

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

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HOUSE RESOLUTION 51
Committee Substitute Favorable 2/10/99

Sponsors:

Referred to:

February 9, 1999

1 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF
3 REPRESENTATIVES OF THE 1999 GENERAL ASSEMBLY.

4 Be it resolved by the House of Representatives:

5 Section 1. The permanent rules of the Regular Sessions of the House of
6 Representatives of the 1999 General Assembly are:

7 **PERMANENT RULES OF THE REGULAR SESSIONS OF THE**
8 **HOUSE OF REPRESENTATIVES OF THE 1999**
9 **GENERAL ASSEMBLY OF NORTH CAROLINA**

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19 **I. ORDER OF BUSINESS**

20 **RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday**
21 **Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by

1 the House. In the event the House adjourns on the preceding legislative day without
2 having fixed an hour for reconvening, the House shall convene on the next legislative day
3 at 2:00 p.m. During January and February of 1999, no sessions may be held on Friday.
4 No session shall continue after 10:00 p.m. on Monday nor after 9:00 p.m. on any other
5 days, and the Speaker shall adjourn the House without motion at that point, except that a
6 motion may be made as to the time and day of next convening. No session shall be held
7 on Sunday.

8 **RULE 2. Opening the Session.** – At the convening hour on each legislative
9 day, the Speaker shall call the members to order and shall have the session opened with
10 prayer. At the convening hour on the first day of each legislative week, the Speaker, or
11 his designee, shall lead the members in the Pledge of Allegiance to the American Flag.

12 **RULE 3. Quorum.** – (a) A quorum consists of a majority of the qualified
13 members of the House.

14 (b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk
15 shall call the roll of the House, after which the names of those not responding shall again
16 be called. In the absence of a quorum, 15 members are authorized to compel the
17 attendance of absent members and may order that absentees for whom no sufficient
18 excuses are made be taken into custody wherever they may be found by special
19 messenger appointed for that purpose.

20 **RULE 4. Approval of Journal.** – (a) The Standing Committee on Rules, Calendar,
21 and Operations of the House shall cause the Journal of the House to be examined daily
22 before the hour of convening to determine if the proceedings of the previous day have
23 been correctly recorded.

24 (b) Immediately following the opening prayer and upon appearance of a quorum,
25 the Speaker shall call for the Journal report by the Chair of the Standing Committee on
26 Rules, Calendar, and Operations of the House, or by a Representative designated by the
27 Chair, as to whether the proceedings of the previous day have been correctly recorded.
28 Without objection, the Speaker shall cause the Journal to stand approved.

29 **RULE 5. Order of Business of the Day.** – After the approval of the Journal of
30 the preceding day, the House shall proceed to business in the following order:

- 31 (1) The receiving of petitions, memorials, and papers addressed to the
32 General Assembly or to the House;
- 33 (1a) Messages from the Governor;
- 34 (2) Ratification of bills;
- 35 (3) Reports of standing committees and permanent subcommittees;
- 36 (4) Reports of select committees;
- 37 (5) Reports of referral by standing committee Chairs of bills to permanent
38 subcommittees;
- 39 (6) First reading and reference to committee of bills and resolutions;
- 40 (7) Messages from the Senate;
- 41 (8) Concurrence with Senate amendments or Senate committee substitutes;
- 42 (9) The unfinished business of the preceding day;
- 43 (10) Calendar (each category in accordance with Rule 40):

- 1 a. Local bills (roll call) third reading
- 2 b. Local bills (roll call) second reading
- 3 c. Local bills third reading
- 4 d. Local bills second reading
- 5 e. Public bills (roll call) third reading
- 6 f. Public bills (roll call) second reading
- 7 g. Public bills and resolutions, third reading
- 8 h. Public bills and resolutions, second reading;
- 9 (11) Reading of notices and announcements.

10 II. CONDUCT OF DEBATE

11 **RULE 6. Duties and Powers of the Speaker.** – The Speaker shall have
12 general direction of the Hall. With the consent of or in the absence of the Speaker Pro
13 Tempore, the Speaker may name any member to perform the duties of the Chair, but
14 substitution shall not extend beyond one day, except in the case of sickness or by leave of
15 the House.

16 **RULE 7. Obtaining Floor.** – (a) When any member desires recognition for any
17 purpose, the member shall rise and respectfully address the Speaker. No member shall
18 proceed until recognized by the Speaker for a purpose.

19 (b) When a member desires to interrupt a member having the floor, the member
20 shall first obtain recognition by the Speaker and permission of the member occupying the
21 floor, and when such recognition and permission have been obtained, he or she may
22 propound a question to the member occupying the floor; but he or she shall not otherwise
23 interrupt the member having the floor, except as provided in subsection (c) of this rule;
24 and the Speaker shall, without the point of order being raised, enforce this rule.

25 (c) A member who has obtained the floor may be interrupted only for the
26 following reasons:

- 27 (1) A request that the member speaking yield for a question,
- 28 (2) A point of order,
- 29 (3) A parliamentary inquiry, or
- 30 (4) A question of privilege.

31 **RULE 8. Questions of Privilege.** – Upon recognition by the Speaker for that
32 purpose, any member may speak to a question of privilege for a time not to exceed three
33 minutes. Questions of privilege shall be those affecting, first, the rights of the House
34 collectively, its safety, dignity, and the integrity of its proceedings; second, the rights,
35 reputation, and conduct of members, individually, in their representative capacity only;
36 and shall have precedence over all other questions, except motions to adjourn. Privilege
37 may not be used to explain a vote or debate a bill. The Speaker shall determine if the
38 question is one of privilege and shall, without the point of order being raised, enforce this
39 rule.

40 **RULE 9. Points of Order.** – (a) The Speaker shall decide questions of order and
41 may speak to points of order in preference to other members arising from their seats for
42 that purpose. Any member may appeal from the ruling of the Chair on questions of
43 order; on such appeal no member may speak more than once, unless by leave of the

1 House. A two-thirds (2/3) vote of the members present shall be necessary to sustain any
2 appeal from the ruling of the Chair.

3 (b) When the Speaker calls a member to order, the member shall be seated except
4 that a member called to order may clear a matter of fact, or explain, but shall not proceed
5 in debate so long as the decision stands. If the member appeals from the ruling of the
6 Chair and the decision by a two-thirds (2/3) vote of the members present be in favor of
7 the member called to order, the member may proceed; if otherwise, the member shall not;
8 and if the case, in the judgment of the House, requires it, the member shall be liable to
9 censure by the House.

10 **RULE 10. Limitations on Debate.** – (a) No member shall speak on, debate, or
11 solicit cosponsors for a bill or resolution at its first reading.

12 (b) No member shall speak more than twice on the main question, nor longer than
13 20 minutes for the first speech and 10 minutes for the second speech; nor shall the
14 member speak more than twice upon an amendment or motion to reconsider, re-refer,
15 appeal, or postpone, and then not longer than 10 minutes for the first speech and five
16 minutes for the second speech.

17 (c) A member may speak only once and for not more than 20 minutes on the
18 question of the adoption of a minority report.

19 (d) The House, by consent of a majority of the members present, may suspend the
20 operation of subsections (b) and (c) of this rule during any debate on any particular
21 question before the House.

22 **RULE 11. Reading of Papers.** – When there is a call for the reading of the
23 text of a paper which has been presented to the House, and there is objection to such
24 reading, the question shall be determined by a majority vote of the members of the House
25 present. Except for protests permitted by the Constitution, no member may have material
26 printed in the Journal until said material has been presented to the House and the printing
27 approved by the House, and said material shall not exceed 1,000 words.

28 **RULE 12. General Decorum.** – (a) The Speaker shall preserve order and decorum.

29 (b) Decency of speech shall be observed and disrespect to personalities carefully
30 avoided.

31 (c) When the Speaker is putting any question, or addressing the House, no person
32 shall speak, stand up, walk out of, or cross the House, nor when a member is speaking,
33 engage in disruptive discourse or pass between the member and the Chair.

34 (d) Food or beverages shall not be permitted on the floor of the House during the
35 first two hours of the daily session.

36 (e) The reading of newspapers shall not be permitted on the floor of the House
37 while the House is in session.

38 (f) Smoking or the consumption of food or beverages shall not be permitted in
39 the galleries at any time.

40 (g) Special recitals and performances by musicians or other groups shall not
41 be permitted on the floor of the House; and special guests of members of the House shall
42 not be permitted on the floor of the House.

1 (h) Members shall observe appropriate attire, coat and tie for male members
2 and dignified dress for female members.

3 (i) The use of wireless telephones shall not be permitted in the House
4 Chamber.

5 III. MOTIONS

6 **RULE 13. Motions Generally.** – (a) Every motion shall be reduced to writing if the
7 Speaker or any two members request it. No motion relating to a bill shall be in order
8 which does not identify the bill by its number and short title.

