

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

H

**Simple
Resolution
Adopted**

**HOUSE RESOLUTION 1
Adopted 1/26/11**

Sponsors: Representatives T. Moore, LaRoque (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:

January 26, 2011

1 A HOUSE RESOLUTION ADOPTING THE TEMPORARY RULES OF THE HOUSE OF
2 REPRESENTATIVES FOR THE 2011 REGULAR SESSION.

3 Be it resolved by the House of Representatives:

4 **SECTION 1.** The temporary rules of the Regular Session of the House of
5 Representatives of the 2011 General Assembly are:

6 **TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES FOR THE**
7 **REGULAR SESSION OF THE 2011 GENERAL ASSEMBLY OF NORTH CAROLINA**

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I. Order of Business

17
18 **RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday Legislative**
19 **Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the
20 event the House adjourns on the preceding legislative day without having fixed an hour for
21 reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January
22 and February of 2011, no sessions may be held on Friday. Without leave of the House, no
23 session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and
24 the Speaker shall adjourn the House without motion at that point, except that a motion may be
25 made as to the time and day of next convening. No session shall be held on Sunday.

26 **RULE 1.1. Emergencies.** In the event of a disaster, natural or otherwise, that
27 precludes the General Assembly from meeting in the Legislative Building, the members will be
28 notified by the Speaker where and when the House will convene.

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

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



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

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

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

16 **RULE 5. Order of Business of the Day.** – After the approval of the Journal of the
17 preceding day, except by leave of the House, the House shall proceed to business in the
18 following order:

- 19 (1) The receiving of petitions, memorials, and papers addressed to the General
20 Assembly or to the House;
- 21 (1a) Messages from the Governor;
- 22 (2) Ratification of bills;
- 23 (3) Reports of standing committees and permanent subcommittees;
- 24 (4) Reports of select committees;
- 25 (5) Reports of referral by standing committee Chairs of bills to permanent
26 subcommittees;
- 27 (6) First reading and reference to committee of bills and resolutions;
- 28 (7) Messages from the Senate;
- 29 (8) Concurrence with Senate amendments or Senate committee substitutes;
- 30 (9) The unfinished business of the preceding day;
- 31 (10) Calendar (each category in accordance with Rule 40 – House bills first):
 - 32 a. Resolutions for adoption
 - 33 b. Conference reports for adoption
 - 34 c. Local bills (roll call), third reading
 - 35 d. Local bills (roll call), second reading
 - 36 e. Local bills, third reading
 - 37 f. Local bills, second reading
 - 38 g. Public bills (roll call), third reading
 - 39 h. Public bills (roll call), second reading
 - 40 i. Public bills and resolutions, third reading
 - 41 j. Public bills and resolutions, second reading;
- 42 (11) Reading of notices and announcements.

43 **II. Conduct of Debate**

44 **RULE 6. Duties and Powers of the Speaker.** – The Speaker shall have general
45 direction of the Hall, subject to more specific provisions of these rules. The Speaker may name
46 any member to perform the duties of the chair, but substitution shall not extend beyond one
47 day, except in the case of sickness or by leave of the House. If the Speaker is absent and has not
48 designated a member to perform the duties of the chair, the Speaker Pro Tempore shall preside
49 during such absence. In the case of a vacancy in the office of the Speaker of the House of
50 Representatives, the Principal Clerk shall preside over the House until the House elects a
51 Speaker.

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

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

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

12 (1) A request that the member speaking yield for a question,

13 (2) A point of order,

14 (3) A parliamentary inquiry, or

15 (4) A question of privilege.

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

24 **RULE 9. Points of Order.** – (a) The Speaker shall decide questions of order and
25 may speak to points of order in preference to other members arising from their seats for that
26 purpose. Any member may appeal from the ruling of the chair on questions of order; on such
27 appeal no member may speak more than once, unless by leave of the House. A three-fifths vote
28 of the members present shall be necessary to sustain any appeal from the ruling of the chair.

29 (b) When the Speaker calls a member to order, the member shall be seated,
30 except that a member called to order may clear a matter of fact, or explain, but shall not
31 proceed in debate so long as the decision stands. If the member appeals from the ruling of the
32 chair and the decision by a three-fifths vote of the members present be in favor of the member
33 called to order, the member may proceed; if otherwise, the member shall not; and if the case, in
34 the judgment of the House, requires it, the member shall be liable to censure by the House.

