

REPORT
of the
SPECIAL INTERIM JOINT
COMMITTEE
TO STUDY THE RULES OF THE
GENERAL ASSEMBLY



1979

Library
State Legislative Building
North Carolina



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North Carolina General Assembly

LETTER OF TRANSMITTAL

January 10, 1979

TO: Members of the 1979 General Assembly

Transmitted herewith is the Report of the Special Interim Joint Committee to Study the Rules of the General Assembly made pursuant to Resolution 78 (SR 879) of the 1977 Session, see the Appendix.

The Committee membership consisted of Senator Kenneth C. Royall, Jr. and Representative Allen Adams, Co-Chairman; Senators Robert Jordan and Marshall Rauch; and Representatives Charles Holt and Robert A. Jones. Other members of the General Assembly who appeared and aided the Committee in its work were Senators W. Craig Lawing and John T. Henley and Representative Liston B. Ramsey. Ms. Sylvia Fink, the Principal Clerk of the Senate, and Mrs. Grace Collins, the Principal Clerk of the House, also attended the Committee meetings.

This report consists of the Committee's proposed rewrites of the Senate Rules and the House Rules of the 1977 Session and a draft of proposed joint rules. The text of these suggested House and Senate rules indicate proposed additions by language which is bracketed and underlined underlined and proposed deletions by language which is bracketed and stricken through ~~stricken through~~. The proposed joint rules are an innovation in legislative procedure in this State.

Respectfully submitted,


Kenneth C. Royall, Jr.


Allen Adams

Co-Chairman



PROPOSED

JOINT RULES



THE JOINT RULES FOR THE GENERAL ASSEMBLY PROPOSED BY
THE SPECIAL INTERIM JOINT COMMITTEE TO STUDY
THE RULES OF THE GENERAL ASSEMBLY

A HOUSE JOINT RESOLUTION ADOPTING THE PERMANENT JOINT RULES OF
THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1979 SESSION
OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

Be it resolved by the House of Representatives, the Senate
concurring:

Section 1. The permanent joint rules of the House of
Representatives and the Senate of the 1979 Session of the General
Assembly are as follows:

PERMANENT JOINT RULES

FOR

THE HOUSE OF REPRESENTATIVES

AND

THE SENATE

OF THE 1979 NORTH CAROLINA GENERAL ASSEMBLY

1. Sponsoring and co-sponsoring bills and resolutions.
2. Celebration, commendation and commemoration
resolutions.
3. Availability of copies of bills.
4. Engrossment.
5. Action on amendment before re-referral.
6. Fiscal notes.
7. Actuarial notes.
8. Effect of a defeated bill.
9. Report by committee of other house's bills and

resolutions.

- |0. Committee substitutes adopted by one house to bills originating in the other house.
- |1. Committee minutes to Legislative Library.
- |2. Redistricting committee.
- |3. Rules suspension and alteration.

Rule 1. Sponsorship of bill.--(a) No bill or resolution may be filed for introduction unless it is sponsored by a member of the house in which it is introduced. Any member of that house may co-sponsor a bill or resolution. A member of either house may co-sponsor a bill or joint resolution. The individual sponsoring the bill or joint resolution may authorize on the bill jacket a member of the other house to be the sponsor of the measure in the other house.

(b) Any individual who is authorized to sponsor or who wishes to co-sponsor a measure may do so by appearing in the office of the principal clerk of the house in which the bill or resolution is filed for that purpose not later than one-half hour following adjournment by both houses of the session during which that measure was first read and referred.

Rule 2. Celebration, commendation and commemoration resolutions.--All celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction in either house.

Rule 3. Availability of copies of bills. A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire

membership of the house in which it is to be considered.

Rule 4. Engrossment. Bills and resolutions, except those making appropriations, which originate in one house and which are amended shall be engrossed before being sent to the other house.

Rule 5. Action on amendment before re-referral. If any committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the house must be referred to the Committee on Appropriations or Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

Rule 6. Fiscal notes. (a) The chairman or vice-chairman of the appropriations committee, of the finance committee or of the rules committee of either house, or of the Senate Ways and Means Committee, upon the floor of that house, may request that a fiscal analysis be made of a bill, resolution or an amendment to a bill or resolution which is in the possession of his or her respective house and that a fiscal note be attached to the measure, when in the opinion of that chairman or vice-chairman the fiscal effects of that measure are not apparent from the language of the measure.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the presiding officer, the principal clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Legislative Services Commission as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the house or the committee considering it.

(d) A sponsor of a proposed bill or amendment may deliver a copy of his proposed bill or amendment to the Fiscal Research Division prior to introducing the bill or proposing the amendment for the preparation of a fiscal note. Prior to the filing of the bill or proposing of the amendment, the Fiscal Research Division, except to the sponsor, shall keep in confidence the identity of the sponsor. The sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment when he moves its adoption.

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

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

Rule 7. Actuarial notes. (a) Every bill, joint

resolution, and simple or concurrent resolution introduced in the General Assembly proposing any change in the law relative to any State, municipal, or other retirement system, funded in whole or in part out of public funds, shall have attached to it at the time of its consideration by any committee of either house of the General Assembly a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change in any such retirement system. This actuarial note shall be attached to the original of each proposed bill or resolution which is reported favorably by any committee of either house of the General Assembly, but shall be separate therefrom, shall be clearly designated as an actuarial note and shall not constitute a part of the law or other provisions or expression of legislative intent proposed by the bill or resolution.

(b) The author of each bill or resolution shall present a copy of the bill or resolution, with his request for an actuarial note, to the Fiscal Research Division which shall have the duty to prepare said actuarial note as promptly as possible. Actuarial notes shall be prepared in the order of receipt of request for such notes but shall be transmitted to the author or authors of the measure in quintuplicate no later than two weeks after the request for the actuarial note is made.

(c) The author of each bill or resolution shall also present a copy of the bill or resolution to any actuary employed by the retirement system affected by the bill or resolution in question. Such actuary shall prepare an actuarial note and transmit it to the author or authors of the measure in quintuplicate no later than two weeks after the request for the

actuarial note is received.

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

(e) At any time any committee of either house reports any legislative instrument, to which an actuarial note or notes are attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement system as stated in the actuarial note or notes attached to the measure at the time of such consideration, it shall be the responsibility of the chairman of the committee reporting such instrument to obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the change proposed by the amendment reported. Such actuarial note shall be attached to the report of the committee on the measure as a supplement thereto. A floor amendment to a bill or resolution to which an actuarial note was attached at the time of committee consideration of the bill or resolution shall not be in order, if the amendment affects the costs to or the revenues of a retirement system, unless the amendment is accompanied by an actuarial note, prepared by the

Fiscal Research Division, as to the actuarial effect of the amendment.

Rule 8. Effect of a defeated bill.--(a) Subject to the provisions of subsection (b) of this rule, after a bill has, in either house:

1. been tabled,
2. failed to pass on any of its readings, or
3. been placed on the unfavorable calendar,

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

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

Rule 9. Report by committee of other house's bills and resolutions.--All bills and resolutions originating in one house shall be reported from the committee of the other house to which referred with such recommendations as the committee may desire to make, except in the case where the sponsor requests in writing to the chairman of the committee that the bill not be considered.

Rule 10. Committee substitutes adopted by one house to bills originating in the other house.--(a) Whenever one house has adopted a committee substitute for a bill originating in the other house, and has returned the bill to the other house for

concurrence in that committee substitute, the house in which the bill originated may not concur in that committee substitute until the next legislative day following the day on which that house receives that committee substitute.

(b) The presiding officer of the house in which the bill originated may, and upon motion supported by a majority of that house present and voting shall, refer the bill to an appropriate committee for consideration of the committee substitute.

