

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

**Simple
Resolution
Adopted**

HOUSE RESOLUTION 423
Adopted 3/6/07
Corrected Copy 3/9/07

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

1 without motion at that point, except that a motion may be made as to the time and day
2 of next convening. No session shall be held on Sunday.

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

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

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

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

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

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

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

- c. Local bills, third reading
 - 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

1 order; on such appeal no member may speak more than once, unless by leave of the
2 House. A two-thirds vote of the members present shall be necessary to sustain any
3 appeal from the ruling of the chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 III. Motions

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

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

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

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

23 To adjourn.

24 To recess.

25 To lay on the table.

26 Previous question.

27 To postpone indefinitely.

28 To reconsider.

29 To postpone to a day certain.

30 To re-refer.

31 To amend an amendment.

32 To amend.

33 To pass the bill.

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

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

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

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

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

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

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

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

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

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

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

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

31 (2) A motion to postpone indefinitely,

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

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

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

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

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

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

42 (2) The Majority Leader;

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

1 following the second reading, all conference reports on public bills, all
2 motions to lay public bills on the table, and all motions to postpone
3 public bills indefinitely.

4 (2) Upon a call for division.

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

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

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

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

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

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

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

44 (1) To adjourn.

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

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

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

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

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

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

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

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

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

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

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

43 (c) The member so excused shall not debate the bill or any amendment to
44 the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on

1 any motion concerning the bill, in committee or on the floor of the House at any
2 reading, or any subsequent consideration of the bill.

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

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

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

12 V. Committees

13 **RULE 26. Standing Committees and Permanent Subcommittees**

14 **Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing
15 committee, permanent subcommittee, and select committee, if any. In the construction
16 of these rules, the word "chair" as applied to a committee extends to and includes a
17 cochair of the committee. The Speaker shall have the exclusive right and authority to
18 establish select committees, but this does not exclude the right of the House by
19 resolution to establish select committees.

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

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

29 (d) Before appointing members of committees and subcommittees, the
30 Speaker shall consult with the minority leader. The Speaker shall consider members'
31 committee preferences in making appointments.

32 (e) The Speaker may not appoint new members to committees or
33 permanent subcommittees after March 30 of an odd-numbered year or at any time
34 during an even-numbered year except to fill vacancies caused by the resignation, death,
35 removal, or inability to serve of a member. As to select committees established after
36 March 1 of an odd-numbered year or during an even-numbered year, the Speaker may
37 not appoint new members more than 60 calendar days after the select committee is
38 established, except to fill vacancies caused by the resignation, death, removal, or
39 inability to serve of a member.

40 (f) Each chair of a permanent subcommittee shall be a vice-chair of the
41 standing committee of which it is a permanent subcommittee. The Speaker may name
42 other members as vice-chairs of the standing committee. The Speaker may name one or
43 more vice-chairs for any standing committee not having permanent subcommittees.

1 (g) The chair of the standing committee shall be a voting member of each
2 permanent subcommittee of the standing committee.

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

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

11 **RULE 26.1. Mentions of Standing Committee Includes Select Committee.**

12 – Any reference in these rules to standing committees shall extend to select committees
13 unless the context requires otherwise.

14 **RULE 27. List of Standing Committees and Permanent Subcommittees. –**

15 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

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

1	Science and Technology	(None)
2		
3	State Personnel	(None)
4		
5	Transportation	(None)
6		
7	University Board of Governors	
8	Nominating	(None)
9		
10	Ways and Means	(None)
11		
12	Wildlife Resources	(None)

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

14 – (a) Standing committees and permanent subcommittees of standing committees shall
15 be furnished with suitable meeting places pursuant to a schedule established by the
16 Chair of the Standing Committee on Rules, Calendar, and Operations of the House.
17 Select committees shall be furnished with suitable meeting places as their needs require
18 by the Chair of the Standing Committee on Rules, Calendar, and Operations of the
19 House.

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

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

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

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

39 (f) No standing committee or permanent subcommittee shall meet during
40 any session of the House. Standing committees and permanent subcommittees shall
41 meet at their regularly scheduled hour. No permanent subcommittee shall meet at the
42 same time that its standing committee is meeting. Standing committees and permanent
43 subcommittees may meet at other times as authorized by the Chair of the Standing
44 Committee on Rules, Calendar, and Operations of the House in order to assure the

1 availability of the meeting room and that no conflicts will exist with the meetings of
2 other bodies. All standing committee and permanent subcommittee meetings shall
3 adjourn no later than:

4 (1) 15 minutes preceding a regular session of the House, and

5 (2) 10 minutes preceding the hour of the next regularly scheduled standing
6 committee or permanent subcommittee meeting.

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

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

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

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

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

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

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

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

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

41 **RULE 29. Notice of Standing Committee and Permanent Subcommittee**
42 **Meetings and Hearings.** – Public notice of all standing committee and permanent
43 subcommittee meetings shall be given in the House. The chair of the standing
44 committee or permanent subcommittee shall notify or cause to be notified the sponsor

1 of each bill which is set for hearing or consideration before the standing committee or
2 permanent subcommittee as to the date, time, and place of that meeting.

