

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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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

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE MILEAGE AND PER DIEM FOR STATE EMPLOYEES AND
3 MEMBERS OF BOARDS AND COMMISSIONS TO CURRENT FEDERAL RATES AND
4 TO SET 2023 LEGISLATOR MILEAGE AND PER DIEM AT 2019 FEDERAL RATES.

5 The General Assembly of North Carolina enacts:

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

7 **"§ 138-6. Travel allowances of State officers and employees.**

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

- 11 (1) For transportation by privately owned automobile, the current business
12 standard mileage rate set by the Internal Revenue Service per mile of travel
13 and the actual cost of tolls paid. ~~Any other law which sets a mileage rate by~~
14 ~~referring to the rate set herein, instead establishes a rate of twenty five cents~~
15 ~~(25¢) per mile.~~ No reimbursement shall be made for the use of a personal car
16 in commuting from an officer or employee's home to ~~his~~ the officer or
17 employee's duty station in connection with regularly scheduled work hours.
- 18 (2) For bus, railroad, Pullman, or other conveyance, actual fare.
- 19 (3) ~~For expenses incurred~~ A subsistence allowance for subsistence, payment of
20 ~~eighty one dollars (\$81.00) per day when traveling in state or ninety three~~
21 ~~dollars (\$93.00) per day when traveling out of state. meals and lodging, at a~~
22 daily rate equal to the maximum per diem rate for federal employees traveling
23 to Raleigh, North Carolina, as set out by the General Services Administration
24 in the current fiscal year. Payment of sales tax, lodging tax, local tax, or
25 service fees applied to the cost of lodging are to be paid in addition to the daily
26 subsistence amount. ~~The employee may exceed the part of the ceiling~~
27 ~~allocated for lodging without approval for overexpenditure provided that the~~
28 ~~total lodging and food reimbursement does not exceed the maximum provided~~
29 ~~by this subdivision.~~ When travel involves less than a full day (24-hour period),
30 a ~~reasonable~~ prorated amount of the maximum per diem rate for federal
31 employees traveling to Raleigh, North Carolina, as set out by the General
32 Services Administration in the current fiscal year, shall be paid in accordance
33 with regulations and criteria which shall be promulgated and published by the
34 Director of the Budget. Reimbursement to State employees for lunches eaten
35 while on official business may be made only in the following circumstances:



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- 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
4 a 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~~
19 ~~equal to the percentage increase in the Consumer Price Index for All Urban~~
20 ~~Consumers for the most recent 24-month period.~~
- 21 (6) Effective July 1, 2019, and effective July 1 of each year thereafter, the Director
22 of the Budget shall revise the amounts of payment of subsistence per day when
23 traveling in-State and out-of-state equal to the maximum per diem rate for
24 federal employees traveling to Raleigh, North Carolina, as set out by the
25 General Services Administration in the current fiscal year.
- 26 (b) Out-of-state travel on official business by the officers and employees of State
27 departments, institutions, and agencies which operate from funds deposited with the State
28 Treasurer shall be reimbursed only upon authorization obtained in the manner prescribed by the
29 Director of the Budget.
- 30 (c) Reimbursement of actual costs of overnight lodging, whether ~~in-state~~in-State or
31 out-of-state, must be documented by a receipt of actual lodging expenses from a commercial
32 establishment. This documentation shall be attached to the reimbursement request. All
33 reimbursement requests shall be filed for approval and payment within 30 days after the travel
34 period for which the reimbursement is being requested."
- 35 **SECTION 2.** Effective upon the convening of the 2023 General Assembly,
36 G.S. 120-3.1(a) reads as rewritten:
- 37 "(a) In addition to compensation for their services, members of the General Assembly
38 shall be paid the following allowances:
- 39 (1) A weekly travel allowance for each week or fraction thereof that the General
40 Assembly is in regular or extra session. The amount of the weekly travel
41 allowance shall be calculated for each member by multiplying the actual
42 round-trip mileage from that member's home to the City of Raleigh by the rate
43 per mile which is the business standard mileage rate set by the Internal
44 Revenue Service in ~~Rev. Proc. 93-51, December 27, 1993~~Rev. Proc. 2010-51,
45 December 14, 2018.
- 46 (2) A travel allowance at the rate which is the business standard mileage rate set
47 by the Internal Revenue Service in ~~Rev. Proc. 93-51, December 27, 1993~~Rev.
48 Proc. 2010-51, December 14, 2018, whenever the member travels, whether in
49 or out of session, as a representative of the General Assembly or of its
50 committees or commissions, with the approval of the Legislative Services
51 Commission.

1 (3) A subsistence allowance for meals and lodging at a daily rate equal to the
2 maximum per diem rate for federal employees traveling to Raleigh, North
3 Carolina, as set out at ~~58 Federal Register 67959 (December 22, 1993)~~, ~~83~~
4 Federal Register 42501 (August 22, 2018), while the General Assembly is in
5 session and, except as otherwise provided in this subdivision, while the
6 General Assembly is not in session when, with the approval of the Speaker of
7 the House of Representatives in the case of Representatives or the President
8 Pro Tempore of the Senate in case of Senators, the member is:
9 a. Traveling as a representative of the General Assembly or of its
10 committees or commissions, or
11 b. Otherwise in the service of the State.
12 A member who is authorized to travel, whether in or out of session,
13 within the United States outside North Carolina, may elect to receive, in lieu
14 of the amount provided in the preceding paragraph, a subsistence allowance
15 of twenty-six dollars (\$26.00) a day for meals, plus actual expenses for
16 lodging when evidenced by a receipt satisfactory to the Legislative Services
17 Officer, the latter not to exceed the maximum per diem rate for federal
18 employees traveling to the same place, as set out at ~~58 Federal Register~~
19 ~~67950-67964 (December 22, 1993)~~ and at ~~59 Federal Register 23702-23709~~
20 ~~(May 6, 1994)~~, 83 Federal Register 42501 (August 22, 2018).

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