

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE RESOLUTION 990
PROPOSED COMMITTEE SUBSTITUTE H990-PCS70338-LB-19**

Sponsors:

Referred to:

April 2, 2009

1 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF
2 REPRESENTATIVES FOR THE 2009 REGULAR SESSION.

3 Be it resolved by the House of Representatives:

4 **SECTION 1.** The permanent rules of the Regular Sessions of the House of
5 Representatives of the 2009 General Assembly are:

6 **PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE**
7 **REGULAR SESSION OF THE 2009 GENERAL ASSEMBLY OF NORTH CAROLINA**

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I. Order of Business

17
18 **RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday Legislative**
19 **Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the
20 event the House adjourns on the preceding legislative day without having fixed an hour for
21 reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January
22 and February of 2009, no sessions may be held on Friday. Without leave of the House, no
23 session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and
24 the Speaker shall adjourn the House without motion at that point, except that a motion may be
25 made as to the time and day of next convening. No session shall be held on Sunday.

26 **RULE 1.1 Emergencies.** In the event of a disaster, natural or otherwise, that
27 precludes the General Assembly from meeting in the Legislative Building, the members will be
28 notified by the Speaker where and when the House will convene.

29 **RULE 2. Opening the Session.** – At the convening hour on each legislative day, the
30 Speaker shall call the members to order and shall have the session opened with prayer. At the
31 convening hour on the first day of each legislative week, the Speaker, or the Speaker's
32 designee, shall lead the members in the Pledge of Allegiance to the American Flag.

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

35 (b) Should the point of a quorum be raised, the doors shall be closed, and the
36 Clerk shall call the roll of the House, after which the names of those not responding shall again



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1 be called. In the absence of a quorum, 15 members are authorized to compel the attendance of
2 absent members and may order that absentees for whom no sufficient excuses are made be
3 taken into custody wherever they may be found by special messenger appointed for that
4 purpose.

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

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

14 **RULE 5. Order of Business of the Day.** – After the approval of the Journal of the
15 preceding day, unless otherwise ordered by the Speaker, the House shall proceed to business in
16 the following order:

- 17 (1) The receiving of petitions, memorials, and papers addressed to the General
18 Assembly or to the House;
- 19 (1a) Messages from the Governor;
- 20 (2) Ratification of bills;
- 21 (3) Reports of standing committees and permanent subcommittees;
- 22 (4) Reports of select committees;
- 23 (5) Reports of referral by standing committee chairs of bills to permanent
24 subcommittees;
- 25 (6) First reading and reference to committee of bills and resolutions;
- 26 (7) Messages from the Senate;
- 27 (8) Concurrence with Senate amendments or Senate committee substitutes;
- 28 (9) The unfinished business of the preceding day;
- 29 (10) Calendar (each category in accordance with Rule 40):
 - 30 a. Local bills (roll call), third reading
 - 31 b. Local bills (roll call), second reading
 - 32 c. Local bills, third reading
 - 33 d. Local bills, second reading
 - 34 e. Public bills (roll call), third reading
 - 35 f. Public bills (roll call), second reading
 - 36 g. Public bills and resolutions, third reading
 - 37 h. Public bills and resolutions, second reading;
- 38 (11) Reading of notices and announcements.

39 II. Conduct of Debate

40 **RULE 6. Duties and Powers of the Speaker.** – The Speaker shall have general
41 direction of the Hall. The Speaker may name any member to perform the duties of the chair,
42 but substitution shall not extend beyond one day, except in the case of sickness or by leave of
43 the House. If the Speaker is absent and has not designated a member to perform the duties of
44 the chair, the Principal Clerk shall preside during such absence. In the case of a vacancy in the
45 office of the Speaker of the House of Representatives, the Principal Clerk shall preside over the
46 House until the House elects a Speaker.

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

50 (b) When a member desires to interrupt a member having the floor, the member
51 shall first obtain recognition by the Speaker and permission of the member occupying the floor,

1 and when such recognition and permission have been obtained, he or she may propound a
2 question to the member occupying the floor; but he or she shall not otherwise interrupt the
3 member having the floor, except as provided in subsection (c) of this rule; and the Speaker
4 shall, without the point of order being raised, enforce this rule.

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

7 (1) A request that the member speaking yield for a question,

8 (2) A point of order,

9 (3) A parliamentary inquiry, or

10 (4) A question of privilege.

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

19 **RULE 9. Points of Order.** – (a) The Speaker shall decide questions of order and
20 may speak to points of order in preference to other members arising from their seats for that
21 purpose. Any member may appeal from the ruling of the chair on questions of order; on such
22 appeal no member may speak more than once, unless by leave of the House. A two-thirds vote
23 of the members present shall be necessary to sustain any appeal from the ruling of the chair.

24 (b) When the Speaker calls a member to order, the member shall be seated,
25 except that a member called to order may clear a matter of fact, or explain, but shall not
26 proceed in debate so long as the decision stands. If the member appeals from the ruling of the
27 chair and the decision by a two-thirds vote of the members present be in favor of the member
28 called to order, the member may proceed; if otherwise, the member shall not; and if the case, in
29 the judgment of the House, requires it, the member shall be liable to censure by the House.

