

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0686

SENATE BILL NO. 188

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

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

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

4 Section 1. Terms used in this Act mean:

- 5 (1) "LEED silver standard," the rating standard established under the United States
6 Green Building Council's Leadership in Energy and Environmental Design (LEED)
7 rating system, as that standard exists as of January 1, 2008;
- 8 (2) "New construction," any new building constructed by any state agency, department,
9 or institution which has a cost of five hundred thousand dollars or more or that
10 includes five thousand square feet or more of space;
- 11 (3) "Renovation" or "renovated," any alteration of a state building with a cost of five
12 hundred thousand dollars or more or that includes five thousand square feet or more
13 of the building;
- 14 (4) "State building project," new construction or renovation of a building, which has
15 heating, ventilation, or air conditioning, by the Board of Regents or any state agency,



1 department, or institution.

2 Section 2. Any state building projects as defined in section 1 of this Act, shall meet or
3 exceed a LEED silver standard as certified by the United States Green Building Council.

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

6 (1) The building will have minimal human occupancy;

7 (2) The increased costs of achieving a LEED silver standard cannot be recouped from
8 decreased operational costs within fifteen years;

9 (3) A building is on the national register of historic places and achieving a LEED silver
10 standard would result in noncompliance with standards for historic preservation as
11 set forth in the secretary of the interior's Standards for the Treatment of Historic
12 Properties in effect as of January 1, 2008;

13 (4) The square footage of the renovation project is less than fifty percent of the total
14 square footage of the building being renovated. If the renovation project is being
15 done in phases, the total square footage of all intended phases combined shall be used
16 in making this calculation; or

17 (5) The Bureau of Administration determines that extenuating circumstances exist to
18 make impractical LEED silver standard certification.

19 Section 4. No state building project may proceed to construction until the Bureau of
20 Administration has determined that the project is satisfactorily designed to achieve or exceed
21 a LEED silver standard or that a waiver is granted pursuant to this Act.

22 Section 5. Upon completion of a state building project, the Bureau of Administration shall
23 certify:

24 (1) That the project achieved a LEED silver standard as certified by the United States

1 Green Building Council;

2 (2) That a waiver was granted pursuant to this Act; or

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

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

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