

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

646Q0278

SENATE BILL NO. 124

Introduced by: Senators Gillespie, Gant, and Heidepriem and Representatives Engels, Bolin, Cutler, and Kirkeby

1 FOR AN ACT ENTITLED, An Act to require persons claiming reimbursement for state travel
2 to sign affidavits of performance of duties.

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

4 Section 1. No person may claim reimbursement for mileage, lodging, meals, or other travel
5 expenses unless that person has signed an affidavit, in a form prescribed by the Office of the
6 State Auditor, swearing or affirming that the person attended all meetings and performed all
7 duties incumbent upon the purposes for which the travel was authorized. Any person who is
8 guilty of falsely swearing pursuant to this section is guilty of perjury as provided for in
9 subdivision 22-29-5(3).

10 Section 2. Any person who cannot in good faith swear or affirm pursuant to section 1 of this
11 Act that the person attended all meetings and performed all duties incumbent upon the purposes
12 for which the travel was authorized may sign an alternative affidavit stating any circumstances,
13 beyond the control of the claimant, which were the proximate cause of the claimant's failure or
14 inability to attend all meetings and perform all duties incumbent upon the purposes for which
15 the travel was authorized. The state auditor may authorize the reimbursement of travel expenses,



1 in whole or in part, taking into account the equity of the circumstances.

2 Section 3. No denial, in whole or in part, of a claim for travel expenses pursuant to section
3 2 of this Act may be appealed to the circuit court based solely upon the exercise of the state
4 auditor's discretion as to the amount of reimbursement or the equity thereof.

5 Section 4. The Office of the State Auditor shall promulgate rules pursuant to chapter 1-26
6 to:

- 7 (1) Prescribe the form and content of the affidavit and alternative affidavit provided for
8 in this Act;
- 9 (2) Recognize and enumerate common circumstances that might justify failure to attend
10 all meetings and perform all duties as contemplated in this Act; and
- 11 (3) Establish a process by which a person aggrieved by the state auditor's decision may
12 have that decision reviewed within the Office of Hearing Examiners.