

2023 South Dakota Legislature

House Bill 1166**AMENDMENT 1166D
FOR THE INTRODUCED BILL**

1 **An Act to revise certain provisions related to ~~the expense allowances of~~**
2 **legislators mileage reimbursement.**

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

4 **Section 1. That § 2-4-2 be AMENDED:**

5 **2-4-2.** The salary of each member of the Legislature is equal to one-fifth of the
6 South Dakota median household income reported by the United States Census Current
7 Population Survey, as ascertained and adjusted each year by the State Board of Finance,
8 to take effect on the first day of January of each year for every regular legislative session.
9 In addition, each legislator shall receive:

- 10 (1) Reimbursement to be paid after the legislative session for actual mileage or its
11 equivalent traveled to and from home not more than once each weekend or
12 between days of recess during the regular legislative session, at ~~state rates~~
13 established by the Board of Finance the business standard mileage rate authorized
14 by the United States Internal Revenue Service to be excluded from gross income
15 as of October first each year;
- 16 (2) Expenses of one hundred twenty-three dollars per day for each day of a regular or
17 special legislative session as prepaid reimbursement for living expenses, including
18 meals and lodging, laundry, cleaning and pressing of clothing, and all other
19 uncompensated expenses as defined in § 2-4-2.1 incident to the performance of
20 legislative services, or at the amount fixed for the per diem allowance that is
21 authorized by the United States Internal Revenue Service to be excluded from the
22 gross income without itemization as of October first each year, whichever of the
23 two is greater; and
- 24 (3) Five cents once each session for every mile of necessary travel in going to and
25 returning from the place of meeting of the Legislature by the most usual route.

1 For each day's attendance at special sessions, each member, in addition to mileage
2 and expenses, shall receive a per diem calculated by the director of the Legislative
3 Research Council equal to the normal daily compensation for the regular session
4 immediately preceding the special session.

5 **Section 2. That § 3-9-1 be AMENDED:**

6 **3-9-1.** On or before the first of July each year, the State Board of Finance may
7 promulgate rules, pursuant to chapter 1-26, to fix a rate per mile which shall be paid to
8 those operating privately owned automobiles and vehicles on state business. Any person
9 using a privately owned automobile or motorcycle shall be reimbursed at the same rate
10 per mile. However, if no state vehicle is equipped for the transportation of a person with
11 special needs, a different rate per mile may be established. If no state vehicle is available
12 and any person must use a privately owned automobile the reimbursement rate must be
13 the business standard mileage rate authorized by the United States Internal Revenue
14 Service. The rate may be changed during a fiscal year with the prior approval of the
15 Legislative Interim Appropriations Committee. The state auditor shall issue warrants
16 covering vehicle expenses at the rate specified by the State Board of Finance upon the
17 sworn statement of the party using the vehicle.