

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE RESOLUTION 43
Committee Substitute Favorable 3/15/95

Sponsors:

Referred to:

January 30, 1995

1 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF
3 REPRESENTATIVES OF THE 1995 GENERAL ASSEMBLY.

4 Be it resolved by the House of Representatives:

5 Section 1. The permanent rules of the Regular Sessions of the House of
6 Representatives of the 1995 General Assembly are:

7 **RULES OF THE REGULAR SESSIONS OF THE**
8 **HOUSE OF REPRESENTATIVES OF THE 1995**
9 **GENERAL ASSEMBLY OF NORTH CAROLINA**

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19 **I. ORDER OF BUSINESS**

20 **RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday**
21 **Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by

1 the House. In the event the House adjourns on the preceding legislative day without
2 having fixed an hour for reconvening, the House shall convene on the next legislative day
3 at 1:30 p.m. During January and February of 1995, no sessions may be held on Friday.
4 No session shall continue after 10:00 p.m. on Monday nor after 9:00 p.m. on any other
5 days, and the Speaker shall adjourn the House without motion at that point, except that a
6 motion may be made as to the time and day of next convening. No session shall be held
7 on Sunday.

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

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

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

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

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

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

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

- 1 (b) Local bills (roll call) second reading
2 (c) Local bills third reading
3 (d) Local bills second reading
4 (d1) Public bills and resolutions consent calendar:
5 1. (roll call) third reading
6 2. (roll call) second reading
7 3. third reading
8 4. second reading
9 (e) Public bills (roll call) third reading
10 (f) Public bills (roll call) second reading
11 (g) Public bills and resolutions, third reading
12 (h) Public bills and resolutions, second reading;
13 (11) Reading of Notices and Announcements; but messages and motions to
14 elect officers shall always be in order.

15 II. CONDUCT OF DEBATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 III. MOTIONS

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

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

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

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

21 To adjourn

22 To lay on the table

23 Previous question

24 To postpone indefinitely

25 To reconsider

26 To postpone to a day certain

27 To re-refer

28 To amend an amendment

29 To amend

30 To substitute

31 To pass the bill

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 IV. VOTING

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

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

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

- 35 (1) Second reading of all public bills, all amendments to public bills offered
36 after second reading, third reading if a public bill was amended after
37 second reading or if the reading occurs on a day or days following the
38 second reading, all conference reports on public bills, all motions to lay
39 public bills on the table, and all motions to postpone public bills
40 indefinitely.
- 41 (2) Upon a call for division.
- 42 (3) Any other question upon direction of the Speaker or upon motion of any
43 member supported by one-fifth (1/5) of the members present.

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

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

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

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

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

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

- 36 1. To adjourn
- 37 2. To lay on the table
- 38 3. Previous question
- 39 4. To postpone indefinitely
- 40 5. To reconsider
- 41 6. To postpone to a day certain
- 42 7. To re-refer
- 43 8. To amend an amendment

- 1 9. To amend
- 2 10. To substitute
- 3 11. To concur or not concur
- 4 12. Miscellaneous

5 **RULE 21. Voice Votes; Stating Questions.** – (a) When the electronic voting
6 system is not used, the Speaker shall rise and put a question.

7 (b) The question shall be put in this form, namely, "Those in favor (as the question
8 may be) will say 'Aye'", and after the affirmative voice has been expressed, "Those
9 opposed will say 'No'".

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

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

16 (b) No member may vote unless the member is in the chamber when the question
17 is put. This subsection of this rule cannot be suspended.

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

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

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

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

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

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

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

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

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

8 V. COMMITTEES

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

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

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

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

25 (d) The first member announced on each permanent subcommittee shall be the
26 Chair. The Speaker may designate one or more Vice-Chairs.

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

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

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

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

1 (i) The Majority Leader and Speaker Pro Tempore are ex officio members of
 2 every standing committee and permanent subcommittee, with the right to vote.

