



2025 South Dakota Legislature

Senate Bill 66

SENATE COMMERCE AND ENERGY ENGROSSED

Introduced by: The Chair of the Committee on Commerce and Energy at the request of the Bureau of Human Resources and Administration

1 **An Act to revise certain provisions related to capital improvements of state**
2 **buildings.**

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

4 **Section 1. That § 5-14-3 be AMENDED:**

5 **5-14-3.** The Bureau of Human Resources and Administration, ~~under the direction~~
6 ~~of the committee as provided by this section, shall have~~ has general charge and
7 supervision of the design and construction of all state buildings, power and heating plants,
8 heating, cooling, and air-conditioning systems, water supply, fire protection, sewerage
9 and sewage disposal systems, electrical generation and distribution, and all major repairs,
10 rebuilding or alterations thereof.

11 The bureau shall supervise the alterations, construction, rebuilding, or repair of all
12 projects having a value of two million dollars or more, except as specifically delegated, in
13 writing by the commissioner of human resources and administration, to a firm or qualified
14 designee within the board, department, or institution concerned. The firm or designee
15 must comply with the requirements of chapter 5-14.

16 A state building committee is required on all projects having a value of five million
17 dollars or more. The committee shall consist of a member of the board or commission
18 governing the institution or department concerned, the executive director or like officer of
19 the respective board or commission, a representative of the institution or department
20 appointed by the governing board or commission of that institution or department, and a
21 representative of the ~~Bureau of Human Resources and Administration~~ bureau. If the
22 project is funded pursuant to chapter 5-12, the South Dakota Building Authority may
23 appoint a representative. The ~~Bureau of Human Resources and Administration~~ bureau or
24 its delegate, under the direction of the committee, shall prepare, or cause to be prepared,
25 the preliminary plans, specifications, and other descriptive material or reports for all
26 proposed new construction, capital improvement, or major repairs and remodeling. After

1 the preliminary plans have been approved by the committee, the plans ~~shall~~ must be
2 presented to the respective board or commission governing the institution or department
3 concerned. Upon proper authorization of the board or commission, the ~~Bureau of Human~~
4 ~~Resources and Administration~~ bureau or its delegate, under the direction of the
5 committee, shall prepare, or cause to be prepared, all final plans, specifications,
6 advertisements, notices, and instructions to bidders, proposal forms, and contract forms,
7 and all work incidental to securing bids and contracts for the same, according to the
8 direction of the board or commission governing the institution or department concerned.

9 ~~The Bureau of Human Resources and Administration shall supervise the~~
10 ~~construction, including inspection of construction and critical point inspections on projects~~
11 ~~of one million five hundred thousand dollars or more, repair, rebuilding, or alterations.~~

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

13 **5-14-33.** New construction ~~shall~~ , as defined in § 5-14-1, must, in good faith, be
14 designed with the intention of meeting or exceeding the high-performance green building
15 standard that was in effect when the construction was registered with the rating system.
16 Before construction begins, the ~~Office of the State Engineer~~ Bureau of Human Resources
17 and Administration, architect, and building owner shall identify, in good faith, all
18 components of the new construction that are used to satisfy the requirements of this
19 section.

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

21 **5-14-34.** A waiver of the requirements of § 5-14-33 may be granted by the ~~Office~~
22 ~~of the State Engineer~~ Bureau of Human Resources and Administration if:

- 23 (1) The building will have minimal human occupancy;
24 (2) The increased costs of achieving a high-performance green building standard
25 cannot be recouped from decreased operational costs within fifteen years; or
26 (3) ~~The Bureau of Human Resources and Administration~~ bureau determines that
27 extenuating circumstances exist to make impractical high-performance green
28 building standard certification.