(c) The presiding officer shall, in placing the bill on the calendar, rule whether the committee substitute is a material amendment under Article II, Section 23, of the State's Constitution. If the committee substitute was referred to committee, the committee shall:

- i. report the bill with the recommendation either that the house concur or that the house do not concur; and
- ii. advise the presiding officer as to whether or not that committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

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

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

legislative day.

(f) No committee substitute adopted by one house to a bill originating in the other house may be amended by the house in which the bill originated.

Rule 11. Committee minutes to Legislative Library. The chairman of a committee shall insure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the members present and the actions taken by the committee at the meeting. Not later than sixty days after the sine die adjournment of each session of the General Assembly, the chairman shall deliver the minutes to the Legislative Library.

Rule 12. Redistricting Committees.--In the session next after the federal decennial census, the presiding officer of each house shall appoint a standing committee or committees on redistricting.

Rule 13. Rules suspension and alteration. (a) These rules shall not be permanently rescinded or altered except by a joint resolution passed by a two-thirds (2/3) vote of the members present and voting in each house.

(b) These rules may be temporarily suspended by a two-thirds vote of the members present and voting in each house.

Sec. 2. This resolution shall be effective upon ratification.



PROPOSED
HOUSE RULES

THE HOUSE RULES PROPOSED
BY THE
SPECIAL INTERIM JOINT COMMITTEE
TO STUDY THE RULES OF THE GENERAL ASSEMBLY

The text is that of House Resolution 241, adopted March 10, 1977.

Suggested changes are indicated as follows:

1. Language proposed to be deleted is bracketed and stricken through [~~XXXXXXXXXXXX~~].
2. Language proposed to be added is bracketed and underlined [underlined].

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
[1977][1979] SESSION OF THE NORTH CAROLINA HOUSE OF
REPRESENTATIVES.

Be it resolved by the House of Representatives:

Section 1. The permanent rules of the [1977][1979]
Session shall read as follows:

RULES OF THE [1977][1979] HOUSE OF REPRESENTATIVES
GENERAL ASSEMBLY OF NORTH CAROLINA

- I. Order of Business, 1-5
- II. Conduct of Debate, 6-12
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I. Order of Business

RULE 1. Convening Hour.--The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the

next legislative day at 1:00 P.M.

RULE 2. Opening the Session.--At the convening hour on each legislative day the Speaker shall call the members to order and shall have the session opened with prayer.

RULE 3. Quorum.--(a) A quorum consists of a majority of the qualified members of the House.

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

RULE 4. Approval of Journal.--(a) The Committee on Rules and Operation of the House shall cause the Journal of the House to be examined daily before the hour of convening to determine if the proceedings of the previous day have been correctly recorded.

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

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

(1) The receiving of petitions, memorials and papers

- addressed to the General Assembly or to the house;
- (2) Reports of standing committees;
 - (3) Reports of select committees;
 - (4) First reading and
reference to committee of bills and resolutions;
 - (5) Messages from the Senate;
 - (6) The unfinished business of the preceding
day;
 - (7) Calendar (each category in accordance with Rule
40):
 - (a) Local bills (roll call) third reading
 - (b) Local bills (roll call) second reading
 - (c) Local bills third reading
 - (d) Local bills second reading
 - (e) Public bills (roll call) third reading
 - (f) Public bills (roll call) second reading
 - (g) Public bills and resolutions, third reading
 - (h) Public bills and resolutions, second reading;
 - (8) Reading of Notices and Announcements; but messages
and motions to elect officers shall always be in
order.

II. Conduct of Debate

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

RULE 7. Obtaining Floor.--(a) When any member desires recognition for any purpose, he shall rise from his seat and respectfully address the Speaker. No member shall proceed until

recognized by the Speaker.

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

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

1. a request that the member speaking yield for a question,
2. a point of order, or
3. a parliamentary inquiry.]

RULE 8. Questions of Personal Privilege.--~~[XX XXX XXXX/~~
¶][U]pon recognition by the Speaker [for that purpose], any member may speak to a question of personal privilege for a time not to exceed three (3) minutes. [Personal privilege may not be used to explain a vote or debate a bill.] The Speaker shall determine if the question is one of privilege[~~/~~][and shall, without the point of order being raised, enforce this rule.]

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

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

RULE 10. Limitations on Debate.--No member shall speak more than twice on the main question, nor longer than thirty minutes for the first speech and fifteen minutes for the second speech, unless allowed to do so by the affirmative vote of a majority of the members present; nor shall he speak more than once upon an amendment or motion to reconsider, commit, appeal or postpone, and then not longer than ten minutes. The House may, however, by consent of a majority of the members present, suspend the operation of this rule during any debate on any particular question before the House [~~/ OF THE RULES COMMITTEE MAY BEING IN A SPECIAL RULE THAT SHALL BE APPLICABLE TO THE DEBATE ON ANY BILL~~].

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

RULE 12. General Decorum.--(a) The Speaker shall

preserve order and decorum.

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

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

~~[ANY SMOKING SHALL NOT BE PERMITTED ON THE FLOOR OF THE HOUSE DURING THE FIRST HOUR THE HOUSE IS IN SESSION.]~~

~~[ANY]~~ [(d)] Food or beverages shall not be permitted on the floor of the House.

~~[ANY]~~ [(e)] The reading of newspapers shall not be permitted on the floor of the House while the House is in session.

~~[ANY]~~ [(f)] Smoking or the consumption of food or beverages shall not be permitted in the galleries at any time.

~~[ANY]~~ [(g)] Special recitals, performances by musicians or other groups shall not be permitted on the floor of the House and special guests of members of the House shall not be permitted on the floor of the House.

III. Motions

RULE 13. Motions Generally.--(a) Every motion shall be reduced to writing, if the Speaker or any two members request it.

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

(c) After a motion has been stated by the Speaker or read by the Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which

motion, when made by a member, shall be in possession of the House and shall not be withdrawn without leave of the House.

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

To adjourn

To lay on the table

To postpone indefinitely

Previous question

To postpone to a day certain

To commit

To amend an amendment

To amend

To substitute

To pass the bill

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

RULE 15. Motion to adjourn.--(a) A motion to adjourn shall be seconded before the motion is put to the vote of the House.

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

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

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

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

(d) A motion to table an amendment shall not be construed as a motion to table the principal bill or any other amendment which has been offered thereto, and if such motion is carried, only the amendment shall lie upon the table.

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

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

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

(b) A motion to reconsider shall be determined by a majority vote, except a motion to reconsider a motion tabling a motion to reconsider, which shall require a two-thirds (2/3) vote.

[REV A MOTION TO RECONSIDER A MOTION MADE UNDER RULES

RULE 19. Previous Question.--(a) The previous question may be called only by the member submitting the report on the bill or other matter under consideration, by the member [18Y] introducing the bill or other matter under consideration, or by the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.

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

(c) The call for the previous question shall preclude all motions, amendments and debate, except the motion to adjourn or motion to table or motion to postpone indefinitely made prior to the determination of the previous question.

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

IV. Voting

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

- (1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal.
- (2) All questions on which a call for the ayes and noes under Rule 24 (a) has been sustained.

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

(b) Votes on the following questions shall be taken on the electronic voting system, and a copy of the machine print-out of the votes shall be filed in the Principal Clerk's office. A copy of the machine print-out shall also be filed in the Legislative Library where it shall be open to public inspection:

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

(2) Upon a call for division.

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

(c) When the electronic voting system is used, twenty seconds shall be allowed for voting on the question before the House, unless the chair shall direct otherwise. The system shall be set to close automatically when that time has expired. After the system is closed, the Speaker may allow any member to vote until he orders the system locked. Once the system is locked, the vote shall be recorded and printed.

