

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0686

HOUSE STATE AFFAIRS  
ENGROSSED NO. **SB 188** - 2/20/2008

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 nationally recognized and accepted  
13 numeric sustainable building rating system as the commissioner of the Bureau  
14 of Administration may designate by rules promulgated pursuant to section 7  
15 of this Act;



- 1       (2) "New construction," any new building constructed by any state agency, department,  
2             or institution which has a cost of five hundred thousand dollars or more or that  
3             includes five thousand square feet or more of space;
- 4       (3) "Renovation" or "renovated," any alteration of a state building with a cost of five  
5             hundred thousand dollars or more or that includes five thousand square feet or more  
6             of the building;
- 7       (4) "State building project," new construction or renovation of a building, which has  
8             heating, ventilation, or air conditioning, by the Board of Regents or any state agency,  
9             department, or institution.

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

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

- 14       (1) The building will have minimal human occupancy;
- 15       (2) The increased costs of achieving a high-performance green building standard cannot  
16             be recouped from decreased operational costs within fifteen years;
- 17       (3) A building is on the national register of historic places and achieving a high-  
18             performance green building standard would result in noncompliance with standards  
19             for historic preservation as set forth in the secretary of the interior's Standards for the  
20             Treatment of Historic Properties in effect as of January 1, 2008;
- 21       (4) The square footage of the renovation project is less than fifty percent of the total  
22             square footage of the building being renovated. If the renovation project is being  
23             done in phases, the total square footage of all intended phases combined shall be used  
24             in making this calculation; or

1       (5)    The Bureau of Administration determines that extenuating circumstances exist to  
2            make impractical high-performance green building standard certification.

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

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

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

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

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

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

14       Section 7. The Bureau of Administration shall promulgate rules pursuant to chapter 1-26  
15    establishing the procedures and terms and conditions for certifying a project and granting  
16    waivers, the method for calculating the initial costs and the decreased operational costs related  
17    to achieving high-performance green building standards, and the procedure for selecting  
18    comparable rating systems as provided by section 1 of this Act.