9 (b) When a motion is made, it shall be stated by the Speaker, or, if written, it shall
10 be handed to the Chair and read aloud by the Speaker or Clerk before debate.

11 (c) After a motion has been stated by the Speaker or read by the Speaker or Clerk,
12 it shall be in the possession of the House; but it may be withdrawn before a decision or
13 amendment, except in case of a motion to reconsider, which motion, when made by a
14 member, shall be in possession of the House and shall not be withdrawn without leave of
15 the House.

16 **RULE 14. Motions, Order of Precedence.** – When there are motions before
17 the House, the order of precedence is as follows:

18 To adjourn

19 To lay on the table

20 Previous question

21 To postpone indefinitely

22 To reconsider

23 To postpone to a day certain

24 To re-refer

25 To amend an amendment

26 To amend

27 To substitute

28 To pass the bill

29 No motion to lay on the table, to postpone indefinitely, to postpone to a day
30 certain, to re-refer or to make a particular amendment, being decided, shall be again
31 allowed at the same stage of the bill or proposition.

32 **RULE 15. Motion to Adjourn.** – (a) A motion to adjourn shall be seconded before
33 the motion is put to the vote of the House.

34 (b) A motion to adjourn shall be decided without debate and shall always be in
35 order, except when the House is voting or some member is speaking; but a motion to
36 adjourn shall not follow a motion to adjourn until debate or some other business of the
37 House has intervened.

38 **RULE 16. Motion to Table.** – (a) A motion to table shall be seconded before the
39 motion is put to the vote of the House and is in order except when a motion to adjourn is
40 before the House.

41 (b) A motion to table shall be decided without debate.

42 (c) A motion to table a bill shall constitute a motion to table the bill and all
43 amendments thereto.

1 (d) When the question before the House is the adoption of an amendment to a bill
2 or resolution, a motion to table the bill is not in order; and a motion to table an
3 amendment applies to the amendment only, and the motion may not expressly or by
4 implication or construction be expanded to include a motion to table the bill also.

5 (e) When a question has been tabled, it shall not thereafter be considered
6 except on motion to reconsider under Rule 18 or to remove from the table approved by a
7 two-thirds (2/3) vote.

8 **RULE 17. Motion to Postpone Indefinitely.** – A motion to postpone
9 indefinitely is in order except when a motion to adjourn or to lay on the table or for the
10 previous question is before the House. However, after one motion to postpone
11 indefinitely has been decided, another motion to postpone indefinitely shall not be
12 allowed at the same stage of the bill or proposition. When a question has been postponed
13 indefinitely, it shall not thereafter be considered except on motion to reconsider under
14 Rule 18 or to place on the favorable calendar approved by a two-thirds (2/3) vote.

15 **RULE 18. Motion to Reconsider.** – (a) When a question has been decided, it is
16 in order for any member to move for the reconsideration thereof on the same or the
17 succeeding legislative day; provided that if the vote by which the motion was originally
18 decided was taken by a recorded vote, only a member of the prevailing side may move
19 for reconsideration.

20 (b) A motion to reconsider shall be determined by a majority vote, except the
21 following shall require a two-thirds (2/3) vote: a second or subsequent motion to
22 reconsider and a motion to reconsider:

- 23 (1) A vote upon a motion to table,
- 24 (2) A motion to postpone indefinitely,
- 25 (3) A motion to remove a bill from the unfavorable calendar,
- 26 (4) A motion that a bill be read twice on the same day, or
- 27 (5) A motion to remove from the table.

28 (c) A motion to reconsider the vote by which a person has been elected as Speaker
29 or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be
30 suspended.

31 **RULE 19. Previous Question.** – (a) The previous question may be called only by:

- 32 (1) The Chair of the Committee on Rules, Calendar, and Operations of the
33 House;
- 34 (2) The majority leader;
- 35 (3) The Speaker Pro Tempore;
- 36 (4) The member submitting the report on the bill or other matter under
37 consideration;
- 38 (5) The member introducing the bill or other matter under consideration; or
- 39 (6) The member in charge of the measure, who shall be designated by the
40 Chair of the standing committee or permanent subcommittee reporting
41 the same to the House at the time the bill or other matter under
42 consideration is reported to the House or taken up for consideration.

1 (b) The previous question shall be as follows: "Call for the previous question
2 having been made, is the call sustained?" When the call for the previous question has
3 been decided in the affirmative by a majority vote of the House, the question is on the
4 passage of the bill, resolution, or other matter under consideration.

5 (c) The call for the previous question shall preclude all motions, amendments, and
6 debate, except the motion to adjourn or motion to table.

7 (d) If the previous question is decided in the negative, the question remains under
8 debate.

9 IV. VOTING

10 RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions
11 shall be taken on the electronic voting system, and the ayes and noes shall be recorded on
12 the Journal:

13 (1) The passage as required by Article II, Section 23 of the Constitution of
14 North Carolina, on second and third readings of any bill:

15 a. Raising money on the credit of the State,

16 b. Pledging the faith of the State for the payment of a debt,

17 c. Imposing a State tax, or

18 d. Authorizing a county, municipality, or other local governmental
19 unit to

20 1. Raise money on its credit,

21 2. Pledge its faith for the payment of a debt, or

22 3. Impose a local tax.

23 (2) All measures affecting a fee imposed by the State or any subdivision
24 thereof.

25 (3) All questions on which a call for the ayes and noes under Rule 24(a) and
26 Article II, Section 19 of the Constitution of North Carolina has been
27 sustained.

28 (4) Both second and third readings of bills proposing amendment of the
29 Constitution of North Carolina or ratifying resolutions amending the
30 Constitution of the United States.

31 (5) The passage of a bill notwithstanding the Governor's veto thereof
32 pursuant to Article II, Section 22 of the Constitution of North Carolina.

33 (b) Votes on the following questions shall be taken on the electronic voting
34 system:

35 (1) Second reading of all public bills, all amendments to public bills offered
36 after second reading, third reading if a public bill was amended after
37 second reading or if the reading occurs on a day or days following the
38 second reading, all conference reports on public bills, all motions to lay
39 public bills on the table, and all motions to postpone public bills
40 indefinitely.

41 (2) Upon a call for division.

42 (3) Any other question upon direction of the Speaker or upon motion of any
43 member supported by one-fifth (1/5) of the members present.

1 (c) When the electronic voting system is used, 15 seconds shall be allowed for
2 voting on the question before the House, unless the Chair shall direct otherwise. The
3 system shall be set to close automatically when that time has expired. Once the system is
4 locked, the vote shall be recorded and printed.

5 (d) The voting station at each member's desk in the Chamber shall be used only by
6 the member to which the station is assigned. Under no circumstances shall any other
7 person vote at a member's station. It is a breach of the ethical obligation of a member
8 either to request that another person vote at the requesting member's station or to vote at
9 another member's station. The Speaker shall enforce this rule without exception.

10 (e) When the electronic voting system is used, the Speaker shall state the
11 question and shall then state substantially the following: "All in favor vote 'aye'; all
12 opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the
13 member must vote by the electronic voting system within the time allowed for that vote,
14 unless the voting station assigned to a member is malfunctioning. The Speaker shall
15 enforce this rule without exception. After the allotted time for voting has elapsed, the
16 Speaker shall say: "The Clerk will now lock the machine and record the vote." After the
17 machine is locked and the vote recorded, the Speaker shall announce the vote and declare
18 the result.

19 (f) One copy of the machine printout of the vote record of all votes taken on
20 the electronic system shall be filed in the office of the Principal Clerk, and two copies
21 shall be filed in the Legislative Library where the copies shall be open to public
22 inspection. A legible copy of the bill, amendment, or motion on which the vote was
23 taken shall be filed with the printout of the vote in the Legislative Library.

24 (g) When the Speaker ascertains that the electronic voting system is
25 inoperative before a vote is taken or while a vote is being taken on the electronic system,
26 the Speaker shall announce that fact to the House, and any partial electronic system
27 voting record shall be voided. In such a case, if the Constitution of North Carolina or the
28 Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the
29 House, and the ayes and noes shall be taken manually and shall be recorded on the
30 Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the
31 electronic system, it is discovered that a malfunction caused an error in the electronic
32 system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to
33 verify and correct the printout record and so advise the House.

34 (h) For the purpose of identifying motions on which the vote is taken on the
35 electronic system, the motions are coded as follows:

- 36 (1) To adjourn
- 37 (2) To lay on the table
- 38 (3) Previous question
- 39 (4) To postpone indefinitely
- 40 (5) To reconsider
- 41 (6) To postpone to a day certain
- 42 (7) To re-refer
- 43 (8) To amend an amendment

- 1 (9) To amend
2 (10) To substitute
3 (11) To concur or not concur
4 (12) Miscellaneous

5 **RULE 21. Voice Votes; Stating Questions.** – (a) All other votes except those
6 required to be taken on the electronic voting system shall be taken by voice vote.