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

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine print-out of the vote record of all votes taken on the electronic system shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, he shall announce that fact to the House and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. All other votes shall be taken by voice vote.

If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system print-out, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the print-out record and so advise the House.

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

1. To adjourn.
2. To lay on the table.
3. To postpone indefinitely.
4. Previous question.
5. To postpone to a day certain.
6. To commit.
7. To amend an amendment.
8. To amend.
9. To substitute.
10. To reconsider.
11. Miscellaneous.

RULE 21. Voice Votes; Stating Questions.--When the electronic voting system is not used, the Speaker shall rise and put a question.

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

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

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

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

(b) Every member who is in the Hall of the House when the question is put shall give his vote upon a call of the ayes and noes, unless the House [~~for special reasons~~] shall excuse him [pursuant to Rule 24.1A.] [~~and no application to be excused from voting shall be entertained unless made before the call of the roll.~~]

[Rule 24.1A. Excuse from deliberations and voting on a bill.--(a) Any member may request to be excused from the deliberations and voting on a particular bill, but to do so must make that request after the second reading of the bill and before any motion or vote on the bill or any amendment thereto.]

(b) The member may make a brief statement of the reasons for making that request. The member may send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the request, and the Clerk shall include this statement in the Journal. The question on granting the request shall be taken without debate.

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

amendment to the bill, or offer or vote on any motion concerning the bill at that reading, any subsequent reading, or any subsequent consideration of the bill.

(d) A member may request that his excuse from deliberations on a particular bill be withdrawn. That question shall be taken without debate.]

RULE 24. [B]. Separation of Propositions.--Any member may call for a question to be divided into two or more propositions to be voted on separately, and the Speaker shall determine whether the question admits of such a division.

RULE 25. Voting by Speaker.--In all elections the Speaker may vote. In all other instances he may exercise his right to vote, or he may reserve this right until there is a tie in which event he must vote, but in no instance may he vote twice on the same question.

V. Committees

RULE 26. Committees Generally.--(a) All standing and select committees shall be appointed by the Speaker [~~/ unless otherwise specially ordered by the House.~~] [The Speaker shall appoint all standing committees at the beginning of the session.]

[~~Any member may excuse himself from serving on any committee if he is a member of two other standing committees.~~]

(b) After the Speaker makes his initial appointments to a standing or select committee, he shall not increase the membership of that committee, but may fill any vacancies which occur on that committee.

(c) The first member announced on each committee shall be chairman, and where the Speaker so desires he may designate a cochairman and one or more vice-chairmen.]

[~~And~~] (d) [Either] the Chairman or [the] acting

chairman[,] designated by the Chairman or [by] the Speaker[,] and five other members of any committee[, or a majority of the committee, whichever is fewer,] shall constitute a quorum of that committee.

[X] [(e)] In any joint meeting of the Senate and House Committees, the House Committee [may in its discretion reserve] [reserves] the right to vote separately.

RULE 27. [APPROPRIATION OF STANDING COMMITTEES.--BY AT THE COMMENCEMENT OF THE SESSION THE SPEAKER SHALL APPROX A STANDING COMMITTEE ON EACH OF THE FOLLOWING SUBJECTS;] [List of Standing Committees.--The standing committees are:]

Aging.

Agriculture.

Alcoholic Beverage Control.

Appropriations.

Appropriations Committee on the Base Budget.

Appropriations Committee on Education.

Appropriations Committee on General Government and

Transportation.

Appropriations Committee on Human Resources and Corrections.

Banks and Banking.

Commercial Fisheries and Oyster Industry.

Commissions and Institutions for the Blind and Deaf.

Constitutional Amendments.

Corporations.

Corrections.

Courts and Judicial Districts.

Economy.

Education.

Election Laws.
Employment Security.
Finance.
Health.
Higher Education.
Highway Safety.
Human Resources.
Insurance.
Judiciary No. I.
Judiciary No. II.
Judiciary No. III.
Local Government No. I.
Local Government No. II.
Manufacturers and Labor.
Mental Health.
Military and Veterans' Affairs.
Natural & Economic Resources.
Professional Law Enforcement Personnel and Practice.
Public Libraries.
Public Utilities.
Rules and Operation of the House.
State Government.
State Personnel.
State Properties.
Transportation.
University Board of Governors Nominating Committee.
Water and Air Resources.
Wildlife Resources.

[ANY THE FIRST MEMBER ANNOUNCED ON EACH COMMITTEE SHALL
BE CHAIRMAN, AND WHERE THE SPEAKER SO DESIRES HE MAY DESIGNATE A

OF CHAIRMAN AND ONE OR MORE VICE-CHAIRMEN.]

RULE 28. Committee Meetings.-- (a) Standing committees and subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule adopted by the Committee on Rules and Operation of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chairman of the Committee on Rules and Operation of the House.

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

(c) The chairman or other presiding officer shall have general direction of the meeting place of the committee or 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 chairman or presiding officer shall have power to exclude from the session any individual or individuals so hindering the legislative business or, if necessary, to order the meeting place cleared of all persons not members of the committee or subcommittee.

(d) Procedure in the committees shall be governed by the rules of the House, so far as the same may be applicable to such procedure. Before a question is put, any member may call for the ayes and noes. If the call is sustained by one-fifth ($1/5$) of the members present, the question shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically.

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

(f) No committee or subcommittee shall meet during any session of the House and all committee and subcommittee meetings shall adjourn no later than 15 minutes preceding a regular session of the House.

(g) Any call or notice of a standing committee meeting between legislative sessions shall be mailed to each member of the committee by certified mail at least five days prior to such meeting.

[(h) During committee meetings the chairman may exercise his right to vote, or he may reserve this right until there is a tie, but in no instance may the chairman vote twice on the same question.]

[RULE 29. COMMITTEE HEARINGS.--THE CHAIRMAN OF ALL COMMITTEES SHALL NOTIFY OR CAUSE TO BE NOTIFIED, THE FIRST NAMED REPRESENTATIVE OF EACH BILL AS A PRELIMINARY HEARING BEFORE THEIR RESPECTIVE COMMITTEES AS TO THE DATE, TIME AND PLACE OF SUCH HEARINGS.]

[RULE 29. Notice of Committee Meetings and Hearings.--

(a) Public notice of all committee meetings shall be given in the House. The chairman of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time and place of that meeting.

(b) Notice shall be given not less than five calendar days prior to public hearings. These notices shall be issued as information for the press and information shall be posted in the

places designated by the Principal Clerk.

(c) Persons desiring to appear and be heard at a public hearing are encouraged to file with the chairman of the committee a brief or written statement of the remarks to be made at least twenty-four hours before the time of the hearing.]

RULE 30. Committee of the Whole House.--(a) A Committee of the Whole House shall not be formed, except by suspension of the rules, if there be objection by any member.

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

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

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

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

VI. Handling of Bills

RULE 31. Reference to Committee.--Each bill, joint resolution, or House resolution not introduced on the report of a

committee shall immediately upon its first reading be referred by the Speaker to such committee as he deems appropriate.

RULE 32. Introduction of Bills and Resolutions.--(a)

All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 8:30 o'clock p.m. each Monday, by 4:30 o'clock p.m. each Tuesday, Wednesday and Thursday and by 3:00 o'clock p.m. each Friday.

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

(c) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended; provided that third reading shall not be had on any bill or resolution on the same day that such caption is amended.

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

"House Substitute for" or "House Committee Substitute for ____."

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

RULE 32.1. Deadline on Introduction of Certain Bills.--

All local bills or bills prepared to be introduced for departments, agencies, or institutions of the State must be introduced not later than April 1 of the session year. All celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, must be introduced not later than April 1 of the session year.