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

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

42 (c) A member may speak only once and for not more than 10 minutes on the
43 question of the adoption of a minority report.

44 (d) In computing the time allowed for argument, the time consumed in asking
45 and answering questions should be considered. If a member consents to the question, the time
46 consumed by the interruption is taken out of any time allowed that member.

47 (e) The House, by consent of a majority of the members present, may suspend
48 the operation of subsections (b) through (d) of this rule during any debate on any particular
49 question before the House.

50 **RULE 11. Reading of Papers.** – When there is a call for the reading of the text of a
51 paper which has been presented to the House and there is objection to such reading, the

1 question shall be determined by a majority vote of the members of the House present. Except
2 for protests permitted by the Constitution, no member may have material printed in the Journal
3 until said material has been presented to the House and the printing approved by the House, and
4 said material shall not exceed 1,000 words.

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

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

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

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

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

15 (f) The consumption of food or beverages shall not be permitted in the galleries
16 at any time.

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

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

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

23 (j) Placards, stickers, or signs are not permitted in the House Chamber.

24 **III. Motions**

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

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

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

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

36 To adjourn.

37 To recess.

38 To lay on the table.

39 Previous question.

40 To postpone indefinitely.

41 To reconsider.

42 To postpone to a day certain.

43 To re-refer.

44 To amend an amendment.

45 To amend.

46 To pass the bill.

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

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

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

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

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

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

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

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

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

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

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

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

33 (2) A motion to postpone indefinitely,

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

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

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

37 (c) A motion to reconsider the vote by which a person has been elected as
38 Speaker or Speaker Pro Tempore shall not be in order. This subsection of this rule cannot be
39 suspended except by a vote of three-fifths of all the members of the House.

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

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

43 (2) The Majority Leader;

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

46 (4) The member introducing the bill or other matter under consideration;

47 (5) The member in charge of the measure, who shall be designated by the chair
48 of the standing committee or permanent subcommittee reporting the same to
49 the House at the time the bill or other matter under consideration is reported
50 to the House or taken up for consideration.

1 (b) The previous question shall be as follows: "Shall the main question now be
2 put?" When the call for the previous question has been decided in the affirmative by a majority
3 vote of the House, the question is on the passage of the bill, resolution, or other matter under
4 consideration.

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

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

9 (e) After the previous question is ordered, the Majority Leader and the Minority
10 Leader may each allocate three minutes of debate on the question. The Majority Leader and the
11 Minority Leader may each designate another member to act under this subsection in their
12 absence.

13 IV. Voting

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

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

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

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

29 (3) Both second and third readings of bills proposing amendment of the North
30 Carolina Constitution or ratifying resolutions amending the United States
31 Constitution.

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

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

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

44 (c) When the electronic voting system is used, 15 seconds shall be allowed for
45 voting on the question before the House, unless the Chair shall direct otherwise. Once the
46 system is locked, the vote shall be recorded and printed.

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

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

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

14 (g) When the Speaker ascertains that the electronic voting system is inoperative
15 before a vote is taken or while a vote is being taken on the electronic voting system, the
16 Speaker shall announce that fact to the House, and any partial electronic voting system voting
17 record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the
18 House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes
19 and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall
20 be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered
21 that a malfunction caused an error in the electronic voting system printout, the Speaker shall
22 direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so
23 advise the House.

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

- 26 (1) To adjourn.
- 27 (2) To recess.
- 28 (3) To lay on the table.
- 29 (4) Previous question.
- 30 (5) To postpone indefinitely.
- 31 (6) To reconsider.
- 32 (7) To postpone to a day certain.
- 33 (8) To re-refer.
- 34 (9) To amend an amendment.
- 35 (10) To amend.
- 36 (11) To concur or not concur.
- 37 (12) Miscellaneous.

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

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

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

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

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

1 member. As to select committees established after March 1 of an odd-numbered year or during
 2 an even-numbered year, the Speaker may not appoint new members more than 60 calendar
 3 days after the select committee is established, except to fill vacancies caused by the resignation,
 4 death, removal, or inability to serve of a member.

