

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B 1072
May 10, 2016
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40584-MMa-142 (03/28)

Short Title: Limit Legislative Per Diem. (Public)

Sponsors: Representatives Catlin and Jeter (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CAP THE NUMBER OF REGULAR SESSION WEEKS LEGISLATORS MAY
3 RECEIVE WEEKLY PER DIEM AND TO REDUCE THE GENERAL ASSEMBLY'S
4 BUDGET.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 120-3.1 reads as rewritten:

7 "§ 120-3.1. **Subsistence and travel allowances for members of the General Assembly.**

8 (a) In addition to compensation for their services, and subject to subsection (e) of this
9 section, members of the General Assembly shall be paid the following allowances:

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

16 (2) A travel allowance at the rate which is the business standard mileage rate set by
17 the Internal Revenue Service in Rev. Proc. 93-51, December 27, 1993,
18 whenever the member travels, whether in or out of session, as a representative
19 of the General Assembly or of its committees or commissions, with the
20 approval of the Legislative Services Commission.

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

- 29 a. Traveling as a representative of the General Assembly or of its
30 committees or commissions, or
31 b. Otherwise in the service of the State.

32 A member who is authorized to travel, whether in or out of session,
33 within the United States outside North Carolina, may elect to receive, in lieu of
34 the amount provided in the preceding paragraph, a subsistence allowance of
35 twenty-six dollars (\$26.00) a day for meals, plus actual expenses for lodging
36 when evidenced by a receipt satisfactory to the Legislative Services Officer, the



1 latter not to exceed the maximum per diem rate for federal employees traveling
2 to the same place, as set out at 58 Federal Register 67950-67964 (December 22,
3 1993) and at 59 Federal Register 23702-23709 (May 6, 1994).

4 (4) A member may be reimbursed for registration fees as permitted by the
5 Legislative Services Commission.

6 (b) Payment of travel and subsistence allowances shall be made to members of the General
7 Assembly only after certification by the claimant as to the correctness thereof on forms prescribed
8 by the Legislative Services Commission. Claims for travel and subsistence payments shall be paid
9 at such times as may be prescribed by the Legislative Services Commission.

10 (c) When the General Assembly by joint action of the two houses adjourns to a day
11 certain, which day is more than three days after the date of adjournment, the period between the
12 date of adjournment and the date of reconvening shall for the purposes of this section be deemed
13 to be a period when the General Assembly is not in session, and no member shall be entitled to
14 subsistence and travel allowance during that period, except under circumstances which would
15 entitle him to subsistence and travel allowance when the General Assembly is not in session.

16 (d) Repealed by Session Laws 1989 (Regular Session 1990), c. 1066, s. 24(a).

17 (e) During a regular session of the General Assembly in odd-numbered years, no
18 subsistence allowance for meals and lodging provided for in subdivision (a)(3) of this section may
19 be paid to a member as compensation for services rendered after the twenty-second legislative
20 week of the session. During a regular session of the General Assembly in even-numbered years,
21 no subsistence allowance for meals and lodging provided for in subdivision (a)(3) of this section
22 may be paid to a member as compensation for services rendered after the eighth week of the
23 session. As used in this section, the term "legislative week" does not include periods when the
24 General Assembly is not in session, as provided in subsection (c) of this section. This subsection
25 shall not apply to any of the following:

26 (1) Any extra session called under Section 11(2) of Article II or Section 5(7) of
27 Article III of the North Carolina Constitution.

28 (2) Any reconvened session called under Section 5(11) of Article III of the North
29 Carolina Constitution."

30 **SECTION 2.** The funds appropriated from the General Fund to the General Assembly
31 for the 2016-2017 fiscal year are reduced by the sum of one million dollars (\$1,000,000).

32 **SECTION 3.** Section 2 of this act becomes effective July 1, 2016. The remainder of
33 this act is effective when it becomes law and G.S. 120-3.1(e), as enacted in Section 1 of this act,
34 applies to the 2016 Regular Session of the 2015 General Assembly.