RULE 33. Papers Addressed to the House.--Petitions,

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

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

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

(c) Whenever any resolution or bill is filed for introduction, it shall be in such form and have such copies accompanying same as designated by the Speaker, and any resolution or bill introduced without the required number of copies shall be immediately returned to the introducer. The Clerk shall stamp the copies with the number stamped upon the original bill.

RULE 35. Duplicating of Bills.--The Legislative Services Officer shall cause such bills as are introduced to be duplicated in such numbers as may be specified by the Speaker. The Legislative Services Officer shall cause one copy of each resolution and public bill for each legislator to be delivered to his clerk or secretary who shall place it in the appropriate

notebook on the legislator's desk. If a legislator so requests, a second copy shall be delivered to his clerk or secretary who shall place it in the legislator's office. The remaining copies shall be placed in the Printed Bills Room and made available to the committees to which the bill is referred, to individual legislators on request, and to the general public.

RULE 36. Report by Committee.--[~~XXX BILLS AND RESOLUTIONS SHALL BE REFERRED FROM THE COMMITTEES TO WHICH REFERRED, WITH SUCH RECOMMENDATIONS AS THE COMMITTEES MAY DESIRE TO MAKE EXCEPT IN THE CASE WHERE THE PRINCIPAL INTERESTER REQUESTS IN WRITING TO THE CHAIRMAN OF THE COMMITTEE THAT THE BILL NOT BE CONSIDERED.~~]

The chairman of the full Appropriations Committee may refer a bill or resolution to another appropriations committee specifically charged with the subject matter of the bill or resolution; the committee to which the bill or resolution is referred shall report the bill or resolution back to the full Appropriations Committee.

(a) Favorable Report. When a committee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar for the next succeeding legislative day; except that Committee Substitutes for bills shall be placed on the favorable calendar for the second next succeeding legislative day after adoption.

(b) Report Without Prejudice. When a committee reports a bill without prejudice, the bill shall be placed on the favorable calendar.

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

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

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

RULE 37. Removing Bill from Unfavorable Calendar.--A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds (2/3) vote. A motion to remove a bill from the unfavorable calendar is [~~not~~] debatable[.] [~~It may not be made before making the motion, may be made and discussed separately, not more than five minutes in length, or the reasons for the motion.~~]

RULE 38. Reports on Appropriation and Revenue Bills.--All committees, other than the Committee on Appropriations, when favorably reporting any bill which carries an appropriation from the State, shall indicate same in the report, and said bill shall be referred to the Committee on Appropriations for a further report before being acted upon by the House. All committees, other than the Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue,

levies a tax, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall indicate same in the report, and said bill shall be referred to the Committee on Finance for a further report before being acted upon by the House.

RULE 39. Recall of Bill from Committee.--When a bill has been introduced and referred to a committee, if after 10 legislative days the committee has failed to report thereon, then the introducer of the bill or some member designated by him may, after three legislative days' public notice given in the House [and delivered in writing to the chairman of the committee], on motion supported by a majority vote of the members present and voting, recall the same from the committee to the floor of the House for consideration and such action thereon as a majority of the members present may direct. [~~NOTHING IN THIS RULE SHALL PREVENT THE RECALL OF A BILL UNDER NECESSARY SUSPENSION OF THE RULES UNDER THIS SECTION~~] [This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chairman of the committee, and to sustain that motion two-thirds (2/3) of the members present and voting shall be required.]

RULE 40. Calendars and Schedules of Business.--The Clerk of the House shall prepare a daily schedule of business, including the Calendar of Bills and Resolutions for consideration and debate that day, in accordance with the Order of Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the order in which they are introduced. All bills and resolutions shall be taken up as they appear in each category [Rule 5(7)] in the order they were reported by committee; but the Committee on Rules and Operation of the House may at any time

arrange the order of precedence in which bills may be considered.

RULE 41. Readings of Bills.--(a) Every bill shall receive three readings in the House prior to its passage. The first reading and reference of the bill to committee shall occur on the next legislative day following its introduction, and the Speaker shall give notice at each subsequent reading whether it be the second or third reading.

(b) No bill shall be read more than once on the same day without the concurrence of two-thirds (2/3) of the members present and voting.

[RULE 42. Effect of Repealed Legislation SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS RULE, AFTER A BILL HAS BEEN PASSED, HAS FAILED TO PASS ON ANY OF ITS READINGS, OR HAS BEEN PASSED ON THE UNLAWFUL DATE CALLED, THE CONCEPTS OF SUCH BILL OR THE PRINCIPAL PROVISIONS OF ITS SUBJECT MATTER SHALL NOT BE ENDOSED IN ANY OTHER MEASURE, NOR THE ORDER OF ORDER BEING PASSED AND SUBMITTED BY THE CHAIR, SUCH MEASURE SHALL BE TAKEN FROM THE TABLE, AND SHALL NOT BE TAKEN THEREFROM EXCEPT BY A TWO-THIRDS/// 12/3Y VOTE]

NO LOCAL BILL SHALL BE HELD BY THE CHAIR TO ENDOSE THE PROVISIONS OF OR TO BE IDENTICAL WITH ANY EXISTING MEASURE WHICH HAS BEEN TAKEN FROM THE TABLE, OR FAILED TO PASS ANY OF ITS READINGS.]

RULE 43. Amendments and Riders.--No amendment or rider to a bill before the House shall be in order unless such rider or amendment is germane to the bill under consideration.

Only one principal (first degree) amendment shall be pending at any one time. If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of order. However, any member desiring to offer a subsequent or

substitute principal amendment in opposition to the pending amendment may inform the House by way of argument against the pending amendment that if it is defeated he proposes to offer another principal amendment, and he may then read and explain such proposed amendment.

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

[RULE 43.1. House concurrence in Senate amendments to House bills.--The House shall not concur in a Senate amendment to a bill originating in the House until the next legislative day on which the House receives the Senate amendment.]

RULE 44. Conference Committees.--(a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to adopt a substitute adopted by the Senate for a bill originating in the House or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to adopt a substitute adopted by the House for a bill originating in the Senate, a conference committee chairman and committee shall be appointed upon motion made, consisting of the number named in the motion; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate.

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

VII. Legislative Officers and Employees

RULE 45. Elected Officers.--(a) The House shall elect one of its members Speaker.

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

(c) The House shall elect a Principal Clerk, a Reading Clerk and a Sergeant-at-Arms, each of whom shall have and perform such duties and responsibilities not inconsistent with these Rules as the Speaker may assign. The Principal Clerk shall continue in office until another is elected.

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

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

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

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

RULE 48. Committee Clerks and Secretaries.--(a) Each committee shall have a clerk. The clerk to a committee shall serve as secretary to the chairman of that committee.

(b) Each member shall be assigned a secretary, unless he has a committee clerk to serve as his secretary.

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

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

VIII. Privileges of the Hall

RULE 50. Admittance to Floor.--No person except members, officers and employees of the General Assembly and former members of the General Assembly who are not registered under the provisions of Article 9 of Chapter 120 of the General Statutes of North Carolina shall be allowed on the floor of the House during its session, unless permitted by the Speaker or otherwise provided by law.

RULE 51. Admittance of Press.--Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect this object, as shall not interfere with the convenience of the House.

RULE 52. Extending Courtesies.--Courtesies of the floor, galleries or lobby shall only be extended at the discretion of the Speaker.

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

IX. General Rules

RULE 54. Attendance of Members.--No member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or disability.

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

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

RULE 57. Placement of Material on Members' Desks.--Persons other than members of the General Assembly, officers or staff thereof shall not place or cause to be placed any materials on members' desks without obtaining approval of the Speaker. Any material so placed shall bear the name of the originator.

