



2024 South Dakota Legislature

House Bill 1060

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

1 **An Act to revise certain provisions related to travel reimbursement.**

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

3 **Section 1. That § 3-9-1 be AMENDED:**

4 ~~3-9-1. On or before the first of July each year, the State Board of Finance may~~
 5 ~~promulgate rules, pursuant to chapter 1-26, to fix a rate per mile which shall be paid to~~
 6 ~~those operating privately owned automobiles and vehicles on state business. Any person~~
 7 ~~using a privately owned automobile or motorcycle shall be reimbursed at the same rate~~
 8 ~~per mile. In lieu of actual transportation expenses and except as provided in section 2 of~~
 9 ~~this Act, the mileage reimbursement rate for using a privately owned vehicle on state~~
 10 ~~business is fifty-one cents per mile or the standard mileage rate for business authorized~~
 11 ~~by the United States Internal Revenue Service as of October first each year, whichever is~~
 12 ~~greater. However, if no state vehicle is equipped for the transportation of a person with~~
 13 ~~special needs, a different rate per mile may be established. The rate may be changed~~
 14 ~~during a fiscal year with the prior approval of the Legislative Interim Appropriations~~
 15 ~~Committee, the mileage reimbursement rate for using a privately owned vehicle is based~~
 16 ~~on the type of vehicle. If a privately owned passenger or cargo van, pickup truck, or sport~~
 17 ~~utility vehicle is used to transport an individual with special needs for state business, the~~
 18 ~~mileage reimbursement rate is sixty-eight cents per mile or one-hundred-and-thirty~~
 19 ~~percent of the standard mileage rate for business authorized by the United States Internal~~
 20 ~~Revenue Service as of October first each year, whichever is greater. If any other vehicle~~
 21 ~~is used to transport an individual with special needs for state business, the mileage~~
 22 ~~reimbursement rate is fifty-one cents per mile or the standard mileage rate for business~~
 23 ~~authorized by the United States Internal Revenue Service as of October first each year,~~
 24 ~~whichever is greater.~~ The state auditor shall issue warrants covering vehicle expenses at
 25 the rate specified by the State Board of Finance upon the sworn statement of the party
 26 using the vehicle.

1 **Section 2. That a NEW SECTION be added to chapter 3-9:**

2 If an Office of Fleet and Travel Management or Department of Transportation pool
 3 motor vehicle is available at a person's place of residence or headquarters station but the
 4 person uses a privately owned vehicle instead, the mileage reimbursement rate is forty-
 5 five percent of the standard mileage rate for business authorized by the United States
 6 Internal Revenue Service as of October first each year.

7 **Section 3. That § 3-9-2 be AMENDED:**

8 **3-9-2.** The State Board of Finance may fix the maximum amount ~~which that~~ may
 9 be allowed per day or fraction of a day as reimbursement for ~~expenses for meals and~~
 10 ~~lodging necessarily~~ meal expenses incurred by state officers and employees in the
 11 performance of their duties while away from their places of residence or headquarters
 12 station, and change the maximum allowance as the board deems just and proper under
 13 existing conditions. The State Board of Finance may authorize reimbursement on a per
 14 diem basis, in lieu of the method described in this section or any other method provided
 15 by law, and fix the amount per day or fraction of a day ~~which that~~ may be allowed, and
 16 may change the amount as the board deems just and proper under existing conditions.

17 The maximum amount that may be allowed as reimbursement for the actual cost
 18 of lodging incurred by state officers and employees in the performance of their duties
 19 while away from their places of residence or headquarters station is seventy-five dollars
 20 per night, plus tax, or the rate established by the United States General Services
 21 Administration for the primary destination as of October first each year, plus tax,
 22 whichever is greater.

23 The chair of a commission or council created by chapters 38-10, 38-27, 38-29, and
 24 38-32 may authorize an employee to be reimbursed for actual costs of lodging and meals,
 25 excluding alcoholic beverage as defined in ~~subdivision 35-1-1(1)~~ § 35-1-1 if:

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

32 The authorization ~~shall~~ must be made on a form prescribed by the Governor and
 33 supported by receipts and ~~shall~~ must accompany the claim filed pursuant to § 3-9-8. The

1 provisions of this section, §§ 3-9-2.1 and 3-9-2.2, and the amounts fixed by the State
 2 Board of Finance ~~shall~~ prevail notwithstanding the provisions of other statutes, ~~such as~~
 3 ~~provision that a state officer or employee shall be paid or reimbursed for his actual and~~
 4 ~~necessary traveling expenses.~~

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

9 **Section 4. That a NEW SECTION be added to chapter 3-9:**

10 Notwithstanding §§ 3-9-2 to 3-9-2.2, inclusive, the daily meal allowance of
 11 uniformed highway patrol officers when assigned to field duties is seventeen dollars per
 12 day.