5 (e) Each chair of a permanent subcommittee shall be a vice-chair of the standing
 6 committee of which it is a permanent subcommittee. The Speaker may name other members as
 7 vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any
 8 standing committee not having permanent subcommittees.

9 (f) A maximum of two chairs of a standing committee are entitled to vote in a
 10 permanent subcommittee of the standing committee.

11 (g) Either the chair or acting chair, designated by the chair or by the Speaker,
 12 and five other members of the standing committee or permanent subcommittee, or a majority of
 13 the standing committee or permanent subcommittee, whichever is fewer, shall constitute a
 14 quorum of that standing committee or permanent subcommittee. A quorum of less than a
 15 majority of all the members must include at least one member of the minority party.

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

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

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

23 Committees	24 Subcommittees
25 Agriculture	26 (None)
27 Appropriations	28 -Education 29 -General Government 30 -Health and Human Services 31 -Justice and Public Safety 32 -Natural and Economic Resources 33 -Transportation
34 Banking	35 (None)
36 Commerce and Job Development	37 -Alcoholic Beverage Control 38 -Business and Labor 39 -Science and Technology
40 Education	41 (None)
42 Elections	43 (None)
44 Environment	45 (None)
46 Ethics	47 (None)
48 Finance	49 (None)
50 Government	51 (None)

1	Health and Human Services	-Mental Health
2		
3	Insurance	(None)
4		
5	Judiciary	-Judiciary A
6		-Judiciary B
7		-Judiciary C
8		
9	Military and Homeland Security	(None)
10		
11	Public Utilities	(None)
12		
13	Rules, Calendar, and	
14	Operations of the House	(None)
15		
16	State Personnel	(None)
17		
18	Transportation	(None)
19		
20		

21 **RULE 28. Standing Committee and Permanent Subcommittee Meetings.** – (a)
22 Standing committees and permanent subcommittees of standing committees shall be furnished
23 with suitable meeting places pursuant to a schedule established by the Chair of the Standing
24 Committee on Rules, Calendar, and Operations of the House. Select committees shall be
25 furnished with suitable meeting places as their needs require by the Chair of the Standing
26 Committee on Rules, Calendar, and Operations of the House.

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

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

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

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

45 (f) No standing committee or permanent subcommittee shall meet during any
46 session of the House. Standing committees and permanent subcommittees shall meet at their
47 regularly scheduled hour. No permanent subcommittee shall meet at the same time that its
48 standing committee is meeting. Standing committees and permanent subcommittees may meet
49 at other times as authorized by the Chair of the Standing Committee on Rules, Calendar, and
50 Operations of the House in order to assure the availability of the meeting room and that no

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

3 (1) 15 minutes preceding a regular session of the House, and

4 (2) 10 minutes preceding the hour of the next regularly scheduled standing
5 committee or permanent subcommittee meeting.

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

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

14 (h) During standing committee and permanent subcommittee meetings, the chair
15 may exercise the right to vote, or may reserve this right until there is a tie, in which event the
16 chair may vote, but in no instance may the chair vote twice on the same 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 of any
19 individual filed with the Standing Committee on Ethics, the Committee shall inquire into any
20 alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter
21 143 of the General Statutes), as the same may be amended in the future.

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

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

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

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

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

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

37 **RULE 29. Notice of Standing Committee and Permanent Subcommittee**
38 **Meetings and Hearings.** – Other than meetings on the list of regular meeting times of standing
39 committees and permanent subcommittees, public notice of all standing committee and
40 permanent subcommittee meetings shall be given in the House, or if scheduled after
41 adjournment, by electronic mail and posting on the legislative Web site. The chair of the
42 standing committee or permanent subcommittee shall notify or cause to be notified the sponsor
43 of each bill which is set for hearing or consideration before the standing committee or
44 permanent subcommittee as to the date, time, and place of that meeting.

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

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

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

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

17 **RULE 30. Committee of the Whole House.** – (a) A Committee of the Whole
18 House shall not be formed, except by leave of the House.

19 (b) After passage of a motion to form a Committee of the Whole House, the
20 Speaker shall appoint a chair to preside in the committee, and the Speaker shall leave the dais.

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

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

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

33 VI. Handling of Bills

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

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

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

48 (d) All bills and resolutions shall show in their captions a brief descriptive
49 statement of the true substance of same, which captions may thereafter be amended.
50 Amendments to captions of bills are in order only if the amendment is germane to the bill.