7 (b) When a voice vote is taken the Speaker shall put the question substantially as
8 follows: "Those in favor (as the question may be) will say 'Aye'", and after the
9 affirmative voice has been expressed, "Those opposed will say 'No'".

10 (c) No statement, explanation, debate, motion, parliamentary inquiry, or point of
11 order shall be allowed once the voice vote has begun. Any point of order or
12 parliamentary inquiry may be raised, however, after the completion of the vote.

13 **RULE 22. Determining Questions.** – (a) Unless otherwise provided by the
14 Constitution of North Carolina or by these rules, all questions shall be determined by a
15 simple majority of the members present and voting.

16 (b) No member may vote unless the member is in the Chamber when the question
17 is put. This subsection of this rule cannot be suspended.

18 **RULE 23. Voting by Division.** – Any member may call for a division of the
19 members upon the question before the result of the vote has been announced. Upon a call
20 for a division, the Speaker shall cause the number voting in the affirmative and in the
21 negative to be determined. Upon a division and count of the House on any question, no
22 member away from the member's seat shall be counted.

23 **RULE 24. Roll Call Vote.** – (a) Before a question is put, any member may call
24 for the ayes and noes. If the call is sustained by one-fifth (1/5) of the members present,
25 the question shall be decided by the ayes and noes upon a roll call vote.

26 (b) Every member who is in the Hall of the House when the question is put shall
27 vote upon a call of the ayes and noes, unless excused pursuant to Rule 24.1A.

28 **RULE 24.1A. Excuse From Deliberations and Voting on a Bill.** – (a) Any member
29 shall, upon request, be excused from the deliberations and voting on a particular bill, but
30 to do so must make that request after the second reading of the bill and before any motion
31 or vote on the bill or any amendment thereto. If the reason for the request arises at some
32 point later in the proceedings, the request may be made at that time.

33 (b) The member may make a brief oral statement of the reasons for making the
34 request. The member may send forward to the Principal Clerk, on a form provided by the
35 Clerk, a concise written statement of the reason for the request, and the Clerk shall
36 include this statement in the Journal.

37 (c) The member so excused shall not debate the bill or any amendment to the bill,
38 vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any
39 motion concerning the bill at that reading, any subsequent reading, or any subsequent
40 consideration of the bill.

41 (d) A member may request that his or her excuse from deliberations on a particular
42 bill be withdrawn.

1 RULE 24.1B. **Division of Amendments.** – Any member may call for an
2 amendment to be divided into two or more amendments to be voted on separately, and
3 the Speaker shall determine whether the amendment admits of such a division.

4 RULE 25. **Voting by Speaker.** – In all elections the Speaker may vote. In all
5 other instances the Speaker may vote or may reserve this right until there is a tie in which
6 event the Speaker may vote; but in no instance may the Speaker vote twice on the same
7 question.

8 V. COMMITTEES

9 RULE 26. **Standing Committees and Permanent Subcommittees Generally.** – (a)

10 The Speaker shall appoint a Chair, or Cochairs, of every standing committee,
11 permanent subcommittee, and select committee, if any. In the construction of these rules,
12 the word "Chair" as applied to a committee extends to and includes a Cochair of the
13 committee. The Speaker shall have the exclusive right and authority to establish select
14 committees, but this does not exclude the right of the House by resolution to establish
15 select committees.

16 (b) All permanent subcommittees of each standing committee shall be appointed
17 by the Speaker, and the members appointed, along with the Chair of the standing
18 committee, shall constitute the standing committee of which the permanent subcommittee
19 is a part. The Speaker shall appoint all members of permanent subcommittees at the
20 beginning of the first regular session in a manner to reflect the partisan membership of
21 the House.

22 (c) The Speaker shall appoint the members of all standing committees having no
23 permanent subcommittees at the beginning of the first regular session in a manner to
24 reflect the partisan membership of the House.

25 (d) Each Chair of a permanent subcommittee shall be a Vice-Chair of the standing
26 committee of which it is a permanent subcommittee. The Speaker may name other
27 members as Vice-Chairs of the standing committee. The Speaker may name one or more
28 Vice-Chairs for any standing committee not having permanent subcommittees.

29 (e) The Chair of the standing committee shall be a voting member of each
30 permanent subcommittee of the standing committee.

31 (f) Either the Chair or Acting Chair, designated by the Chair or by the
32 Speaker, and five other members of the standing committee or permanent subcommittee,
33 or a majority of the standing committee or permanent subcommittee, whichever is fewer,
34 shall constitute a quorum of that standing committee or permanent subcommittee. For
35 purposes of determining a quorum, the Speaker Pro Tempore, Majority Leader, Majority
36 Whips, and the person designated by the Speaker when serving only as ex officio
37 members under subsection (h) of this rule, shall be counted among the membership of the
38 committee or subcommittee only when present.

39 (g) In any joint meeting of the Senate and House committees or
40 subcommittees, the House standing committee or permanent subcommittee reserves the
41 right to vote separately.

42 (h) The Speaker Pro Tempore, Majority Leader, two Majority Whips, and one
43 member designated by the Speaker at the time of appointments of chairs of standing

1 committees are ex officio members of every standing committee and permanent
 2 subcommittee, with the right to vote. No more than four of these persons may vote under
 3 the authority of this subsection at any committee meeting.

4 **RULE 26.1. Mentions of Standing Committee Includes Select Committee.** –
 5 Any reference in these rules to standing committees shall extend to select committees
 6 unless the context requires otherwise.

7 **RULE 27. List of Standing Committees and Permanent Subcommittees.** –
 8 The standing committees and permanent subcommittees thereof are:

- | | | | |
|----|-------------------------------|---------------|----------------------------|
| 9 | Committees | Subcommittees | |
| 10 | Aging (None) | | |
| 11 | | | |
| 12 | Agriculture | (None) | |
| 13 | | | |
| 14 | Alcoholic Beverage Control | (None) | |
| 15 | | | |
| 16 | Appropriations | -Capital | |
| 17 | | | -Education |
| 18 | | | -General Government |
| 19 | | | -Health and Human Services |
| 20 | | | -Justice and Public Safety |
| 21 | | | -Natural and Economic |
| 22 | Resources | | |
| 23 | | | -Transportation |
| 24 | | | |
| 25 | Children, Youth and Families | (None) | |
| 26 | | | |
| 27 | Cultural Resources | (None) | |
| 28 | | | |
| 29 | Economic Growth and Community | | |
| 30 | Development | (None) | |
| 31 | | | |
| 32 | Education-Community Colleges | | |
| 33 | | | -Pre-School, Elementary |
| 34 | — | | and Secondary Education |
| 35 | | | -Universities |
| 36 | | | |
| 37 | Election Law and | | |
| 38 | Campaign Finance Reform | (None) | |
| 39 | | | |
| 40 | Environment and | | |
| 41 | Natural Resources_ | (None) | |
| 42 | | | |
| 43 | Ethics_(None) | | |

1
2 Finance (None)
3
4 Financial Institutions (None)
5
6 Health (None)
7
8 Highway Safety (None)
9
10 Insurance (None)
11
12 Judiciary I (None)
13
14 Judiciary II (None)
15
16 Judiciary III (None)
17
18 Judiciary IV (None)
19
20 Law Enforcement (None)
21
22 Local Government I (None)
23
24 Local Government II (None)
25
26 Marine Fisheries (None)
27
28 Mental Health (None)
29
30 Military, Veterans and
31 Indian Affairs (None)
32
33 Occupational Safety and Health (None)
34
35 Pensions and Retirement (None)
36
37 Public Health (None)
38
39 Public Utilities (None)
40
41 Rules, Calendar, and
42 Operations of the House (None)
43

1 Small Business (None)
2
3 State Parks and Properties (None)
4
5 State Personnel (None)
6
7 Technology (None)
8
9 Transportation (None)
10
11 Travel and Tourism (None)
12
13 University Board of Governors
14 Nominating (None)
15
16 Ways and Means (None)
17
18 Welfare Reform (None)
19
20 Wildlife Resources (None)

21 **RULE 28. Standing Committee and Permanent Subcommittee Meetings.** – (a)

22 Standing committees and permanent subcommittees of standing committees
23 shall be furnished with suitable meeting places pursuant to a schedule adopted by the
24 Standing Committee on Rules, Calendar, and Operations of the House. Select
25 committees shall be furnished with suitable meeting places as their needs require by the
26 Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

27 (b) Subject to the provisions of subsection (c) of this rule, standing committees
28 and permanent subcommittees thereof shall permit other members of the General
29 Assembly, the press, and the general public to attend all sessions of said standing
30 committees or permanent subcommittees.