13 **Section 5. That § 7-12-18 be AMENDED:**

14 **7-12-18.** The sheriff shall charge and remit the following:

- 15 (1) For serving an order of arrest with commitment or bail bond and return, twenty-
 16 five dollars;
- 17 (2) For serving summons, complaint, warrant of attachment, affidavit, notice and
 18 undertaking in claim and delivery, or injunction, order to show cause, citation, or
 19 other process, and return of the instrument, fifty dollars for all such process or
 20 instruments served at the same time upon the same person regardless of the
 21 capacities in which such person is served. However, for all such process or
 22 instruments served upon another such person at approximately the same time at
 23 the same place, ten dollars;
- 24 (3) For serving subpoena for witness, each person, twenty dollars;
- 25 (4) For traveling expenses in a motor vehicle, a mileage allowance of eight cents above
 26 the rate set ~~for state employees by the State Board of Finance pursuant to § 3-9-~~
 27 1 for each mile actually and necessarily traveled by motor vehicle. For traveling
 28 expenses in a private plane, a mileage allowance of ten cents above the rate set
 29 ~~for state employees by the State Board of Finance pursuant to § 3-9-1~~ for each
 30 mile actually and necessarily traveled by private plane. However, actual cost may
 31 be paid for travel by train, bus, plane, or other commercial vehicle;
- 32 (5) For serving writ of execution and return of the instrument, whether satisfied or
 33 unsatisfied, ninety-five dollars;

- 1 (6) For levying writ of possession, fifty dollars. However, if the sale of the property
2 levied upon is not subsequently held, the actual costs or expenses associated with
3 levying writ of possession shall be paid;
- 4 (7) For advertisement of sale in newspaper, in addition to printing, twenty-five dollars;
- 5 (8) For posting notices of sale of real property, twenty-five dollars, and mileage;
- 6 (9) For executing writ or order of partition, twenty-five dollars;
- 7 (10) For making deed for land sold on execution or order of sale, one hundred dollars
8 except no fee is charged when the deed only requires the sheriff's signature;
- 9 (11) In addition to the applicable fees and expenses, a commission of six percent on all
10 money received and disbursed by the sheriff on execution or order of sale, order
11 of attachment, decree or on sale of real property or personal property. However,
12 in no case may the commission be less than fifty dollars or more than three
13 thousand five hundred dollars. If the execution or order of sale is a foreclosure of
14 a real estate mortgage, the commission may not be more than one thousand five
15 hundred dollars. The commissions shall be included as a part of the cost of
16 execution, order of sale, order of attachment, decree, or on sale of real or personal
17 property, which shall be paid by the debtor out of the proceeds. However, in each
18 case of redemption prior to the sale, the sheriff is entitled to the commission as
19 stated above, to be paid by the redemptioner as a cost of the redemption;
- 20 (12) For a case in the circuit court, if a person, in whose favor an execution or order of
21 sale is issued, bids on the property sold on execution or decree, the sheriff or officer
22 making the sale shall receive the following compensation: if the amount for which
23 the property is bid on is one thousand dollars or less, the sum of forty dollars; and
24 if the amount for which the property is bid on is more than one thousand dollars,
25 the sum of one hundred dollars;
- 26 (13) For making a sale of real property under a foreclosure of mortgage by
27 advertisement, the same fees as for the sale of real property under a judgment of
28 foreclosure and sale of real property; and
- 29 (14) If personal property is taken by the sheriff on execution or warrant of attachment
30 and applied in the satisfaction of the debt without sale, the same percentage on
31 the appraised value of the property as in the case of a sale and all additional
32 reasonable and necessary costs and expenses incurred in executing the duties of
33 sheriff including expenses associated with the removal of property from the
34 premises.

1 No fee may be charged in any action under § 25-10-3, 25-10-6, 22-19A-8, or 22-
2 19A-12.

3 The fees established pursuant to this section shall be used for law enforcement
4 purposes.

5 **Section 6. That § 8-4-8 be AMENDED:**

6 **8-4-8.** Except as otherwise provided in this section and § 1-27-35, the clerk,
7 treasurer, and supervisors may each receive an annual salary, plus compensation for each
8 day necessarily devoted to the discharge of their official duties when attending to business
9 in the township. The voters of each township shall establish the annual salary and the
10 hourly or daily rate of compensation at the annual township meeting. In addition, the
11 clerk, treasurer, and supervisors may also receive mileage compensation at the rate
12 ~~established for state employees by the State Board of Finance when attending to the~~
13 ~~business of the township.~~ set pursuant to § 3-9-1. The township board of supervisors shall
14 limit the total amount of salary and compensation that the clerk, treasurer, and any one
15 supervisor may receive in a year. Any salary and compensation limit established by the
16 township board of supervisors does not apply to compensation received for road work.