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

5	Committee	Subcommittees
6		
7	Agriculture	(None)
8		
9	Appropriations	-Education
10		-General Government
11		-Human Resources
12		-Justice and Public Safety
13		-Natural and Economic Resources
14		-Transportation
15		
16	Business and Labor	-Economic Expansion and Growth
17		-Labor Relations and Employment
18		-Travel and Tourism
19		
20	Education-Community Colleges	
21		and Universities
22		-Pre-School, Elementary and
23		Secondary Education
24		
25	Ethics	(None)
26		
27	Finance	(None)
28		
29	Financial Institutions	(None)
30		
31	Health and Environment	(None)
32		
33	Insurance	(None)
34		
35	Judiciary I	(None)
36		
37	Judiciary II	(None)
38		
39	Local and Regional Government I	(None)
40		
41	Local and Regional Government II	(None)
42		
43	Pensions and Retirement	(None)

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Public Employees (None)

Public Utilities (None)

Rules, Calendar, and
Operations of the House (None)

State Government -Boards and Commissions
-Military, Veterans, and Indian
Affairs
-State Parks, Facilities, and
Property

Transportation -Airports, Railways, and
Waterways
-Highways
-Public Transportation

Ways and Means(None)

Welfare Reform and
Human Resources -Aging
-Families.

RULE 28. Standing Committee and Permanent Subcommittee Meetings. – (a)

Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule adopted by the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

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

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

(d) Procedure in the standing committees and permanent subcommittee shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. If the

1 call is sustained by one-fifth (1/5) of the members present, the question shall be decided
2 by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically
3 and shall be subject to Rule 21(c).

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

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

16 (1) 15 minutes preceding a regular session of the House, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 VI. HANDLING OF BILLS

15 **RULE 31. Introduction of Bills and Resolutions.** – (a) All bills and resolutions
16 shall be introduced by submitting same to the Principal Clerk's office on the legislative
17 day prior to the first reading and reference thereof according to the following schedule:
18 by 8:30 p.m. each Monday, by 3:00 p.m. each Tuesday, Wednesday, Thursday, and
19 Friday.

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

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

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

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

37 "House Substitute for" or "House Committee Substitute for _____".

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

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

42 **RULE 31.1. Deadlines on Introduction and Receipt of Limitation on Number of**
43 **Public Bills Introduced; Single Subject Rule.** – (a) All bills or resolutions

1 recommended by commissions or standing committees authorized or directed by act or
2 resolution of the General Assembly to report to the 1995 Regular Session of the General
3 Assembly, or to report prior to convening of that session, must be introduced not later
4 than the third Wednesday in February (February 15) of the first year of the biennial
5 session; provided that any such measure submitted to the Bill Drafting Division of the
6 Legislative Services Office by 4:00 p.m. on that date and introduced in the House of
7 Representatives before 3:00 p.m. on the next Wednesday (February 22) shall be treated as
8 if it had been introduced pursuant to this subsection.

9 (a1) All bills prepared to be introduced for departments, agencies, or
10 institutions of the State must be introduced not later than the first Wednesday in March
11 (March 1) of the first year of the biennial session; provided that any such measure
12 submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on
13 that date and introduced in the House of Representatives before 3:30 p.m. on the next
14 Wednesday (March 8) shall be treated as if it had been introduced pursuant to this
15 subsection. Bills introduced under this subsection shall be identified as an Agency Bill
16 after its short title.

17 (a2) All local bills must be introduced not later than the fourth Wednesday in
18 March (March 22) of the first year of the biennial session; provided that any such
19 measure submitted to the Bill Drafting Division of the Legislative Services Office by
20 4:00 p.m. on that date and introduced in the House of Representatives before 3:00 p.m.
21 on the next Wednesday (March 29) shall be treated as if it had been introduced pursuant
22 to this subsection.

23 (b) All public bills not containing appropriations or tax law changes must be
24 introduced not later than the last Wednesday in March (March 29) of the first year of the
25 biennial session; provided that any such measure submitted to the Bill Drafting Division
26 of the Legislative Services Office by 4:00 p.m. on that date and introduced in the House
27 of Representatives before 3:00 p.m. on the next Wednesday (April 5) shall be treated as if
28 it had been introduced pursuant to this subsection.