31 (c) The Chair or other presiding officer shall have general direction of the meeting
32 place of the standing committee or permanent subcommittee and, in case of any
33 disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct
34 of the legislative business is hindered by any person or persons, the Chair or presiding
35 officer shall have power to exclude from the session any individual or individuals so
36 hindering the legislative business.

37 (d) Procedure in the standing committees and permanent subcommittees shall be
38 governed by the rules of the House, so far as the same may be applicable to such
39 procedure. Before a question is put, any member may call for the ayes and noes. If the
40 call is sustained by one-fifth (1/5) of the members present, the question shall be decided
41 by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically
42 and shall be subject to Rule 21(c).

1 (e) No standing committee or permanent subcommittee shall meet on any day
2 when the House shall not convene except by permission of the Speaker or by approval of
3 the House by resolution adopted by a majority vote of the House.

4 (f) No standing committee or permanent subcommittee shall meet during any
5 session of the House. Standing committees and permanent subcommittees shall meet at
6 their regularly scheduled hour. No permanent subcommittee shall meet at the same time
7 that its standing committee is meeting. Standing committees and permanent
8 subcommittees may meet at other times as authorized by the Chair of the Standing
9 Committee on Rules, Calendar, and Operations of the House in order to assure the
10 availability of the meeting room and that no conflicts will exist with the meetings of other
11 bodies. All standing committee and permanent subcommittee meetings shall adjourn no
12 later than:

13 (1) 15 minutes preceding a regular session of the House, and

14 (2) 10 minutes preceding the hour of the next regularly scheduled standing
15 committee or permanent subcommittee meeting.

16 (g) Any call or notice of a standing committee or permanent subcommittee
17 meeting between legislative sessions shall be mailed to each member of the standing
18 committee or permanent subcommittee at least five days prior to such meeting. If a
19 member of the body so requests in writing to the Chair of the standing committee or
20 permanent subcommittee, the member shall be notified by certified mail of the meetings.

21 (h) During standing committee and permanent subcommittee meetings, the
22 Chair may exercise the right to vote, or may reserve this right until there is a tie, in which
23 event the Chair may vote, but in no instance may the Chair vote twice on the same
24 question.

25 **RULE 28.1. Ethics Committee Investigations Into Violations of the Open**
26 **Meetings Law.** – (a) On its own motion, or in response to signed and sworn
27 complaint of any individual filed with the Standing Committee on Ethics, the Committee
28 shall inquire into any alleged violation by members of the House of the Open Meetings
29 Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended
30 in the future.

31 (b) If, after such preliminary investigation as it may make, the Committee
32 determines to proceed with an inquiry into the conduct of any individual, the Committee
33 shall notify the individual as to the fact of the inquiry and the charges against him and
34 shall schedule one or more hearings on the matter. The individual shall have the right to
35 present evidence, cross-examine witnesses, and be represented by counsel at any
36 hearings.

37 (c) After the Committee has concluded its inquiries into the alleged violations,
38 the Committee shall dispose of the matter by taking one of the following actions:

39 (1) Dismiss the complaint and take no further action.

40 (2) Issue a private letter of reprimand to the legislator, if the legislator
41 unintentionally violated the provisions of the Open Meetings Law.

42 (3) Issue a public letter of reprimand if the violation of the Open Meetings
43 Law was intentional, or if the legislator has previously received a

1 private letter of reprimand. The Chair of the Committee on Ethics shall
2 have the public letter of reprimand spread on the pages of the House
3 Journal.

4 (4) Refer the matter to the House for appropriate action.

5 **RULE 29. Notice of Standing Committee and Permanent Subcommittee**
6 **Meetings and Hearings.** – Public notice of all standing committee and permanent
7 subcommittee meetings shall be given in the House. The Chair of the standing
8 committee or permanent subcommittee shall notify or cause to be notified the sponsor of
9 each bill which is set for hearing or consideration before the standing committee or
10 permanent subcommittee as to the date, time, and place of that meeting.

11 **RULE 29.1. Public Hearings.** – (a) Requests for a public hearing shall be made in
12 writing to the Chair of the standing committee and, if applicable, the Chair of the
13 permanent subcommittee to which the bill has been referred. The Chair of the standing
14 committee may schedule a public hearing by the standing committee as a whole after the
15 adjournment of a regular daily House session. The Chair of the permanent subcommittee
16 may schedule a public hearing before the permanent subcommittee at its regularly
17 scheduled hour. Denial of a request made by a House member may be appealed to the
18 Speaker.

19 Notice shall be given not less than five calendar days prior to public hearings.
20 These notices shall be issued as information for the press and shall be posted in the places
21 designated by the Principal Clerk.

22 (b) Persons desiring to appear and be heard at a public hearing shall submit
23 their requests to the Chair of the standing committee or permanent subcommittee. The
24 standing committee or permanent subcommittee Chair may designate one or more
25 members to arrange the order of appearance of interested parties. A brief written
26 statement of testimony may be submitted without oral presentation and shall be
27 incorporated into the minutes of the public hearing.

28 **RULE 29.2. Minutes to Legislative Library.** – The Chair of a standing
29 committee or a permanent subcommittee shall insure that written minutes are compiled
30 for each of the body's meetings. The minutes shall indicate the members present and the
31 actions taken at the meeting. Not later than 20 days after the adjournment of each session
32 of the General Assembly, the Chair shall deliver the minutes to the Legislative Library.
33 The Speaker of the House may grant a reasonable extension of time for filing said
34 minutes upon written application of the Chair.

35 **RULE 30. Standing Committee of the Whole House.** – (a) A Standing
36 Committee of the Whole House shall not be formed, except by suspension of the rules, if
37 there be objection by any member.

38 (b) After passage of a motion to form a Standing Committee of the Whole House,
39 the Speaker shall appoint a Chair to preside in the standing committee, and the Speaker
40 shall leave the dais.

41 (c) The rules of procedure in the House shall be observed in the Standing
42 Committee of the Whole House, so far as they may be applicable, except the rule limiting
43 the time of speaking and the previous question.

1 (d) In the Standing Committee of the Whole House, a motion that the standing
2 committee rise shall always be in order, except when a member is speaking, and shall be
3 decided without debate.

4 (e) When a bill is submitted to the Standing Committee of the Whole House, it
5 shall be read and debated by sections, leaving the preamble to be last considered. The
6 body of the bill shall not be defaced or interlined, but all amendments, noting the page
7 and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall
8 be agreed to by the standing committee, and be so reported to the House. After report,
9 the bill shall again be subject to be debated and amended by sections before a question on
10 its passage be taken.

11 VI. HANDLING OF BILLS

12 **RULE 31. Introduction of Bills and Resolutions.** – (a) All bills and resolutions
13 shall be introduced by submitting same to the Principal Clerk's office on the legislative
14 day prior to the first reading and reference thereof according to the following schedule:
15 by 30 minutes after adjournment each Monday; and by 3:00 p.m. each Tuesday,
16 Wednesday, Thursday, and Friday.

17 (b) Bills shall not become resolutions provided the Senate has a similar rule.
18 Resolutions shall not become bills. Resolutions are not law but may be used when a law
19 is not necessary for the purpose contained therein. Resolutions shall not be used to
20 appropriate funds for any purpose, but may be used to create study commissions or
21 committees or establish investigative committees, to honor deceased persons, and to
22 adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a
23 statute; nor do they have life beyond the term of the session during which they are
24 adopted.

25 (c) Every bill or resolution shall be read in regular order of business, except upon
26 permission of the Speaker or on the report of a standing committee.

27 (d) All bills and resolutions shall show in their captions a brief descriptive
28 statement of the true substance of same, which captions may thereafter be amended.
29 Captions of public bills may be amended only by amendment proposed by the standing
30 committee to which the bill was referred. Third reading shall not be had on any bill or
31 resolution on the same day that such caption is amended.

32 (e) A Substitute Bill shall be covered with the same color jacket as the original
33 bill and shall be prefaced as follows:

34 "House Committee Substitute for _____".

35 (f) House Resolutions need not be read more than twice.

36 (g) All memorializing, celebration, commendation, and commemoration
37 resolutions, except those honoring the memory of deceased persons, shall be excluded
38 from introduction and consideration in the House.

39 (h) Any reference in these rules to bills shall extend to resolutions unless the
40 context requires otherwise.

