

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

**H
Resolution
Adopted**

Simple

HOUSE RESOLUTION 51
Committee Substitute Favorable 2/10/99
Adopted 2/10/99

Sponsors:

Referred to:

February 9, 1999

- 1 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF
3 REPRESENTATIVES OF THE 1999 GENERAL ASSEMBLY.
4 Be it resolved by the House of Representatives:
5 Section 1. The permanent rules of the Regular Sessions of the House of
6 Representatives of the 1999 General Assembly are:
7 **PERMANENT RULES OF THE REGULAR SESSIONS OF THE**
8 **HOUSE OF REPRESENTATIVES OF THE 1999**
9 **GENERAL ASSEMBLY OF NORTH CAROLINA**
10 I. Order of Business, 1-5
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I. ORDER OF BUSINESS

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

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

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

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

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

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

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

- 34 (1) The receiving of petitions, memorials, and papers addressed to the
35 General Assembly or to the House;
- 36 (1a) Messages from the Governor;
- 37 (2) Ratification of bills;
- 38 (3) Reports of standing committees and permanent subcommittees;
- 39 (4) Reports of select committees;
- 40 (5) Reports of referral by standing committee Chairs of bills to permanent
41 subcommittees;
- 42 (6) First reading and reference to committee of bills and resolutions;
- 43 (7) Messages from the Senate;

- 1 (8) Concurrence with Senate amendments or Senate committee substitutes;
- 2 (9) The unfinished business of the preceding day;
- 3 (10) Calendar (each category in accordance with Rule 40):
 - 4 a. Local bills (roll call) third reading
 - 5 b. Local bills (roll call) second reading
 - 6 c. Local bills third reading
 - 7 d. Local bills second reading
 - 8 e. Public bills (roll call) third reading
 - 9 f. Public bills (roll call) second reading
 - 10 g. Public bills and resolutions, third reading
 - 11 h. Public bills and resolutions, second reading;
- 12 (11) Reading of notices and announcements.

13 II. CONDUCT OF DEBATE

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

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

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

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

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

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

1 **RULE 9. Points of Order.** – (a) The Speaker shall decide questions of order and
2 may speak to points of order in preference to other members arising from their seats for
3 that purpose. Any member may appeal from the ruling of the Chair on questions of
4 order; on such appeal no member may speak more than once, unless by leave of the
5 House. A two-thirds (2/3) vote of the members present shall be necessary to sustain any
6 appeal from the ruling of the Chair.

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

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

16 (b) No member shall speak more than twice on the main question, nor longer than
17 20 minutes for the first speech and 10 minutes for the second speech; nor shall the
18 member speak more than twice upon an amendment or motion to reconsider, re-refer,
19 appeal, or postpone, and then not longer than 10 minutes for the first speech and five
20 minutes for the second speech.

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

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

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

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

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

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

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

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

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

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

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

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

8 III. MOTIONS

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

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

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

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

21 To adjourn

22 To lay on the table

23 Previous question

24 To postpone indefinitely

25 To reconsider

26 To postpone to a day certain

27 To re-refer

28 To amend an amendment

29 To amend

30 To substitute

31 To pass the bill

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the same to the House at the time the bill or other matter under
2 consideration is reported to the House or taken up for consideration.

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

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

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

11 IV. VOTING

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

- 15 (1) The passage as required by Article II, Section 23 of the Constitution of
16 North Carolina, on second and third readings of any bill:
- 17 a. Raising money on the credit of the State,
 - 18 b. Pledging the faith of the State for the payment of a debt,
 - 19 c. Imposing a State tax, or
 - 20 d. Authorizing a county, municipality, or other local governmental
21 unit to
 - 22 1. Raise money on its credit,
 - 23 2. Pledge its faith for the payment of a debt, or
 - 24 3. Impose a local tax.
- 25 (2) All measures affecting a fee imposed by the State or any subdivision
26 thereof.
- 27 (3) All questions on which a call for the ayes and noes under Rule 24(a) and
28 Article II, Section 19 of the Constitution of North Carolina has been
29 sustained.
- 30 (4) Both second and third readings of bills proposing amendment of the
31 Constitution of North Carolina or ratifying resolutions amending the
32 Constitution of the United States.
- 33 (5) The passage of a bill notwithstanding the Governor's veto thereof
34 pursuant to Article II, Section 22 of the Constitution of North Carolina.

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

- 37 (1) Second reading of all public bills, all amendments to public bills offered
38 after second reading, third reading if a public bill was amended after
39 second reading or if the reading occurs on a day or days following the
40 second reading, all conference reports on public bills, all motions to lay
41 public bills on the table, and all motions to postpone public bills
42 indefinitely.
- 43 (2) Upon a call for division.

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

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

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

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

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

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

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

- 38 (1) To adjourn
39 (2) To lay on the table
40 (3) Previous question
41 (4) To postpone indefinitely
42 (5) To reconsider
43 (6) To postpone to a day certain

- 1 (7) To re-refer
- 2 (8) To amend an amendment
- 3 (9) To amend
- 4 (10) To substitute
- 5 (11) To concur or not concur
- 6 (12) Miscellaneous

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 V. COMMITTEES

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

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

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

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

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

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

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

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

1 (h) The Speaker Pro Tempore, Majority Leader, two Majority Whips, and one
 2 member designated by the Speaker at the time of appointments of chairs of standing
 3 committees are ex officio members of every standing committee and permanent
 4 subcommittee, with the right to vote. No more than four of these persons may vote under
 5 the authority of this subsection at any committee meeting.