29 (c) All public bills containing appropriations and tax law changes, or containing
30 appropriations but not tax law changes, must be introduced not later than the fourth
31 Thursday in April (April 27) of the first year of the biennial session; provided that any
32 such measure submitted to the Bill Drafting Division of the Legislative Services Office
33 by 4:00 p.m. on that date and introduced in the House of Representatives before 3:00
34 p.m. on the next Thursday (May 4) shall be treated as if it had been introduced pursuant
35 to this subsection. All public bills containing tax law changes must be introduced not
36 later than the second Thursday in May (May 4) of the first year of the biennial session;
37 provided that any such measure submitted to the Bill Drafting Division of the Legislative
38 Services Office by 4:00 p.m. on that date and introduced in the House of Representatives
39 before 3:00 p.m. on the next Thursday (May 11) shall be treated as if it had been
40 introduced pursuant to this subsection. If any bill is eligible for introduction on account
41 of the date only under this subsection, and the bill is amended so that qualifying
42 appropriation or tax law change does not remain in the bill, it shall not be eligible for
43 further consideration.

1 (c1) All resolutions, except those honoring the memory of deceased persons or
2 adjourning the General Assembly must be introduced not later than the first Thursday in
3 May (May 4) of the first year of the biennial session; provided that any such measure
4 submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on
5 that date and introduced in the House of Representatives before 3:00 p.m. on the next
6 Thursday (May 11) shall be treated as if it had been introduced pursuant to this
7 subsection.

8 (d) In order to be eligible for consideration by the House during the first Regular
9 Session, all Senate bills other than finance or appropriations bills or adjournment
10 resolutions, must be received and read on the floor of the House as a message from the
11 Senate no later than May 11; provided that a message from the Senate received by the
12 next legislative day stating that a bill has passed its third reading and is being engrossed
13 shall comply with the requirements of this subsection and provided that the Senate has a
14 similar rule.

15 (d1) No member may introduce more than 10 public bills. For the purpose of
16 the subsection, the introducer is the member who is listed as the first sponsor. A member
17 may assign a portion of this limit to another member by notifying the Principal Clerk in
18 writing on a form prepared by the Principal Clerk. This subsection does not apply to bills
19 or resolutions recommended by commissions or standing committees authorized or
20 directed by act or resolution of the General Assembly to report to the 1995 Regular
21 Session of the General Assembly, or to report prior to convening of that session. This
22 subsection does not apply to joint resolutions or House resolutions.

23 (d2) 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 subsection (d2), does not apply to bills establishing
28 districts for Congress or State or local entities. This rule, other than subsection (d2), does
29 not apply to measures ratifying an amendment or amendments to the Constitution of the
30 United States.

31 **RULE 32. Reference to Standing Committee and to Permanent Subcommittees.**

32 – (a) Each bill, joint resolution, or House resolution not introduced on the report of a
33 standing committee shall immediately upon its first reading be referred by the Speaker to
34 such standing committee or permanent subcommittee as the Speaker deems appropriate.

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

- 41 (1) Favorable, without prejudice, or unfavorable as to the original bill with
42 the recommendation that the report be made to the standing committee;

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

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

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

25 (c) When a committee substitute is adopted by a permanent subcommittee or a
26 standing committee for a bill which was introduced with no substantive provisions and
27 the committee substitute deletes a majority of the provisions of the original bill and adds
28 provisions that are not germane to the original bill, no further action may be taken by any
29 standing committee or permanent subcommittee upon such bill until the second
30 legislative day thereafter.

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

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

41 (b) Numbering of House Bills shall be designated as "H.B. ___." (No. following).
42 A Joint Resolution shall be designated as "H.J.R. ___." (No. following). A House
43 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 House
2 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 immediately
4 returned to the introducer. The Clerk shall stamp the copies with the number stamped
5 upon the original bill.

