

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0686

HOUSE ENGROSSED NO. **SB 188** - 2/25/2008

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) "High-performance green building standard," a building that is designed and
6 constructed in a manner that achieves at least:

7 (a) A silver standard rating under the United States Green Building Council's
8 Leadership in Energy and Environmental Design (LEED) rating system as of
9 January 1, 2008;

10 (b) A two globe rating under the Green Building Initiative's Green Globes rating
11 system as of January 1, 2008; or

12 (c) A comparable numeric rating under a sustainable building certification
13 program recognized by the American National Standards Institute as an
14 accredited standards developer;

15 (2) "New construction," any new building constructed by any state agency, department,



1 or institution which has a cost of five hundred thousand dollars or more or that
2 includes five thousand square feet or more of space;

3 (3) "Renovation" or "renovated," any alteration of a state building with a cost of five
4 hundred thousand dollars or more or that includes five thousand square feet or more
5 of the building;

6 (4) "State building project," new construction or renovation of a building, which has
7 heating, ventilation, or air conditioning, by the Board of Regents or any state agency,
8 department, or institution.

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

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

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

14 (2) The increased costs of achieving a high-performance green building standard cannot
15 be recouped from decreased operational costs within fifteen years;

16 (3) A building is on the national register of historic places and achieving a high-
17 performance green building standard would result in noncompliance with standards
18 for historic preservation as set forth in the secretary of the interior's Standards for the
19 Treatment of Historic Properties in effect as of January 1, 2008;

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

24 (5) The Bureau of Administration determines that extenuating circumstances exist to

1 make impractical high-performance green building standard certification.

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

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

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

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

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

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

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