1 Third reading shall not be had on any bill or resolution on the same day that such caption is
2 amended.

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

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

6 (g) All memorializing, celebration, commendation, and commemoration
7 resolutions, except those honoring the memory of deceased persons, shall be excluded from
8 introduction and consideration in the House. The mention of a deceased person as a pretext to
9 honor an institution or a living person is prohibited.

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

12 **RULE 31.1. Deadlines on Introduction and Receipt; No Blank Bills; Ten Bill**
13 **Limit; Single Subject Rule.** – (a) All local bills must be submitted to the Bill Drafting
14 Division of the Legislative Services Office by 4:00 P.M. on Wednesday, March 16, 2011, and
15 must be introduced not later than 3:00 P.M. on Wednesday, March 30, 2011.

16 (b) All public bills or resolutions recommended by commissions or standing
17 committees authorized or directed by act or resolution of the General Assembly to report to the
18 2011 Regular Session of the General Assembly, or to report prior to convening of that session,
19 must have been submitted to the Bill Drafting Division of the Legislative Services Office by
20 4:00 P.M. on Tuesday, March 1, 2011, and must be introduced not later than 3:00 P.M. on
21 Wednesday, March 9, 2011; and

22 (c) All bills prepared to be introduced for departments, agencies, or institutions
23 of the State must have been submitted to the Bill Drafting Division of the Legislative Services
24 Office by 4:00 P.M. on Tuesday, March 8, 2011, and must be introduced not later than 3:00
25 P.M. on Wednesday, March 16, 2011. A bill introduced under this subsection shall be
26 identified as an Agency Bill after its short title or in the drafting code.

27 (d) All public bills which would not be required to be re-referred to the
28 Appropriations or Finance Committees under Rule 38 and all joint resolutions and House
29 resolutions must be submitted to the Bill Drafting Division of the Legislative Services Office
30 by 4:00 P.M. on Thursday, March 24, 2011, and must be introduced not later than 1:00 P.M. on
31 Wednesday, April 6, 2011.

32 (e) All public bills which under Rule 38 are required to be re-referred to either
33 or both of the Appropriations Committee or the Finance Committee, must be submitted to the
34 Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on Wednesday, April 20,
35 2011, and must be introduced not later than 3:00 P.M. on Wednesday, May 4, 2011. If any bill
36 is subject to the deadline under this subsection and the bill is amended so that all the provisions
37 requiring referral to either or both of those committees under Rule 38 do not remain in the bill,
38 it is not eligible for further consideration.

39 (f) A bill containing no substantive provisions may not be introduced in the
40 House.

41 (g) No member may introduce more than 10 public bills. For the purpose of this
42 subsection, the introducer is the member who is listed as the first sponsor. This subsection does
43 not apply to bills or resolutions recommended by commissions or committees authorized or
44 directed by act or resolution of the General Assembly to report to the 2011 Regular Session of
45 the General Assembly, or to report prior to convening of that session. This subsection does not
46 apply to joint resolutions or House resolutions.

47 (h) In order to be eligible for consideration by the House during the first Regular
48 Session, all Senate bills other than finance or appropriations bills which would be required to
49 be re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment
50 resolutions must be received and read on the floor of the House as a message from the Senate
51 no later than Thursday, May 12, 2011; provided that a message from the Senate received by the

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

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

6 (j) This rule, other than subsections (f), (g), and (i), does not apply to bills (i)
7 establishing districts for Congress or State or local entities, or (ii) ratifying an amendment or
8 amendments to the Constitution of the United States. This rule does not apply to resolutions
9 adjourning the General Assembly sine die or to a date certain.

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

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

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

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

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

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

6 **RULE 34. Introduction of Resolutions and Bills, Copies Required.** – (a) House
7 Bills shall be designated as "H.B.____." (No. following). A Joint Resolution shall be designated
8 as "H.J.R. ____." (No. following). A House Resolution shall be designated as "H.R.____." (No.
9 following).

10 (b) Whenever any resolution or bill is filed for introduction, it shall be in a
11 House bill jacket containing the number of copies designated by the Principal Clerk and in the
12 form designated by the Speaker. Any resolution or bill not accompanied by the required
13 number of copies shall be returned immediately to the introducer. The Clerk shall stamp the
14 copies with the number stamped upon the original bill.

