



2021 South Dakota Legislature

Senate Bill 134

Introduced by: **Senator Maher**

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

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

3 **Section 1.** That § 5-14-32 be AMENDED.

4 **5-14-32. Definitions.**

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

- 6 (1) "High-performance green building standard," a building that is designed and
 7 constructed in a manner that achieves at least:
- 8 (a) A silver standard rating under the United States Green Building Council's
 9 Leadership in Energy and Environmental Design—~~(LEED)~~ rating system in
 10 effect as of November 18, 2013;
 - 11 (b) A two globe rating under the Green Building Initiative's Green Globes rating
 12 system as of July 31, 2013; or
 - 13 (c) A comparable numeric rating under a sustainable building certification
 14 program recognized by the American National Standards Institute as an
 15 accredited standards developer;
- 16 (2) "New construction," any new building constructed by any state agency, department,
 17 ~~or institution, or the Board of Regents, which has:~~
- 18 (a) ~~(i) Has a cost of at least one million dollars or more or that includes or~~
 19 contains at least ten thousand square feet or more of space;
 - 20 ~~(3) "Renovation" or "renovated," any alteration of a state building with a cost~~
 21 ~~of one million dollars or more or that includes ten thousand square feet or~~
 22 ~~more of the building;~~
 - 23 ~~(4) "State building project," new construction or renovation of a building, which~~
 24 ~~has and~~
 - 25 ~~(b) Has heating, ventilation, or air conditioning, by the Board of Regents or any~~
 26 ~~state agency, department, or institution.~~

1 **Section 2.** That § 5-14-33 be AMENDED.

2 **5-14-33. State buildings to meet high-performance green building standard.**

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

8 **Section 3.** That § 5-14-35 be AMENDED.

9 **5-14-35. Initial determination of Bureau of Administration.**

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

14 **Section 4.** That § 5-14-36 be AMENDED.

15 **5-14-36. Certification.**

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

- 18 ~~(1) That the project achieved a high performance green building standard;~~
19 ~~(2) That a waiver was granted pursuant to §§ 5-14-32 to 5-14-38, inclusive; or~~
20 ~~(3) That the project failed to comply with the provisions of §§ 5-14-32 to 5-14-38,~~
21 ~~inclusive~~ that the new construction met the requirements of § 5-14-33.

22 **Section 5.** That § 5-14-37 be AMENDED.

23 **5-14-37. Report to the Legislature.**

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

28 **Section 6.** That § 5-14-38 be AMENDED.

1 **5-14-38. Rules.**

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

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

8 **5-14-34. Waiver of requirements.**