RULE 58. Rules, Rescission and Alteration.--(a) [No standing rule or order shall be rescinded or altered without the

REYES NOTICE GIVEN BY THE HOUSE THEREOF, AND TO SUSPEND SUCH NOTICE WHATSOEVER (2/3) OF THE MEMBERS PRESENT AND VOTING SHALL BE REQUIRED.] [These rules shall not be permanently rescinded or altered except by House simple resolution passed by a two-thirds (2/3) vote of the members present and voting. The introducer of the resolution must on the floor of the House give notice of his intent to introduce the resolution on the legislative day preceding its introduction.]

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

[WHILE THE EXECUTION OF A SPONSORSHIP OF BILLS AND RESOLUTIONS.--ANY MEMBER DESIRING TO BE SPONSOR A BILL OR RESOLUTION WHICH HAS BEEN INTRODUCED MAY DO SO BY APPEARING IN THE OFFICE OF THE PRINCIPAL CLERK FOR SUCH PURPOSE WITHIN ONE DAY AFTER INTRODUCING THE SUBJECTMATTER OF THE SESSION DURING WHICH SUCH BILL OR RESOLUTION WAS FIRST READ AND REFERRED.]

RULE 60. Correcting of Typographical Errors.--The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any actions or rules of the Senate and provided further that such correction be approved by the Chairman of the Rules Committee, the Speaker or other presiding officer.

RULE 61. Matters not Covered in These Rules.--Except as herein set out the rules of the House of Representatives of Congress shall govern the operation of the House.

[SEC. 21 ANY FUTURE AMENDMENT MODIFICATION TO THESE HOUSE RULES SHALL BE MADE BY HOUSE SIMPLE RESOLUTION.]

Sec. [~~1~~][2]. This resolution shall become effective upon adoption.

House Resolution 241

PROPOSED

SENATE RULES



THE SENATE RULES PROPOSED
BY THE
SPECIAL INTERIM JOINT COMMITTEE
TO STUDY THE RULES OF THE GENERAL ASSEMBLY

The text is that of Senate Resolution 169, adopted March 11, 1977, as amended.

Changes in the Senate Rules adopted by the 1977-1978 Senate are followed by bracketed material [bracketed material] containing the citation to the relevant simple resolution.

Suggested changes are indicated as follows:

1. Language proposed to be deleted is bracketed and stricken through [~~XXXXXXXX XXXXXX~~].
2. Language proposed to be added is bracketed and underlined [underlined].

A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE [~~1977~~][1979] SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

Be it resolved by the Senate:

Section 1. The permanent rules for the [~~1977~~][1979] Session are as follows:

PERMANENT RULES OF THE [~~1977~~][1979] SENATE
GENERAL ASSEMBLY OF NORTH CAROLINA

- I. Order of Business, Rules 1-7
- II. Conduct of Debate, Rules 8-17
- III. Motions, Rules 18-24
- IV. Voting, Rules 25-30
- V. Committees, Rules 31-37
- VI. Handling Bills, Rules 38-59
- VII. Legislative Officers and Employees, Rules 60-65
- VIII. General Rules, Rules 66-77

I. Order of Business

RULE 1. Rules controlling the Senate of North Carolina and its Committees.--The following rules shall govern and control all actions and procedures of the Senate and its committees.

RULE 2. Convening hour.--The President shall take the chair at the hour fixed by the Senate upon adjournment on the preceding legislative day, and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 1:00 p.m.

RULE 3. Opening the session.--The President shall, upon order being obtained, have the sessions of the Senate opened with prayer.

RULE 4. Convening in absence of President.--In the absence of the President, the President pro tempore shall reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of tie when he has already voted on the question as a Senator. In the event of the absence of the President and President pro tempore at any time fixed for the reconvening of the Senate, the Principal Clerk of the Senate, or in his absence also, some member of the Senate Committee on Rules and Operation of the Senate, shall call the Senate to order and designate some member to act as President.

RULE 5. Quorum.--(a) A quorum consists of a majority of all the qualified members of the Senate.

(b) When a lesser number than a quorum convene, the Senators present may send the doorkeeper or any person, for any or all absent Senators, as a majority of the Senators present determine.

RULE 6. Approval of Journal.--After the prayer, and upon appearance of a quorum, the President shall cause the Journal of the preceding day to be read and approved, unless the Chairman of the Committee on Rules and Operation of the Senate or some member of the Senate by motion sustained by a majority of

the members present, has the reading thereof dispensed with and the same approved as written.

RULE 7. Order of business.--After approval of the Journal, the order of business shall be as follows:

- (1) Reports of standing committees.
- (2) Reports of select committees.
- (3) Introduction of bills, petitions, and resolutions.
- (4) Messages from the House of Representatives.
- (5) Unfinished business of preceding day.
- (6) Special orders.
- (7) General Orders:
 - (a) Local bills in numerical order, Senate bills first
 - (i) Third reading roll call and electronic voting system votes
 - (ii) Second reading roll call and electronic voting system votes
 - (iii) Second reading viva voce
 - (iv) Third reading viva voce
 - (b) Public bills in numerical order, Senate bills first
 - (i) Third reading roll call and electronic voting system votes
 - (ii) Second reading roll call and electronic voting system votes
 - (iii) Second reading viva voce
 - (iv) Third reading viva voce.

II. Conduct of Debate

RULE 8. President to maintain order.--The President shall have general direction of the Hall of the Senate and shall be authorized to take such action as is necessary to maintain order, and in case of any disturbance or disorderly conduct in

the galleries or lobbies, he shall have the power to order those areas cleared.

RULE 9. Substitution for President.--The President shall have the right to call on any member to perform the duties of the Chair, but substitution shall not extend beyond one day.

RULE 10. Points of order.--(a) The President shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. He shall decide all questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the members present is necessary to sustain any appeal from the ruling of the Chair.

(b) In the event the Senate Rules do not provide for, or cover any point of order raised by any Senator, the rules of the United States House of Representatives shall govern.

(c) When a Senator is called to order he shall take his seat until the President determines whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator; and if a Senator is called to order for words spoken, the words excepted to shall be immediately taken down in writing, that the President or Senate may be better able to judge the matter.

RULE 11. Debating and voting by Lieutenant Governor.--The Lieutenant Governor, as President of the Senate, being a Constitutional Officer shall not have the right to debate any question or to address the Senate upon any proposition unless by permission of the majority of members present, and shall have the

right to vote only when there is a tie vote upon any question or election.

RULE 12. Obtaining recognition.--(a) When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address the President. No member shall speak until recognized by the President, and when two or more members rise at the same time, the President shall name the member to speak.

(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Chair may award the floor to any Senator for the purposes of allowing that Senator to engage in general debate.

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

1. a request that the member speaking yield for a question,
2. a point of order, or
3. a parliamentary inquiry.]

RULE 13. Recognition for extending courtesies.--(a) Courtesies of the floor and galleries shall be extended only by the President on his own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

(b) Members may designate Honorary Pages by a statement delivered to the Principal Clerk who will have a certificate issued therefor.

(c) The President may upon written request at intervals between various orders of business extend courtesies to schools or other special large groups visiting in the galleries while

they are present, and the President shall, at such times as he deems appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

RULE 14. Limitations on individual debate.--[~~ANY NO SENATOR SHALL SPEAK OR DEBATE MORE THAN THREE TIMES NOR LONGER THAN THIRTY FIVE MINUTES ON THE SAME DAY ON THE SAME SUBJECT WHATSOEVER YEAR OF THE SENATE~~] [(a) No senator shall speak on the same day more than twice on the main question, nor longer than thirty minutes for the first speech and fifteen minutes for the second speech. No senator shall speak on the same day more than once on an amendment or a motion to reconsider, commit, appeal or postpone, and then no longer than ten minutes. The Senate may, by consent of a majority of senators present, suspend the operation of this subsection of this rule during any debate on any particular question.]

