

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE RESOLUTION 19
PROPOSED COMMITTEE SUBSTITUTE H19-PCS30089-RC-2

Sponsors:

Referred to:

February 1, 2011

1 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE HOUSE OF
2 REPRESENTATIVES FOR THE 2011 REGULAR SESSION.

3 Be it resolved by the House of Representatives:

4 **SECTION 1.** The permanent rules of the Regular Session of the House of
5 Representatives of the 2011 General Assembly are:

6 **PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FOR THE**
7 **REGULAR SESSION OF THE 2011 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 2011, 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 Chair of the Standing Committee on
6 Rules, Calendar, and Operations of the House shall cause the Journal of the House to be
7 examined daily before the hour of convening to determine if the proceedings of the previous
8 day have been correctly 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, except by leave of the House, the House shall proceed to business in the
16 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 – House bills first):
 - 30 a. Resolutions for adoption
 - 31 b. Conference reports for adoption
 - 32 c. Local bills (roll call), third reading
 - 33 d. Local bills (roll call), second reading
 - 34 e. Local bills, third reading
 - 35 f. Local bills, second reading
 - 36 g. Public bills (roll call), third reading
 - 37 h. Public bills (roll call), second reading
 - 38 i. Public bills and resolutions, third reading
 - 39 j. Public bills and resolutions, second reading;
- 40 (11) Reading of notices and announcements.

41 **II. Conduct of Debate**

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

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

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

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

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

13 (2) A point of order,

14 (3) A parliamentary inquiry, or

15 (4) A question of privilege.

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

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

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

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

37 (b) No member shall speak more than twice on the main question nor longer
38 than 15 minutes for the first speech and five minutes for the second speech; nor shall the
39 member speak more than twice upon an amendment or motion to reconsider, re-refer, appeal,
40 or postpone or any motion on concurrence, and then not longer than 10 minutes for the first
41 speech and five minutes for the second speech.

42 (c) A member may speak only once and for not more than 10 minutes on the
43 question of the adoption of a minority report.

44 (d) In computing the time allowed for argument, the time consumed in
45 answering questions should be considered and is taken out of any time allowed that member.

46 (e) The House, by consent of a majority of the members present, may suspend
47 the operation of subsections (b) through (d) of this rule during any debate on any particular
48 question before the House.

49 **RULE 11. Reading of Papers.** – When there is a call for the reading of the text of a
50 paper which has been presented to the House and there is objection to such reading, the
51 question shall be determined by a majority vote of the members of the House present. Except

1 for protests permitted by the Constitution, no member may have material printed in the Journal
2 until said material has been presented to the House and the printing approved by the House, and
3 said material shall not exceed 1,000 words.

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

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

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

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

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

14 (f) The consumption of food or beverages shall not be permitted in the galleries
15 at any time.

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

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

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

22 (j) Placards, stickers, or signs are not permitted in the House Chamber.

23 **III. Motions**

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

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

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

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

35 To adjourn.

36 To recess.

37 To lay on the table.

38 Previous question.

39 To postpone indefinitely.

40 To reconsider.

41 To postpone to a day certain.

42 To re-refer.

43 To amend an amendment.

44 To amend.

45 To pass the bill.

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

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

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

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

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

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

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

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

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

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

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

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

33 (2) A motion to postpone indefinitely,

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

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

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

37 (c) A motion to reconsider the vote by which a person has been elected as
38 Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be
39 suspended except by a vote of three-fifths of all the members of the House.

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

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

43 (2) The Majority Leader;

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

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

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

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

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

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

9 (e) After the previous question is ordered, the Majority Leader and the Minority
10 Leader may each allocate three minutes of debate on the question. The Majority Leader and the
11 Minority Leader may each designate another member to act under this subsection in their
12 absence.

13 IV. Voting

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

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

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

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

21 c. Imposing a State tax, or

22 d. Authorizing a county, municipality, or other local governmental unit
23 to

24 1. Raise money on its credit,

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

26 3. Impose a local tax.

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

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

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

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

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

44 (c) When the electronic voting system is used, 15 seconds shall be allowed for
45 voting on the question before the House, unless the Chair shall direct otherwise. Once the
46 system is locked, the vote shall be recorded and printed.

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

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

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

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

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

- 26 (1) To adjourn.
- 27 (2) To recess.
- 28 (3) To lay on the table.
- 29 (4) Previous question.
- 30 (5) To postpone indefinitely.
- 31 (6) To reconsider.
- 32 (7) To postpone to a day certain.
- 33 (8) To re-refer.
- 34 (9) To amend an amendment.
- 35 (10) To amend.
- 36 (11) To concur or not concur.
- 37 (12) Miscellaneous.

