

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1243

Short Title: State Mileage Allowance.

(Public)

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Sponsors: Representatives Ramsey; Beall, Bowman, and Hensley.

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Referred to: Appropriations.

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June 4, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE MILEAGE ALLOWANCE FOR OFFICIAL TRAVEL IS THE SAME AS THAT ALLOWED BY THE INTERNAL REVENUE SERVICE AS THE BUSINESS STANDARD MILEAGE RATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 138-6(a)(1) reads as rewritten:

"(1) For transportation by privately owned automobile, ~~twenty five cents (25¢)~~ the business standard mileage rate set by the Internal Revenue Service per mile of travel and the actual cost of tolls paid. 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. Any designation of an employee's home as his duty station by a department head shall require prior approval by the Office of State Budget and Management on an annual basis."

Sec. 2. G.S. 84-20 reads as rewritten:

**"§ 84-20. Compensation of councilors.**

The members of the council and members of committees when actually engaged in the performance of their duties, including committees sitting upon disbarment proceedings, shall receive as compensation not exceeding ten dollars (\$10.00) per day for the time spent in attending meetings, and shall receive actual expenses of travel and subsistence while engaged in his duties provided that for transportation by use of private automobile the expense of travel shall not exceed ~~ten cents (10¢) per mile.~~ the mileage rate set by G.S. 138-6(a)(1). The council shall determine per diem, subsistence and

1 mileage to be paid. Such allowance as may be fixed by the council shall be paid by the  
2 secretary-treasurer of the North Carolina State Bar upon certified statements presented  
3 by each member."

4           Sec. 3. G.S. 93D-3(d) reads as rewritten:

5           "(d) Out of the funds coming into the possession of said Board, each member  
6 thereof may receive as reimbursement for each day he is actually engaged in the  
7 assigned duties of his office, the ~~sum of eight cents (8¢)~~ mileage rate set by G.S. 138-  
8 6(a)(1) per mile for travel plus the actual costs of meals and public lodging while away  
9 from home, which costs of meals and lodging may not exceed twenty dollars (\$20.00)  
10 per day. Such expenses shall be paid from the fees and assessments received by the  
11 Board under the provisions of this Chapter. No part of these expenses or any other  
12 expenses of the Board, in any manner whatsoever, shall be paid out of the State  
13 treasury. All moneys received in excess of expense allowance and mileage, as above  
14 provided, shall be held by the secretary-treasurer as a special fund for meeting other  
15 expenses of the Board and carrying out the provisions of this Chapter.

16           The secretary-treasurer shall give a bond to the Board to be approved by the Board,  
17 in the sum of five thousand dollars (\$5,000) conditioned upon the faithful performance  
18 of the duties of his office.

19           The Board shall make an annual report of its proceedings to the Governor on the  
20 first Monday in June of each year, which report shall contain an account of all moneys  
21 received and disbursed by the Board and a complete listing of names and addresses of  
22 all licensees and apprentices. Copies of the report and list of licensees and apprentices  
23 shall be filed in the office of the State Auditor, the Secretary of State, and Attorney  
24 General."

25           Sec. 4. G.S. 95-106(b) reads as rewritten:

26           "(b) In the event that an amusement device owner or operator notifies the  
27 Department of Labor pursuant to G.S. 95-111.8 that he intends to operate one or more  
28 amusement devices for the public at a particular location and requests an inspection at a  
29 particular time:

30           (1) When the inspector arrives and no amusement devices are present, the  
31 Department shall assess a fee against the owner or operator at an  
32 amount sufficient to cover the cost of travel to and from the location at  
33 a rate not to exceed ~~twenty-three cents (23¢)~~ the mileage rate set by G.S.  
34 138-6(a)(1) per mile plus the time expended by the inspector in  
35 travelling to and from the location at a rate not to exceed fifteen dollars  
36 (\$15.00) per hour per inspector.