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

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

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

31 **RULE 36. Report by Standing Committee or Permanent Subcommittee.** –
32 All House bills and resolutions shall be reported from the standing committee or
33 permanent subcommittee to which referred with such recommendations as the standing
34 committee or permanent subcommittee may desire to make except in the case where the
35 principal introducer requests in writing to the Chair of the standing committee or
36 permanent subcommittee that the bill not be considered.

37 With the written approval of the Chair of the standing committee and with the
38 recommendation of the subcommittee pursuant to Rule 32(4) through (6), the Chair of the
39 permanent subcommittee may report the bill directly to the floor with that
40 recommendation. If a permanent subcommittee recommends reporting a bill to the floor
41 and the Chair of the standing committee fails to give approval, the bill shall be deemed to
42 have been reported to the standing committee with the same recommendation as the
43 subcommittee would have made to the House.

1 (a) **Favorable Report.** When a standing committee or permanent subcommittee
2 reports a bill with the recommendation that it be passed, the bill shall be placed on the
3 favorable calendar on the day (no earlier than the next legislative day) designated by the
4 Chair of the Committee on Rules, Calendar, and Operations of the House, except that in
5 the absence of the Chair of the Committee on Rules, Calendar, and Operations of the
6 House, the Speaker may take such action, and except that bills on the Public Consent
7 Calendar shall be placed on the favorable calendar as provided by Rule 40. In order to
8 place a bill on the calendar for a legislative day, notice shall be given orally in the House
9 no later than the previous legislative day, or notice shall be given in writing to the
10 Principal Clerk no later than the later of one hour after adjournment or 3:30 p.m. on the
11 previous legislative day. When a committee substitute is adopted and receives a
12 favorable report by the committee or permanent subcommittee, the standing committee or
13 permanent subcommittee Chair shall submit to the standing committee or permanent
14 subcommittee the question of an unfavorable report on the original bill. The standing
15 committee's or permanent subcommittee's action, if any, on the original bill shall be
16 reported at the same time the committee substitute is reported.

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

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

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

26 (e) **Minority Report.** When a bill is reported by a standing committee with a
27 recommendation that it be not passed or that it be postponed indefinitely, but it is
28 accompanied by a minority report signed by at least one-fourth (1/4) of the members of
29 the standing committee who were present and voting when the bill was considered in
30 standing committee, the question before the House shall be: "The adoption of the
31 minority report." If the minority report is adopted by majority vote, the bill shall be
32 placed on the favorable calendar for consideration. If the minority report fails of
33 adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

34 **RULE 36.1. Fiscal Notes.** – (a) The Chair or Cochair of the Appropriations
35 Committee, of the Finance Committee or of the Rules, Calendar, and Operations of the
36 House Committee, upon the floor of the House may request that a fiscal analysis be made
37 of a bill, resolution, or an amendment to a bill or resolution which is in the possession of
38 the House and that a fiscal note be attached to the measure, when in the opinion of that
39 Chair the fiscal effects of that measure are not apparent from the language of the
40 measure.

41 (b) The fiscal note shall be filed and attached to the bill or amendment within two
42 legislative days of the request. If it is impossible to prepare a fiscal note within two
43 legislative days, the Director of Fiscal Research shall, in writing, so advise the Speaker,

1 the Principal Clerk, and the member introducing or proposing the measure and shall
2 indicate the time when the fiscal note will be ready.

3 (c) The fiscal note shall be prepared by the Fiscal Research Division on a form
4 approved by the Rules, Calendar, and Operations of the House Committee as to content
5 and form and signed by the staff member or members preparing it. If no estimate in
6 dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided.
7 The fiscal note shall not comment on the merit but may identify technical problems. The
8 Fiscal Research Division shall make the fiscal note available to the membership of the
9 House.

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

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

18 (f) Subsection (a) of this rule shall not apply to the current operations
19 appropriations bill or the capital improvements appropriations bill. This rule shall not
20 apply to a bill or amendment requiring an actuarial note under these rules.

