

## 2021 South Dakota Legislature

**Senate Bill 134****AMENDMENT 134B FOR THE SENATE LOCAL GOVERNMENT  
BILL**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; or14 (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 § 5-14-34 be AMENDED.

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

15 A waiver of the requirements of § 5-14-33 may be granted by the Office of the  
16 State Engineer if:

- 17 (1) The building will have minimal human occupancy;  
18 (2) The increased costs of achieving a high-performance green building standard cannot  
19 be recouped from decreased operational costs within fifteen years; or  
20 (3) ~~A building is on the national register of historic places and achieving a high-~~  
21 ~~performance green building standard would result in noncompliance with standards~~  
22 ~~for historic preservation as set forth in the secretary of the interior's Standards for~~  
23 ~~the Treatment of Historic Properties in effect as of January 1, 2008;~~  
24 ~~(4) The square footage of the renovation project is less than fifty percent of the total~~  
25 ~~square footage of the building being renovated. If the renovation project is being~~  
26 ~~done in phases, the total square footage of all intended phases combined shall be~~  
27 ~~used in making this calculation;~~ or  
28 (5) ~~The Bureau of Administration determines that extenuating circumstances exist to~~  
29 ~~make impractical high-performance green building standard certification.~~

30 **Section 4.** That § 5-14-35 be AMENDED.

1           **5-14-35. Initial determination of Bureau of Administration.**

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

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

7           **5-14-36. Certification.**

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

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

14          **Section 6.** That § 5-14-37 be AMENDED.

15          **5-14-37. Report to the Legislature.**

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

20          **Section 7.** That § 5-14-38 be AMENDED.

21          **5-14-38. Rules.**

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

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

28          ~~**5-14-34. Waiver of requirements.**~~