GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H 1

HOUSE BILL 122

Short Title:	Mileage/Per Diem/State Employees/Legislators.	(Public)
Sponsors:	Representatives Warren, Adcock, Howard, and Reives (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

February 23, 2021

A BILL TO BE ENTITLED

AN ACT TO INCREASE MILEAGE AND PER DIEM FOR STATE EMPLOYEES AND MEMBERS OF BOARDS AND COMMISSIONS TO CURRENT FEDERAL RATES AND TO SET 2023 LEGISLATOR MILEAGE AND PER DIEM AT 2019 FEDERAL RATES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 138-6 reads as rewritten:

"**§ 138-6. Travel allowances of State officers and employees.**

(a) Travel on official business by the officers and employees of State departments, institutions and agencies which operate from funds deposited with the State Treasurer shall be reimbursed at the following rates:

(1) For transportation by privately owned automobile, the current business standard mileage rate set by the Internal Revenue Service per mile of travel and the actual cost of tolls paid. ~~Any other law which sets a mileage rate by referring to the rate set herein, instead establishes a rate of twenty-five cents (25¢) per mile.~~ No reimbursement shall be made for the use of a personal car in commuting from an officer or employee's home to ~~his~~ the officer or employee's duty station in connection with regularly scheduled work hours.

(2) For bus, railroad, Pullman, or other conveyance, actual fare.

(3) ~~For expenses incurred~~ A subsistence allowance for ~~subsistence, payment of eighty-one dollars ($81.00) per day when traveling in-state or ninety-three dollars ($93.00) per day when traveling out-of-state.~~ meals and lodging, at a daily rate equal to the maximum per diem rate for federal employees traveling to Raleigh, North Carolina, as set out by the General Services Administration in the current fiscal year. Payment of sales tax, lodging tax, local tax, or service fees applied to the cost of lodging are to be paid in addition to the daily subsistence amount. ~~The employee may exceed the part of the ceiling allocated for lodging without approval for overexpenditure provided that the total lodging and food reimbursement does not exceed the maximum provided by this subdivision.~~ When travel involves less than a full day (24-hour period), a ~~reasonable~~ prorated amount of the maximum per diem rate for federal employees traveling to Raleigh, North Carolina, as set out by the General Services Administration in the current fiscal year, shall be paid in accordance with regulations and criteria which shall be promulgated and published by the Director of the Budget. Reimbursement to State employees for lunches eaten while on official business may be made only in the following circumstances:

a. When an overnight stay is required reimbursement is allowed while an employee is in travel status;

b. When the cost of the lunch is included as part of a registration fee for a formal congress, conference, assembly, or convocation, by whatever name called. Such assembly must involve the active participation of persons other than the employees of a single State department, institution, or agency and must be necessary for conducting official State business; or

c. When the State employee is a member of, or providing staff assistance to, a State board, commission, committee, or council which operates from funds deposited with the State Treasurer, and the lunch is preplanned as part of the meeting for the entire board, commission, committee, or council.

(4) For convention registration fees not to exceed the actual amount expended as shown by a valid receipt or invoice.

~~(5) Effective July 1, 2001, and effective July 1 of each odd-numbered year thereafter, the Director of the Budget shall revise the amounts of payment of subsistence per day when traveling in State and out-of-state by an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers for the most recent 24-month period.~~

<u>(6)</u> <u>Effective July 1, 2019, and effective July 1 of each year thereafter, the Director of the Budget shall revise the amounts of payment of subsistence per day when traveling in-State and out-of-state equal to the maximum per diem rate for federal employees traveling to Raleigh, North Carolina, as set out by the General Services Administration in the current fiscal year.</u>

(b) Out-of-state travel on official business by the officers and employees of State departments, institutions, and agencies which operate from funds deposited with the State Treasurer shall be reimbursed only upon authorization obtained in the manner prescribed by the Director of the Budget.

(c) Reimbursement of actual costs of overnight lodging, whether ~~in state~~ <u>in-State</u> or out-of-state, must be documented by a receipt of actual lodging expenses from a commercial establishment. This documentation shall be attached to the reimbursement request. All reimbursement requests shall be filed for approval and payment within 30 days after the travel period for which the reimbursement is being requested."

SECTION 2. Effective upon the convening of the 2023 General Assembly, G.S. 120-3.1(a) reads as rewritten:

"(a) In addition to compensation for their services, members of the General Assembly shall be paid the following allowances:

(1) A weekly travel allowance for each week or fraction thereof that the General Assembly is in regular or extra session. The amount of the weekly travel allowance shall be calculated for each member by multiplying the actual round-trip mileage from that member's home to the City of Raleigh by the rate per mile which is the business standard mileage rate set by the Internal Revenue Service in ~~Rev. Proc. 93-51, December 27, 1993.~~<u>Rev. Proc. 2010-51, December 14, 2018.</u>

(2) A travel allowance at the rate which is the business standard mileage rate set by the Internal Revenue Service in ~~Rev. Proc. 93-51, December 27, 1993,~~ <u>Rev. Proc. 2010-51, December 14, 2018,</u> whenever the member travels, whether in or out of session, as a representative of the General Assembly or of its committees or commissions, with the approval of the Legislative Services Commission.

(3) A subsistence allowance for meals and lodging at a daily rate equal to the maximum per diem rate for federal employees traveling to Raleigh, North Carolina, as set out at ~~58 Federal Register 67959 (December 22, 1993),~~ 83 Federal Register 42501 (August 22, 2018), while the General Assembly is in session and, except as otherwise provided in this subdivision, while the General Assembly is not in session when, with the approval of the Speaker of the House of Representatives in the case of Representatives or the President Pro Tempore of the Senate in case of Senators, the member is:

a. Traveling as a representative of the General Assembly or of its committees or commissions, or

b. Otherwise in the service of the State.

A member who is authorized to travel, whether in or out of session, within the United States outside North Carolina, may elect to receive, in lieu of the amount provided in the preceding paragraph, a subsistence allowance of twenty-six dollars ($26.00) a day for meals, plus actual expenses for lodging when evidenced by a receipt satisfactory to the Legislative Services Officer, the latter not to exceed the maximum per diem rate for federal employees traveling to the same place, as set out at ~~58 Federal Register 67950-67964 (December 22, 1993) and at 59 Federal Register 23702-23709 (May 6, 1994).~~83 Federal Register 42501 (August 22, 2018).

…."

SECTION 3. Except as otherwise provided, this act becomes effective July 1, 2021.