

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

**Simple
Resolution
Adopted**

HOUSE RESOLUTION 423
Adopted 3/6/07

Sponsors: Representatives Owens; Alexander, Faison, Fisher, Glazier, Harrison, and Wray.

Referred to: Rules, Calendar, and Operations of the House.

March 1, 2007

1 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 HOUSE OF REPRESENTATIVES FOR THE 2007 REGULAR SESSIONS.

3 Be it resolved by the House of Representatives:

4 **SECTION 1.** The permanent rules of the Regular Sessions of the House of
5 Representatives of the 2007 General Assembly are:

6 **PERMANENT RULES OF THE REGULAR SESSIONS OF THE HOUSE OF**
7 **REPRESENTATIVES OF THE 2007 GENERAL ASSEMBLY OF NORTH**
8 **CAROLINA**

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18 **I. Order of Business**

19 **RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday**
20 **Legislative Sessions.** – The House shall convene each legislative day at the hour fixed
21 by the House. In the event the House adjourns on the preceding legislative day without
22 having fixed an hour for reconvening, the House shall convene on the next legislative
23 day at 2:00 P.M. During January and February of 2007, no sessions may be held on
24 Friday. Without leave of the House, no session shall continue after 10:00 P.M. on
25 Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House
26 without motion at that point, except that a motion may be made as to the time and day
27 of next convening. No session shall be held on Sunday.

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

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

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

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

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

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

- 27 (1) The receiving of petitions, memorials, and papers addressed to the
28 General Assembly or to the House;
- 29 (1a) Messages from the Governor;
- 30 (2) Ratification of bills;
- 31 (3) Reports of standing committees and permanent subcommittees;
- 32 (4) Reports of select committees;
- 33 (5) Reports of referral by standing committee Chairs of bills to permanent
34 subcommittees;
- 35 (6) First reading and reference to committee of bills and resolutions;
- 36 (7) Messages from the Senate;
- 37 (8) Concurrence with Senate amendments or Senate committee
38 substitutes;
- 39 (9) The unfinished business of the preceding day;
- 40 (10) Calendar (each category in accordance with Rule 40):
- 41 a. Local bills (roll call), third reading
- 42 b. Local bills (roll call), second reading
- 43 c. Local bills, third reading
- 44 d. Local bills, second reading

- e. Public bills (roll call), third reading
 - f. Public bills (roll call), second reading
 - g. Public bills and resolutions, third reading
 - h. Public bills and resolutions, second reading;
- (11) Reading of notices and announcements.

II. Conduct of Debate

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

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

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

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

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

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

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

1 House. A two-thirds vote of the members present shall be necessary to sustain any
2 appeal from the ruling of the chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 III. Motions

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

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

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

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

20 To adjourn.

21 To recess.

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 pass the bill.

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

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

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

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

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

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

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

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

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

18 **RULE 18. Motion to Reconsider.** – (a) When a question has been decided, it
19 is 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
24 the following shall require a two-thirds 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
32 Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule
33 cannot be suspended.

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

- 36 (1) The Chair of the Committee on Rules, Calendar, and Operations of the
37 House;
- 38 (2) The Majority Leader;
- 39 (3) The member submitting the report on the bill or other matter under
40 consideration;
- 41 (4) The member introducing the bill or other matter under consideration;
42 or
- 43 (5) The member in charge of the measure, who shall be designated by the
44 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: "Shall the main question
4 now be put?" When the call for the previous question has been decided in the
5 affirmative by a majority vote of the House, the question is on the passage of the bill,
6 resolution, or other matter under consideration.

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

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

12 IV. Voting

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

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

- 18 a. Raising money on the credit of the State,
- 19 b. Pledging the faith of the State for the payment of a debt,
- 20 c. Imposing a State tax, or
- 21 d. Authorizing a county, municipality, or other local governmental
22 unit to
 - 23 1. Raise money on its credit,
 - 24 2. Pledge its faith for the payment of a debt, or
 - 25 3. Impose a local tax.

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

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

31 (4) Both second and third readings of bills proposing amendment of the
32 North Carolina Constitution or ratifying resolutions amending the
33 United States Constitution.

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

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

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

44 (2) Upon a call for division.

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

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

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

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

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

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

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

- 40 (1) To adjourn.
- 41 (2) To lay on the table.
- 42 (3) Previous question.
- 43 (4) To recess.
- 44 (5) To postpone indefinitely.