37           (2) When the inspector arrives and amusement devices are present but are  
38 not ready for inspection, the Department shall assess a fee in an  
39 amount sufficient to cover the time the inspector must wait before he  
40 can make the inspection at a rate not to exceed fifteen dollars (\$15.00)  
41 per hour per inspector. If the inspector must make an additional trip to  
42 the location because the devices were not ready for inspection at the  
43 appropriate time, the Department shall add to the fees authorized under  
44 this subdivision the cost of the additional travel required at a rate not to

1                    exceed ~~twenty three cents (23¢)~~ the mileage rate set by G.S. 138-6(a)(1)  
2                    per mile plus the cost of the travel time expended by the inspector at a  
3                    rate not to exceed fifteen dollars (\$15.00) per hour per inspector.

4            No fee shall be assessed pursuant to this subsection if the owner or operator has  
5 notified the Department of Labor at least 24 hours in advance that the amusement  
6 devices will not be present or that the devices will not be ready for inspection until a  
7 later specified time."

8            Sec. 5. G.S. 119-26 reads as rewritten:

9    **"§ 119-26. Gasoline and Oil Inspection Board created; composition, appointment**  
10            **of members, etc.; expenses; powers generally; adoption of standards,**  
11            **etc.; sale of products not complying with standards; renaming, etc., of**  
12            **gasoline.**

13            In order to more fully carry out the provisions of this Article there is hereby created  
14 a Gasoline and Oil Inspection Board of five members, to be composed of the  
15 Commissioner of Agriculture, the Director of the Gasoline and Oil Inspection Division,  
16 and three members to be appointed by the Governor, who shall serve at his will. The  
17 Commissioner of Agriculture and the Director of the Gasoline and Oil Inspection  
18 Division shall serve without additional compensation. Other members of the Board  
19 shall each receive the amount provided by G.S. 138-5 for each day he attends a session  
20 of the Board and for each day necessarily spent in traveling to and from his place of  
21 residence, and he shall receive ~~five cents (5¢)~~ the mileage rate set by G.S. 138-6(a)(1) a  
22 mile for the distance to and from Raleigh by the usual direct route for each meeting of  
23 the Board which he attends. These expenses shall be paid from the Gasoline and Oil  
24 Inspection Fund created by this Article. The duly appointed and acting Gasoline and  
25 Oil Inspection Board shall have the power, in its discretion, after public notice and  
26 provision for the hearing of all interested parties, to adopt standards for kerosene and  
27 one or more grades of gasoline based upon scientific tests and ratings for each of the  
28 articles for which inspection is provided; to require the labeling of dispensing pumps or  
29 other dispensing devices, and to prescribe the forms therefor; to require that the label,  
30 name, or brand under which gasoline is thereafter to be sold be applied at the time of its  
31 first purchase within the State and to pass all rules and regulations necessary for  
32 enforcing the provisions of the laws relating to the transportation and inspection of  
33 petroleum products; provided, however, that the action of said Gasoline and Oil  
34 Inspection Board shall be subject to the approval of the Governor of the State; and  
35 provided further, that if the Gasoline and Oil Inspection Board should promulgate any  
36 regulation which requires that gasoline be labeled, named or branded at the time of its  
37 first sale in the State, that such regulation shall provide in addition that any subsequent  
38 owner may rename, rebrand, or relabel such gasoline if such subsequent owner first files  
39 with the Board a notice of intention to do so, said notice to contain information showing  
40 the original brand, name, label, the company or person from whom the gasoline has  
41 been or is to be purchased, the minimum specifications registered by the seller, the  
42 brand, name, or label that is to be given such gasoline and the minimum specifications  
43 of such gasoline as filed with the Board; provided, further, that no labeling, naming or  
44 branding of gasoline which may be required by the Gasoline and Oil Inspection Board

1 under the provisions of this Article, shall be construed as permitting gasoline to become  
2 the subject of fair trade contracts, as provided in G.S. 66-52. After the adoption and  
3 publication of said standards it shall be unlawful to sell or offer for sale or exchange or  
4 use in this State any products which do not comply with the standards so adopted. The  
5 said Gasoline and Oil Inspection Board shall, from time to time after a public hearing,  
6 have the right to amend, alter, or change said standards. Three members of said Board  
7 shall constitute a quorum."