41 **RULE 31.1. Deadlines on Introduction and Receipt of Limitation on Number of**
42 **Public Bills Introduced; Single Subject Rule.** – (a) All public bills or resolutions
43 recommended by commissions or standing committees authorized or directed by act or

1 resolution of the General Assembly to report to the 1999 Regular Session of the General
2 Assembly, or to report prior to convening of that session, must have been submitted to
3 the Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on the fourth
4 Wednesday in February (February 24) and must be introduced not later than 3:00 p.m. on
5 the next Wednesday (March 3) of the first year of the biennial session; and

6 (a1) All bills prepared to be introduced for departments, agencies, or
7 institutions of the State must have been submitted to the Bill Drafting Division of the
8 Legislative Services Office by 4:00 p.m. on the fourth Wednesday in February (February
9 24) and must be introduced not later than 3:00 p.m. on the next Wednesday (March 3). A
10 bill introduced under this subsection shall be identified as an Agency Bill after its short
11 title.

12 (a2) All local bills must have been submitted to the Bill Drafting Division of
13 the Legislative Services Office by 4:00 p.m. on the fourth Wednesday in March (March
14 24) and must be introduced not later than 3:00 p.m. on the next Wednesday (March 31) of
15 the first year of the biennial session.

16 (b) All public bills which would not be required to be re-referred to the
17 Appropriations or Finance Committees under Rule 38 must have been submitted to the
18 Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on the first
19 Wednesday in April (April 7) and must be introduced not later than 3:00 p.m. on the next
20 Wednesday (April 14) of the first year of the biennial session.

21 (c) All public bills which under Rule 38 would be required to be re-referred to the
22 Appropriations Committee, or to both the Appropriations and Finance Committees, must
23 have been submitted to the Bill Drafting Division of the Legislative Services Office by
24 4:00 p.m. on the third Wednesday in April (April 21) and must be introduced not later
25 than 3:00 p.m. on the next Wednesday (April 28) of the first year of the biennial session.
26 All public bills which under Rule 38 would be required to be re-referred to the Finance
27 Committee but not the Appropriations Committee must have been submitted to the Bill
28 Drafting Division of the Legislative Services Office by 4:00 p.m. on the first Wednesday
29 in May (May 5) and must be introduced not later than 3:00 p.m. on the next Wednesday
30 (May 12) of the first year of the biennial session. If any bill is eligible for introduction on
31 account of the date only under this subsection, and the bill is amended so that qualifying
32 appropriation or tax law change does not remain in the bill, it shall not be eligible for
33 further consideration. For the purpose of this section, a "tax law change" includes any
34 provision that would require a bill under Rule 38(b) to be referred to the Standing
35 Committee on Finance.

36 (d) In order to be eligible for consideration by the House during the first Regular
37 Session, all Senate bills other than finance or appropriations bills which would be
38 required to be re-referred to the Appropriations or Finance Committees under Rule 38 or
39 adjournment resolutions, must be received and read on the floor of the House as a
40 message from the Senate no later than April 29; provided that a message from the Senate
41 received by the next legislative day stating that a bill has passed its third reading and is
42 being engrossed shall comply with the requirements of this subsection and provided that
43 the Senate has a similar rule.

1 (d1) Except by motion approved by a majority of members of the House
2 present and voting, no public House bill other than the Current Operations
3 Appropriations Act or the Capital Improvement Appropriations Act may contain more
4 than one subject.

5 (e) This rule, other than subsection (d1), does not apply to bills establishing
6 districts for Congress or State or local entities. This rule, other than subsection (d1), does
7 not apply to measures ratifying an amendment or amendments to the Constitution of the
8 United States.

9 **RULE 32. Reference to Standing Committee and to Permanent Subcommittees;**
10 **Serial Referrals.** – (a) Each bill, joint resolution, or House resolution not introduced
11 on the report of a standing committee shall immediately upon its first reading be referred
12 by the Speaker to such standing committee or permanent subcommittee as the Speaker
13 deems appropriate. The Speaker at the same time may order that, if the bill is reported
14 with any favorable recommendation or without prejudice, it be re-referred automatically
15 upon the committee report to another committee or permanent subcommittee designated
16 in the order.

17 (b) The standing committee Chair may refer each bill referred to the standing
18 committee to the permanent subcommittee specifically charged with the subject matter of
19 the bill. A report of that referral shall be made in writing and submitted to the body
20 pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to
21 which the bill is referred shall report the bill back to the full standing committee. That
22 subcommittee report shall include one of the following recommendations:

- 23 (1) Favorable, without prejudice, or unfavorable as to the original bill with
24 the recommendation that the report be made to the standing committee;
- 25 (2) Favorable, without prejudice, or unfavorable as to the original bill, as
26 amended, with the recommendation that the report be made to the
27 standing committee;
- 28 (3) Favorable or without prejudice to the proposed committee substitute,
29 and unfavorable to the original bill, with the recommendation that the
30 report be made to the standing committee;
- 31 (4) Favorable as to the original bill with the recommendation that the report
32 be made directly to the floor of the House, if approved by the standing
33 committee Chair;
- 34 (5) Favorable to the original bill, as amended, with the recommendation
35 that the report be made directly to the floor of the House, if approved by
36 the standing committee Chair; or
- 37 (6) Favorable to the proposed committee substitute with the
38 recommendation that the report be made directly to the floor of the
39 House, if approved by the standing committee Chair, and unfavorable to
40 the original bill.

41 Any recommendation of favorable or without prejudice may include a
42 recommendation of re-referral to another standing committee. After a bill is reported to a
43 standing committee by a permanent subcommittee of that standing committee, the

1 standing committee Chair may re-refer the bill to another permanent subcommittee of
2 that standing committee.

3 Upon recommendation to the standing committee, the bill shall be before that
4 body for further action unless the permanent subcommittee Chair reports the bill directly
5 pursuant to Rule 36.

6 **RULE 33. Papers Addressed to the House.** – Petitions, memorials, and other
7 papers addressed to the House shall be presented by the Speaker. A brief statement of the
8 contents thereof may be made orally by the introducer before reference to a committee,
9 but such papers shall not be debated or decided on the day of their first being read unless
10 the House shall direct otherwise.

11 **RULE 34. Introduction of Resolutions and Bills, Copies Required.** – (a)

12 Whenever any resolution or bill is introduced, a duplicate copy thereof shall be
13 attached thereto, and the Principal Clerk shall cause said duplicate copy to be numbered
14 as the original resolution or bill is numbered, and shall cause the same to be available at
15 all times to the member introducing the same.

16 (b) Numbering of House Bills shall be designated as "H.B.____." (No. following).
17 A Joint Resolution shall be designated as "H.J.R. ____."(No. following). A House
18 Resolution shall be designated as "H.R.____." (No. following).

19 (c) Whenever any resolution or bill is filed for introduction, it shall be in a House
20 bill jacket containing 30 copies and in the form designated by the Speaker. Any
21 resolution or bill not accompanied by the required number of copies shall be returned
22 immediately to the introducer. The Clerk shall stamp the copies with the number
23 stamped upon the original bill.

24 **RULE 35. Duplicating and Availability of Copies of Bills.** – (a) The
25 Legislative Services Officer shall cause such bills as are introduced to be duplicated in
26 such numbers as may be specified by the Speaker. The Legislative Services Officer shall
27 cause one copy of each resolution and public bill for each member to be delivered to the
28 member's committee assistant or legislative assistant who shall place it in the appropriate
29 notebook on the member's desk. If a member so requests, a second copy shall be
30 delivered to the member's committee assistant or legislative assistant who shall place it in
31 the member's office. The remaining copies shall be placed in the Printed Bills Room and
32 made available to the committees to which the bill is referred, to individual members on
33 request, and to the general public.

34 (b) A public bill is a bill affecting 15 or more counties. A local bill is one
35 affecting fewer than 15 counties. No public bill and, upon objection by a member, no
36 local bill may be considered unless copies of the bill have been made available to the
37 entire membership of the House.

38 **RULE 35.1. Assessment Reports.** – (a) Every bill or resolution proposing the
39 establishment of an occupational or professional licensing board, as defined in Article
40 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a
41 board shall have attached to the jacket of the original bill or resolution at the time of its
42 consideration on second and third readings by the House or by any standing committee or
43 permanent subcommittee of the House, an assessment report from the Legislative

1 Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the
2 General Statutes. The assessment report shall not constitute any part of the expression of
3 legislative intent proposed by the formation of a licensing board. Upon receipt of the
4 request, the Legislative Committee on New Licensing Boards shall prepare and return the
5 assessment report as soon as possible but not later than 60 days, reserving the right to
6 extend this time to 90 days.

7 (b) Every legislative proposal introduced in the House of Representatives, or
8 received in the House of Representatives from the Senate, proposing the incorporation of
9 a municipality shall have attached to the jacket of the original bill at the time of its
10 consideration on second or third readings by the House of Representatives or by any
11 committee of the House of Representatives prior to a favorable report, a recommendation
12 from the Joint Legislative Commission on Municipal Incorporations, established by
13 Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint
14 Legislative Commission on Municipal Incorporations shall be made in accordance with
15 the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes
16 and shall include the findings required to be made by G.S. 120-166 through G.S. 120-
17 170.