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

23 (1) State, municipal, or other retirement system funded in whole or in part
24 out of public funds; or
25 (2) Program of hospital, medical, disability or related benefits provided for
26 teachers and State employees, funded in whole or in part by State funds;
27 shall have attached to it at the time of its consideration by any standing committee or
28 permanent subcommittee a brief explanatory statement or note which shall include a
29 reliable estimate of the financial and actuarial effect of the proposed change to that
30 retirement or pension system. The actuarial note shall be attached to the jacket of each
31 proposed bill or resolution which is reported favorably by any standing committee or any
32 permanent subcommittee, shall be separate therefrom, and shall be clearly designated as
33 an actuarial note. A bill described in subsection (a)(1) of this Rule shall be referred to the
34 Committee on Pensions and Retirement upon its introduction.

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

42 (c) The sponsor of the bill or resolution shall also present a copy of the measure to
43 the actuary employed by the system or program affected by the measure. Actuarial notes

1 shall be prepared and transmitted to the sponsor of the measure not later than two weeks
2 after the request is received, unless an extension of time is agreed to by the sponsor as
3 being necessary in the preparation of the note. The actuarial note shall be attached to the
4 jacket of the measure. The provisions of this subsection may be waived by the measure's
5 sponsor for a measure affecting local government retirement or pension plans not
6 administered by the State or any local government program of hospital, medical,
7 disability or related benefits for local government employees not administered by the
8 State.

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

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

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

29 **RULE 36.4. Local Legislation Affecting State Highway System.** – A local
30 bill affecting the State Highway System shall be referred to the Committee on
31 Transportation.

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

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

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

1 (b) All standing committees, other than the Standing Committee on Finance, when
2 favorably reporting any bill which in any way or manner raises revenue, reduces revenue,
3 levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the
4 issue of bonds or notes, whether public, public-local, or private, shall indicate same in the
5 report, and said bill shall be referred to the Standing Committee on Finance for a further
6 report before being acted upon by the House.

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

13 **RULE 39. Recall of Bill From Standing Committee; Discharge Petition. –**

14 (a) When a House bill has been introduced and referred to a standing committee, or when
15 a Senate bill has been referred to a standing committee, if after 10 legislative days the
16 standing committee has failed to report the bill, then the introducer of the House bill or
17 some member designated by him, or some House member designated by the introducer of
18 the Senate bill, may, after three legislative days' public notice given in the House and
19 delivered in writing to the Chair of the standing committee, on motion supported by a
20 majority vote of the members present and voting, recall the same from the standing
21 committee to the floor of the House for consideration and such action thereon as a
22 majority of the members present may direct.

23 (b) A motion to discharge a committee from consideration of a bill or
24 resolution may be filed with the Principal Clerk if accompanied by a petition signed by a
25 majority of the members of the House asking that the committee be discharged from
26 further consideration of the bill or resolution. No petition may be circulated for
27 signatures until 10 legislative days after the bill has been referred to the committee. No
28 petition may be circulated for signature until notice has been given on the floor of the
29 House that the petition is to be circulated. If such a motion accompanied by a valid
30 petition is filed, the Principal Clerk shall place that motion on the calendar for the next
31 legislative day as a special order of business. If the motion is adopted by the House, then
32 the committee to which the bill or resolution has been referred to is discharged from
33 further consideration of the bill or resolution, and that bill or resolution is placed on the
34 calendar for the next legislative day as a special order of business. If the committee had
35 prior to discharge adopted any amendment or committee substitute for the bill, it shall be
36 in order to offer that amendment or substitute on the floor as if it were a committee
37 amendment or substitute. The Principal Clerk shall provide a form for discharge petitions.

38 (c) This rule shall not be temporarily suspended without one day's notice on the
39 motion given in the House and delivered in writing to the Chair of the standing
40 committee, and to sustain that motion two-thirds (2/3) of the members present and voting
41 shall be required.

42 **RULE 39.1. Recall of Bill From Permanent Subcommittee. –** When a
43 House bill has been referred to a permanent subcommittee, if after 10 legislative days the

1 subcommittee has failed to act thereon or, at any time, with the agreement of the
2 subcommittee chair, the standing committee Chair may re-refer the bill from that
3 permanent subcommittee to another permanent subcommittee of the same standing
4 committee provided the report of the re-referral shall be made pursuant to Rule 32.

