

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0374

HOUSE BILL NO. 1048

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding state hosting and
2 employee reimbursement policies.

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

4 Section 1. That § 3-9-2 be amended to read as follows:

5 3-9-2. The State Board of Finance may fix the maximum amount which may be allowed per
6 day or fraction of a day as reimbursement for expenses for meals and lodging necessarily
7 incurred by state officers and employees in the performance of their duties ~~as such~~ while away
8 from their places of residence or headquarters station, and change ~~such~~ the maximum allowance
9 ~~from time to time as it may deem~~ as the board deems just and proper under existing conditions.
10 The State Board of Finance may authorize reimbursement on a per diem basis, in lieu of the
11 method described ~~above~~ in this section or any other method provided by law, and fix the amount
12 per day or fraction of a day which may be allowed, and may ~~from time to time~~ change ~~such~~ the
13 amount as ~~it may deem~~ the board deems just and proper under existing conditions. The chair of
14 a commission or council created by chapters 38-10, 38-27, 38-29, and 38-32 may authorize an
15 employee to be reimbursed for actual costs of lodging and meals, excluding alcoholic beverage



1 as defined in subdivision 35-1-1(1) if:

- 2 (1) The lodging and meals are in furtherance of the state's interests, concerns, and
3 activities;
- 4 (2) The activities for which the lodging and meals are required fall within the scope of
5 the commission's or council's responsibilities; and
- 6 (3) The employee is performing official duties related to trade servicing or promotional
7 activities.

8 The authorization shall be made on a form prescribed by the Governor and supported by
9 receipts and shall accompany the claim filed pursuant to § 3-9-8. The provisions of this section,
10 sections 2 and 3 of this Act, and the amounts fixed by the State Board of Finance shall prevail
11 notwithstanding the provisions of other statutes, such as provision that a state officer or
12 employee shall be paid or reimbursed for his actual and necessary traveling expenses.

13 Upon the written request of a department or office head, the State Board of Finance may,
14 through a majority vote of its membership, grant relief from the per diem allowances for any
15 officer or employee who would otherwise suffer hardship from the board's rules while furthering
16 the state's interests, concerns, and activities.

17 Section 2. That chapter 3-9 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 The State Board of Finance may authorize reimbursement of the actual costs of lodging and
20 meals, excluding any alcoholic beverage as defined in subdivision 35-1-1(1), but including a
21 gratuity incurred by a state officer or employee in the performance of his or her duties,
22 regardless of whether the officer or employee is away from his or her place of residence or
23 headquarters station, if:

- 24 (1) The lodging and meals are in furtherance of the state's interests, concerns, and

1 activities;

2 (2) The activity for which the lodging and meal is required is related specifically to
3 hosting a prospect for any business development, trade, or tourism promotional
4 activity; and

5 (3) The officer or employee is performing an official duty at the direction of the head of
6 the officer's or employee's department or office, which approval is certified in writing
7 by the department or office head, or by the Governor.

8 The authorization shall be made on a form prescribed by the Governor and supported by
9 receipts and the certification of the department or office head and shall accompany the claim
10 filed pursuant to § 3-9-8.

11 The reimbursement for a gratuity authorized by this section may either be a voluntary service
12 gratuity, not to exceed eighteen percent, or a mandatory service gratuity added to the bill by the
13 establishment, not to exceed twenty percent.

14 Section 3. That chapter 3-9 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 The State Board of Finance may authorize reimbursement of per diem to any state officer
17 or employee conducting state business at an event extending entirely through a meal time
18 without interruption, regardless of whether the officer or employee is away from his or her place
19 of residence or headquarters station. The reimbursement may be authorized only if the officer's
20 or employee's participation in the event is approved by the head of the officer's or employee's
21 department or office, and if the event includes provision of a meal for which the officer or
22 employee is billed and the meal is approved in writing by the department or office head, or by
23 the Governor.

24 The authorization shall be made on a form prescribed by the Governor. A certification of

- 1 the approval of the department or office head shall accompany the claim filed pursuant to
- 2 § 3-9-8.