

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

543I0424

SENATE BILL NO. 67

Introduced by: Senators Vitter, Bogue, and Symens and Representatives Rhoden, Bartling,
and Begalka

1 FOR AN ACT ENTITLED, An Act to modify the conditions under which contracts with local
2 officers are permitted.

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~~ three 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~~ if the consideration ~~therefor~~ for such supplies or
12 services is reasonable and just;

13 (2) Any contract involving more than ~~one~~ three thousand dollars but less than the amount
14 for which competitive bidding is required, and there is no other source of supply or
15 services available within the county, municipality, township, or school district



1 ~~provided that~~ if the consideration ~~therefor~~ for such supplies or services is reasonable
2 and just and ~~further provided that~~ if the accumulated total of such contracts paid
3 during any given fiscal year ~~do~~ does not exceed the amount specified in § 5-18-3;

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

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

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

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

24 (7) Any contract or agreement between a governmental entity specified in § 6-1-1 and a

1 public postsecondary educational institution ~~when~~ if an employee of the Board of
2 Regents serves as an elected or appointed officer for the governmental entity,
3 ~~provided that~~ and if the employee does not receive direct compensation or payment
4 as a result of the contract or agreement.