18 **RULE 36. Report by Standing Committee or Permanent Subcommittee. –**

19 (a) **When reports required.** – All House bills and resolutions shall be reported from the
20 standing committee or permanent subcommittee to which referred with such
21 recommendations as the standing committee or permanent subcommittee may desire to
22 make except in the case where the principal introducer requests in writing to the Chair of
23 the standing committee or permanent subcommittee that the bill not be considered.

24 With the written approval of the Chair of the standing committee and with the
25 recommendation of the subcommittee pursuant to Rule 32(b)(4) through (6), the Chair of
26 the permanent subcommittee may report the bill directly to the floor with that
27 recommendation. If a permanent subcommittee recommends reporting a bill to the floor
28 and the Chair of the standing committee fails to give approval, the bill shall be deemed to
29 have been reported to the standing committee with the same recommendation as the
30 subcommittee would have made to the House.

31 (b) **Favorable Report.** – When a standing committee or permanent subcommittee
32 reports a bill with the recommendation that it be passed, the bill shall be placed on the
33 favorable calendar on the day designated by the Chair of the Committee on Rules,
34 Calendar, and Operations of the House, but no later than the fourth legislative day after
35 submission of the report, unless:

36 (1) The bill is re-referred to the Committee on Appropriations or
37 Committee on Finance under Rule 38 or was serially referred under
38 Rule 32; or

39 (2) The bill has not yet been placed on the calendar, and the Speaker refers
40 the bill to another committee.

41 In order to place a bill on the calendar for a legislative day, notice shall be given by the
42 Chair of the Committee on Rules, Calendar, and Operations of the House orally in the
43 House or in writing to the Principal Clerk. When a committee substitute is adopted and

1 receives a favorable report by the committee or permanent subcommittee, the standing
2 committee or permanent subcommittee Chair shall submit to the standing committee or
3 permanent subcommittee the question of an unfavorable report on the original bill. The
4 standing committee's or permanent subcommittee's action, if any, on the original bill shall
5 be reported at the same time the committee substitute is reported.

6 (c) **Report Without Prejudice.** – When a standing committee reports a bill
7 without prejudice, the bill shall be placed on the favorable calendar in the same manner
8 as provided in subsection (a) of this rule.

9 (d) **Postponed Indefinitely.** – When a standing committee reports a bill with the
10 recommendation that it be postponed indefinitely and no minority report accompanies it,
11 the bill shall be placed on the unfavorable calendar.

12 (e) **Unfavorable Report.** – When a standing committee reports a bill with the
13 recommendation that it not be passed and no minority report accompanies it, the bill shall
14 be placed on the unfavorable calendar.

15 (f) **Minority Report.** – When a bill is reported by a standing committee with a
16 recommendation that it not be passed or that it be postponed indefinitely, but it is
17 accompanied by a minority report signed by at least one-fourth (1/4) of the members of
18 the standing committee who were present and voting when the bill was considered in
19 standing committee, the question before the House shall be: "The adoption of the
20 minority report." If the minority report is adopted by majority vote, the bill shall be
21 placed on the favorable calendar for consideration. If the minority report fails of
22 adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

23 **RULE 36.1. Fiscal Notes.** – (a) The Chair or Cochair of the Appropriations
24 Committee, of the Finance Committee, or of the Rules, Calendar, and Operations of the
25 House Committee, upon the floor of the House, may request that a fiscal analysis be
26 made of a bill, resolution, or an amendment to a bill or resolution which is in the
27 possession of the House and that a fiscal note be attached to the measure, when in the
28 opinion of that Chair the fiscal effects of that measure are not apparent from the language
29 of the measure.

30 (b) The fiscal note shall be filed and attached to the bill or amendment within two
31 legislative days of the request. If it is impossible to prepare a fiscal note within two
32 legislative days, the Director of Fiscal Research shall, in writing, so advise the Speaker,
33 the Principal Clerk, and the member introducing or proposing the measure and shall
34 indicate the time when the fiscal note will be ready.

35 (c) The fiscal note shall be prepared by the Fiscal Research Division on a form
36 approved by the Rules, Calendar, and Operations of the House Committee as to content
37 and form and signed by the staff member or members preparing it. If no estimate in
38 dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided.
39 The fiscal note shall not comment on the merit but may identify technical problems. The
40 Fiscal Research Division shall make the fiscal note available to the membership of the
41 House.

42 (d) A sponsor of a bill or amendment may deliver a copy of the bill or amendment
43 to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall

1 attach the fiscal note to the bill when filed or to the amendment when its adoption is
2 moved.

3 (e) The sponsor of a bill or amendment to which a fiscal note is attached who
4 objects to the estimates and information provided may reduce to writing the objections.
5 These objections shall be appended to the fiscal note attached to the bill or amendment
6 and to the copies of the fiscal note available to the membership.

7 (f) Subsection (a) of this rule shall not apply to the Current Operations
8 Appropriations Bill or the Capital Improvement Appropriations Bill. This rule shall not
9 apply to a bill or amendment requiring an actuarial note under these rules.

10 **RULE 36.2. Actuarial Notes.** – (a) Every bill or resolution proposing any change in
11 the law relative to any:

12 (1) State, municipal, or other retirement system funded in whole or in part
13 out of public funds; or

14 (2) Program of hospital, medical, disability or related benefits provided for
15 teachers and State employees, funded in whole or in part by State funds

16 shall have attached to it at the time of its consideration by any standing committee or
17 permanent subcommittee a brief explanatory statement or note which shall include a
18 reliable estimate of the financial and actuarial effect of the proposed change to that
19 retirement or pension system. The actuarial note shall be attached to the jacket of each
20 proposed bill or resolution which is reported favorably by any standing committee or any
21 permanent subcommittee, shall be separate therefrom, and shall be clearly designated as
22 an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the
23 Committee on Pensions and Retirement upon its introduction.

24 (b) The sponsor of the bill or resolution shall present a copy of the measure, with a
25 request for an actuarial note, to the Fiscal Research Division which shall prepare the
26 actuarial note as promptly as possible but not later than two weeks after the request is
27 made unless an extension of time is agreed to by the sponsor as being necessary in the
28 preparation of the note. Actuarial notes shall be prepared in the order of receipt of
29 request and shall be transmitted to the sponsor of the measure. The actuarial note of the
30 Fiscal Research Division shall be prepared and signed by an actuary.

31 (c) The sponsor of the bill or resolution shall also present a copy of the measure to
32 the actuary employed by the system or program affected by the measure. Actuarial notes
33 shall be prepared and transmitted to the sponsor of the measure not later than two weeks
34 after the request is received, unless an extension of time is agreed to by the sponsor as
35 being necessary in the preparation of the note. The actuarial note shall be attached to the
36 jacket of the measure. The provisions of this subsection may be waived by the measure's
37 sponsor for a measure affecting local government retirement or pension plans not
38 administered by the State or any local government program of hospital, medical,
39 disability, or related benefits for local government employees not administered by the
40 State.

41 (d) The note shall be factual and shall, if possible, provide a reliable estimate of
42 both the immediate effect and, if determinable, the long-range fiscal and actuarial effect
43 of the measure. If, after careful investigation, it is determined that no dollar estimate is

1 possible, the note shall contain a statement to that effect, setting forth the reasons why no
2 dollar estimate can be given. No comment or opinion shall be included in the actuarial
3 note with regard to the merits of the measure for which the note is prepared. Technical
4 and mechanical defects in the measure may be noted.

5 (e) When any permanent subcommittee or standing committee reports a
6 measure to which an actuarial note is attached at the time of permanent subcommittee or
7 standing committee consideration, with any amendment of such nature as would
8 substantially affect the cost to or the revenues of any retirement or pension system, or
9 program of hospital, medical, disability, or related benefits for teachers or State
10 employees, the Chair of the permanent subcommittee or standing committee reporting the
11 measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and
12 actuarial effect of the proposed amendment. The actuarial note shall be attached to the
13 jacket of the measure. An amendment to any bill or resolution shall not be in order if the
14 amendment affects the costs to or the revenues of a State-administered retirement or
15 pension system, or program of hospital, medical, disability, or related benefits for
16 teachers or State employees, unless the amendment is accompanied by an actuarial note,
17 prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

18 (f) The Fiscal Research Division shall make all relevant actuarial notes
19 available to the membership of the House.

20 **RULE 36.4. Local Legislation Affecting State Highway System.** – A local
21 bill affecting the State Highway System shall be referred to the Committee on
22 Transportation.

23 **RULE 37. Removing Bill From Unfavorable Calendar.** – A bill may be
24 removed from the unfavorable calendar upon motion carried by a two-thirds (2/3) vote.
25 A motion to remove a bill from the unfavorable calendar is debatable.

