



2021 South Dakota Legislature

Senate Bill 134

SENATE 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 under the United States Green Building
 9 Council's Leadership in Energy and Environmental Design ~~(LEED)~~ rating
 10 system in 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--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. New construction shall, in good faith, be designed with the~~
6 ~~intention of meeting or exceeding the high-performance green building standard that was~~
7 ~~in effect when the construction was registered with the rating system. Before construction~~
8 ~~begins, the Office of the State Engineer, architect, and building owner shall identify, in~~
9 ~~good faith, all components of the new construction that are used to satisfy the~~
10 ~~requirements of this section.~~

11 **Section 3.** That § 5-14-34 be AMENDED.

12 **5-14-34. Waiver of requirements.**

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

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

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

29 **5-14-35. Initial determination of Bureau of Administration.**

30 ~~No state building project~~ new construction may proceed to ~~construction~~ until the Bureau of
31 Administration has determined that the ~~project~~ construction is satisfactorily designed to

1 ~~achieve or exceed a high performance green building standard or that a waiver is granted~~
2 ~~pursuant §§ 5-14-32 to 5-14-38, inclusive~~ meet the requirements of § 5-14-33.

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

4 **5-14-36. Certification.**

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

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

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

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

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

12 **5-14-37. Report to the Legislature.**

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

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

18 **5-14-38. Rules.**

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