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

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

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

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

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

1 member. As to select committees established after March 1 of an odd-numbered year or during
 2 an even-numbered year, the Speaker may not appoint new members more than 60 calendar
 3 days after the select committee is established, except to fill vacancies caused by the resignation,
 4 death, removal, or inability to serve of a member.

5 (e) Each chair of a permanent subcommittee shall be a vice-chair of the standing
 6 committee of which it is a permanent subcommittee. The Speaker may name other members as
 7 vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any
 8 standing committee not having permanent subcommittees.

9 (f) A maximum of two chairs of a standing committee are entitled to vote in a
 10 permanent subcommittee of the standing committee.

11 (g) Either the chair or acting chair, designated by the chair or by the Speaker,
 12 and five other members of the standing committee or permanent subcommittee, or a majority of
 13 the standing committee or permanent subcommittee, whichever is fewer, shall constitute a
 14 quorum of that standing committee or permanent subcommittee. A quorum of less than a
 15 majority of all the members must include at least one member of the minority party.

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

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

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

23 Committees	24 Subcommittees
25 Agriculture	26 (None)
27 Appropriations	28 -Education 29 -General Government 30 -Health and Human Services 31 -Justice and Public Safety 32 -Natural and Economic Resources 33 -Transportation
34 Banking	35 (None)
36 Commerce and Job Development	37 -Alcoholic Beverage Control 38 -Business and Labor 39 -Science and Technology
40 Education	41 (None)
42 Elections	43 (None)
44 Environment	45 (None)
46 Ethics	47 (None)
48 Finance	49 (None)
50 Government	51 (None)

1	Health and Human Services	-Mental Health
2		
3	Homeland Security, Military, and	
4	Veterans Affairs	(None)
5		
6	Insurance	(None)
7		
8	Judiciary	-Judiciary A
9		-Judiciary B
10		-Judiciary C
11		
12	Public Utilities	(None)
13		
14	Redistricting	(None)
15		
16	Rules, Calendar, and	
17	Operations of the House	(None)
18		
19	State Personnel	(None)
20		
21	Transportation	(None)
22		
23		

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

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

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

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

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

48 (f) No standing committee or permanent subcommittee shall meet during any
 49 session of the House. Standing committees and permanent subcommittees shall meet at their
 50 regularly scheduled hour. No permanent subcommittee shall meet at the same time that its
 51 standing committee is meeting. Standing committees and permanent subcommittees may meet

1 at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and
2 Operations of the House in order to assure the availability of the meeting room and that no
3 conflicts will exist with the meetings of other bodies. All standing committee and permanent
4 subcommittee meetings shall adjourn no later than:

- 5 (1) 15 minutes preceding a regular session of the House, and
- 6 (2) 10 minutes preceding the hour of the next regularly scheduled standing
7 committee or permanent subcommittee meeting.

8 Action taken by a committee in violation of this rule is voidable unless taken by
9 unanimous consent at a meeting at which a majority of all the members of the committee are
10 present, and at least one member present is of the minority party.

11 (g) Any call or notice of a standing committee or permanent subcommittee
12 meeting between legislative sessions shall be sent by electronic mail to each member of the
13 standing committee or permanent subcommittee at least five days prior to such meeting. If a
14 member of the body so requests in writing to the chair of the standing committee or permanent
15 subcommittee, the member shall be notified of the meetings by mail at a designated address.

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

19 **RULE 28.1. Ethics Committee Investigations Into Violations of the Open**
20 **Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any
21 individual filed with the Standing Committee on Ethics, the Committee shall inquire into any
22 alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter
23 143 of the General Statutes), as the same may be amended in the future.

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

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

- 31 (1) Dismiss the complaint and take no further action.
- 32 (2) Issue a private letter of reprimand to the legislator, if the legislator
33 unintentionally violated the provisions of the Open Meetings Law.
- 34 (3) Issue a public letter of reprimand if the violation of the Open Meetings Law
35 was intentional or if the legislator has previously received a private letter of
36 reprimand. The Chair of the Committee on Ethics shall have the public letter
37 of reprimand spread on the pages of the House Journal.
- 38 (4) Refer the matter to the House for appropriate action.