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

32 (b) No member shall speak more than twice on the main question nor longer
33 than 20 minutes for the first speech and 10 minutes for the second speech; nor shall the member
34 speak more than twice upon an amendment or motion to reconsider, re-refer, appeal, or
35 postpone or any motion on concurrence, and then not longer than 10 minutes for the first
36 speech and five minutes for the second speech.

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

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

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

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

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

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

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

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

8 (f) Smoking shall not be permitted on the floor of the House or in the galleries
9 at any time. The consumption of food or beverages shall not be permitted in the galleries at any
10 time.

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

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

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

17 (j) Placards, stickers, or signs not approved by the Speaker are not permitted in
18 the House Chamber.

19 III. Motions

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

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

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

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

31 To adjourn.

32 To recess.

33 To lay on the table.

34 Previous question.

35 To postpone indefinitely.

36 To reconsider.

37 To postpone to a day certain.

38 To re-refer.

39 To amend an amendment.

40 To amend.

41 To pass the bill.

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

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

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

1 **RULE 16. Motion to Table.** – (a) A motion to table shall be seconded before the
2 motion is put to the vote of the House and is in order except when a motion to adjourn or to
3 recess is before the House.

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

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

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

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

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

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

25 (b) A motion to reconsider shall be determined by a majority vote, except the
26 following shall require a two-thirds vote: a second or subsequent motion to reconsider and a
27 motion to reconsider:

28 (1) A vote upon a motion to table,

29 (2) A motion to postpone indefinitely,

30 (3) A motion to remove a bill from the unfavorable calendar,

31 (4) A motion that a bill be read twice on the same day, or

32 (5) A motion to remove from the table.

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

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

37 (1) The Chair of the Committee on Rules, Calendar, and Operations of the
38 House;

39 (2) The Majority Leader;

40 (3) The member submitting the report on the bill or other matter under
41 consideration;

42 (4) The member introducing the bill or other matter under consideration; or

43 (5) The member in charge of the measure, who shall be designated by the chair
44 of the standing committee or permanent subcommittee reporting the same to
45 the House at the time the bill or other matter under consideration is reported
46 to the House or taken up for consideration.

47 (b) The previous question shall be as follows: "Shall the main question now be
48 put?" When the call for the previous question has been decided in the affirmative by a majority
49 vote of the House, the question is on the passage of the bill, resolution, or other matter under
50 consideration.

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

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

5 IV. Voting

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

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

- 11 a. Raising money on the credit of the State,
- 12 b. Pledging the faith of the State for the payment of a debt,
- 13 c. Imposing a State tax, or
- 14 d. Authorizing a county, municipality, or other local governmental unit
15 to
 - 16 1. Raise money on its credit,
 - 17 2. Pledge its faith for the payment of a debt, or
 - 18 3. Impose a local tax.

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

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

22 (4) Both second and third readings of bills proposing amendment of the North
23 Carolina Constitution or ratifying resolutions amending the United States
24 Constitution.

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

27 (b) Votes on the following questions shall be taken on the electronic voting
28 system:

29 (1) Second reading of all public bills, all amendments to public bills offered
30 after second reading, third reading if a public bill was amended after second
31 reading or if the reading occurs on a day or days following the second
32 reading, all conference reports on public bills, all motions to lay public bills
33 on the table, and all motions to postpone public bills indefinitely.

34 (2) Upon a call for division.

35 (3) Any other question upon direction of the Speaker or upon motion of any
36 member supported by one-fifth of the members present.

37 (c) When the electronic voting system is used, 15 seconds shall be allowed for
38 voting on the question before the House, unless the chair shall direct otherwise. Once the
39 system is locked, the vote shall be recorded and printed.

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

45 (e) When the electronic voting system is used, the Speaker shall state the
46 question and shall then state substantially the following: "All in favor vote 'aye'; all opposed
47 vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must
48 vote by the electronic voting system within the time allowed for that vote, unless the voting
49 station assigned to a member is malfunctioning. The Speaker shall enforce this rule without
50 exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will

1 now lock the machine and record the vote." After the machine is locked and the vote recorded,
2 the Speaker shall announce the vote and declare the result.

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

8 (g) When the Speaker ascertains that the electronic voting system is inoperative
9 before a vote is taken or while a vote is being taken on the electronic voting system, the
10 Speaker shall announce that fact to the House, and any partial electronic voting system voting
11 record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the
12 House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes
13 and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall
14 be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered
15 that a malfunction caused an error in the electronic voting system printout, the Speaker shall
16 direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so
17 advise the House.

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

- 20 (1) To adjourn.
- 21 (2) To recess.
- 22 (3) To lay on the table.
- 23 (4) Previous question.
- 24 (5) To postpone indefinitely.
- 25 (6) To reconsider.
- 26 (7) To postpone to a day certain.
- 27 (8) To re-refer.
- 28 (9) To amend an amendment.
- 29 (10) To amend.
- 30 (11) To concur or not concur.
- 31 (12) Miscellaneous.