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

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

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

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

- 1 Operations of the House (None)
- 2
- 3 Small Business (None)
- 4
- 5 State Parks and Properties (None)
- 6
- 7 State Personnel (None)
- 8
- 9 Technology (None)
- 10
- 11 Transportation (None)
- 12
- 13 Travel and Tourism (None)
- 14
- 15 University Board of Governors
- 16 Nominating (None)
- 17
- 18 Ways and Means(None)
- 19
- 20 Welfare Reform (None)
- 21
- 22 Wildlife Resources (None)

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 adopted by 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.

(b) 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.

(c) The Chair or other presiding officer shall have general direction of the meeting place of the standing committee or permanent subcommittee 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 (1/5) of the members present, the question shall be decided

1 by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically
2 and shall be subject to Rule 21(c).

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

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

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

16 (2) 10 minutes preceding the hour of the next regularly scheduled standing
17 committee or permanent subcommittee meeting.

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

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

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

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

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

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

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

1 (3) Issue a public letter of reprimand if the violation of the Open Meetings
2 Law was intentional, or if the legislator has previously received a
3 private letter of reprimand. The Chair of the Committee on Ethics shall
4 have the public letter of reprimand spread on the pages of the House
5 Journal.

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

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

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

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

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

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

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

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

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

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

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

14 VI. HANDLING OF BILLS

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

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

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

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

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

37 "House Committee Substitute for _____".

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

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

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

1 **RULE 31.1. Deadlines on Introduction and Receipt of Limitation on Number of**
2 **Public Bills Introduced; Single Subject Rule.** – (a) All public bills or resolutions
3 recommended by commissions or standing committees authorized or directed by act or
4 resolution of the General Assembly to report to the 1999 Regular Session of the General
5 Assembly, or to report prior to convening of that session, must have been submitted to
6 the Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on the fourth
7 Wednesday in February (February 24) and must be introduced not later than 3:00 p.m. on
8 the next Wednesday (March 3) of the first year of the biennial session; and

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

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

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

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

39 (d) In order to be eligible for consideration by the House during the first Regular
40 Session, all Senate bills other than finance or appropriations bills which would be
41 required to be re-referred to the Appropriations or Finance Committees under Rule 38 or
42 adjournment resolutions, must be received and read on the floor of the House as a
43 message from the Senate no later than April 29; provided that a message from the Senate

1 received by the next legislative day stating that a bill has passed its third reading and is
2 being engrossed shall comply with the requirements of this subsection and provided that
3 the Senate has a similar rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 **RULE 35.1. Assessment Reports.** – (a) Every bill or resolution proposing the
42 establishment of an occupational or professional licensing board, as defined in Article
43 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a

1 board shall have attached to the jacket of the original bill or resolution at the time of its
2 consideration on second and third readings by the House or by any standing committee or
3 permanent subcommittee of the House, an assessment report from the Legislative
4 Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the
5 General Statutes. The assessment report shall not constitute any part of the expression of
6 legislative intent proposed by the formation of a licensing board. Upon receipt of the
7 request, the Legislative Committee on New Licensing Boards shall prepare and return the
8 assessment report as soon as possible but not later than 60 days, reserving the right to
9 extend this time to 90 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Fiscal Research Division shall make the fiscal note available to the membership of the
2 House.

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

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

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

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

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

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

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

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

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

1 disability, or related benefits for local government employees not administered by the
2 State.

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

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

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

25 **RULE 36.4. Local Legislation Affecting State Highway System.** – A local
26 bill affecting the State Highway System shall be referred to the Committee on
27 Transportation.

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

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

- 34 (1) Carries an appropriation from the State; or
35 (2) Requires or will require in the future substantial additional State monies
36 from the General Fund or Highway Fund to implement its provisions,
37 shall indicate same in the report, and said bill or resolution shall be
38 referred to the Standing Committee on Appropriations for a further
39 report before being acted upon by the House.

40 (b) All standing committees, other than the Standing Committee on Finance, when
41 favorably reporting any bill which in any way or manner raises revenue, reduces revenue,
42 levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the
43 issue of bonds or notes, whether public, public-local, or private, shall indicate same in the

1 report, and said bill shall be referred to the Standing Committee on Finance for a further
2 report before being acted upon by the House.

3 (c) **Action on Amendment Before Re-Referral.** If any standing committee
4 recommends adoption of an amendment or committee substitute of a bill which, under the
5 rules of the House must be referred to the Standing Committees on Appropriations or the
6 Standing Committee on Finance, the amendment or committee substitute shall be
7 considered and, if adopted, the amendment or substitute engrossed before the bill is re-
8 referred.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 RULE 43.2. **House Concurrence in Senate Amendments to House Bills.** –
5 The House shall not concur in a Senate amendment to a bill originating in the House until
6 the next legislative day after the day on which the House receives the Senate amendment.

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

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

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

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

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

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

31 (2) Advise the Speaker as to whether or not that committee substitute is a
32 material amendment under Article II, Section 23 of the State's
33 Constitution.

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

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

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

42 RULE 44. **Conference Standing Committees.** – (a) Whenever the House shall
43 decline or refuse to concur in amendments put by the Senate to a bill originating in the

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

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

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

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

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

23 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

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

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

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

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

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

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

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

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

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

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

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

4 Section 2. This resolution is effective upon adoption.