39 **RULE 29. Notice of Standing Committee and Permanent Subcommittee**
40 **Meetings and Hearings.** – (a) Notice of meetings of standing committees and permanent
41 subcommittees that will occur at the regularly scheduled meeting times shall be given by one or
42 both of the following methods:

- 43 (1) Notice given openly at a session of the House; or
- 44 (2) Notice mailed or sent by electronic mail to those who have requested notice,
45 and to the Legislative Services Office, which shall post the notice on the
46 General Assembly Web site.

47 (b) Notice of all other meetings shall be given in the House. If the meeting is
48 scheduled to occur after adjournment, notice shall also be given by electronic mail and posting
49 on the General Assembly Web site.

1 (c) The chair of the standing committee or permanent subcommittee shall notify or
2 cause to be notified the sponsor of each bill which is set for hearing or consideration before the
3 standing committee or permanent subcommittee as to the date, time, and place of that meeting.

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

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

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

20 **RULE 29.2. Minutes to Legislative Library.** – The chair of a standing committee
21 or a permanent subcommittee shall ensure that written minutes are compiled for each of the
22 body's meetings. The minutes shall indicate the members present and the actions taken at the
23 meeting. Not later than 10 days after the adjournment of each session of the General Assembly,
24 the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may
25 grant a reasonable extension of time for filing said minutes upon written application of the
26 chair.

27 **RULE 30. Committee of the Whole House.** – (a) A Committee of the Whole
28 House shall not be formed, except by leave of the House.

29 (b) After passage of a motion to form a Committee of the Whole House, the
30 Speaker shall appoint a chair to preside in the committee, and the Speaker shall leave the dais.

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

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

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

43 **VI. Handling of Bills**

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

49 (b) Bills shall not become resolutions provided the Senate has a similar rule.
50 Resolutions shall not become bills. Resolutions are not law but may be used when a law is not
51 necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds

1 for any purpose, but may be used to create study commissions or committees or establish
2 investigative committees, to honor deceased persons, and to adopt House rules and internal
3 affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the
4 term of the session during which they are adopted.

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

7 (d) All bills and resolutions shall show in their captions a brief descriptive
8 statement of the true substance of same, which captions may thereafter be amended.
9 Amendments to captions of bills are in order only if the amendment is germane to the bill.
10 Third reading shall not be had on any bill or resolution on the same day that such caption is
11 amended.

12 (e) A Substitute Bill shall be covered with the same color jacket as the original
13 bill and shall be prefaced as follows: "House Committee Substitute for_____."

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

15 (g) All memorializing, celebration, commendation, and commemoration
16 resolutions, except those honoring the memory of deceased persons, shall be excluded from
17 introduction and consideration in the House. The mention of a deceased person as a pretext to
18 honor an institution or a living person is prohibited.

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

21 **RULE 31.1. Deadlines on Introduction and Receipt; No Blank Bills; Ten Bill**
22 **Limit; Single Subject Rule.** – (a) All local bills must be submitted to the Bill Drafting
23 Division of the Legislative Services Office by 4:00 P.M. on Wednesday, March 16, 2011, and
24 must be introduced not later than 3:00 P.M. on Wednesday, March 30, 2011.

25 (b) All public bills or resolutions recommended by commissions or standing
26 committees authorized or directed by act or resolution of the General Assembly to report to the
27 2011 Regular Session of the General Assembly, or to report prior to convening of that session,
28 must have been submitted to the Bill Drafting Division of the Legislative Services Office by
29 4:00 P.M. on Tuesday, March 1, 2011, and must be introduced not later than 3:00 P.M. on
30 Wednesday, March 9, 2011; and

31 (c) All bills prepared to be introduced for departments, agencies, or institutions
32 of the State must have been submitted to the Bill Drafting Division of the Legislative Services
33 Office by 4:00 P.M. on Tuesday, March 8, 2011, and must be introduced not later than 3:00
34 P.M. on Wednesday, March 16, 2011. A bill introduced under this subsection shall be
35 identified as an Agency Bill after its short title or in the drafting code.

36 (d) All public bills which would not be required to be re-referred to the
37 Appropriations or Finance Committees under Rule 38 and all joint resolutions and House
38 resolutions must be submitted to the Bill Drafting Division of the Legislative Services Office
39 by 4:00 P.M. on Thursday, March 24, 2011, and must be introduced not later than 1:00 P.M. on
40 Wednesday, April 6, 2011.