17 **Section 7. That § 12-21-4.1 be AMENDED:**

18 **12-21-4.1.** The members of the recount board shall receive mileage for the miles
19 traveled each day of the recount from their points of residence ~~in an amount equal to that~~
20 ~~set by the State Board of Finance for state employees;~~ at the rate set pursuant to § 3-9-
21 1; provided however, that this provision shall not apply to the first ten miles traveled each
22 day.

23 **Section 8. That § 13-8-38 be AMENDED:**

24 **13-8-38.** In addition to per diem as provided in § 13-8-37, all school board
25 members may receive ~~the travel allowance authorized by the rules adopted by the State~~
26 ~~Board of Finance.~~ mileage at the rate set pursuant to § 3-9-1.

27 **Section 9. That § 23-7-67 be AMENDED:**

28 **23-7-67.** It is a Class 1 misdemeanor for a person to fail or refuse to surrender to
29 the county sheriff of the person's county of residence, upon lawful demand, a gold card
30 or enhanced permit to carry a concealed pistol that has been revoked. If a person fails to

1 return a gold card or enhanced permit to the sheriff of the person's county of residence
2 after lawful demand, the sheriff shall direct a law enforcement officer to secure its
3 possession and return in compliance with § 23-7-64. The law enforcement officer shall
4 receive ten dollars and fifty cents plus mileage, ~~at a rate established by the State Board~~
5 ~~of Finance,~~ at the rate set pursuant to § 3-9-1 to be paid by the violator. Failure to pay
6 the fee and mileage is a Class 2 misdemeanor.

7 **Section 10. That § 27A-7-8 be AMENDED:**

8 **27A-7-8.** The members of the board of mental illness, other than a magistrate
9 judge, shall be allowed compensation at an hourly rate as determined by the county
10 commissioners for all time actually employed in the duties of their offices as members of
11 such board of mental illness. All members of the board shall be allowed mileage at the
12 ~~rate determined by the board of finance set pursuant to § 3-9-1~~ and other necessary
13 actual expenses incurred in the performance of their duties as members of such board.

14 **Section 11. That § 32-12-68 be AMENDED:**

15 **32-12-68.** It is a Class 1 misdemeanor for a person to fail or refuse to surrender
16 to the Department of Public Safety upon its lawful demand a driver license that has been
17 suspended, revoked, or canceled. If a person fails to return the license to the secretary of
18 the Department of Public Safety after lawful demand, the secretary may direct any law
19 enforcement officer to secure its possession and return it to the secretary. The law
20 enforcement officer shall receive ten dollars and fifty cents plus mileage, ~~at a rate~~
21 ~~established by the State Board of Finance,~~ at the rate set pursuant to § 3-9-1 to be paid
22 by the person from whom the license was obtained to be collected when the person
23 submits an application for a license. Failure to pay the fee and mileage is a Class 2
24 misdemeanor.

25 **Section 12. That § 34A-5-23 be AMENDED:**

26 **34A-5-23.** Each sanitary district board of trustees shall establish amounts to
27 reimburse board members for expenses for lodging, meals, and mileage and to provide
28 compensation for each day of actual service for traveling to, attending, and returning from
29 meetings, hearings, or investigations of the sanitary district board. ~~Such reimbursement~~
30 ~~and compensation shall be paid on vouchers duly verified and approved according to the~~
31 ~~rules promulgated by the Board of Finance.~~

1 **Section 13. That § 34A-16-8 be AMENDED:**

2 **34A-16-8.** Each commissioner shall receive travel and subsistence expense ~~in~~
3 ~~accordance with the rules established by the State Board of Finance, at the rates set~~
4 pursuant to chapter 3-9. In addition, per diem at rates established by the Board of Finance
5 shall be paid each member for each day of actual service for traveling to, attending, and
6 returning from meetings, hearings, or investigations of the board of commissioners.
7 ~~Travel, subsistence, and per diem shall be paid on vouchers duly verified and approved~~
8 ~~according to the rules determined by the Board of Finance.~~

