GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

H.R. 17 Jan 28, 2015 HOUSE PRINCIPAL CLERK

D

H

1 2

3

4

5

6 7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2425

26

27

28

29

30

31 32

33 34

35 36

37

HOUSE RESOLUTION DRHR30009-MM-19 (01/27)

Sponsors: Representative Lewis. Referred to: A HOUSE RESOLUTION TO AMEND THE TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES CONCERNING VOTING ON RESOLUTIONS, STANDING COMMITTEES, ASSIGNMENT OF SEATS, AND CONFORMING CHANGES. Be it resolved by the House of Representatives: **SECTION 1.** House Rule 20(b), as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten: Votes on the following questions shall be taken on the electronic voting "(b) system: Second reading of all public bills, bills except resolutions, all amendments to (1) public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely. Upon a call for division. (2) Any other question upon direction of the Speaker or upon motion of any (3) member supported by one-fifth of the members present." **SECTION 2.** House Rule 61, as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten: "RULE 61. Assignment of Seats. – After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, that member's successor will occupy the seat of the member replaced for the remainder of the biennial session. the Speaker or the Chair of the Standing Committee on Rules, Calendar, and Operations of the House may assign such permanent seats as are necessary to maintain seating." **SECTION 3.(a)** House Rule 27, as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten: "RULE 27. List of **Standing** Committees and Permanent Subcommittees. Committees. – The standing committees and permanent subcommittees thereof Committees Subcommittees Aging (None) Agriculture (None)



Gen	eral Assembly of North Carolina	Session 2015
1	Alcoholic Beverage Control	(None)
2 3	Appropriations	-Education
4		-General Government
5		-Health and Human Services
6		-Information Technology
7		-Justice and Public Safety
8		-Agriculture and Natural and Economic
9		Resources
10		-Transportation
11	<u>Appropriations</u>	
12	Appropriations, Capital	
13	Appropriations, Education	
14	Appropriations, General Governme	nt
15	Appropriations, Health and Human	
16	Appropriations, Information Technology	
17	Appropriations, Justice and Public	
18	Appropriations, Agriculture and Na	
19	Appropriations, Transportation	additional Decision Resources
20	rippropriations, transportation	
21	Banking	(None)
22	Bunking	(Trone)
23	Children, Youth, and Families	(None)
24	Children, Touth, and Tummes	(Trone)
25	Commerce and	
26	Job Development	(None)
27	voo Bevelopment	(Trone)
28	Education – K-12	(None)
29		(1,0110)
30	Education – Community Colleges	(None)
31		
32	Education – Universities	(None)
33		
34	Elections	(None)
35		
36	Environment	(None)
37		
38	Ethics	(None)
39		
40	Finance	(None)
41		
42	Health	(None)
43		
44	Homeland Security, Military, and	
45	Veterans Affairs	(None)
46		`
47	Insurance	(None)
48		•
49	Judiciary I	(None)
50	,	
51	Judiciary II	(None)
	•	

	1
	2
	3
	4
	5
	6
	6 7 8
	/
	9
1	0
1	1
1	1
1	2
1	3
1	4 5
1	5
1	6
1	6 7
1	/
1	8
1	9
2	0 1 2 3
2	1
2	2
2	2
2	4
2	5 6 7 8 9
2	6
2	7
2	7
2	8
2	9
3	0
3	1
3	2
	3
_	4
3	5
3	6
	7
_	8
	9
4	0
4	1
4	
4	
-	4
4	5
4	6
4	
4	
4	9