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

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

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

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

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

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

1 vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any
 2 standing committee not having permanent subcommittees.

3 (g) A maximum of two chairs of a standing committee are entitled to vote in a
 4 permanent subcommittee of the standing committee.

5 (h) Either the chair or acting chair, designated by the chair or by the Speaker,
 6 and five other members of the standing committee or permanent subcommittee, or a majority of
 7 the standing committee or permanent subcommittee, whichever is fewer, shall constitute a
 8 quorum of that standing committee or permanent subcommittee.

9 (i) In any joint meeting of the Senate and House committees or subcommittees,
 10 the House standing committee or permanent subcommittee reserves the right to vote separately.

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

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

Committees	Subcommittees
Aging	(None)
Agriculture	(None)
Alcoholic Beverage Control	(None)
Appropriations	-Capital -Education -General Government -Health and Human Services -Justice and Public Safety -Natural and Economic Resources -Transportation
Commerce, Small Business, and Entrepreneurship	(None)
Education	-Community Colleges -Preschool, Elementary, and Secondary Education -Universities
Election Law and Campaign Finance Reform	(None)
Energy and Energy Efficiency	(None)
Environment and Natural Resources	(None)
Ethics	(None)
Federal Relations and Indian Affairs	(None)

1	Finance	(None)
2		
3	Financial Institutions	(None)
4		
5	Health	(None)
6		
7	Homeland Security, Military, and	
8	Veterans Affairs	(None)
9		
10	Insurance	(None)
11		
12	Judiciary I	(None)
13		
14	Judiciary II	(None)
15		
16	Judiciary III	(None)
17		
18	Juvenile Justice	(None)
19		
20	Local Government I	(None)
21		
22	Local Government II	(None)
23		
24	Marine Resources and Aquaculture	(None)
25		
26	Mental Health Reform	(None)
27		
28	Pender/New Hanover Redistricting	(None)
29		
30	Pensions and Retirement	(None)
31		
32	Public Utilities	(None)
33		
34	Rules, Calendar, and	
35	Operations of the House	(None)
36		
37	Science and Technology	(None)
38		
39	State Government/State Personnel	(None)
40		
41	Transportation	(None)
42		
43	University Board of Governors	
44	Nominating	(None)
45		
46	Water Resources and Infrastructure	(None)
47		
48	Ways and Means/Broadband	
49	Connectivity	(None)
50		
51	Wildlife Resources	(None)

1 **RULE 28. Standing Committee and Permanent Subcommittee Meetings.** – (a)
2 Standing committees and permanent subcommittees of standing committees shall be furnished
3 with suitable meeting places pursuant to a schedule established by the Chair of the Standing
4 Committee on Rules, Calendar, and Operations of the House. Select committees shall be
5 furnished with suitable meeting places as their needs require by the Chair of the Standing
6 Committee on Rules, Calendar, and Operations of the House.

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

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

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

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

25 (f) No standing committee or permanent subcommittee shall meet during any
26 session of the House. Standing committees and permanent subcommittees shall meet at their
27 regularly scheduled hour. No permanent subcommittee shall meet at the same time that its
28 standing committee is meeting. Standing committees and permanent subcommittees may meet
29 at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and
30 Operations of the House in order to assure the availability of the meeting room and that no
31 conflicts will exist with the meetings of other bodies. All standing committee and permanent
32 subcommittee meetings shall adjourn no later than:

33 (1) 15 minutes preceding a regular session of the House, and

34 (2) 10 minutes preceding the hour of the next regularly scheduled standing
35 committee or permanent subcommittee meeting.

36 (g) Any call or notice of a standing committee or permanent subcommittee
37 meeting between legislative sessions shall be mailed to each member of the standing committee
38 or permanent subcommittee at least five days prior to such meeting. If a member of the body so
39 requests in writing to the chair of the standing committee or permanent subcommittee, the
40 member shall be notified by certified mail of the meetings.

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

44 **RULE 28.1. Ethics Committee Investigations Into Violations of the Open**
45 **Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any
46 individual filed with the Standing Committee on Ethics, the Committee shall inquire into any
47 alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter
48 143 of the General Statutes), as the same may be amended in the future.

49 (b) If, after such preliminary investigation as it may make, the Committee
50 determines to proceed with an inquiry into the conduct of any individual, the Committee shall
51 notify the individual as to the fact of the inquiry and the charges against the individual and shall

1 schedule one or more hearings on the matter. The individual shall have the right to present
2 evidence, cross-examine witnesses, and be represented by counsel at any hearings.

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

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

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

8 (3) Issue a public letter of reprimand if the violation of the Open Meetings Law
9 was intentional or if the legislator has previously received a private letter of
10 reprimand. The Chair of the Committee on Ethics shall have the public letter
11 of reprimand spread on the pages of the House Journal.