9 **Section 14. That § 38-19-50 be AMENDED:**

10 **38-19-50.** The Nutrient Research and Education Council is hereby established. The
11 council shall consist of nine voting members, including three representing the fertilizer
12 industry, two representing grower organizations, one representing the state's largest
13 commodity organization, one representing the specialty fertilizer industry, one
14 representing the certified agronomy association, and one farmer member of the State
15 Conservation Commission. The council shall also include five nonvoting members: two
16 representing environmental organizations, one representing the director of the South
17 Dakota Agricultural Experiment Station, and two representing the secretary of the
18 Department of Agriculture and Natural Resources. The certified agronomy association and
19 any association or organization representing the fertilizer industry, growers, and the
20 environment may submit nominations to the secretary of agriculture and natural resources
21 for their respective members. The secretary shall select from these nominations the
22 members of the council. Members of the council may receive no compensation, but
23 members may be reimbursed for travel and subsistence expense ~~in accordance with rules~~
24 promulgated by the State Board of Finance, at the rates set pursuant to chapter 3-9. The
25 council shall meet at least twice each year. The council shall be provided with staff
26 assistance from the South Dakota Agricultural Experiment Station. The council retains the
27 respective quasi-judicial, quasi-legislative, advisory, other nonadministrative and special
28 budgetary functions as defined in § 1-32-1 otherwise vested in the council. The council
29 shall exercise those functions independently of the South Dakota Agricultural Experiment
30 Station.

31 **Section 15. That § 40-18-16 be AMENDED:**

32 **40-18-16.** The board may promulgate rules, pursuant to chapter 1-26, to:

- 1 (1) Describe prohibited brand symbols for various types of livestock and identify
- 2 locations on animals where a brand is permitted;
- 3 (2) Provide for the registration, transfer, and renewal of livestock brands;
- 4 (3) Establish a brand registration fee not to exceed fifty dollars;
- 5 (4) Establish a brand renewal fee not to exceed eighteen dollars per year or a brand
- 6 renewal fee not to exceed ninety dollars for each five-year ownership period and a
- 7 brand transfer fee not to exceed fifty dollars;
- 8 (5) Establish an ownership inspection fee not to exceed one dollar for each head of
- 9 livestock;
- 10 (6) Establish recordable livestock brands;
- 11 (7) Establish law enforcement, ownership inspection, and transportation requirements
- 12 within or without the ownership inspection area;
- 13 (8) Establish a duplicate certificate fee not to exceed twenty dollars;
- 14 (9) Establish a mileage fee for inspectors not to exceed the rate set ~~by the State Board~~
- 15 ~~of Finance;~~ pursuant to § 3-9-1.
- 16 (10) Establish an inspection fee for livestock located outside the ownership inspection
- 17 area not to exceed one dollar for each head of livestock; and
- 18 (11) Establish a brand registration application fee not to exceed fifty dollars.

19 **Section 16. That § 40-20-40 be AMENDED:**

20 **40-20-40.** The board may charge a fee for actual mileage traveled to perform a
 21 local inspection or an inspection at an open market. The mileage fee shall be in addition
 22 to the inspection fee and may not exceed the rate set ~~by the State Board of Finance~~
 23 pursuant to § 3-9-1.

24 **Section 17. That § 46A-4-47 be AMENDED:**

25 **46A-4-47.** For the time actually and necessarily employed in the duties of their
 26 office and in attending and returning from the sessions of the board of directors, the
 27 district directors may receive travel and subsistence expense ~~in accordance with the rules~~
 28 ~~promulgated by the State Board of Finance.~~ at the rates set pursuant to chapter 3-9. In
 29 addition, per diem, not to exceed the Board of Water and Natural Resources' per diem,
 30 may be paid each member for each day of actual service for attending meetings, hearings,
 31 or investigations of the irrigation district board. ~~Travel, subsistence, and per diem shall be~~
 32 ~~paid out of the district general fund on vouchers duly verified and approved according to~~
 33 ~~the rules promulgated by the Board of Finance.~~

1 **Section 18. That § 46A-14-42 be AMENDED:**

2 **46A-14-42.** Any member of a watershed district board may receive travel and
3 subsistence expense ~~in accordance with the rules promulgated by the State Board of~~
4 Finance, at the rates set pursuant to chapter 3-9. In addition, per diem, not to exceed
5 sixty dollars per day, may be paid each member for each day of actual service for attending
6 meetings, hearings, or investigations of the watershed district board. ~~Travel, subsistence,~~
7 ~~and per diem shall be paid on vouchers duly verified and approved according to the rules~~
8 ~~promulgated by the Board of Finance.~~