



2021 South Dakota Legislature
Senate Bill 134
ENROLLED

AN ACT

ENTITLED An Act to limit the required application of green building standards.

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

Section 1. That § 5-14-32 be AMENDED.

5-14-32. Definitions.

Terms used in this section and §§ 5-14-33 to 5-14-38, inclusive, mean:

- (1) "High-performance green building standard," a building that is designed and constructed in a manner that achieves at least:
 - (a) A certified rating under the United States Green Building Council's Leadership in Energy and Environmental Design rating system in effect as of November 18, 2013;
 - (b) A two globe rating under the Green Building Initiative's Green Globes rating system as of July 31, 2013; 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, institution, or the Board of Regents, which:
 - (a) Has a cost of at least one million dollars or contains at least ten thousand square feet of space; and
 - (b) Has heating, ventilation, or air conditioning.

Section 2. That § 5-14-33 be AMENDED.

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

New construction shall, in good faith, be designed with the intention of meeting or exceeding the high-performance green building standard that was in effect when the construction was registered with the rating system. Before construction begins, the Office

of the State Engineer, architect, and building owner shall identify, in good faith, all components of the new construction that are used to satisfy the requirements of this section.

Section 3. That § 5-14-34 be AMENDED.

5-14-34. Green building standard--Waiver of requirements.

A waiver of the requirements of § 5-14-33 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; or
- (3) The Bureau of Administration determines that extenuating circumstances exist to make impractical high-performance green building standard certification.

Section 4. That § 5-14-35 be AMENDED.

5-14-35. Green building standard--Determination of Bureau of Administration.

No new construction may proceed until the Bureau of Administration has determined that the construction is satisfactorily designed to meet the requirements of § 5-14-33.

Section 5. That § 5-14-36 be AMENDED.

5-14-36. Green building standard--Certification.

Upon completion of any new construction, the Bureau of Administration shall certify that the new construction met the requirements of § 5-14-33.

Section 6. That § 5-14-37 be AMENDED.

5-14-37. Green building standard--Report to the Legislature.

The Bureau of Administration shall annually report to the Legislature a listing of any new construction that was granted a waiver or that failed to meet the requirements of § 5-14-33.

Section 7. That § 5-14-38 be AMENDED.

5-14-38. Green building standard--Rules.

The Bureau of Administration shall promulgate rules, in accordance with chapter 1-26, to establish the method for calculating the initial costs and the decreased operational costs related to achieving high-performance green building standards.

An Act to limit the required application of green building standards.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 134

2021 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 134
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State