

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

636D0365

HOUSE BILL NO. 1215

Introduced by: Representatives Clark, Cutler, Derby, Earley, Engbrecht, Fitzgerald, Michels, Sutton (Daniel), and Young and Senators Vitter, Ham, and Whiting

1 FOR AN ACT ENTITLED, An Act to allow contracts or agreements between governmental
2 entities to be exempt from certain conflicts of interest.

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

4 Section 1. That § 6-1-2 be amended to read as follows:

5 6-1-2. The provisions of § 6-1-1 are not applicable if the contract is made pursuant to any
6 one of the conditions set forth in the following subdivisions, without fraud or deceit; but, the
7 contract is voidable if the provisions of the applicable subdivision were not fully satisfied or
8 present at the time the contract was entered into:

9 (1) Any contract involving one thousand dollars or less regardless of whether other
10 sources of supply or services are available within the county, municipality, township,
11 or school district, provided that the consideration therefor is reasonable and just;

12 (2) Any contract involving more than one thousand dollars but less than the amount for
13 which competitive bidding is required, and there is no other source of supply or
14 services available within the county, municipality, township, or school district
15 provided that the consideration therefor is reasonable and just and further provided
16 that the accumulated total of such contracts paid during any given fiscal year ~~shall~~ do

1 not exceed the amount specified in § 5-18-3;

2 (3) Any contract with any firm, association, corporation, or cooperative association for
3 which competitive bidding is not required and where other sources of supply and
4 services are available within the county, municipality, township or school district, and
5 the consideration therefor is reasonable and just, unless the majority of the governing
6 body are members or stockholders who collectively have controlling interest, or any
7 one of them is an officer or manager of any such firm, association, corporation, or
8 cooperative association then any such contract ~~shall be~~ is null and void;

9 (4) Any contract with any firm, association, corporation, or cooperative association for
10 which competitive bidding procedures are followed pursuant to chapter 5-18, and
11 where more than one such competitive bid is submitted;

12 (5) Any contract for professional services with any individual, firm, association,
13 corporation or cooperative, if the individual or any member of the firm, association,
14 corporation or cooperative is an elected or appointed officer of a county, municipality,
15 township, or school district, whether or not other sources of such services are
16 available within the county, municipality, township, or school district, provided the
17 consideration therefor is reasonable and just;

18 (6) Any contract for commodities, materials, supplies, or equipment found in the state
19 price list established pursuant to § 5-23-8.1, at the price there established or below;
20 and

21 (7) Any contract or agreement between governmental entities.