- 1 (6) To reconsider.
- 2 (7) To postpone to a day certain.
- 3 (8) To re-refer.
- 4 (9) To amend an amendment.
- 5 (10) To amend.
- 6 (11) To concur or not concur.
- 7 (12) Miscellaneous.

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

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

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

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

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

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

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

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

31 **RULE 24.1A. Excuse From Deliberations and Voting on a Bill.** – (a) Any
32 member shall, upon request, be excused in advance from the deliberations and voting on
33 a particular bill at any time that the reason for the request arises in the proceedings on
34 the bill.

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

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

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

1 whichever is fewer, shall constitute a quorum of that standing committee or permanent
2 subcommittee.

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

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 |
|---|---|
| Aging | (None) |
| Agriculture | (None) |
| Agribusiness and Agricultural Economy | (None) |
| Alcoholic Beverage Control | (None) |
| Appropriations | -Capital -Education -General Government -Health and Human Services -Justice and Public Safety -Natural and Economic Resources -Transportation |
| Children, Youth and Families | (None) |
| Commerce, Small Business, and Entrepreneurship | (None) |
| Education | -Community Colleges -Preschool, Elementary, and Secondary Education -Universities |
| Election Law and Campaign Finance Reform | (None) |
| Energy and Energy Efficiency | (None) |

| | | |
|----|--------------------------------------|--------|
| 1 | Environment and | |
| 2 | Natural Resources | (None) |
| 3 | | |
| 4 | Ethics | (None) |
| 5 | | |
| 6 | Federal Relations and Indian Affairs | (None) |
| 7 | | |
| 8 | Finance | (None) |
| 9 | | |
| 10 | Financial Institutions | (None) |
| 11 | | |
| 12 | Health | (None) |
| 13 | | |
| 14 | Homeland Security, Military, and | |
| 15 | Veterans Affairs | (None) |
| 16 | | |
| 17 | Insurance | (None) |
| 18 | | |
| 19 | Judiciary I | (None) |
| 20 | | |
| 21 | Judiciary II | (None) |
| 22 | | |
| 23 | Judiciary III | (None) |
| 24 | | |
| 25 | Juvenile Justice | (None) |
| 26 | | |
| 27 | Local Government I | (None) |
| 28 | | |
| 29 | Local Government II | (None) |
| 30 | | |
| 31 | Mental Health Reform | (None) |
| 32 | | |
| 33 | Pensions and Retirement | (None) |
| 34 | | |
| 35 | Public Utilities | (None) |
| 36 | | |
| 37 | Rules, Calendar, and | |
| 38 | Operations of the House | (None) |
| 39 | | |
| 40 | Science and Technology | (None) |
| 41 | | |
| 42 | State Personnel | (None) |
| 43 | | |
| 44 | Transportation | (None) |

1
2 University Board of Governors

3 Nominating (None)

4
5 Ways and Means (None)

6
7 Wildlife Resources (None)

8 **RULE 28. Standing Committee and Permanent Subcommittee Meetings.**

9 – (a) Standing committees and permanent subcommittees of standing committees shall
10 be furnished with suitable meeting places pursuant to a schedule established by the
11 Chair of the Standing Committee on Rules, Calendar, and Operations of the House.
12 Select committees shall be furnished with suitable meeting places as their needs require
13 by the Chair of the Standing Committee on Rules, Calendar, and Operations of the
14 House.

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

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

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

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

34 (f) No standing committee or permanent subcommittee shall meet during
35 any session of the House. Standing committees and permanent subcommittees shall
36 meet at their regularly scheduled hour. No permanent subcommittee shall meet at the
37 same time that its standing committee is meeting. Standing committees and permanent
38 subcommittees may meet at other times as authorized by the Chair of the Standing
39 Committee on Rules, Calendar, and Operations of the House in order to assure the
40 availability of the meeting room and that no conflicts will exist with the meetings of
41 other bodies. All standing committee and permanent subcommittee meetings shall
42 adjourn no later than:

43 (1) 15 minutes preceding a regular session of the House, and

1 (2) 10 minutes preceding the hour of the next regularly scheduled standing
2 committee or permanent subcommittee meeting.