(b) By permission of the President any member of the Senate may address the Senate from the lectern located on the floor before the dais for the purpose of explaining a bill or resolution, stating a point of personal privilege or for the purpose of debate.

RULE 15. Priority of business.--All questions relating to priority of business shall be decided without debate.

RULE 16. Reading of papers.--When the reading of a paper, other than a petition, is called for, and any Senator objects to the reading, the question shall be determined by the Senate without debate.

RULE 17. General decorum.--(a) Senators and visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session and shall continue uncovered during their continuance in the Chamber, unless one's religion requires

his head to be covered.

(b) No remark reflecting personally upon the action of any Senator shall be in order upon the floor of the Senate unless preceded by a motion or resolution of censure.

(c) When the President is putting a question, or a division by counting is in progress, no Senator shall walk out of or across the Chamber, nor when a Senator is speaking, pass between him and the President.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave his place until adjournment or recess is declared by the President.

(e) Smoking shall not be allowed in the galleries of the Senate during sessions. [~~SMOKING SHALL NOT BE ALLOWED ON THE FLOOR OF THE SENATE DURING THE FIRST HOUR OF THE SESSION.~~ [Senate Resolution 627, adopted May 5, 1977]]

(f) No remark soliciting the donation of funds for the support of any person or organization shall be in order upon the floor of the Senate, unless the remark has some relevance to a bill or resolution before the body.

III. Motions

RULE 18. Motions generally.--All motions shall be reduced to writing, if desired by the President or a Senator, delivered at the table, and read by the President or Reading Clerk before the same are debated; but any motion may be withdrawn by the introducer at any time before decision or amendment. Except as otherwise specifically provided in these rules, no second is required.

RULE 19. Motions; order of precedence.--When a question is before the Senate no motion shall be received except those herein specified, which motions shall have precedence as follows:

- (1) To adjourn.
- (2) To lay on the table.
- (3) For the previous question.
- (4) To postpone indefinitely.
- (5) To postpone to a certain day.
- (6) To commit to a standing committee.
- (7) To commit to a select committee.
- (8) To amend.
- (9) To substitute.

RULE 20. Motions to adjourn and to lay on the table.--
The motions to adjourn and to lay on the table shall be [seconded and] decided without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

RULE 21. Motions to postpone to certain day and to commit.--The respective motions to postpone to a certain day, or to commit to a standing or select committee, shall preclude debate on the main question.

RULE 22. Action when previous question pending.--When a motion for the previous question is made and is pending, debate shall cease. After a motion for the previous question is made, pending a second thereto, any member may give notice that he desires to offer an amendment to the bill or other matter under consideration; and after the previous question is seconded such member shall be entitled to offer his amendment in pursuance of such notice.

RULE 23. Motion for previous question.--The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution,

or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment: Provided, that no one shall move the previous question except the chairman of the committee submitting the report on the bill or other matter under consideration, and the member introducing the bill or other matter under consideration or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration.

RULE 24. Motion to reconsider.--When a question has been once put and decided, any Senator who voted in the majority may move to reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken has gone out of the possession of the Senate; nor shall any motion for reconsideration be in order unless made on the same day or in the next following legislative day on which the vote proposed to be reconsidered took place, unless the motion is made by the Committee on Rules and Operation of the Senate for verbal or grammatical errors in the bills, when the motion may be made at any time: Provided, that when the next legislative day has by motion of the Senate, been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

IV. Voting

RULE 25. Use of electronic voting system.--(a) Votes

on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

- (1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal.
- (2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained.
- (3) Both second and third readings of bills proposing amendment of the Constitution of North Carolina.

(b) Votes on the following questions shall be taken on the electronic voting system, and a copy of the machine print-out of the votes shall be filed in the Legislative Library where it shall be open to public inspection:

- (1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.
- (2) Any other question upon direction of the Chair or upon motion of any Senator supported by one-fifth of the Senators present.

(c) When the electronic voting system is used, the Chair shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

(d) The voting station at each Senator's desk in the Chamber shall be used only by the Senator to which the station is

assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station, or to vote at another Senator's station. The Chair shall enforce this rule without exception.

(e) When the electronic voting system is used, the Chair shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; _____ seconds will be allowed for voting on this question; the Clerk will unlock the machine." After the machine locks and records the vote, the Chair shall announce the vote and declare the result.

(f) One copy of the machine print-out of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Chair ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, he shall announce that fact to the Senate and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken by voice vote as prescribed in Senate Rule 26 (a). If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system print-out, the Chair shall direct the Reading Clerk and the Principal Clerk to verify and correct the print-out record and so advise the Senate.

(h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

1. To lay on the table.
2. For the previous question.
3. To postpone indefinitely.
4. To postpone to a day certain.
5. To refer to a committee.
6. To reconsider.
7. To adopt.
8. To concur.
9. To take from the table.
10. Miscellaneous.

RULE 26. Voice votes; call for ayes and noes.--(a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: "Those in favor say 'aye'," and, after the affirmative vote is expressed, "Opposed 'no'"; after which the Chair shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and upon such call, the Chair shall require the members to stand and be counted for and against the proposition under consideration.

(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, he shall address the Chair and obtain recognition and say "Upon that question I call for the ayes and noes." Whereupon the Chair shall say, "Is the call

sustained?" If one-fifth of the Senators present then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on the Journal. If fewer than one-fifth of the Senators present stand to sustain the call, the Chair shall announce "An insufficient number up" and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. Pairs.--If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: "Mr. President, I desire to announce a pair. If Senator _____ were present, he would vote _____; I would vote _____ (the opposite)." The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken viva voce, or if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system print-out all pairs announced.

RULE 28. Dividing question.--If any question contains several distinct propositions, it shall be divided by the President, at the request of any Senator, provided each subdivision, if left to itself, forms a substantive proposition.

RULE 29. Duty to vote; excuses.--[~~(A)~~] Every Senator who is within the bar of the Senate when the question is stated by the Chair shall vote thereon unless he is excused by the

Senate [pursuant to Rule 27 or Rule 29.1.] The bar of the Senate shall include the entire Senate Chamber.

[ANY SENATOR MAY REQUEST TO BE EXCUSED FROM VOTING, EITHER IMMEDIATELY BEFORE OR AFTER THE VOTE HAS BEEN CALLED FOR AND BEFORE A FINAL VOTE RESULT HAS BEEN ANNOUNCED OR BEFORE THE ELECTRONIC VOTING SYSTEM HAS BEEN UNLOCKED. THE SENATOR MAY MAKE A BRIEF STATEMENT OF THE REASONS FOR MAKING SUCH REQUEST, AND SHALL SEND FORWARD TO THE PRINCIPAL CLERK, ON A FORM PROVIDED BY THE CLERK, A CONCISE STATEMENT OF THE REASON FOR THE REQUEST, AND THE CLERK SHALL INCLUDE THIS STATEMENT IN THE JOURNAL. THE QUESTION OF GRANTING OF THE REQUEST SHALL BE TAKEN WITHOUT DEBATE.]

[Rule 29.1. Excuse from deliberations and voting on a bill.--(a) Any Senator may request to be excused from the deliberations and voting on a particular bill, but to do so must make that request after the second reading of the bill and before any motion or vote on the bill or any amendment thereto.]

(b) The Senator shall make a brief statement of the reasons for making that request. The Senator shall send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the request, and the Clerk shall include this statement in the Journal. The question on granting of the request shall be taken without debate.

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

(d) A Senator may request that his excuse from deliberations on a particular bill be withdrawn. That question shall be taken

without debate.]

