

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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HOUSE BILL 1110

Short Title: Match State Emp. Per Diem to Fed. Rates. (Public)

Sponsors: Representatives Hager and L. Hall (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

May 11, 2016

A BILL TO BE ENTITLED

AN ACT TO MATCH STATE OFFICER AND EMPLOYEE PER DIEM AND TRAVEL RATES TO THE RATES SET BY THE GENERAL SERVICES ADMINISTRATION FOR FEDERAL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Effective July 1, 2016, 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 business standard mileage rate ~~set-noticed~~ by the Internal Revenue Service in IR-2015-137, December 17, 2015, 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 employee's home to his duty station in connection with regularly scheduled work hours.
- (2) For bus, railroad, Pullman, or other conveyance, actual fare.
- (3) For expenses incurred 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.~~ 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 by the General Services Administration for the Continental United States for the 2015 federal fiscal year and noticed at 80 Federal Register 52753-04 (September 1, 2015). 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 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:



- 1 a. When an overnight stay is required reimbursement is allowed while an
2 employee is in travel status;
- 3 b. When the cost of the lunch is included as part of a registration fee for a
4 formal congress, conference, assembly, or convocation, by whatever
5 name called. Such assembly must involve the active participation of
6 persons other than the employees of a single State department,
7 institution, or agency and must be necessary for conducting official
8 State business; or
- 9 c. When the State employee is a member of, or providing staff assistance
10 to, a State board, commission, committee, or council which operates
11 from funds deposited with the State Treasurer, and the lunch is
12 preplanned as part of the meeting for the entire board, commission,
13 committee, or council.
- 14 (4) For convention registration fees not to exceed the actual amount expended as
15 shown by a valid receipt or invoice.
- 16 (5) Effective July 1, 2001, and effective July 1 of each odd-numbered year
17 thereafter, the Director of the Budget shall revise the amounts of payment of
18 subsistence per day when traveling in-State and out-of-state by an amount equal
19 to the percentage increase in the Consumer Price Index for All Urban
20 Consumers for the most recent 24-month period.

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

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

30 **SECTION 2.** Effective upon the convening of the 2017 General Assembly,
31 G.S. 120-3.1(a) reads as rewritten:

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

- 34 (1) A weekly travel allowance for each week or fraction thereof that the General
35 Assembly is in regular or extra session. The amount of the weekly travel
36 allowance shall be calculated for each member by multiplying the actual
37 round-trip mileage from that member's home to the City of Raleigh by the rate
38 per mile which is the business standard mileage rate ~~set noticed~~ by the Internal
39 Revenue Service in ~~Rev. Proc. 93-51, December 27, 1993.~~ IR-2015-137,
40 December 17, 2015.
- 41 (2) A travel allowance at the rate which is the business standard mileage rate ~~set~~
42 noticed by the Internal Revenue Service in ~~Rev. Proc. 93-51, December 27,~~
43 ~~1993,~~ IR-2015-137, December 17, 2015, whenever the member travels, whether
44 in or out of session, as a representative of the General Assembly or of its
45 committees or commissions, with the approval of the Legislative Services
46 Commission.
- 47 (3) A subsistence allowance for meals and lodging at a daily rate equal to the
48 maximum per diem rate for federal employees traveling to Raleigh, North
49 Carolina, as set out at ~~58 Federal Register 67959 (December 22, 1993),~~ by the
50 General Services Administration for the Continental United States for the 2015
51 federal fiscal year and noticed at 80 Federal Register 52753-04 (September 1,

1 2015) while the General Assembly is in session and, except as otherwise
2 provided in this subdivision, while the General Assembly is not in session
3 when, with the approval of the Speaker of the House of Representatives in the
4 case of Representatives or the President Pro Tempore of the Senate in case of
5 Senators, the member is:

- 6 a. Traveling as a representative of the General Assembly or of its
7 committees or commissions, or
8 b. Otherwise in the service of the State.

9 A member who is authorized to travel, whether in or out of session,
10 within the United States outside North Carolina, may elect to receive, in lieu of
11 the amount provided in the preceding paragraph, a subsistence allowance of
12 ~~twenty-six dollars (\$26.00) a day~~ for meals, plus actual expenses for lodging
13 when evidenced by a receipt satisfactory to the Legislative Services Officer, ~~the~~
14 ~~latter~~ not to exceed the maximum per diem rate for federal employees traveling
15 to the same place, as set out at ~~58 Federal Register 67950-67964 (December 22,~~
16 ~~1993) and at 59 Federal Register 23702-23709 (May 6, 1994).~~ by the General
17 Services Administration for the Continental United States for the 2015 federal
18 fiscal year and noticed at 80 Federal Register 52753-04 (September 1, 2015).

- 19 (4) A member may be reimbursed for registration fees as permitted by the
20 Legislative Services Commission."

21 **SECTION 3.** This act is effective when it becomes law.