2021 South Dakota Legislature

Senate Bill 134

AMENDMENT 134A FOR THE INTRODUCED BILL

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~~ certified rating with at least seventeen energy and atmosphere points 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~~ New construction shall, in good faith, be designed with the intention of meeting or exceeding the high performance green building standard that was in effect when the construction was registered with the rating system. Before construction begins, the Office of the State Engineer, architect, and building owner shall identify, in good faith, all components of the new construction that are used to satisfy the requirements of this section, but the construction is not required to receive certification.

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.

AMENDMENT