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

13 **RULE 29. Notice of Standing Committee and Permanent Subcommittee**
14 **Meetings and Hearings.** – Public notice of all standing committee and permanent
15 subcommittee meetings shall be given in the House. The chair of the standing committee or
16 permanent subcommittee shall notify or cause to be notified the sponsor of each bill which is
17 set for hearing or consideration before the standing committee or permanent subcommittee as
18 to the date, time, and place of that meeting.

19 **RULE 29.1. Public Hearings.** – (a) Requests for a public hearing shall be made in
20 writing to the chair of the standing committee and, if applicable, the chair of the permanent
21 subcommittee to which the bill has been referred. The chair of the standing committee may
22 schedule a public hearing by the standing committee as a whole after the adjournment of a
23 regular daily House session. The chair of the permanent subcommittee may schedule a public
24 hearing before the permanent subcommittee at its regularly scheduled hour. Denial of a request
25 made by a House member may be appealed to the Speaker.

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

29 (b) Persons desiring to appear and be heard at a public hearing shall submit their
30 requests to the chair of the standing committee or permanent subcommittee. The standing
31 committee or permanent subcommittee chair may designate one or more members to arrange
32 the order of appearance of interested parties. A brief written statement of testimony may be
33 submitted without oral presentation and shall be incorporated into the minutes of the public
34 hearing.

35 **RULE 29.2. Minutes to Legislative Library.** – The chair of a standing committee
36 or a permanent subcommittee shall ensure that written minutes are compiled for each of the
37 body's meetings. The minutes shall indicate the members present and the actions taken at the
38 meeting. Not later than 20 days after the adjournment of each session of the General Assembly,
39 the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may
40 grant a reasonable extension of time for filing said minutes upon written application of the
41 chair.

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

45 (b) After passage of a motion to form a Standing Committee of the Whole
46 House, the Speaker shall appoint a chair to preside in the standing committee, and the Speaker
47 shall leave the dais.

48 (c) The rules of procedure in the House shall be observed in the Standing
49 Committee of the Whole House, so far as they may be applicable, except the rule limiting the
50 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 body of
6 the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be
7 duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the
8 standing committee and be so reported to the House. After report, the bill shall again be subject
9 to be debated and amended by sections before a question on its passage be taken.

10 VI. Handling of Bills

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

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

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

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

30 (e) A Substitute Bill shall be covered with the same color jacket as the original
31 bill and shall be prefaced as follows: "House Committee Substitute for _____".

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

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

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

38 **RULE 31.1. Deadlines on Introduction and Receipt; No Blank Bills; Single**
39 **Subject Rule.** – (a) All local bills must be submitted to the Bill Drafting Division of the
40 Legislative Services Office by 4:00 P.M. on Wednesday, March 18, 2009, and must be
41 introduced not later than 3:00 P.M. on Wednesday, April 1, 2009.

42 (b) All public bills which would not be required to be re-referred to the
43 Appropriations or Finance Committees under Rule 38 must be submitted to the Bill Drafting
44 Division of the Legislative Services Office by 4:00 P.M. on Thursday, March 26, 2009, and
45 must be introduced not later than 1:00 P.M. on Thursday, April 9, 2009.

46 (c) All public bills which under Rule 38 are required to be re-referred to either
47 or both of the Appropriations Committee or the Finance Committee, must be submitted to the
48 Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, April 22,
49 2009, and must be introduced not later than 3:00 P.M. on Wednesday, May 6, 2009. If any bill
50 is subject to the deadline under this subsection and the bill is amended so that all the provisions

1 requiring referral to either or both of those committees under Rule 38 do not remain in the bill,
2 it is not eligible for further consideration.

3 (d) A bill containing no substantive provisions may not be introduced in the
4 House.

5 (e) In order to be eligible for consideration by the House during the first Regular
6 Session, all Senate bills other than finance or appropriations bills which would be required to
7 be re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment
8 resolutions must be received and read on the floor of the House as a message from the Senate
9 no later than Thursday, May 14, 2009; provided that a message from the Senate received by the
10 next legislative day stating that a bill has passed its third reading and is being engrossed shall
11 comply with the requirements of this subsection and provided that the Senate has a similar rule.

12 (f) Except by motion approved by a majority of members of the House present
13 and voting, no public House bill other than the Current Operations Appropriations Act or the
14 Capital Improvement Appropriations Act may contain more than one subject.

15 (g) This rule, other than subsections (d) and (f), does not apply to bills (i)
16 establishing districts for Congress or State or local entities, or (ii) ratifying an amendment or
17 amendments to the Constitution of the United States.

18 **RULE 32. Reference to Standing Committee and to Permanent Subcommittee;**
19 **Serial Referrals.** – (a) Each bill not introduced on the report of a standing committee shall
20 immediately upon its first reading be referred by the Speaker to such standing committee or
21 permanent subcommittee as the Speaker deems appropriate. The Speaker at the same time may
22 order that, if the bill is reported with any favorable recommendation or without prejudice, it be
23 re-referred automatically upon the committee report to another committee or permanent
24 subcommittee designated in the order. Each joint resolution or House resolution not introduced
25 on the report of a standing committee shall immediately upon its first reading either be referred
26 by the Speaker to a standing committee or permanent subcommittee or be calendared on the
27 date designated by the Speaker, as the Speaker deems appropriate.

