature

Senate Bill 134

Introduced by: ***Senator*** *Maher*

An Act to limit the required application of green building standards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 5-14-32 be AMENDED.

5-14-32. Definitions.

Terms used in this section and §§ 5-14-33 to 5-14-38, inclusive, mean:

(1) "High-performance green building standard," a building that is designed and constructed in a manner that achieves at least:

(a) A silver standard rating under the United States Green Building Council's Leadership in Energy and Environmental Design ~~(LEED)~~ rating system in effect as of November 18, 2013;

(b) A two globe rating under the Green Building Initiative's Green Globes rating system as of July 31, 2013; or

(c) A comparable numeric rating under a sustainable building certification program recognized by the American National Standards Institute as an accredited standards developer;

(2) "New construction," any new building constructed by any state agency, department, ~~or~~ institution, or the Board of Regents, which ~~has~~:

(a) ~~(i)~~ Has a cost of at least one million dollars ~~or more or that includes~~ or contains at least ten thousand square feet ~~or more~~ of space;

~~(3) "Renovation" or "renovated," any alteration of a state building with a cost of one million dollars or more or that includes ten thousand square feet or more of the building;~~

~~(4) "State building project," new construction or renovation of a building, which has~~ and

(b) Has heating, ventilation, or air conditioning~~, by the Board of Regents or any state agency, department, or institution~~.

Section 2. That § 5-14-33 be AMENDED.

5-14-33. State buildings to meet high-performance green building standard.

~~Any state building projects as defined in § 5-14-32, shall meet or exceed a high-performance green building standard that was in effect when the project was registered with the rating system~~ The design of any new construction must attempt to achieve the highest rating, reasonably obtainable, in accordance with the high-performance green building standard.

Section 3. That § 5-14-35 be AMENDED.

5-14-35. Initial determination of Bureau of Administration.

No ~~state building project~~ new construction may proceed ~~to construction~~ until the Bureau of Administration has determined that the ~~project~~ construction is satisfactorily designed to ~~achieve or exceed a high-performance green building standard or that a waiver is granted pursuant §§ 5-14-32 to 5-14-38, inclusive~~ meet the requirements of § 5-14-33.

Section 4. That § 5-14-36 be AMENDED.

5-14-36. Certification.

Upon completion of ~~a state building project~~ any new construction, the Bureau of Administration shall certify~~:~~

~~(1) That the project achieved a high-performance green building standard;~~

~~(2) That a waiver was granted pursuant to §§ 5-14-32 to 5-14-38, inclusive; or~~

~~(3) That the project failed to comply with the provisions of §§ 5-14-32 to 5-14-38, inclusive~~ that the new construction met the requirements of § 5-14-33.

Section 5. That § 5-14-37 be AMENDED.

5-14-37. Report to the Legislature.

The Bureau of Administration shall annually report to the Legislature ~~a listing of any state building project which was granted a waiver or~~ any new construction that failed to ~~comply with the provisions of §§ 5-14-32 to 5-14-38, inclusive~~ meet the requirements of § 5-14-33.

Section 6. That § 5-14-38 be AMENDED.

5-14-38. Rules.

The Bureau of Administration shall promulgate rules ~~pursuant to~~, in accordance with chapter 1-26 ~~establishing the procedures and terms and conditions for certifying a project and granting waivers and~~, to establish the method for calculating the initial costs and the decreased operational costs related to achieving high-performance green building standards.

Section 7. That § 5-14-34 be REPEALED.

5-14-34. Waiver of requirements.