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

18 **RULE 35. Duplicating and Availability of Copies of Bills.** – (a) The Legislative
19 Services Officer shall cause such bills as are introduced to be duplicated in such numbers as
20 may be specified by the Speaker. Copies shall be placed in the Printed Bills Room and made
21 available to the committees to which the bill is referred, to individual members on request, and
22 to the general public.

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

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

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

47 **RULE 36. Report by Standing Committee or Permanent Subcommittee.** – (a)
48 **Reports.** – Bills and resolutions may be reported from the standing committee or permanent
49 subcommittee to which referred with such recommendations as the standing committee or
50 permanent subcommittee may desire to make. With the written approval of the chair of the
51 standing committee and with the recommendation of the subcommittee pursuant to Rule

1 32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to
2 the floor with that recommendation. If a permanent subcommittee recommends reporting a bill
3 to the floor and the chair of the standing committee fails to give approval, the bill shall be
4 deemed to have been reported to the standing committee with the same recommendation as the
5 subcommittee would have made to the House.

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

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

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

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

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

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

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

41 **RULE 36.1. Fiscal Notes or Fiscal Memoranda.** – (a) The Chair or Cochair of the
42 Appropriations Committee, of the Finance Committee, or of the Standing Committee on Rules,
43 Calendar, and Operations of the House, upon the floor of the House, may request that a fiscal
44 analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the
45 possession of the House and that a fiscal note or fiscal memorandum be attached to the
46 measure, which request shall be allowed when, in the opinion of the Speaker, the fiscal effects
47 of that measure are not apparent from the language of the measure. When a request is properly
48 made under this subsection, the bill is removed from the calendar until such time that the fiscal
49 note or fiscal memorandum is attached to the measure.

50 (b) The fiscal note or fiscal memorandum shall be filed and attached to the bill
51 or amendment within two legislative days of the request. If it is impossible to prepare a fiscal

1 note or fiscal memorandum within two legislative days, the Director of Fiscal Research shall, in
2 writing, so advise the Speaker, the Principal Clerk, and the member introducing or proposing
3 the measure and shall indicate the time when the fiscal note or fiscal memorandum will be
4 ready.

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

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

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

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

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

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

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

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

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

46 (c) The sponsor of the bill or resolution shall also present a copy of the measure
47 to the actuary employed by the system or program affected by the measure. Actuarial notes
48 shall be prepared and transmitted to the sponsor of the measure not later than two weeks after
49 the request is received, unless an extension of time is agreed to by the sponsor as being
50 necessary in the preparation of the note. The actuarial note shall be attached to the jacket of the
51 measure. The provisions of this subsection may be waived by the measure's sponsor for a

1 measure affecting local government retirement or pension plans not administered by the State
2 or any local government program of hospital, medical, disability, or related benefits for local
3 government employees not administered by the State.

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

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

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

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

28 **RULE 36.4. Content of Appropriations Bills.** – No provision shall be contained in
29 any of the following bills unless it pertains to the appropriation of money or the raising or
30 reducing of revenue: (i) the Current Operations Appropriations Bill; (ii) the Capital
31 Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second
32 fiscal year of a biennium. If a point of order is made against such a provision and is sustained,
33 the presiding officer shall refer the bill to the committee from which it came, with instructions
34 for the chair of the committee to immediately report out a substitute or amendment removing
35 the offending provision.

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

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

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

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

1 said bill shall be referred to the Standing Committee on Finance for a further report before
2 being acted upon by the House. This subsection shall not apply to bills only imposing fines,
3 forfeitures, or penalties.

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

9 **RULE 39. Discharge Petition.** – (a) A motion to discharge a committee from
10 consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that
11 measure if accompanied by a petition asking that the committee be discharged from further
12 consideration of the bill. No motion may be filed until 10 legislative days after the bill has been
13 referred to the committee. No petition may be filed until notice has been given on the floor of
14 the House that the petition is to be filed and the primary sponsor giving notice has obtained a
15 fiscal note or fiscal memorandum from the Fiscal Research Division on the bill, which note or
16 memorandum shall be attached to the petition. Members may sign the petition only in the office
17 of the Principal Clerk, and when the signatures of 61 members appear on the petition, the
18 Principal Clerk shall place that motion on the calendar for the next legislative day as a special
19 order of business. Members may withdraw their names at any time until 61 names appear. If the
20 motion is adopted by the House, then the committee to which the bill or resolution has been
21 referred is discharged from further consideration of the bill, and that bill is placed on the
22 calendar for the next legislative day as a special order of business. The Principal Clerk shall
23 provide a form for discharge petitions.