RULE 30. Explanation of vote.--Any Senator may explain his vote on any bill pending by obtaining permission of the President [~~before~~][after] the vote is taken: Provided, that not more than three minutes shall be consumed in such explanation.

[Rule 30.1. Questions of personal privilege. Upon recognition by the President for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote or debate a bill. The President shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.]

V. Committees

RULE 31. Appointment of Committees.--[(a)] The President of the Senate, unless he has by law disqualified himself from that office, shall have the exclusive right and authority to appoint all committees, regular or select, and to appoint Committee Chairmen and Vice-Chairmen, but he may delegate said authority in any instance, as he may choose. Upon the recommendation of the Committee on Rules and Operation of the Senate, the Senate may authorize[, by majority vote of the Senators present and voting,][~~add xxxxxx~~][a change in the number of] standing committees.

[(b) The President of the Senate shall appoint all standing committees at the beginning of the session.

(c) After the President of the Senate makes his initial appointments to a standing or select committee, he shall not increase the membership of that committee, but may fill any vacancies which occur on that committee.]

RULE 32. List of standing Committees.--The standing

committees shall be:

Agriculture
Alcoholic Beverage Control
Appropriations
Appropriations Committee on Human Resources and Corrections
Appropriations Committee on Education
Appropriations Committee on General Government and
Transportation
Base Budget
Banking
Constitutional Amendments
Courts and Judicial Districts
Criminal Justice
Economy
Education
Election Laws
Finance
Higher Education
Human Resources
Insurance
Judiciary I
Judiciary II
Law Enforcement and Crime Control
Local Government and Regional Affairs
Manufacturing, Labor and Commerce
Natural and Economic Resources
Public Utilities and Energy
Rules and Operation of the Senate
State Government
Transportation

University Board of Governors
Veterans and Military Affairs
Ways and Means
Wildlife

RULE 33. Notice of Committee meetings.--[(a)] Public notice of all committee meetings shall be given in the Senate. The required notice may be waived as to any meeting by the attendance at that meeting of all of the members of the committee, or by personal waiver.

[(b) The chairman of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time and place of that meeting.]

RULE 34. Membership of Committees; quorum.--Membership on standing committees shall consist of not more than 22 or less than 8 Senators, including the Chairman and Vice-Chairman who shall be designated by the President; provided, the committee membership on the Appropriations Committee, Finance Committee, and Ways and Means Committee shall not be limited as to membership but shall be left to the discretion of the President. No Senator shall hold membership on more than 12 standing committees unless the Rules and Operation of the Senate Committee provides otherwise. A quorum of any committee shall consist of ~~[A MAJORITY OF THE COMMITTEE]~~ [either the chairman and five members or a majority of the committee, whichever is fewer.]

RULE 35. Roll call vote in Committee.--A roll call vote may be taken in any committee upon a call for the ayes and noes sustained by one-third of the members present.

RULE 36. Committee meetings.--No committee or subcommittee shall hold a secret meeting, and all meetings of

committees and subcommittees shall be open to the public: Provided, that any committee or subcommittee has the inherent right to hold an executive session when it determines that it is absolutely necessary to have such a session in order to prevent personal embarrassment, or when it is in the best interest of the State; and in no event shall final action be taken by any committee or subcommittee except in open session.

RULE 37. (Reserved for interim operations rule)

VI. Handling Bills

RULE 38. Construction of rules.--All provisions of these rules applying to bills shall apply also to resolutions, memorials and petitions.

RULE 39. Form and copies of bills.--(a) Unless variation is authorized by the Committee on Rules and Operation of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office. When a bill which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill to be retyped in the prescribed form, and the retyped copy shall become the official copy of the bill for all purposes. The original bill shall then be returned to the introducer of the bill and shall not become a part of the records or documents of the Senate.

(b) Whenever a bill is introduced, 20 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the introducer.

RULE 40. Introduction of bills.--(a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the

document or with the prescribed authorization form signed by the primary sponsor to the office of the Senate Principal Clerk who shall receive them during regular session according to the following schedule:

Monday until 8:30 o'clock P.M.;

Tuesday, Wednesday, and Thursday until
4:00 o'clock P.M.;

Friday until 3:00 o'clock P.M.

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading and reference to committee.

(b) Filing of bills during the interim shall be under the direction of the Rules and Operation of the Senate Committee as approved by the Senate.

RULE 4|. Deadline on introduction of certain bills.--

All bills prepared to be introduced by departments, agencies or institutions of the State must be introduced in the Senate not later than April | of the session. All local bills must be introduced not later than April | of the session. All resolutions, except those honoring the memory of deceased persons, must be introduced not later than April | of the session.

RULE 4|.1. Relationship between Ways and Means Committee and other committees dealing with money matters; relationship between these other committees dealing with money matters.--The Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. All bills referred by the President to the Committee on

Appropriations, the Committee on Finance, and the Committee on Economy shall be referred by the chairman of the respective committee to the Committee on Ways and Means for consideration before the bills go to the floor of the Senate, except that bills referred to the Appropriations or Finance Committees may be reported directly back to the floor with the agreement of the Chairmen of the Ways and Means, Appropriations, and Finance Committees. Bills referred to the Committee on Appropriations by the President may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on Human Resources and Corrections, the Appropriations Committee on Education, the Appropriations Committee on General Government and Transportation, or the Committee on Base Budget for a report back to the Committee on Appropriations.

RULE 42. References of appropriations and finance bills.--All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Appropriations, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations Committee before proper action may be taken by the Senate. All bills introduced in the Senate providing for bond issues, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Finance Committee before proper action may be taken by the Senate.

RULE 43. First reading; reference to Committee.--All bills filed, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill and unless otherwise disposed of, the President or presiding officer shall announce the referral of the document. The title and referral shall be entered on the Journal.

RULE 44. Bills to receive three readings.--Every bill shall receive three readings previous to being passed, and the President shall give notice at each whether it be the first, second, or third. After the first reading, unless a motion is made by some Senator, the President shall refer the bill to an appropriate committee. No bill shall be amended upon the floor of the Senate until it has been twice read. Senate simple resolutions shall not require three readings.

*ΥΠΟΥΧΟΙ ΠΡΩΤΗ ΔΕΦΙΛΙΜΕΝΗΣ ΤΩ ΒΟΥΛΗΣ ΠΡΑΞΕΩΣ ΑΣΥΝΑΓΓΑΛΑ
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ΑΔΟΡΥΕΑ ΟΥ ΙΥΝΕ ΙΟ, Ι877ΑΑ*

RULE 45. Reports of Committees.--Every Senator presenting a report of a committee shall endorse the report with the name of the committee and, in case of a minority report, with the names of the members making the report. The report of the committee shall show that a majority of the committee were present and voted. Every report of the committee upon a bill or

resolution shall stand upon the general orders with the bill or resolution.

RULE 46. Unfavorable report by Committee.--(a) All bills reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table, but may be taken from the table, and placed upon the calendar by a two-thirds vote of those present and voting.

(b) When a bill is reported by a committee with an unfavorable report, but accompanied by a minority report, signed by at least three members of the committee who were present and who voted on the bill when the bill was considered in committee, then the minority report shall be placed on the calendar and considered the following day, and the question before the Senate shall be "The adoption of the Minority Report". If the minority report is adopted by a majority vote, the bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie upon the table.

RULE 47. Recall of bill from Committee.--When a bill has been introduced and referred to a committee, if after 10 days the committee has failed to report thereon, then the author of the bill may, after three days' public notice given in the Senate [and delivered in writing to the chairman of the committee], on motion supported by a vote of two-thirds of the Senators present and voting, recall the bill from the committee to the floor of the Senate for consideration and such action thereon as a majority of the Senators present may direct. [This rule shall not be temporarily suspended without one day's notice on the motion given in the Senate and delivered in writing to the chairman of the committee and to sustain that motion two-thirds of the Senators present and voting shall be required.]