1			
2	Judiciary III	(None)	
3			
4	Judiciary IV	(None)	
5		27	
6	Local Government	(None)	
7			
8 9	Pensions and Retirement	(None)	
10	Public Utilities	(None)	
11	i done oundes	(Ivolic)	
12	Regulatory Reform	(None)	
13	110 guillion y 110 101111	(1,0112)	
14	Rules, Calendar, and		
15	Operations of the House	(None)	
16			
17	State Personnel	(None)	
18			
19	Transportation	(None)	
20	University Deard of Covernors		
21 22	University Board of Governors Nominating	(None)	
23	Nonmating	(None)	
24	Wildlife Resources	(None)"	
25		5(3) and 5(5), as contained in House Resolution 1,	
26	2015 Regular Session of the General Assem		
27		f the Day. – After the approval of the Journal of the	
28	preceding day, except by leave of the H	ouse, the House shall proceed to business in the	
29	following order:		
30			
31	(3) Reports of standing com	mittees and permanent subcommittees; committees;	
32		. 1' CI ' CI 'I .	
33 34	(5) Reports of referral by subcommittees;	standing committee Chairs of bills to permanent	
3 4 35	subcommittees,		
36	SECTION 3.(c) House Rule 1	9(a)(5), as contained in House Resolution 1, 2015	
37	Regular Session of the General Assembly, reads as rewritten:		
38	•	ne previous question may be called only by:	
39			
40	(5) The member in charge o	f the measure, who shall be designated by the chair	
41		e or permanent subcommittee reporting the same to	
42		e bill or other matter under consideration is reported	
43	to the House or taken up	for consideration.	
44	••••	S as contained in House Deschution 1 2015 Deschut	
45 46	• •	5, as contained in House Resolution 1, 2015 Regular	
46 47	Session of the General Assembly, reads as a	ewritten: ees and Permanent Subcommittees-Generally. –	
+/	KOLE 20. Standing Committee	ces and 1 crimanent subcommittees Generally. –	

(a) The Speaker shall appoint a chair, or cochairs, of every standing committee, permanent subcommittee, committee and select committee, if any. In the construction of these rules, the

word "chair" as applied to a committee, extends to and includes a cochair of the committee.

4

5 6 7

12

19 20 21

22

23

18

36

37

50 51 The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

- The Speaker shall establish the number of members of each standing committee and standing subcommittee, and appoint the members in a manner to reflect the partisan membership of the House, except that the Committee on Ethics shall have an equal number of members of the majority and minority.
- Before appointing members of committees and subcommittees, committees, (c) the Speaker shall consult with the Minority Leader. The Speaker and Minority Leader shall consider members' committee preferences in making appointments and recommendations.
- The Speaker may not appoint new members to committees or permanent subcommittees after April 15 of an odd-numbered year or at any time during an even-numbered year except to fill vacancies caused by the resignation, death, removal, or inability to serve of a member. As to select committees established after March 1 of an odd-numbered year or during an even-numbered year, the Speaker may not appoint new members more than 60 calendar days after the select committee is established, except to fill vacancies caused by the resignation, death, removal, or inability to serve of a member.
- Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.committee.
- A maximum of two chairs of a standing committee are entitled to vote in a permanent subcommittee of the standing committee.
- Either the chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee or permanent subcommittee, committee, or a majority of the standing committee or permanent subcommittee, committee, whichever is fewer, shall constitute a quorum of that standing committee or permanent subcommittee.committee. A quorum of less than a majority of all the members must include at least one member of the minority party.
- In any joint meeting of the Senate and House committees or subcommittees, committees, the House standing committee or permanent subcommittee reserves the right to vote separately."

SECTION 3.(e) House Rule 28, as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

- "RULE 28. Standing Committee and Permanent Subcommittee-Meetings. (a) Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule established by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.
- Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.committees.
- The chair or other presiding officer shall have general direction of the meeting place of the standing committee or permanent subcommittee, committee, and, in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the Chair or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business.
- (d) Procedure in the standing committees and permanent subcommittees shall be governed by the rules of the House, so far as the same may be applicable to such procedure.

Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth of the members present, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be subject to Rule 21(c).