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

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

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

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

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

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

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

31 (3) Issue a public letter of reprimand if the violation of the Open Meetings
32 Law was intentional or if the legislator has previously received a
33 private letter of reprimand. The Chair of the Committee on Ethics shall
34 have the public letter of reprimand spread on the pages of the House
35 Journal.

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

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

43 **RULE 29.1. Public Hearings.** – (a) Requests for a public hearing shall be
44 made in writing to the chair of the standing committee and, if applicable, the chair of the

1 permanent subcommittee to which the bill has been referred. The chair of the standing
2 committee may schedule a public hearing by the standing committee as a whole after
3 the adjournment of a regular daily House session. The chair of the permanent
4 subcommittee may schedule a public hearing before the permanent subcommittee at its
5 regularly scheduled hour. Denial of a request made by a House member may be
6 appealed to the Speaker.

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

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

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

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

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

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

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

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

42 **VI. Handling of Bills**

43 **RULE 31. Introduction of Bills and Resolutions.** – (a) All bills and
44 resolutions shall be introduced by submitting same to the Principal Clerk's office on the

1 legislative day prior to the first reading and reference thereof according to the following
2 schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each
3 Tuesday, Wednesday, Thursday, and Friday.

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

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

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

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

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

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

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

28 **RULE 31.1. Deadlines on Introduction and Receipt; No Blank Bills;**
29 **Single Subject Rule.** – (a) All public bills or resolutions recommended by commissions
30 or standing committees authorized or directed by act or resolution of the General
31 Assembly to report to the 2007 Regular Session of the General Assembly, or to report
32 prior to convening of that session, must have been submitted to the Bill Drafting
33 Division of the Legislative Services Office by 4:00 P.M. on March 6, 2007, and must be
34 introduced not later than 3:00 P.M. on March 14, 2007; and

35 (a1) All bills prepared to be introduced for departments, agencies, or
36 institutions of the State must have been submitted to the Bill Drafting Division of the
37 Legislative Services Office by 4:00 P.M. on March 6, 2007, and must be introduced not
38 later than 3:00 P.M. on March 14, 2007. A bill introduced under this subsection shall be
39 identified as an Agency Bill after its short title.

40 (a2) All local bills must have been submitted to the Bill Drafting Division
41 of the Legislative Services Office by 4:00 P.M. on March 20, 2007, and must be
42 introduced not later than 3:00 P.M. on March 28, 2007.

43 (b) All public bills which would not be required to be re-referred to the
44 Appropriations or Finance Committees under Rule 38 must have been submitted to the

1 Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on April 10,
2 2007, and must be introduced not later than 3:00 P.M. on April 18, 2007.

3 (c) All public bills which under Rule 38 would be required to be
4 re-referred to the Appropriations Committee, or to both the Appropriations and Finance
5 Committees, or to the Finance Committee, must have been submitted to the Bill
6 Drafting Division of the Legislative Services Office by 4:00 P.M. on May 1, 2007, and
7 must be introduced not later than 3:00 P.M. on May 9, 2007. If any bill is eligible for
8 introduction on account of the date only under this subsection and the bill is amended so
9 that qualifying appropriation or tax law change does not remain in the bill, it shall not
10 be eligible for further consideration. For the purpose of this subsection, a "tax law
11 change" includes any provision that would require a bill under Rule 38(b) to be referred
12 to the Standing Committee on Finance.

13 (c1) A bill containing no substantive provisions may not be introduced in
14 the House.

15 (d) In order to be eligible for consideration by the House during the first
16 Regular Session, all Senate bills other than finance or appropriations bills which would
17 be required to be re-referred to the Appropriations or Finance Committee under Rule 38
18 or adjournment resolutions must be received and read on the floor of the House as a
19 message from the Senate no later than Thursday, May 17, 2007; provided that a
20 message from the Senate received by the next legislative day stating that a bill has
21 passed its third reading and is being engrossed shall comply with the requirements of
22 this subsection and provided that the Senate has a similar rule.

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

27 (e) This rule, other than subsections (c1) and (d1), does not apply to bills
28 establishing districts for Congress or State or local entities. This rule, other than
29 subsections (c1) and (d1), does not apply to measures ratifying an amendment or amend
30 amendments to the Constitution of the United States.