28 (b) The standing committee chair may refer each bill referred to the standing
29 committee to the permanent subcommittee specifically charged with the subject matter of the
30 bill. A report of that referral shall be made in writing and submitted to the body pursuant to
31 Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to which the bill is
32 referred shall report the bill back to the full standing committee. That subcommittee report shall
33 include one of the following recommendations:

- 34 (1) Favorable, without prejudice, or unfavorable as to the original bill with the
35 recommendation that the report be made to the standing committee;
- 36 (2) Favorable, without prejudice, or unfavorable as to the original bill, as
37 amended, with the recommendation that the report be made to the standing
38 committee;
- 39 (3) Favorable or without prejudice to the proposed committee substitute, and
40 unfavorable to the original bill, with the recommendation that the report be
41 made to the standing committee;
- 42 (4) Favorable as to the original bill with the recommendation that the report be
43 made directly to the floor of the House, if approved by the standing
44 committee chair;
- 45 (5) Favorable to the original bill, as amended, with the recommendation that the
46 report be made directly to the floor of the House, if approved by the standing
47 committee chair; or
- 48 (6) Favorable to the proposed committee substitute with the recommendation
49 that the report be made directly to the floor of the House, if approved by the
50 standing committee chair, and unfavorable to the original bill.

1 Any recommendation of favorable or without prejudice may include a
2 recommendation of re-referral to another standing committee. After a bill is reported to a
3 standing committee by a permanent subcommittee of that standing committee, the standing
4 committee chair may re-refer the bill to another permanent subcommittee of that standing
5 committee.

6 Upon recommendation to the standing committee, the bill shall be before that body
7 for further action unless the permanent subcommittee chair reports the bill directly pursuant to
8 Rule 36.

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

14 **RULE 34. Introduction of Resolutions and Bills, Copies Required.** – (a)
15 Whenever any resolution or bill is introduced, a duplicate copy thereof shall be attached
16 thereto, and the Principal Clerk shall cause said duplicate copy to be numbered as the original
17 resolution or bill is numbered and shall cause the same to be available at all times to the
18 member introducing the same.

19 (b) Numbering of House Bills shall be designated as "H.B.____." (No.
20 following). A Joint Resolution shall be designated as "H.J.R. ____." (No. following). A House
21 Resolution shall be designated as "H.R.____." (No. following).

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

27 (d) No bill may be filed for introduction if the draft contains names preprinted
28 on the bill jacket and body of the bill (either as primary sponsors or cosponsors) unless each
29 such member has signed the jacket.

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

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

43 **RULE 35.1. Assessment Reports.** – (a) Every bill or resolution proposing the
44 establishment of an occupational or professional licensing board, as defined in Article 18A of
45 Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have
46 attached to the jacket of the original bill or resolution at the time of its consideration on second
47 and third readings by the House or by any standing committee or permanent subcommittee of
48 the House an assessment report from the Legislative Committee on New Licensing Boards
49 pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not
50 constitute any part of the expression of legislative intent proposed by the formation of a
51 licensing board. Upon receipt of the request, the Legislative Committee on New Licensing

1 Boards shall prepare and return the assessment report as soon as possible but not later than 60
2 days, reserving the right to extend this time to 90 days.

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

12 **RULE 36. Report by Standing Committee or Permanent Subcommittee.** – (a)
13 **When Reports Required.** – All House bills and resolutions shall be reported from the standing
14 committee or permanent subcommittee to which referred with such recommendations as the
15 standing committee or permanent subcommittee may desire to make except in the case where
16 the principal introducer requests in writing to the chair of the standing committee or permanent
17 subcommittee that the bill not be considered.

18 With the written approval of the chair of the standing committee and with the
19 recommendation of the subcommittee pursuant to Rule 32(b)(4) through (6), the chair of the
20 permanent subcommittee may report the bill directly to the floor with that recommendation. If a
21 permanent subcommittee recommends reporting a bill to the floor and the chair of the standing
22 committee fails to give approval, the bill shall be deemed to have been reported to the standing
23 committee with the same recommendation as the subcommittee would have made to the House.

24 (b) **Favorable Report.** – When a standing committee or permanent
25 subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed
26 on the favorable calendar on the day and in the order designated by the Chair of the Standing
27 Committee on Rules, Calendar, and Operations of the House, but not on the same day that it is
28 reported except by leave of the House, and no later than the fourth legislative day after
29 submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

- 30 (1) The bill is re-referred to the Committee on Appropriations or Committee on
31 Finance under Rule 38 or was serially referred under Rule 32; or
32 (2) The bill has not yet been placed on the calendar, and the Speaker refers the
33 bill to another committee.