26 **RULE 38. Reports on Appropriation and Revenue Bills.** – (a) All standing
27 committees, other than the Standing Committee on Appropriations, when favorably
28 reporting any bill or resolution which:

29 (1) Carries an appropriation from the State; or

30 (2) Requires or will require in the future substantial additional State monies
31 from the General Fund or Highway Fund to implement its provisions,
32 shall indicate same in the report, and said bill or resolution shall be
33 referred to the Standing Committee on Appropriations for a further
34 report before being acted upon by the House.

35 (b) All standing committees, other than the Standing Committee on Finance, when
36 favorably reporting any bill which in any way or manner raises revenue, reduces revenue,
37 levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the
38 issue of bonds or notes, whether public, public-local, or private, shall indicate same in the
39 report, and said bill shall be referred to the Standing Committee on Finance for a further
40 report before being acted upon by the House.

41 (c) **Action on Amendment Before Re-Referral.** If any standing committee
42 recommends adoption of an amendment or committee substitute of a bill which, under the
43 rules of the House must be referred to the Standing Committees on Appropriations or the

1 Standing Committee on Finance, the amendment or committee substitute shall be
2 considered and, if adopted, the amendment or substitute engrossed before the bill is re-
3 referred.

4 **RULE 39. Recall of Bill From Standing Committee.** – (a) When a House
5 bill has been introduced and referred to a standing committee, or when a Senate bill has
6 been referred to a standing committee, if after 10 legislative days the standing committee
7 has failed to act thereon, then the introducer of the House bill or some member
8 designated by him, or some House member designated by the introducer of the Senate
9 bill, may, after three legislative days' public notice given in the House and delivered in
10 writing to the Chair of the standing committee, on motion supported by a vote of three-
11 fifths (3/5) of the members of the House, recall the same from the standing committee to
12 the floor of the House for consideration and such action thereon as a majority of the
13 members present may direct.

14 (b) This rule shall not be temporarily suspended without one day's notice on
15 the motion given in the House and delivered in writing to the Chair of the standing
16 committee, and to sustain that motion two-thirds (2/3) of the members of the House shall
17 be required.

18 **RULE 39.1. Recall of Bill From Permanent Subcommittee.** – When a
19 House bill has been referred to a permanent subcommittee, if after 10 legislative days the
20 subcommittee has failed to act thereon, or at any time, with the agreement of the
21 subcommittee Chair, the standing committee Chair may re-refer the bill from that
22 permanent subcommittee to another permanent subcommittee of the same standing
23 committee provided the report of the re-referral shall be made pursuant to Rule 32.

24 **RULE 39.2. Re-Referral of Bills From One Standing Committee to**
25 **Another Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker,
26 the Chair of the standing committee from whom the bill is to be re-referred, and the Chair
27 of the standing committee to whom the bill is to be re-referred, the Chair of the standing
28 committee from whom the bill is to be re-referred or the Chair of the Committee on
29 Rules, Calendar, and Operations of the House may move for a re-referral to another
30 standing committee and the bill shall be re-referred upon vote of the majority present
31 during a regular session of the House.

32 **RULE 40. Calendars and Schedules of Business.** – The Clerk of the House
33 shall prepare a daily schedule of business, including the Calendar of Bills and
34 Resolutions for consideration and debate that day, in accordance with the Order of
35 Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the
36 order in which they are introduced. All bills and resolutions shall be taken up as they
37 appear in each category (Rule 5(10)) in the order they were placed on the Calendar under
38 Rule 36(b).

39 **RULE 41. Reading of Bills.** – (a) Every bill shall receive three readings in the
40 House prior to its passage. The first reading and reference to standing committee of a
41 House bill shall occur on the next legislative day following its introduction. The first
42 reading and reference to standing committee of a Senate bill shall occur on the next

1 legislative day following its receipt on messages from the Senate. The Speaker shall give
2 notice at each subsequent reading whether it is the second or third reading.

3 (b) No bill shall be read more than once on the same day without the concurrence
4 of two-thirds (2/3) of the members present and voting; provided, no bill governed by
5 Article II, Section 23 of the North Carolina Constitution or described in Rule 20(a)(2)
6 herein shall be read twice on one day under any circumstance.

7 **RULE 42. Effect of a Defeated Bill.** – (a) Subject to the provisions of subsection
8 (b) of this rule, after a bill has:

9 (1) Been tabled,
10 (2) Been postponed indefinitely,
11 (3) Failed to pass on any of its readings, or
12 (4) Been placed on the unfavorable calendar,
13 the contents of that bill or the principal provisions of its subject matter shall not be
14 considered in any other measure originating in the Senate or originating thereafter in the
15 House. Upon the point of order being raised and sustained by the Chair, that measure
16 shall be laid upon the table, and shall not be taken therefrom except by a two-thirds (2/3)
17 vote of the members present and voting.

18 (b) No local bill shall be held by the Chair to embody the contents of or the
19 principal provisions of the subject matter of any statewide measure which has been laid
20 on the table, has failed to pass on any of its readings, or has been placed on the
21 unfavorable calendar.

22 **RULE 43. Amendments.** – No amendment to a measure before the House
23 shall be in order unless the amendment is germane to the measure under consideration. A
24 House amendment deleting a previously adopted House amendment shall not be in order,
25 except that this sentence does not apply to amendments adopted under Rule 38(c).

26 If the Senate adopts an amendment or committee substitute to a House bill, the
27 House may refuse to receive the bill on account of lack of germaneness if the Senate has
28 a similar rule.

29 Only one principal (first degree) amendment shall be pending at any one time.
30 If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule
31 it out of order. However, any member desiring to offer a subsequent or substitute
32 principal amendment in opposition to the pending amendment may inform the House by
33 way of argument against the pending amendment that if it is defeated the member
34 proposes to offer another principal amendment, and the member may then read and
35 explain such proposed amendment.

36 Perfecting (or second degree) amendments may be offered and considered
37 without limitation as to number, and in the event of multiple perfecting amendments, they
38 shall be voted upon in inverse order.

39 **RULE 43.1. Engrossment.** – Bills and resolutions, except those making
40 appropriations, which originate in the House and which are amended, shall be engrossed
41 before being sent to the Senate.

RULE 43.2. House Concurrence in Senate Amendments to House Bills. –

The House shall not concur in a Senate amendment to a bill originating in the House until the next legislative day after the day on which the House receives the Senate amendment.

RULE 43.3. Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto. – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House, and has returned the bill to the House for concurrence in that committee substitute, the House may not concur in that committee substitute until the next legislative day following the day on which the House receives that committee substitute.

(b) The Speaker may, and upon motion supported by a majority of the House present and voting shall, refer the bill to an appropriate standing committee for consideration of the committee substitute.

(c) The Speaker shall, in placing the bill on the calendar, rule whether the committee substitute is a material amendment under Article II, Section 23 of the State's Constitution which reads:

"Revenue bills. – No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal."

If the committee substitute was referred to standing committee, the standing committee shall:

- (1) Report the bill with the recommendation either that the House do concur or that the House do not concur; and
- (2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the State's Constitution.

(d) If the committee substitute for a bill is not a material amendment, the question before the House shall be concurrence.

(e) If the committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(f) No committee substitute adopted by the Senate for a bill originating in the House may be amended by the House.

RULE 44. Conference Standing Committees. – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute

1 adopted by the House for a bill originating in the Senate, a conference committee may be
2 appointed by the Speaker upon the Speaker's own motion and shall be appointed upon
3 request by the principal sponsor of the original bill, the Chair of the House standing
4 committee which reported the bill, or by the sponsor of the amendment in which the
5 Senate refused to concur; and the bill under consideration shall thereupon go to and be
6 considered by the joint conferees on the part of the House and Senate. In appointing
7 members to conference committees, the Speaker shall appoint no less than a majority of
8 members who generally supported the House position as determined by the Speaker.

9 (b) Only such matters as are in difference between the two houses shall be
10 considered by the conferees, and the conference report shall deal only with such matters.
11 The conference report may be made by a majority of the House members of such
12 conference committee and shall not be amended.

13 (c) If the conferees fail to agree or if either house fails to adopt the report of its
14 conferees, new conferees may be appointed.

15 (d) No vote shall be taken on adoption of a conference report until the next
16 legislative day following the report.

17 **RULE 44.1. Transmittal of Bills to Senate.** – Unless ordered by the Speaker
18 or two-thirds (2/3) vote of the members present and voting, no bill shall be sent from the
19 House on the day of its passage, except on the last day of the session.

20 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

21 **RULE 45. Elected Officers.** – (a) The House shall elect one of its members
22 Speaker.

23 (b) The House shall elect one of its members Speaker Pro Tempore who shall
24 perform such duties as the Speaker may assign and shall preside over the House in the
25 absence or incapacity of the Speaker and shall perform all of the duties of the Speaker
26 until such time the Speaker may assume the Chair.