41 (e) All public bills which under Rule 38 are required to be re-referred to either
42 or both of the Appropriations Committee or the Finance Committee, must be submitted to the
43 Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, April 20,
44 2011, and must be introduced not later than 3:00 P.M. on Wednesday, May 4, 2011. If any bill
45 is subject to the deadline under this subsection and the bill is amended so that all the provisions
46 requiring referral to either or both of those committees under Rule 38 do not remain in the bill,
47 it is not eligible for further consideration.

48 (f) A bill containing no substantive provisions may not be introduced in the
49 House.

50 (g) No member may introduce more than 10 public bills. For the purpose of this
51 subsection, the introducer is the member who is listed as the first sponsor. This subsection does

1 not apply to bills or resolutions recommended by commissions or committees authorized or
2 directed by act or resolution of the General Assembly to report to the 2011 Regular Session of
3 the General Assembly, or to report prior to convening of that session. This subsection does not
4 apply to joint resolutions or House resolutions.

5 (h) 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 12, 2011; 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 (i) 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 (j) This rule, other than subsections (f), (g), and (i), 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. This rule does not apply to resolutions
18 adjourning the General Assembly sine die or to a date certain.

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

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

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

1 (6) Favorable to the proposed committee substitute with the recommendation
2 that the report be made directly to the floor of the House, if approved by the
3 standing committee chair, and unfavorable to the original bill.

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

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

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

17 **RULE 34. Introduction of Resolutions and Bills, Copies Required.** – (a) House
18 Bills shall be designated as "H.B.____." (No. following). A Joint Resolution shall be designated
19 as "H.J.R. ____." (No. following). A House Resolution shall be designated as "H.R.____." (No.
20 following).

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

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

29 **RULE 35. Duplicating and Availability of Copies of Bills.** – (a) The Legislative
30 Services Officer shall cause such bills as are introduced to be duplicated in such numbers as
31 may be specified by the Speaker. Copies shall be placed in the Printed Bills Room and made
32 available to the committees to which the bill is referred, to individual members on request, and
33 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 local bill
36 may be considered unless copies of the bill have been made available to the entire membership
37 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 18A of
40 Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have
41 attached to the jacket of the original bill or resolution at the time of its consideration on second
42 and third readings by the House or by any standing committee or permanent subcommittee of
43 the House an assessment report from the Legislative Committee on New Licensing Boards
44 pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not
45 constitute any part of the expression of legislative intent proposed by the formation of a
46 licensing board. Upon receipt of the request, the Legislative Committee on New Licensing
47 Boards shall prepare and return the assessment report as soon as possible but not later than 60
48 days, reserving the right to extend this time to 90 days.

49 (b) Every legislative proposal introduced in the House or received in the House
50 from the Senate, proposing the incorporation of a municipality shall have attached to the jacket
51 of the original bill at the time of its consideration on second or third readings by the House or

1 by any committee of the House prior to a favorable report, a recommendation from the Joint
2 Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120
3 of the General Statutes. The recommendation of the Joint Legislative Commission on
4 Municipal Incorporations shall be made in accordance with the provisions and criteria set forth
5 in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to
6 be made by G.S. 120-166 through G.S. 120-170.

7 **RULE 36. Report by Standing Committee or Permanent Subcommittee.** – (a)
8 **Reports.** – Bills and resolutions may be reported from the standing committee or permanent
9 subcommittee to which referred with such recommendations as the standing committee or
10 permanent subcommittee may desire to make. With the written approval of the chair of the
11 standing committee and with the recommendation of the subcommittee pursuant to Rule
12 32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to
13 the floor with that recommendation. If a permanent subcommittee recommends reporting a bill
14 to the floor and the chair of the standing committee fails to give approval, the bill shall be
15 deemed to have been reported to the standing committee with the same recommendation as the
16 subcommittee would have made to the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 shall have attached to it at the time of its consideration by any standing committee or
39 permanent subcommittee a brief explanatory statement or note which shall include a reliable
40 estimate of the financial and actuarial effect of the proposed change to that retirement or
41 pension system. The actuarial note shall be attached to the jacket of each proposed bill or
42 resolution which is reported favorably by any standing committee or any permanent
43 subcommittee, shall be separate therefrom, and shall be clearly designated as an actuarial note.
44 A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on State
45 Personnel upon its introduction in accordance with G.S. 120-111.3.