8 Sec. 6. Effective upon the convening the the 1995 Regular Session of the  
9 General Assembly, G.S. 120-3.1(a)(1) reads as rewritten:

10 "(1) A weekly travel allowance for each week or fraction thereof that the  
11 General Assembly is in regular or extra session. The amount of the  
12 weekly travel allowance shall be calculated for each member by  
13 multiplying the actual round-trip mileage from that member's home to  
14 the City of Raleigh by the rate per mile ~~allowed to State employees for~~  
15 ~~official travel, which is the business standard mileage rate set by the~~  
16 Internal Revenue Service in Rev. Proc. 92-104, December 28, 1992."

17 Sec. 7. Effective upon the convening the the 1995 Regular Session of the  
18 General Assembly, G.S. 120-3.1(a)(2) reads as rewritten:

19 "(2) A travel allowance at the rate ~~allowed by statute for State employees~~  
20 which is the business standard mileage rate set by the Internal Revenue  
21 Service in Rev. Proc. 92-104, December 28, 1992, whenever the  
22 member travels, whether in or out of session, as a representative of the  
23 General Assembly or of its committees or commissions, with the  
24 approval of the Legislative Services Commission."

25 Sec. 8. G.S. 147-8 reads as rewritten:

26 **"§ 147-8. Mileage allowance to officers or employees using public or private**  
27 **automobiles.**

28 Where it is provided by any law affecting the State of North Carolina, or any  
29 subdivision thereof, whereby any employee or officer of the same is allowed to charge  
30 mileage for the use of any motor vehicle when owned by the State or any subdivision  
31 thereof or by any such employee or officer of the State or any subdivision thereof, when  
32 in the discharge of any duties imposed upon him by reason of his employment or office,  
33 the same is hereby repealed to the extent that said charge shall be limited to the actual  
34 miles traveled by said motor vehicle and no mileage charge shall be allowed for but one  
35 occupant of any motor vehicle so used, and provided further that no such mileage  
36 charge shall exceed ~~seven cents (7¢) per mile, the mileage rate set by G.S. 138-6(a)(1).~~"

37 Sec. 9. G.S. 147-9 reads as rewritten:

38 **"§ 147-9. Unlawful to pay more than allowance.**

39 It shall be unlawful for any officer, auditor, bookkeeper, clerk or other employee of  
40 the State of North Carolina or any subdivision thereof to knowingly approve any claim  
41 or charge on the part of any person for mileage by reason of the use of any motor  
42 vehicle owned by the State or any subdivision thereof or by any person and used in the  
43 pursuit of his employment or office in excess of ~~seven cents (7¢) the mileage rate set by~~  
44 G.S. 138-6(a)(1) per mile as set out in G.S. 147-8 and any officer, auditor, bookkeeper,

1 clerk or other employee violating the provisions of this section shall be guilty of a  
2 misdemeanor."

3           Sec. 10. G.S. 163-211 reads as rewritten:

4 **"§ 163-211. Compensation of presidential electors.**

5           Presidential electors shall be paid, for attending the meeting held in the City of  
6 Raleigh on the first Monday after the second Wednesday in December next after their  
7 election, the sum of forty-four dollars (\$44.00) per day and traveling expenses at the rate  
8 of ~~seventeen cents (17¢)~~ the mileage rate set by G.S. 138-6(a)(1) per mile in going to and  
9 returning home from the required meeting."

10           Sec. 11. Except as provided herein, this act becomes effective July 1, 1993.