27 (c) The House shall elect a Principal Clerk, who shall continue in office until
28 another is elected. The Speaker shall appoint a Reading Clerk and a Sergeant-at-Arms,
29 who shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and
30 Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent
31 with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on
32 behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk
33 shall receive House bills not approved by the Governor. In addition, the Sergeant-at-
34 Arms may assign the Reading Clerk additional duties, to be performed while the House is
35 not in its daily session.

36 **RULE 46. Assistants to Principal Clerk and Sergeant-at-Arms.** – The
37 Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the Speaker,
38 such assistants as may be necessary to the efficient discharge of the duties of their
39 respective offices.

40 **RULE 47. Speaker's Staff, Chaplain, and Pages.** – (a) The Speaker may appoint
41 one or more staff members to the Speaker, a Chaplain of the House, and pages to wait
42 upon the sessions of the House.

1 (b) When the House is not in session, the pages shall be under the supervision of
2 the Supervisor of Pages.

3 (c) The Speaker at the request of a member may appoint honorary pages.

4 **RULE 48. Member's Staff.** – (a) Each standing committee and permanent
5 subcommittee shall have a committee assistant. The committee assistant to a standing
6 committee or permanent subcommittee shall serve as staff to the Chair of the standing
7 committee or permanent subcommittee.

8 (b) Each member shall be assigned a legislative assistant, unless the member has a
9 committee assistant to serve as legislative assistant.

10 (c) The selection and retention of committee assistants, legislative assistants, and
11 office assistants shall be the sole prerogative of the individual member or members. Such
12 staff shall file initial applications for employment with the Principal Clerk and shall
13 receive compensation as prescribed by the Legislative Services Commission. The
14 employment period of such staff shall commence not earlier than the convening date of
15 the General Assembly and shall terminate not later than the final adjournment or recess of
16 the General Assembly unless employment for an extended period is approved by the
17 Speaker. The committee assistants, legislative assistants, and office assistants shall
18 adhere to such uniform rules and regulations not inconsistent with these rules regarding
19 hours and other conditions of employment as the Legislative Services Commission shall
20 fix by appropriate regulations.

21 **RULE 49. Compensation of Legislative Assistants.** – No clerk, committee
22 assistant, legislative assistant, office assistant, or other person employed or appointed
23 under Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or
24 service, any compensation from any department of the State government, and there shall
25 not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of them; but
26 they shall receive only the pay now provided by law for such duties and services.

27 **VIII. PRIVILEGES OF THE HALL**

28 **RULE 50. Admittance to Floor.** – No person except members, officers, and
29 employees of the General Assembly who have been issued identification tags as provided
30 by this rule, and former members of the General Assembly who are not registered under
31 the provisions of Article 9 of Chapter 120 of the General Statutes of North Carolina shall
32 be allowed on the floor of the House during its session, unless permitted by the Speaker
33 or otherwise provided by law. Employees of the General Assembly shall wear
34 identification tags, approved by the Legislative Services Officer, when on the floor of the
35 House.

36 **RULE 51. Admittance of Press.** – Reporters wishing to take down debates
37 may be admitted by the Speaker, who shall assign such places to them on the floor or
38 elsewhere, to effect this object, as shall not interfere with the convenience of the House.
39 Reporters admitted to the floor of the House shall observe the same requirements of attire
40 for members contained in Rule 12(h).

41 **RULE 52. Extending Courtesies.** – Courtesies of the floor, galleries, or lobby
42 shall be extended at the discretion of the Speaker and only by the Speaker. Requests by

1 members to extend these courtesies shall be typewritten and delivered to the Speaker. No
2 member shall orally ask the Speaker to extend these courtesies during the daily session.

3 **RULE 53. Order in Galleries and Lobby.** – In case of any disturbance or
4 disorderly conduct in the galleries or lobby, the Speaker or other presiding officer is
5 empowered to order the same to be cleared.

6 **IX. GENERAL RULES**

7 **RULE 54. Attendance of Members.** – No member or officer of the House
8 shall absent himself from the service of the House without leave, unless from sickness or
9 disability.

10 **RULE 55. Documents to Be Signed by the Speaker.** – All acts, addresses,
11 and resolutions and all warrants and subpoenas issued by order of the House shall be
12 signed by the Speaker or other presiding officer.

13 **RULE 56. Printing or Reproducing Materials.** – There shall be no printing
14 or reproducing of paper(s) that are not legislative in essence except upon approval of the
15 Speaker.

16 **RULE 57. Placement or Circulation of Materials.** – Persons other than
17 members of the House shall not place or cause to be placed any materials on members'
18 desks in the House Chamber without obtaining approval of the Speaker. Any material
19 placed on members' desks in the House Chamber, or circulated to House members
20 anywhere in the Legislative Building or the Legislative Office Building, shall bear the
21 name of the originator.

22 **RULE 58. Rules, Rescission, and Alteration.** – (a) These rules shall not
23 be permanently rescinded or altered except by House simple resolution passed by a two-
24 thirds (2/3) vote of the members present and voting. The introducer of the resolution
25 must on the floor of the House give notice of intent to introduce the resolution on the
26 legislative day preceding its introduction.

27 (b) Except as otherwise provided herein, the House upon two-thirds (2/3) vote of
28 the members present and voting may temporarily suspend any rule.

29 **RULE 59. Cosponsorship of Bills and Resolutions.** – (a) Any member
30 wishing to cosponsor a bill or resolution which has been introduced may do so by
31 appearing in the office of the Principal Clerk for such purpose within one-half hour
32 following the adjournment of the session during which such bill or resolution was first
33 read and referred.

34 (b) Members wishing to jointly sponsor legislation should indicate such to the
35 drafter at the time the bill is requested or upon filing the bill with the Principal Clerk's
36 office. The names of the members who are the primary sponsors shall be listed in the
37 order requested by them, followed by the words (Primary Sponsors); and the remaining
38 names of members cosponsoring shall follow. No more than four members may be listed
39 as primary sponsors.

40 (c) No member shall permit anyone, other than that member's committee
41 assistant, legislative assistant, office assistant, or another member, to have possession of
42 and solicit for bill or resolution cosponsorship, the jacket of a bill or resolution.

1 **RULE 60. Correcting of Typographical Errors.** – The Legislative Services
2 Officer may correct typographical errors appearing in House bills or resolutions provided
3 that such corrections are made before ratification and do not conflict with any actions or
4 rules of the Senate and provided further that such correction be approved by the Chair of
5 the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker,
6 or other presiding officer.

7 **RULE 61. Assignment of Seats.** – After initial assignment of seats, a member
8 shall continue to occupy the seat to which initially assigned until assigned a permanent
9 seat; once assigned a permanent seat, the member shall occupy it for the entire biennial
10 session. In event of vacancy, that member's successor will occupy the seat of the member
11 replaced for the remainder of the biennial session.

12 **RULE 61.1. Office Assignments.** – The Chair of the Standing Committee on
13 Rules, Calendar, and Operations of the House shall assign to each member an office
14 space. When available, Chairs of standing committees and permanent subcommittees
15 shall be assigned an office adjacent to the room in which the standing committee or
16 permanent subcommittee generally meets if the Chair so desires. The Speaker shall be
17 assigned an office of his or her choice.

18 **RULE 61.2. Convening and Assigning Seats in the New House.** – (a) The Principal
19 Clerk of the previous House of Representatives shall convene the House of
20 Representatives at 12:00 noon on the date established by law for the convening of each
21 regular session, and preside over the body until the members elect a Speaker. In the case
22 of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the sergeant-at-
23 arms of the prior House, and in the case of a vacancy in that office, or inability or refusal
24 to so serve, the duty shall devolve upon the reading clerk of the prior House.

25 (b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar,
26 and Operations of the House of the prior House to assign seats to the members of the
27 House of Representatives in its Chamber. In the case of the inability or refusal to serve
28 of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House,
29 the Speaker of the prior House of Representatives shall appoint a person to assign seats to
30 members of the House of Representatives in its Chamber. In the event that the party that
31 had a majority of members in the prior House will no longer have a majority of members
32 of the new House, then the duty assigned in this subsection to the Chair of the committee
33 of the prior House shall instead be the duty of the person nominated as Speaker by the
34 majority party caucus for the new House, or some member-elect designated by the
35 Speaker-nominee. In the event no party will have a majority, then the duty assigned in
36 this subsection to the Chair of the committee of the prior House shall instead be the joint
37 duty of one person chosen each by the caucuses of the two parties having the greatest
38 numbers of members.

39 **RULE 62. Matters Not Covered in These Rules.** – Except as herein set out
40 the rules of Mason's Manual of Legislative Procedure shall govern the operation of the
41 House.

42 Section 2. This resolution is effective upon adoption.