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

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

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

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

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

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

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

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

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

1 House. After report, the bill shall again be subject to be debated and amended by
2 sections before a question on its passage be taken.

3 **VI. Handling of Bills**

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

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

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

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

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

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

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

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

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

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

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

4 (b) All public bills which would not be required to be re-referred to the
5 Appropriations or Finance Committees under Rule 38 must have been submitted to the
6 Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on April 10,
7 2007, and must be introduced not later than 3:00 P.M. on April 18, 2007.

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

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

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

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

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

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

1 Speaker to a standing committee or permanent subcommittee or be calendared on the
2 date designated by the Speaker, as the Speaker deems appropriate.

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

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

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

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

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

42 **RULE 34. Introduction of Resolutions and Bills, Copies Required.** – (a)
43 Whenever any resolution or bill is introduced, a duplicate copy thereof shall be attached
44 thereto, and the Principal Clerk shall cause said duplicate copy to be numbered as the

1 original resolution or bill is numbered and shall cause the same to be available at all
2 times to the member introducing the same.

3 (b) Numbering of House Bills shall be designated as "H.B.____." (No.
4 following). A Joint Resolution shall be designated as "H.J.R. ____." (No. following). A
5 House Resolution shall be designated as "H.R.____." (No. following).

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

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

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

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

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

40 (b) Every legislative proposal introduced in the House or received in the
41 House from the Senate, proposing the incorporation of a municipality shall have
42 attached to the jacket of the original bill at the time of its consideration on second or
43 third readings by the House or by any committee of the House prior to a favorable
44 report, a recommendation from the Joint Legislative Commission on Municipal

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

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

7 (a) **When Reports Required.** – All House bills and resolutions shall be reported from
8 the standing committee or permanent subcommittee to which referred with such
9 recommendations as the standing committee or permanent subcommittee may desire to
10 make except in the case where the principal introducer requests in writing to the chair of
11 the standing committee or permanent subcommittee that the bill not be considered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (e) When any permanent subcommittee or standing committee reports a
42 measure to which an actuarial note is attached at the time of permanent subcommittee or
43 standing committee consideration, with any amendment of such nature as would
44 substantially affect the cost to or the revenues of any retirement or pension system, or

1 program of hospital, medical, disability, or related benefits for teachers or State
2 employees, the chair of the permanent subcommittee or standing committee reporting
3 the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal
4 and actuarial effect of the proposed amendment. The actuarial note shall be attached to
5 the jacket of the measure. An amendment to any bill or resolution shall not be in order if
6 the amendment affects the costs to or the revenues of a State-administered retirement or
7 pension system, or program of hospital, medical, disability, or related benefits for
8 teachers or State employees, unless the amendment is accompanied by an actuarial note,
9 prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (b) No bill shall be read more than once on the same day without the
43 concurrence of two-thirds of the members present and voting; provided, no bill

1 governed by Article II, Section 23 of the North Carolina Constitution or described in
2 Rule 20(a)(2) herein shall be read twice on one day under any circumstance.

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

- 5 (1) Been tabled,
- 6 (2) Been postponed indefinitely,
- 7 (3) Failed to pass on any of its readings, or
- 8 (4) Been placed on the unfavorable calendar,

9 the contents of that bill or the principal provisions of its subject matter shall not be
10 considered in any other measure originating in the Senate or originating thereafter in the
11 House. Upon the point of order being raised and sustained by the Chair, that measure
12 shall be laid upon the table, and shall not be taken therefrom except by a two-thirds vote
13 of the members present and voting.

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

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

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

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

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

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

- 39 (1) Amendments cannot increase total spending within a subcommittee
40 area beyond the total for that subcommittee as shown in the committee
41 report.
- 42 (2) Amendments can only affect appropriations within the departments,
43 agencies, or programs within the jurisdiction of the subcommittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **VII. Legislative Officers and Employees**

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

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

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

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

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

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

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

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

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

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

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

30 **VIII. Privileges of the Hall**

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

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

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
6 provided that such corrections are made before ratification and do not conflict with any
7 actions or rules of the Senate and provided further that such correction be approved by
8 the Chair of the Standing Committee on Rules, Calendar, and Operations of the House,
9 the Speaker, or other presiding officer.

10 **RULE 61. Assignment of Seats.** – After initial assignment of seats, a
11 member shall continue to occupy the seat to which initially assigned until assigned a
12 permanent seat; once assigned a permanent seat, the member shall occupy it for the
13 entire biennial session. In event of vacancy, that member's successor will occupy the
14 seat of the member 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
22 Principal 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
26 Sergeant-at-Arms of the prior House, and in the case of a vacancy in that office, or
27 inability or refusal to so serve, the duty shall devolve upon the Reading Clerk of the
28 prior House.

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

1 **RULE 62. Matters Not Covered in These Rules.** – Except as herein set out,
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.