34 In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair
35 of the Standing Committee on Rules, Calendar, and Operations of the House orally in the
36 House or in writing to the Principal Clerk. When a committee substitute is adopted and receives
37 a favorable report by the committee or permanent subcommittee, the standing committee or
38 permanent subcommittee chair shall submit to the standing committee or permanent
39 subcommittee the question of an unfavorable report on the original bill. The standing
40 committee's or permanent subcommittee's action, if any, on the original bill shall be reported at
41 the same time the committee substitute is reported.

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

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

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

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

9 **RULE 36.1. Fiscal Notes.** – (a) The Chair or Cochair of the Appropriations
10 Committee, of the Finance Committee, or of the Standing Committee on Rules, Calendar, and
11 Operations of the House, upon the floor of the House, may request that a fiscal analysis be
12 made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of
13 the House and that a fiscal note be attached to the measure, which request shall be allowed
14 when, in the opinion of the Speaker, the fiscal effects of that measure are not apparent from the
15 language of the measure. When a request is properly made under this subsection, the bill is
16 removed from the calendar until such time that the fiscal note is attached to the measure.

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

22 (c) The fiscal note shall be prepared by the Fiscal Research Division on a form
23 approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the
24 House as to content and form and signed by the staff member or members preparing it. If no
25 estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is
26 provided. The fiscal note shall not comment on the merit but may identify technical problems.
27 The Fiscal Research Division shall make the fiscal note available to the membership of the
28 House.

29 (d) A sponsor of a bill or amendment may deliver a copy of the bill or
30 amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor
31 shall attach the fiscal note to the bill when filed or to the amendment when its adoption is
32 moved.

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

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

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

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

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

46 shall have attached to it at the time of its consideration by any standing committee or
47 permanent subcommittee a brief explanatory statement or note which shall include a reliable
48 estimate of the financial and actuarial effect of the proposed change to that retirement or
49 pension system. The actuarial note shall be attached to the jacket of each proposed bill or
50 resolution which is reported favorably by any standing committee or any permanent
51 subcommittee, shall be separate therefrom, and shall be clearly designated as an actuarial note.

1 A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions
2 and Retirement upon its introduction in accordance with G.S. 120-111.3.

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

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

19 (d) The note shall be factual and shall, if possible, provide a reliable estimate of
20 both the immediate effect and, if determinable, the long-range fiscal and actuarial effect of the
21 measure. If, after careful investigation, it is determined that no dollar estimate is possible, the
22 note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can
23 be given. No comment or opinion shall be included in the actuarial note with regard to the
24 merits of the measure for which the note is prepared. Technical and mechanical defects in the
25 measure may be noted.

26 (e) When any permanent subcommittee or standing committee reports a
27 measure to which an actuarial note is attached at the time of permanent subcommittee or
28 standing committee consideration, with any amendment of such nature as would substantially
29 affect the cost to or the revenues of any retirement or pension system, or program of hospital,
30 medical, disability, or related benefits for teachers or State employees, the chair of the
31 permanent subcommittee or standing committee reporting the measure shall obtain from the
32 Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed
33 amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to
34 any bill or resolution shall not be in order if the amendment affects the costs to or the revenues
35 of a State-administered retirement or pension system, or program of hospital, medical,
36 disability, or related benefits for teachers or State employees, unless the amendment is
37 accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial
38 effect of the amendment.

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

41 **RULE 36.3. Local Legislation Affecting State Highway System.** – A local bill
42 affecting the State Highway System shall be referred to the Committee on Transportation.

43 **RULE 36.4. Content of Appropriations Bills.** – No provision shall be contained in
44 any of the following bills unless it pertains to the appropriation of money or the raising or
45 reducing of revenue: (i) the Current Operations Appropriations Bill; (ii) the Capital
46 Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second
47 fiscal year of a biennium.

48 **RULE 37. Removing Bill From Unfavorable Calendar.** – A bill may be removed
49 from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a
50 bill from the unfavorable calendar is debatable.

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

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

5 (2) Requires or will require in the future substantial additional State monies
6 from the General Fund or Highway Fund to implement its provisions shall
7 indicate same in the report, and said bill or resolution shall be referred to the
8 Standing Committees on Appropriations for a further report before being
9 acted upon by the House.

10 (b) All standing committees, other than the Standing Committee on Finance,
11 when favorably reporting any bill which in any way or manner raises revenue, reduces revenue,
12 levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of
13 bonds or notes, whether public, public-local, or private, shall indicate same in the report, and
14 said bill shall be referred to the Standing Committee on Finance for a further report before
15 being acted upon by the House. This subsection shall not apply to bills only imposing fines,
16 forfeitures, or penalties.

17 (c) Action on Amendment Before Re-Referral. – If any standing committee
18 recommends adoption of an amendment or committee substitute of a bill which, under the rules
19 of the House, must be referred to the Standing Committees on Appropriations or the Standing
20 Committee on Finance, the amendment or committee substitute shall be considered and, if
21 adopted, the amendment or substitute engrossed before the bill is re-referred.

