



## 2021 South Dakota Legislature

# Senate Bill 134

SENATE LOCAL GOVERNMENT ENGROSSED

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~~ certified rating with at least seventeen energy and  
9 atmosphere points under the United States Green Building Council's  
10 Leadership in Energy and Environmental Design ~~(LEED)~~ rating system in  
11 effect as of November 18, 2013;

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

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

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

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

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

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

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

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

4           **5-14-33. State buildings--High-performance green building standard.**

5           ~~Any state building projects as defined in § 5-14-32, shall meet or exceed a high-~~  
6           ~~performance green building standard that was in effect when the project was registered~~  
7           ~~with the rating system. New construction shall, in good faith, be designed with the~~  
8           ~~intention of meeting or exceeding the high-performance green building standard that was~~  
9           ~~in effect when the construction was registered with the rating system. Before construction~~  
10          ~~begins, the Office of the State Engineer, architect, and building owner shall identify, in~~  
11          ~~good faith, all components of the new construction that are used to satisfy the~~  
12          ~~requirements of this section, but the construction is not required to receive certification.~~

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

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

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

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

20           **5-14-36. Certification.**

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

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

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

1           **5-14-37. Report to the Legislature.**

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

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

7           **5-14-38. Rules.**

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

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

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