

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0092

## SENATE STATE AFFAIRS ENGROSSED NO. **SB 8** - 01/26/2015

Introduced by: The Committee on State Affairs at the request of the State Investment Council

1 FOR AN ACT ENTITLED, An Act to exempt certain transactions entered into by the State  
2 Investment Council and Division of Investment from certain procurement requirements.

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

4 Section 1. That § 4-5-29 be amended to read as follows:

5 4-5-29. Subject to any limitations, conditions, and restrictions contained in policy making  
6 regulations approved by the State Investment Council or contained in state law or the State  
7 Constitution, the state investment officer ~~shall have the power to~~ may make purchases, sales,  
8 exchanges, and investments, for or on behalf of any of the funds referred to in § 4-5-23 ~~and it~~  
9 ~~shall be his duty to.~~ The state investment officer shall see that moneys invested under the  
10 provisions of §§ 4-5-12 to 4-5-39, inclusive, are at all times handled in the best interests of the  
11 state.

12 Section 2. That § 5-18A-22 be amended to read as follows:

13 5-18A-22. The provisions of this chapter and chapters 5-18B, 5-18C, and 5-18D do not  
14 apply to:



- 1 (1) Any highway construction contract entered into by the Department of Transportation;
- 2 (2) Any contract for the purchase of supplies from the United States or its agencies or  
3 any contract issued by the General Services Administration;
- 4 (3) Any purchase of supplies or services, other than professional services, by purchasing  
5 agencies from any active contract that has been awarded by any government entity  
6 by competitive sealed bids or competitive sealed proposals or from any contract that  
7 was competitively solicited and awarded within the previous twelve months;
- 8 (4) Any equipment repair contract;
- 9 (5) Any procurement of electric power, water, or natural gas; chemical and biological  
10 products; laboratory apparatus and appliances; published books, maps, periodicals  
11 and technical pamphlets; works of art for museum and public display; medical  
12 supplies; communications technologies, computer hardware and software, peripheral  
13 equipment, and related connectivity; tableware or perishable foods;
- 14 (6) Any supplies, services, and professional services required for externally funded  
15 research projects at institutions under the control of the Board of Regents;
- 16 (7) Any property or liability insurance or performance bonds, except that the actual  
17 procurement of any insurance or performance bonds by any department of the state  
18 government, state institution, and state agency shall be made under the supervision  
19 of the Bureau of Administration;
- 20 (8) Any supplies needed by the Department of Human Services or the Department of  
21 Social Services or prison industries for the manufacturing of products;
- 22 (9) Any printing involving student activities, conducted by student organizations and  
23 paid for out of student fees, at institutions under the control of the Board of Regents.  
24 However, nothing in this subdivision exempts, from the requirements of this chapter

- 1 and chapters 5-18B, 5-18C, and 5-18D, purchases that involve printing for other  
2 activities at institutions under the control of the Board of Regents;
- 3 (10) Any purchase of surplus property from another purchasing agency;
- 4 (11) Any animals purchased;
- 5 (12) Any purchase by a school district of perishable food, raw materials used in  
6 construction or manufacture of products for resale, or for transportation of students;
- 7 (13) Any authority authorized by chapters 1-16A, 1-16B, 1-16E, 1-16G, 1-16H, 1-16J, 5-  
8 12, or 11-11;
- 9 (14) Any seeds, fertilizers, herbicides, pesticides, feeds, and supplies used in the operation  
10 of farms by institutions under the control of the Board of Regents;
- 11 (15) Any purchase of supplies for any utility owned or operated by a municipality if the  
12 purchase does not exceed the limits established in § 5-18A-14;
- 13 (16) For political subdivisions, any contract for asbestos removal in emergency response  
14 actions and any contract for services provided by individuals or firms for consultants,  
15 audits, legal services, ambulance services, architectural services and engineering,  
16 insurance, real estate services, or auction services; ~~or~~
- 17 (17) Any purchase of supplies or services from a contract established through a  
18 Midwestern Higher Education Compact group purchasing program by a competitive  
19 sealed bid or a competitive sealed proposal; or
- 20 (18) Any contract concerning the custody, management, purchase, sale, and exchange of  
21 fund investments and research by the State Investment Council or Division of  
22 Investment.