22 **RULE 39. Recall of Bill From Standing Committee.** – (a) When a House bill has
23 been introduced and referred to a standing committee, or when a Senate bill has been referred
24 to a standing committee, if after 10 legislative days the standing committee has failed to act
25 thereon, then the introducer of the House bill or some member designated by the introducer, or
26 some House member designated by the introducer of the Senate bill, may, after three legislative
27 days' public notice given in the House and delivered in writing to the chair of the standing
28 committee, on motion supported by a vote of three-fifths of the members of the House, recall
29 the same from the standing committee to the floor of the House for consideration and such
30 action thereon as a majority of the members present may direct.

31 (b) This rule shall not be temporarily suspended without one day's notice on the
32 motion given in the House and delivered in writing to the chair of the standing committee, and
33 to sustain that motion two-thirds of the members of the House shall be required.

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

40 **RULE 39.2. Re-Referral of Bills From One Standing Committee to Another**
41 **Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker, the chair of the
42 standing committee from whom the bill is to be re-referred, and the chair of the standing
43 committee to whom the bill is to be re-referred, the chair of the standing committee from whom
44 the bill is to be re-referred or the Chair of the Standing Committee on Rules, Calendar, and
45 Operations of the House may move for a re-referral to another standing committee, and the bill
46 shall be re-referred upon vote of the majority present during a regular session of the House.

47 **RULE 40. Calendars and Schedules of Business.** – The Clerk of the House shall
48 prepare a daily schedule of business, including the Calendar of Bills and Resolutions for
49 consideration and debate that day, in accordance with the Order of Business of the Day (Rule
50 5). The Clerk shall number all bills and resolutions in the order in which they are introduced.

1 All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)) in the
2 order they were placed on the Calendar under Rule 36(b).

3 **RULE 41. Reading of Bills.** – (a) Every bill shall receive three readings in the
4 House prior to its passage. The first reading and reference to standing committee of a House
5 bill shall occur on the next legislative day following its introduction. The first reading and
6 reference to standing committee of a Senate bill shall occur on the next legislative day
7 following its receipt on messages from the Senate. The Speaker shall give notice at each
8 subsequent reading whether it is the second or third reading.

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

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

- 15 (1) Been tabled,
- 16 (2) Been postponed indefinitely,
- 17 (3) Failed to pass on any of its readings, or
- 18 (4) Been placed on the unfavorable calendar,

19 the contents of that bill or the principal provisions of its subject matter shall not be considered
20 in any other measure originating in the Senate or originating thereafter in the House. Upon the
21 point of order being raised and sustained by the chair, that measure shall be laid upon the table,
22 and shall not be taken therefrom except by a two-thirds vote of the members present and
23 voting.

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

27 **RULE 43. Amendments.** – (a) No amendment to a measure before the House shall
28 be in order unless the amendment is germane to the measure under consideration. A House
29 amendment deleting a previously adopted House amendment shall not be in order, except that
30 this sentence does not apply to amendments adopted under Rule 38(c). No amendment that is
31 clearly unconstitutional shall be in order.

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

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

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

44 (b) The following rules apply when considering: (i) the Current Operations
45 Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally
46 revising appropriations for the second fiscal year of a biennium:

- 47 (1) Amendments cannot increase total spending within a subcommittee area
48 beyond the total for that subcommittee as shown in the committee report.
- 49 (2) Amendments can only affect appropriations within the departments,
50 agencies, or programs within the jurisdiction of the subcommittee.

- 1 (3) Amendments cannot increase total spending, from any source, beyond the
- 2 total amount shown in the committee report.
- 3 (4) Amendments that cause the budget to be unbalanced are not in order.
- 4 (5) Amendments cannot spend reversions.
- 5 (6) Amendments cannot make nonrecurring reductions to fund recurring items.

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

9 **RULE 43.2. House Concurrence in Senate Amendments to House Bills.** – When
10 the House receives a Senate amendment to a bill originating in the House, it shall be placed on
11 the calendar in accordance with Rule 36(b).

12 **RULE 43.3. Committee Substitutes Adopted by the Senate to Bills Originating**
13 **in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever
14 the Senate has adopted a committee substitute for a bill originating in the House and has
15 returned the bill to the House for concurrence in that committee substitute, it shall be placed on
16 the calendar in accordance with Rule 36(b).

17 (b) The Speaker shall rule whether the committee substitute is a material
18 amendment under Section 23 of Article II of the North Carolina Constitution which reads:

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

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

- 28 (1) Report the bill with the recommendation either that the House do concur or
- 29 that the House do not concur; and
- 30 (2) Advise the Speaker as to whether or not that committee substitute is a
- 31 material amendment under Section 23 of Article II of the North Carolina
- 32 Constitution.