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

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

34 **RULE 40. Calendars and Schedules of Business.** – The Clerk of the House shall
35 prepare a daily schedule of business, including the Calendar of Bills and Resolutions for
36 consideration and debate that day, in accordance with the Order of Business of the Day (Rule
37 5). The Clerk shall number all bills and resolutions in the order in which they are introduced.
38 All bills and resolutions shall be taken up as they appear in each category (Rule 5(10)). Except
39 by leave of the House, the Speaker shall not vary from the order.

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

46 (b) No bill shall be read more than once on the same day without the
47 concurrence of two-thirds of the members present and voting; provided, no bill governed by
48 Section 23 of Article II of the North Carolina Constitution herein shall be read twice on one
49 day under any circumstance.

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

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

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

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

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

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

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

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

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

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

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

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

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

8 If the committee substitute was referred to standing committee, the standing
9 committee shall:

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

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

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

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

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

23 **RULE 44. Conference Standing Committees.** – (a) Whenever the House shall
24 decline or refuse to concur in amendments put by the Senate to a bill originating in the House,
25 or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the
26 House, or whenever the Senate shall decline or refuse to concur in amendments put by the
27 House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the
28 House for a bill originating in the Senate, a conference committee may be appointed by the
29 Speaker upon the Speaker's own motion and shall be appointed upon request by the principal
30 sponsor of the original bill, the chair of the House standing committee which reported the bill,
31 or the sponsor of the amendment in which the Senate refused to concur; and the bill under
32 consideration shall thereupon go to and be considered by the joint conferees on the part of the
33 House and Senate. In appointing members to conference committees, the Speaker shall appoint
34 no less than a majority of members who generally supported the House position as determined
35 by the Speaker.

36 (b) The conference report may be made by a majority of the House members of
37 such conference committee and shall not be amended. If the Senate has a similar rule, only such
38 matters as are in difference between the two houses shall be considered by the conferees, and
39 the conference report shall deal only with such matters. If the Senate does not have a similar
40 rule, a conference committee report which includes significant matters that were not in
41 difference between the houses, shall be referred to a standing committee for its
42 recommendation before further action by the House.

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

45 (d) No vote shall be taken on adoption of a conference report until the next
46 legislative day following the report, except that no vote shall be taken on adoption of a
47 conference report on either the Current Operations Appropriations Bill or a bill generally
48 revising the Current Operations Appropriations Act until the second legislative day following
49 the report.

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

4 **VII. Legislative Officers and Employees**

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

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

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

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

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

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

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

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

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

31 (c) The selection and retention of committee assistants, legislative assistants,
32 and office assistants shall be the sole prerogative of the individual member or members. Such
33 staff shall file initial applications for employment with the Principal Clerk and shall receive
34 compensation as prescribed by the Legislative Services Commission. The employment period
35 of such staff shall commence not earlier than the convening date of the General Assembly and
36 shall terminate not later than the final adjournment or recess of the General Assembly unless
37 employment for an extended period is approved by the Speaker. The committee assistants,
38 legislative assistants, and office assistants shall adhere to such uniform rules and regulations
39 not inconsistent with these rules regarding hours and other conditions of employment as the
40 Legislative Services Commission shall fix by appropriate regulations.

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

50 **VIII. Privileges of the Hall**

1 cosponsoring bills thereafter under subsection (a) of this Rule do not appear on subsequent
2 editions but shall be listed in the bill status system as cosponsors.

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

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

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

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

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

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

43 **RULE 62. Matters Not Covered in These Rules.** – Except as herein set out, the
44 rules of Mason's Manual of Legislative Procedure, 2010 Edition, shall govern the operation of
45 the House. Custom and usage may supplement these rules or Mason's Manual, but may not
46 supercede them.

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