46 (b) The sponsor of the bill or resolution shall present a copy of the measure,
47 with a request for an actuarial note, to the Fiscal Research Division, which shall prepare the
48 actuarial note as promptly as possible but not later than two weeks after the request is made
49 unless an extension of time is agreed to by the sponsor as being necessary in the preparation of
50 the note. Actuarial notes shall be prepared in the order of receipt of request and shall be

1 transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division
2 shall be prepared and signed by an actuary.

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

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

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

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

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

36 **RULE 36.4. Content of Appropriations Bills.** – No provision shall be contained in
37 any of the following bills unless it pertains to the appropriation of money or the raising or
38 reducing of revenue: (i) the Current Operations Appropriations Bill; (ii) the Capital
39 Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second
40 fiscal year of a biennium. If a point of order is made against such a provision and is sustained,
41 the presiding officer shall refer the bill to the committee from which it came, with instructions
42 for the chair of the committee to immediately report out a substitute or amendment removing
43 the offending provision.

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

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

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

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

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

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

18 **RULE 39. Discharge Petition.** – (a) A motion to discharge a committee from
19 consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that
20 measure if accompanied by a petition asking that the committee be discharged from further
21 consideration of the bill. No motion may be filed until 10 legislative days after the bill has been
22 referred to the committee. No petition may be filed until notice has been given on the floor of
23 the House that the petition is to be filed and the primary sponsor giving notice has obtained a
24 fiscal note from the Fiscal Research Division on the bill, which note shall be attached to the
25 petition. Members may sign the petition only in the office of the Principal Clerk, and when the
26 signatures of 61 members appear on the petition, the Principal Clerk shall place that motion on
27 the calendar for the next legislative day as a special order of business. Members may withdraw
28 their names at any time until 61 names appear. If the motion is adopted by the House, then the
29 committee to which the bill or resolution has been referred is discharged from further
30 consideration of the bill, and that bill is placed on the calendar for the next legislative day as a
31 special order of business. The Principal Clerk shall provide a form for discharge petitions.

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

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

42 **RULE 40. Calendars and Schedules of Business.** – The Clerk of the House shall
43 prepare a daily schedule of business, including the Calendar of Bills and Resolutions for
44 consideration and debate that day, in accordance with the Order of Business of the Day (Rule
45 5). The Clerk shall number all bills and resolutions in the order in which they are introduced.
46 All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)). Except
47 by leave of the House, the Speaker shall not vary from the order.

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

1 following its receipt on messages from the Senate. The Speaker shall give notice at each
2 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
4 concurrence of two-thirds of the members present and voting; provided, no bill governed by
5 Section 23 of Article II of the North Carolina Constitution herein shall be read twice on one
6 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 considered
14 in any other measure originating in the Senate or originating thereafter in the House. Upon the
15 point of order being raised and sustained by the chair, that measure shall be laid upon the table,
16 and shall not be taken therefrom except by a two-thirds vote of the members present and
17 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 on the
20 table, has failed to pass on any of its readings, or has been placed on the unfavorable calendar.

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

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

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

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

- 38 (1) Amendments cannot increase total spending within a subcommittee area
39 beyond the total for that subcommittee as shown in the committee report.
- 40 (2) Amendments can only affect appropriations within the departments,
41 agencies, or programs within the jurisdiction of the subcommittee.
- 42 (3) Amendments cannot increase total spending, from any source, beyond the
43 total amount shown in the committee report.
- 44 (4) Amendments that cause the budget to be unbalanced are not in order.
- 45 (5) Amendments cannot spend reversions.
- 46 (6) Amendments cannot make nonrecurring reductions to fund recurring items.

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

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

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

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

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

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

20 (1) Report the bill with the recommendation either that the House do concur or
21 that the House do not concur; and

22 (2) Advise the Speaker as to whether or not that committee substitute is a
23 material amendment under Article II, Section 23 of the North Carolina
24 Constitution.

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

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

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

33 **RULE 44. Conference Standing Committees.** – (a) Whenever the House shall
34 decline or refuse to concur in amendments put by the Senate to a bill originating in the House,
35 or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the
36 House, or whenever the Senate shall decline or refuse to concur in amendments put by the
37 House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the
38 House for a bill originating in the Senate, a conference committee may be appointed by the
39 Speaker upon the Speaker's own motion and shall be appointed upon request by the principal
40 sponsor of the original bill, the chair of the House standing committee which reported the bill,
41 or the sponsor of the amendment in which the Senate refused to concur; and the bill under
42 consideration shall thereupon go to and be considered by the joint conferees on the part of the
43 House and Senate. In appointing members to conference committees, the Speaker shall appoint
44 no less than a majority of members who generally supported the House position as determined
45 by the Speaker.