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

42 (b) The standing committee chair may refer each bill referred to the
43 standing committee to the permanent subcommittee specifically charged with the
44 subject matter of the bill. A report of that referral shall be made in writing and

1 submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the
2 permanent subcommittee to which the bill is referred shall report the bill back to the full
3 standing committee. That subcommittee report shall include one of the following
4 recommendations:

- 5 (1) Favorable, without prejudice, or unfavorable as to the original bill with
6 the recommendation that the report be made to the standing
7 committee;
- 8 (2) Favorable, without prejudice, or unfavorable as to the original bill, as
9 amended, with the recommendation that the report be made to the
10 standing committee;
- 11 (3) Favorable or without prejudice to the proposed committee substitute,
12 and unfavorable to the original bill, with the recommendation that the
13 report be made to the standing committee;
- 14 (4) Favorable as to the original bill with the recommendation that the
15 report be made directly to the floor of the House, if approved by the
16 standing committee chair;
- 17 (5) Favorable to the original bill, as amended, with the recommendation
18 that the report be made directly to the floor of the House, if approved
19 by the standing committee chair; or
- 20 (6) Favorable to the proposed committee substitute with the
21 recommendation that the report be made directly to the floor of the
22 House, if approved by the standing committee chair, and unfavorable
23 to the original bill.

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

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

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

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

42 (b) Numbering of House Bills shall be designated as "H.B.____." (No.
43 following). A Joint Resolution shall be designated as "H.J.R. ____." (No. following). A
44 House Resolution shall be designated as "H.R.____." (No. following).

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

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

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

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

23 **RULE 35.1. Assessment Reports.** – (a) Every bill or resolution proposing the
24 establishment of an occupational or professional licensing board, as defined in Article
25 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a
26 board shall have attached to the jacket of the original bill or resolution at the time of its
27 consideration on second and third readings by the House or by any standing committee
28 or permanent subcommittee of the House an assessment report from the Legislative
29 Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the
30 General Statutes. The assessment report shall not constitute any part of the expression of
31 legislative intent proposed by the formation of a licensing board. Upon receipt of the
32 request, the Legislative Committee on New Licensing Boards shall prepare and return
33 the assessment report as soon as possible but not later than 60 days, reserving the right
34 to extend this time to 90 days.

35 (b) Every legislative proposal introduced in the House or received in the
36 House from the Senate, proposing the incorporation of a municipality shall have
37 attached to the jacket of the original bill at the time of its consideration on second or
38 third readings by the House or by any committee of the House prior to a favorable
39 report, a recommendation from the Joint Legislative Commission on Municipal
40 Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The
41 recommendation of the Joint Legislative Commission on Municipal Incorporations shall
42 be made in accordance with the provisions and criteria set forth in Article 20 of Chapter
43 120 of the General Statutes and shall include the findings required to be made by
44 G.S. 120-166 through G.S. 120-170.

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

(a) **When Reports Required.** – All House bills and resolutions shall 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 except in the case where the principal introducer requests in writing to the chair of the standing committee or permanent subcommittee that the bill not be considered.

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 and in the order 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.

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

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

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

(f) **Minority Report.** – When a bill is reported by a standing committee with a recommendation that it not be passed or that it be postponed indefinitely but it is

1 accompanied by a minority report signed by at least one-fourth of the members of the
2 standing committee who were present and voting when the bill was considered in
3 standing committee, the question before the House shall be: "The adoption of the
4 minority report." If the minority report is adopted by majority vote, the bill shall be
5 placed on the favorable calendar for consideration. If the minority report fails of
6 adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (e) When any permanent subcommittee or standing committee reports a
38 measure to which an actuarial note is attached at the time of permanent subcommittee or
39 standing committee consideration, with any amendment of such nature as would
40 substantially affect the cost to or the revenues of any retirement or pension system, or
41 program of hospital, medical, disability, or related benefits for teachers or State
42 employees, the chair of the permanent subcommittee or standing committee reporting
43 the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal
44 and actuarial effect of the proposed amendment. The actuarial note shall be attached to

1 the jacket of the measure. An amendment to any bill or resolution shall not be in order if
2 the amendment affects the costs to or the revenues of a State-administered retirement or
3 pension system, or program of hospital, medical, disability, or related benefits for
4 teachers or State employees, unless the amendment is accompanied by an actuarial note,
5 prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

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

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

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

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

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

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

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

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

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

41 **RULE 39. Recall of Bill From Standing Committee.** – (a) When a House
42 bill has been introduced and referred to a standing committee, or when a Senate bill has
43 been referred to a standing committee, if after 10 legislative days the standing
44 committee has failed to act thereon, then the introducer of the House bill or some

1 member designated by the introducer, or some House member designated by the
2 introducer of the Senate bill, may, after three legislative days' public notice given in the
3 House and delivered in writing to the chair of the standing committee, on motion
4 supported by a vote of three-fifths of the members of the House, recall the same from
5 the standing committee to the floor of the House for consideration and such action
6 thereon as a majority of the members present may direct.