5 **RULE 39.2. Re-Referral of Bills From One Standing Committee to**
6 **Another Standing Committee.** – Upon consent of the sponsor of the bill, the Speaker,
7 the Chair of the standing committee from whom the bill is to be re-referred, and the Chair
8 of the standing committee to whom the bill is to be re-referred, the Chair may move for a
9 re-referral to another standing committee and the bill shall be re-referred upon vote of the
10 majority present during a regular session of the House.

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

18 (b) When a public bill has received a recommendation for a favorable report,
19 favorable report as amended, or favorable as to committee substitute, and the vote in the
20 committee was unanimous of the members present and voting, the Chair of the
21 Committee (or the Chair of the subcommittee if the bill is being reported directly to the
22 floor) may designate in the committee report that the bill is to go on the consent calendar.
23 The bill shall appear on the consent calendar for the second legislative day after the
24 report is made. The Principal Clerk shall note on the calendar for the next legislative day
25 the bills, including short titles, that will appear on the consent calendar for the following
26 legislative day. A bill shall be removed from the consent calendar if any member of the
27 House makes such request in writing to the Principal Clerk no later than one hour before
28 convening of the House on the day the bill appears on the consent calendar, and in such
29 case the bill shall be placed on the regular calendar for that day. It shall not be in order to
30 offer any amendment to a bill on the consent calendar except committee amendments.
31 The Speaker may recognize the sponsor of the bill for not to exceed two minutes of
32 debate (or a person designated by the Chair of the committee reporting the bill in the case
33 of a Senate bill). The Speaker shall then put the question on the bill. The bill shall
34 appear on the consent calendar for third reading unless a member requests, no later than
35 the adjournment of the daily session when the bill passed second reading, that the bill
36 appear on the regular calendar.

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

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

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

- 7 1. Been tabled,
- 8 2. Been postponed indefinitely,
- 9 3. Failed to pass on any of its readings, or
- 10 4. Been placed on the unfavorable calendar,

11 the contents of that bill or the principal provisions of its subject matter shall not be
12 considered in any other measure originating in the Senate or originating thereafter in the
13 House. Upon the point of order being raised and sustained by the Chair, that measure
14 shall be laid upon the table, and shall not be taken therefrom except by a two-thirds (2/3)
15 vote of the members present and voting.

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

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

24 If the Senate adopts an amendment or committee substitute to a House bill, the
25 House may not refuse to receive the bill on account of lack of germaneness if the Senate
26 has a similar rule.

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

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

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

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

1 RULE 43.3. Committee Substitutes Adopted by the Senate to Bills Originating in the
2 House; Procedure for Treatment of Material Amendments Thereto.—(a) Whenever
3 the Senate has adopted a committee substitute for a bill originating in the House, and has
4 returned the bill to the House for concurrence in that committee substitute, the House
5 may not concur in that committee substitute until the next legislative day following the
6 day on which the House receives that committee substitute.

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

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

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

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

- 23 1. Report the bill with the recommendation either that the House
24 concur or that the House do not concur; and
- 25 2. Advise the Speaker as to whether or not that committee substitute
26 is a material amendment under Article II, Section 23 of the
27 State's Constitution.

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

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

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

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

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

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

10 (c) If the conferees fail to agree, new conferees may be appointed. However, if
11 either house refuses to adopt the report of its conferees, the Speaker may appoint new
12 conferees.

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 (2/3) 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 one of its members
20 Speaker.

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

25 (c) The House shall elect a Principal Clerk, who shall continue in office until
26 another is elected. The Speaker shall appoint a Reading Clerk and a Sergeant-at-Arms,
27 who shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and
28 Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent
29 with these Rules, as the Speaker may assign. In addition, the Sergeant-at-Arms may
30 assign the Reading Clerk additional duties, to be performed while the House is not in its
31 daily session.

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

36 **RULE 47. Speaker's Clerk, Chaplain, and Pages.** – (a) The Speaker may appoint
37 one or more clerks to the Speaker, a Chaplain of the House, and pages to wait upon the
38 sessions of the House.