- (d1) The committee chair shall set the agenda for each committee meeting. After April 1, 2015, a committee may, provided there is a written request signed by at least two-thirds of the members of the committee, place a bill on the committee's agenda for the next regularly scheduled meeting of the committee.
- (e) No standing committee or permanent subcommittee shall meet on any day when the House shall not convene except by permission of the Speaker or by approval of the House by resolution adopted by a majority vote of the House.
- (f) No standing committee or permanent subcommittee shall meet during any session of the House. Standing committees and permanent subcommittees shall meet at their regularly scheduled hour. No permanent subcommittee shall meet at the same time that its standing committee is meeting. Standing committees and permanent subcommittees may meet at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House in order to assure the availability of the meeting room and that no conflicts will exist with the meetings of other bodies. All standing committee and permanent subcommittee meetings shall adjourn no later than:
 - (1) 15 minutes preceding a regular session of the House, and
 - (2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

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

- (g) Any call or notice of a standing committee or permanent subcommittee meeting between legislative sessions shall be sent by electronic mail to each member of the standing committee or permanent subcommittee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee or permanent subcommittee, committee, the member shall also be notified of the meetings by mail at a designated address.
- (h) During standing committee and permanent subcommittee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question."

SECTION 3.(f) House Rule 29, as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

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

- (1) Notice given openly at a session of the House; or
- (2) Notice mailed or sent by electronic mail to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly Web site.
- (b) Notice of all other meetings shall be given in the House. If the meeting is scheduled to occur after adjournment, notice shall also be given by electronic mail and posting on the General Assembly Web site.
- (c) The chair of the standing committee or permanent subcommittee shall notify or cause to be notified the sponsor of each bill that is set for hearing or consideration before the standing committee or permanent subcommittee as to the date, time, and place of that meeting."

SECTION 3.(g) House Rule 29.1, as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

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

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

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

SECTION 3.(h) House Rule 29.2, as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

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

SECTION 3.(i) House Rule 32, as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

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

- (b) The standing committee chair may refer each bill referred to the standing committee to the permanent subcommittee specifically charged with the subject matter of the bill. A report of that referral shall be made in writing and submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to which the bill is referred shall report the bill back to the full standing committee. That subcommittee report shall include one of the following recommendations:
 - (1) Favorable, without prejudice, or unfavorable as to the original bill with the recommendation that the report be made to the standing committee;
 - (2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee:

Page 6

- (3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;
- (4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;
- (5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or
- (6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair, and unfavorable to the original bill.

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

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

SECTION 3.(j) House Rule 35.1(a), as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

"RULE 35.1. Assessment Reports; Municipal Incorporation Reports. – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House an assessment report from the Joint Legislative Commission on Governmental Operations. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board."

SECTION 3.(k) House Rule 36(a) and 36(b), as contained in House Resolution 1, 2015 Regular Session of the General Assembly, read as rewritten:

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

- (b) **Favorable Report.** When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day designated by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, but not on the same day that it is reported except by leave of the House, and no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:
 - (1) The bill is re-referred to the Committee on Appropriations or Committee on Finance under Rule 38 or was serially referred under Rule 32; or

...."

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

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

SECTION 3.(1) House Rule 36.2(a) and 36.2(e), as contained in House Resolution 1, 2015 Regular Session of the General Assembly, read as rewritten:

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

- (1) State, municipal, or other retirement system funded in whole or in part out of public funds; or
- (2) Program of hospital, medical, disability, or related benefits provided for teachers and State employees, funded in whole or in part by State funds;

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

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

SECTION 3.(m) House Rule 43(b), as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

- "(b) The following rules apply when considering: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium:
 - (1) Amendments cannot increase total spending within a <u>subcommittee</u> area beyond the total for that <u>subcommittee committee</u> as shown in the committee report.

...."

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

- Amendments can only affect appropriations 1 within the departments, (2) 2 programs within the jurisdiction of agencies, or the 3 subcommittee.committee. 4
 - (3) Amendments cannot increase total spending, from any source, beyond the total amount shown in the committee report.
 - (4) Amendments that cause the budget to be unbalanced are not in order.
 - (5) Amendments cannot spend reversions.
 - (6) Amendments cannot make nonrecurring reductions to fund recurring items."

SECTION 3.(n) House Rule 48(a), as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

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

SECTION 3.(0) House Rule 61.1, as contained in House Resolution 1, 2015 Regular Session of the General Assembly, reads as rewritten:

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

SECTION 4. This resolution is effective upon adoption.