46 (b) The conference report may be made by a majority of the House members of
47 such conference committee and shall not be amended. If the Senate has a similar rule, only such
48 matters as are in difference between the two houses shall be considered by the conferees, and
49 the conference report shall deal only with such matters. If the Senate does not have a similar
50 rule, a conference committee report which includes significant matters that were not in

1 difference between the houses, shall be referred to a standing committee for its
2 recommendation before further action by the House.

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

5 (d) No vote shall be taken on adoption of a conference report until the next
6 legislative day following the report, except that no vote shall be taken on adoption of a
7 conference report on either the Current Operations Appropriations Bill or a bill generally
8 revising the Current Operations Appropriations Act until the second legislative day following
9 the report.

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

13 **VII. Legislative Officers and Employees**

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

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

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

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

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

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

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

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

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

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

50 **RULE 49. Compensation of Legislative Assistants.** – No clerk, committee
51 assistant, legislative assistant, office assistant, or other person employed or appointed under

1 Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or service any
2 compensation from any department of the State government, and there shall not be voted, paid,
3 or awarded any additional pay, bonus, or gratuity to any of them; but they shall receive only the
4 pay now provided by law for such duties and services. This rule shall not apply to employment,
5 appointment, or service, or to the receipt of compensation or additional pay, bonus, or gratuity
6 from another department of State government between regular sessions of the General
7 Assembly.

8 **VIII. Privileges of the Hall**

9 **RULE 50. Admittance to Floor.** – No person except members, officers, and
10 designated employees of the General Assembly who have been issued identification tags as
11 provided by this rule, and former members of the General Assembly who are not registered
12 under the provisions of Article 2 of Chapter 120C of the General Statutes, shall be allowed on
13 the floor of the House during its session, unless permitted by the Speaker or otherwise provided
14 by law. Employees of the General Assembly shall wear identification tags, approved by the
15 Legislative Services Officer, when on the floor of the House.

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

21 **RULE 52. Extending Courtesies.** – Courtesies of the floor, galleries, or lobby shall
22 be extended at the discretion of the Speaker and only by the Speaker. Requests by members to
23 extend these courtesies shall be delivered to the Speaker. No member shall orally ask the
24 Speaker to extend these courtesies during the daily session.

25 **RULE 53. Order in House Chamber, Galleries, and Lobby.** – In case of any
26 disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or
27 other presiding officer is empowered to order the same to be cleared to the extent they deem
28 necessary.

29 **IX. General Rules**

30 **RULE 54. Attendance of Members.** – No member or officer of the House shall be
31 absent from the service of the House without leave, unless from sickness or disability.

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

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

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

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

47 (b) Except as otherwise provided herein, the House upon two-thirds vote of the
48 members present and voting may temporarily suspend any rule.

49 **RULE 59. Cosponsorship of Bills and Resolutions.** – (a) Except by leave of the
50 primary sponsor, no member may be listed as an additional primary sponsor on a bill after the
51 bill has been filed. Any member not listed as a cosponsor on the draft edition who wishes to

1 cosponsor a bill or resolution which has been introduced may do so by 5:00 p.m. of the
2 calendar day following the adjournment of the session during which such bill or resolution was
3 first read and referred, but only electronically under procedures approved by the Principal
4 Clerk.

5 (b) Members wishing to cosponsor legislation prior to preparation of the draft
6 should indicate such to the drafter at the time the bill is requested and before filing the bill with
7 the Principal Clerk's office. The names of the members who are the primary sponsors shall be
8 listed in the order requested by them, followed by the words (Primary Sponsors); and the
9 remaining names of such members cosponsoring shall follow on the draft edition and first
10 edition. No more than four members may be listed as primary sponsors. Names of persons
11 cosponsoring bills thereafter under subsection (a) of this Rule do not appear on subsequent
12 editions but shall be listed in the bill status system as cosponsors.

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

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

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

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

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

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

1 Committee of the prior House shall instead be the joint duty of one person chosen each by the
2 caucuses of the two parties having the greatest numbers of members.

3 **RULE 62. Matters Not Covered in These Rules.** – Except as herein set out, the
4 rules of Mason's Manual of Legislative Procedure, 2010 Edition, shall govern the operation of
5 the House. Custom and usage may supplement these rules or Mason's Manual, but may not
6 supercede them.

7 **SECTION 2.** This resolution is effective upon adoption.