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

41 (c) No member may have more than 10 persons designated as honorary pages.

42 **RULE 48. Clerks and Secretaries.** – (a) Each standing committee and permanent
43 subcommittee shall have a clerk. The clerk to a standing committee or permanent

1 subcommittee shall serve as secretary to the Chair of the standing committee or
2 permanent subcommittee.

3 (b) Each member shall be assigned a secretary, unless the member has a standing
4 committee or permanent subcommittee clerk to serve as secretary.

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

15 **RULE 49. Compensation of Clerks and Secretaries.** – No clerk, laborer, or
16 other person employed or appointed under Rules 47, 48, and 49 hereof shall receive
17 during such employment, appointment, or service, any compensation from any
18 department of the State government, and there shall not be voted, paid, or awarded any
19 additional pay, bonus, or gratuity to any of them; but they shall receive only the pay now
20 provided by law for such duties and services.

21 **VIII. PRIVILEGES OF THE HALL**

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

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

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

38 **RULE 53. Order in Galleries and Lobby.** – In case of any disturbance or
39 disorderly conduct in the galleries or lobby, the Speaker or other presiding officer is
40 empowered to order the same to be cleared.

41 **IX. GENERAL RULES**

1 **RULE 54. Attendance of Members.** – No member or officer of the House
2 shall absent himself from the service of the House without leave, unless from sickness or
3 disability.

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

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

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

16 **RULE 58. Rules, Rescission and Alteration.** – (a) These rules shall not be
17 permanently rescinded or altered except by House simple resolution passed by a two-
18 thirds (2/3) vote of the members present and voting. The introducer of the resolution
19 must on the floor of the House give notice of intent to introduce the resolution on the
20 legislative day preceding its introduction.

21 (b) Except as otherwise provided herein, the House upon two-thirds (2/3) vote of
22 the members present and voting may temporarily suspend any rule.

23 **RULE 59. Cosponsorship of Bills and Resolutions.** – (a) Any member
24 wishing to cosponsor a bill or resolution which has been introduced may do so by
25 appearing in the office of the Principal Clerk for such purpose within one-half hour
26 following the adjournment of the session during which such bill or resolution was first
27 read and referred.

28 (b) No member shall permit anyone, other than that member's secretary or clerk, or
29 another member, to have possession of and solicit for bill or resolution cosponsorship, the
30 jacket of a bill or resolution.

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

37 **RULE 61. Assignment of Seats.** – After initial assignment of seats, a member
38 shall continue to occupy the seat to which initially assigned for the entire biennial
39 session. In event of vacancy, that member's successor will occupy the seat of the member
40 replaced for the remainder of the biennial session.

41 **RULE 61.1. Office Assignments.** – The Chair of the Standing Committee on
42 Rules, Calendar, and Operations of the House shall assign to each member an office
43 space. When available, Chairs of standing committees and permanent subcommittees

1 shall be assigned an office adjacent to the room in which the standing committee or
2 permanent subcommittee generally meets if the Chair so desires. The Speaker shall be
3 assigned an office of his or her choice.

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

11 (b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar,
12 and Operations of the House of the prior House to assign seats to the members of the
13 House of Representatives in its Chamber. In the case of a death of the Chair of the
14 Standing Committee on Rules, Calendar, and Operations of the House, or that Chair's
15 inability or refusal to serve, the Speaker of the prior House of Representatives shall
16 appoint a person to assign seats to members of the House of Representatives in its
17 Chamber. In the event that the party that had a majority of members in the prior House
18 will no longer have a majority of members of the new House, then the duty assigned in
19 this subsection to the chair of the committee of the prior House shall instead be the duty
20 of the person nominated as Speaker by the majority party caucus for the new House, or
21 some member-elect designated by the Speaker-nominee. In the event no party will have
22 a majority, then the duty assigned in this subsection to the chair of the committee of the
23 prior House shall instead be the joint duty of one person chosen each by the caucuses of
24 the two parties having the greatest numbers of members.

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

28 Sec. 2. This resolution is effective upon adoption.