

AN ACT

ENTITLED, An Act to establish high performance building design and construction standards for newly constructed or renovated state-owned buildings.

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

Section 1. Terms used in this Act 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 rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system as of January 1, 2008;
 - (b) A two globe rating under the Green Building Initiative's Green Globes rating system as of January 1, 2008; 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 which has a cost of five hundred thousand dollars or more or that includes five thousand square feet or more of space;
- (3) "Renovation" or "renovated," any alteration of a state building with a cost of five hundred thousand dollars or more or that includes five thousand square feet or more of the building;
- (4) "State building project," new construction or renovation of a building, which has heating, ventilation, or air conditioning, by the Board of Regents or any state agency, department, or institution.

Section 2. Any state building projects as defined in section 1 of this Act, shall meet or exceed a high-performance green building standard.

Section 3. A waiver of the requirements of section 2 of this Act may be granted by the Office of the State Engineer if:

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

Section 4. No state building project may proceed to construction until the Bureau of Administration has determined that the project is satisfactorily designed to achieve or exceed a high-performance green building standard or that a waiver is granted pursuant to this Act.

Section 5. Upon completion of a state building project, 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 this Act; or

(3) That the project failed to comply with the provisions of this Act.

Section 6. The Bureau of Administration shall annually report to the Legislature a listing of any state building project which was granted a waiver or failed to comply with the provisions of this Act.

Section 7. The Bureau of Administration shall promulgate rules pursuant to chapter 1-26 establishing the procedures and terms and conditions for certifying a project and granting waivers and the method for calculating the initial costs and the decreased operational costs related to achieving high-performance green building standards.

An Act to establish high performance building design and construction standards for newly constructed or renovated state-owned buildings.

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I certify that the attached Act
originated in the

SENATE as Bill No. 188

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 188
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State