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

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

17 **RULE 39.2. Re-Referral of Bills From One Standing Committee to**
18 **Another Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker,
19 the chair of the standing committee from whom the bill is to be re-referred, and the
20 chair of the standing committee to whom the bill is to be re-referred, the chair of the
21 standing committee from whom the bill is to be re-referred or the Chair of the Standing
22 Committee on Rules, Calendar, and Operations of the House may move for a re-referral
23 to another standing committee, and the bill shall be re-referred upon vote of the majority
24 present during a regular session of the House.

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

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

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

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

44 (1) Been tabled,

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

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

13 **RULE 43. Amendments.** – (a) No amendment to a measure before the House
14 shall be in order unless the amendment is germane to the measure under consideration.
15 A House amendment deleting a previously adopted House amendment shall not be in
16 order, except that this sentence does not apply to amendments adopted under Rule
17 38(c). No amendment that is clearly unconstitutional shall be in order.

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

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

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

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

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

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 When the House receives a Senate amendment to a bill originating in the House, it shall
6 be placed on the calendar in accordance with Rule 36(b).

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

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

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

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

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

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

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

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

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

37 RULE 44. **Conference Standing Committees.** – (a) Whenever the House
38 shall decline or refuse to concur in amendments put by the Senate to a bill originating in
39 the House, or shall refuse to concur in a substitute adopted by the Senate for a bill
40 originating in the House, or whenever the Senate shall decline or refuse to concur in
41 amendments put by the House to a bill originating in the Senate, or shall refuse to
42 concur in a substitute adopted by the House for a bill originating in the Senate, a
43 conference committee may be appointed by the Speaker upon the Speaker's own motion
44 and shall be appointed upon request by the principal sponsor of the original bill, the

1 chair of the House standing committee which reported the bill, or the sponsor of the
2 amendment in which the Senate refused to concur; and the bill under consideration shall
3 thereupon go to and be considered by the joint conferees on the part of the House and
4 Senate. In appointing members to conference committees, the Speaker shall appoint no
5 less than a majority of members who generally supported the House position as
6 determined by the Speaker.

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

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

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

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

18 **VII. Legislative Officers and Employees**

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

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

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

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

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

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

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

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

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

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

14 **RULE 49. Compensation of Legislative Assistants.** – No clerk, committee
15 assistant, legislative assistant, office assistant, or other person employed or appointed
16 under Rules 46, 47, and 48 hereof shall receive during such employment, appointment,
17 or service any compensation from any department of the State government, and there
18 shall not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of
19 them; but they shall receive only the pay now provided by law for such duties and
20 services. This rule shall not apply to employment, appointment, or service or to the
21 receipt of compensation or additional pay, bonus, or gratuity from another department
22 of State government between regular sessions of the General Assembly.

23 **VIII. Privileges of the Hall**

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

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

37 **RULE 52. Extending Courtesies.** – Courtesies of the floor, galleries, or
38 lobby shall be extended at the discretion of the Speaker and only by the Speaker.
39 Requests by members to extend these courtesies shall be typewritten and delivered to
40 the Speaker. No member shall orally ask the Speaker to extend these courtesies during
41 the daily session.

42 **RULE 53. Order in House Chamber, Galleries, and Lobby.** – In case of
43 any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the

1 Speaker or other presiding officer is empowered to order the same to be cleared to the
2 extent they deem necessary.

3 **IX. General Rules**

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

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

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

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

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

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

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

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

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

41 **RULE 60. Correcting of Typographical Errors.** – The Legislative Services
42 Officer may correct typographical errors appearing in House bills or resolutions
43 provided that such corrections are made before ratification and do not conflict with any
44 actions or rules of the Senate and provided further that such correction be approved by

1 the Chair of the Standing Committee on Rules, Calendar, and Operations of the House,
2 the Speaker, or other presiding officer.

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

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

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

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

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

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