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

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

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

41 **RULE 44. Conference Standing Committees.** – (a) Whenever the House shall
42 decline or refuse to concur in amendments put by the Senate to a bill originating in the House,
43 or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the
44 House, or whenever the Senate shall decline or refuse to concur in amendments put by the
45 House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the
46 House for a bill originating in the Senate, a conference committee may be appointed by the
47 Speaker upon the Speaker's own motion and shall be appointed upon request by the principal
48 sponsor of the original bill, the chair of the House standing committee which reported the bill,
49 or the sponsor of the amendment in which the Senate refused to concur; and the bill under
50 consideration shall thereupon go to and be considered by the joint conferees on the part of the
51 House and Senate. In appointing members to conference committees, the Speaker shall appoint

1 no less than a majority of members who generally supported the House position as determined
2 by the Speaker.

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

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

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

11 **RULE 44.1. Transmittal of Bills to Senate.** – Unless ordered by the Speaker or
12 two-thirds vote of the members present and voting, no bill shall be sent from the House on the
13 day of its passage, except on the last day of the session.

14 **VII. Legislative Officers and Employees**

15 **RULE 45. Elected Officers.** – (a) The House shall elect its Speaker from among its
16 membership.

17 (b) The House shall elect its Speaker Pro Tempore from among its membership
18 who shall perform such duties as the Speaker may assign.

19 (c) The House shall elect a Principal Clerk, who shall continue in office until
20 another is elected. The Speaker may appoint a Reading Clerk and shall appoint a
21 Sergeant-at-Arms, both of whom shall serve at the Speaker's pleasure. The Principal Clerk,
22 Reading Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not
23 inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by the
24 Speaker on behalf of the House, the Principal Clerk or an employee designated by the Principal
25 Clerk shall receive House bills not approved by the Governor.

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

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

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

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

35 **RULE 48. Member's Staff.** – (a) Each standing committee and permanent
36 subcommittee shall have a committee assistant. The committee assistant to a standing
37 committee or permanent subcommittee shall serve as staff to the chair of the standing
38 committee or permanent subcommittee.

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

41 (c) The selection and retention of committee assistants, legislative assistants,
42 and office assistants shall be the sole prerogative of the individual member or members. Such
43 staff shall file initial applications for employment with the Principal Clerk and shall receive
44 compensation as prescribed by the Legislative Services Commission. The employment period
45 of such staff shall commence not earlier than the convening date of the General Assembly and
46 shall terminate not later than the final adjournment or recess of the General Assembly unless
47 employment for an extended period is approved by the Speaker. The committee assistants,
48 legislative assistants, and office assistants shall adhere to such uniform rules and regulations
49 not inconsistent with these rules regarding hours and other conditions of employment as the
50 Legislative Services Commission shall fix by appropriate regulations.

1 **RULE 59. Cosponsorship of Bills and Resolutions.** – (a) Any member wishing to
2 cosponsor a bill or resolution which has been introduced may do so by appearing in the office
3 of the Principal Clerk for such purpose within one-half hour following the adjournment of the
4 session during which such bill or resolution was first read and referred, or within one hour
5 following adjournment if the cosponsorship is done electronically under procedures approved
6 by the Principal Clerk.

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

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

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

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

26 **RULE 61.1. Office Assignments.** – The Chair of the Standing Committee on Rules,
27 Calendar, and Operations of the House shall assign to each member an office space. When
28 available, chairs of standing committees and permanent subcommittees shall be assigned an
29 office adjacent to the room in which the standing committee or permanent subcommittee
30 generally meets if the Chair so desires. The Speaker shall be assigned an office of his or her
31 choice.

32 **RULE 61.2. Convening and Assigning Seats in the New House.** – (a) The
33 Principal Clerk of the previous House of Representatives shall convene the House of
34 Representatives at 12:00 noon on the date established by law for the convening of each regular
35 session and preside over the body until the members elect a Speaker. In the case of a vacancy,
36 inability, or refusal to so serve, the duty shall devolve upon the Sergeant-at-Arms of the prior
37 House, and in the case of a vacancy in that office, or inability or refusal to so serve, the duty
38 shall devolve upon the Reading Clerk of the prior House.

39 (b) It shall be the duty of the Chair of the Standing Committee on Rules,
40 Calendar, and Operations of the House of the prior House to assign temporary seats to the
41 members of the House of Representatives in its Chamber. In the case of the inability or refusal
42 to serve of the Chair of the Standing Committee on Rules, Calendar, and Operations of the
43 House, the Speaker of the prior House of Representatives shall appoint a person to assign seats
44 to members of the House of Representatives in its Chamber. In the event that the party that had
45 a majority of members in the prior House will no longer have a majority of members in the new
46 House, then the duty assigned in this subsection to the Chair of the Committee of the prior
47 House shall instead be the duty of the person nominated as Speaker by the majority party
48 caucus for the new House, or some member-elect designated by the Speaker-nominee. In the
49 event no party will have a majority, then the duty assigned in this subsection to the Chair of the
50 Committee of the prior House shall instead be the joint duty of one person chosen each by the
51 caucuses of the two parties having the greatest numbers of members.

- 1 **RULE 62. Matters Not Covered in These Rules.** – Except as herein set out, the
2 rules of Mason's Manual of Legislative Procedure shall govern the operation of the House.
3 **SECTION 2.** This resolution is effective upon adoption.