RULE 48. Calendar: order to be followed.--The President and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion: Provided, that the published local calendar may carry the number of each bill, the county or counties referred to, and an abbreviated statement of the title of the bill.

RULE 49. Considering bills out of regular order.--Except as provided in Rule 50, any bill or other matter may be taken up out of order upon order of the President or upon motion sustained by a majority of the membership present and voting.

RULE 50. Third reading requirements.--No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the Senators present.

RULE 51. Special orders.--Any bill or other matter may be made a special order for a particular day or hour by a vote of the majority of the Senators voting, and if action on the bill is not completed on that day, it shall be returned to its place on the calendar, unless it is made a special order for another day; and when a special order is under consideration it shall take precedence over any special order or subsequent order for the day, but such subsequent order may be taken up immediately after the previous special order has been disposed of.

RULE 52. Procedure when necessary number of Senators not present.--If, on taking the question on a bill, it appears

that a constitutional quorum is not present, or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it appears that such number is not present, the bill shall be again read and the question taken thereon; if the bill fails a second time for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order.

[WHEN A BILL INTRODUCED BY SENATOR OR BY A COMMITTEE HAS BEEN LAIN UPON THE TABLE OR HAS BEEN LAIN UPON THE TABLE FOR THE SECOND TIME FOR THE WANT OF THE NECESSARY NUMBER BEING PRESENT AND VOTING, THE BILL SHALL NOT BE FINALLY LOST, BUT SHALL BE RETURNED TO THE CALENDAR IN ITS PROPER ORDER. WHEN A BILL HAS BEEN LAIN UPON THE TABLE OR HAS BEEN LAIN UPON THE TABLE FOR THE SECOND TIME FOR THE WANT OF THE NECESSARY NUMBER BEING PRESENT AND VOTING, THE BILL SHALL NOT BE FINALLY LOST, BUT SHALL BE RETURNED TO THE CALENDAR IN ITS PROPER ORDER. WHEN A BILL HAS BEEN LAIN UPON THE TABLE OR HAS BEEN LAIN UPON THE TABLE FOR THE SECOND TIME FOR THE WANT OF THE NECESSARY NUMBER BEING PRESENT AND VOTING, THE BILL SHALL NOT BE FINALLY LOST, BUT SHALL BE RETURNED TO THE CALENDAR IN ITS PROPER ORDER.]

WHEN A BILL HAS BEEN PASSED UNDEFINITELY BY THE SENATE, THE BILL SHALL LIE UPON THE TABLE, AND SHALL NOT BE TAKEN UP THEREAFTER EXCEPT BY A VOICE OF TWO-THIRDS OF THE SENATORS PRESENT.]

RULE 54. Taking bill from table.--No bill which has been laid upon the table shall be taken therefrom except by a vote of two-thirds of the Senators present.

RULE 55. Amending titles of bills.--When a bill is materially modified or the scope of its application extended or decreased, or if the county, or counties, to which it applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or

by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

RULE 56. Corrections of typographical errors in bills.--The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chairman of the Committee on Rules and Operation of the Senate.

RULE 57. Conference Committees.--Whenever the Senate declines or refuses to concur in amendments put by the House to a bill originating in the Senate, or refuses to adopt a substitute adopted by the House for a bill originating in the Senate, a conference committee shall be appointed upon motion and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the Senate and House. In considering matters in difference between the Senate and House committed to the conferees, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. The conference report shall not be amended. Except as herein set out, the rules of the United States House of Representatives shall govern the appointment, conduct, and reports of the conferees.

RULE 57.1. Senate concurrence in House amendments to Senate Bills[.]~~[of Senate adoption of House committee substitutes for Senate bills.]~~--The Senate shall not concur in a House amendment to a bill originating in the Senate [~~and the Senate shall not adopt a House committee substitute for a bill originating in the Senate,~~] until the next legislative day following the day on which the Senate receives the House

amendment [~~OF HOUSE COMMITTEE SUBSTITUTION.~~]

RULE 58. Certification of passage of bills.--The Principal Clerk shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by vote of three-fifths or two-thirds of the Senate, whenever such vote may be required by the Constitution or laws of the State.

RULE 59. Transmittal of bills to House.--No bill shall be sent from the Senate on the day of its passage except on the last day of the session, unless otherwise ordered by a vote of two-thirds of the Senators present.

VII. Legislative Officers and Employees

RULE 60. Pages.--The President of the Senate shall appoint pages. The President, or such person as he may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 14 years of age.

RULE 61. Sergeant-at-Arms.--(a) There shall be 14 positions of Assistant Sergeants-at-Arms to be appointed by the Sergeant-at-Arms who are to work under his supervision and to be assigned such duties and powers as he shall direct.

(b) The Sergeant-at-Arms shall be responsible for the safety of the members and employees of the Senate while in the Senate Chamber, or any place in which the Senate or its committees are in session.

(c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by orders of the Senate and signed by the President of the Senate, and said warrants and subpoenas shall be returnable to the Principal Clerk of the Senate.

RULE 62. Principal Clerk's staff.--The Principal Clerk of the Senate shall employ all necessary employees and clerks required to carry out the duties of his office. The Principal

Clerk shall have supervision and control, and shall assign such duties and powers as he shall direct to his employees and clerks.

RULE 63. Committee Clerks.--(a) The President of the Senate shall appoint clerks to such committees as he may deem necessary and appropriate.

(b) All Committee Clerks, when not in attendance upon the direct duties connected with their committee shall report to the Supervisor of Committee Clerks for such duties as may be assigned to them upon approval by Committee Chairmen.

RULE 64. Senate Journal.--The Principal Clerk shall prepare and be responsible for the Journal. The Committee on Rules and Operation of the Senate shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

RULE 65. (Reserved for future addition to rules)

VIII. General Rules

RULE 66. President to sign papers.--All acts, addresses and resolutions, and all warrants and subpoenas issued by order of the Senate shall be signed by the President.

RULE 67. Admission to the floor of the Senate.--No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the President shall be admitted to the floor of the Senate during its session. No registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session.

RULE 68. Privileges of the floor.--Any group or

individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the Committee on Rules and Operation of the Senate.

RULE 69. News media.--The President is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of news media; and the President shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

RULE 70. Absence without leave.--No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is absent without leave.

RULE 71. Placing material on Senators' desks.--Any person other than a member of the Senate desiring to place articles of any kind on or about desks in the Senate Chamber or in the offices of the members of the Senate shall make written application to, and obtain written approval from, the Principal Clerk of the Senate.

RULE 72. Assignment of offices.--The Chairman of the Committee on Rules and Operation of the Senate, subject to the approval of the Committee, is authorized to make assignments of committee rooms and offices to designated committees, chairmen, and members of the Senate. The office adjacent to any committee room assigned to a principal committee by the Chairman of the Committee on Rules and Operation of the Senate, subject to the approval of the Committee on Rules and Operation of the Senate, shall be automatically assigned to the chairman of the principal committee. In making such assignments of individual offices, the said Rules Committee Chairman shall give preferential consideration to the respective members according to the length

of service which each member has rendered in the General Assembly.

RULE 73. Administrative rules and regulations involving Senate employees.--All administrative rules, regulations and orders involving all individuals employed to perform duties for the Senate, other than those appointed by the Principal Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and Operation of the Senate.

RULE 74. Notice of public hearings.--Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press and the information shall be posted in the places designated by the Principal Clerk.

RULE 75. Public hearings, filing of written statements.--Persons desiring to appear and be heard at a public hearing are encouraged to file [with the chairman of the committee] a brief or a written statement of the remarks to be made at least 24 hours before the time of the hearing.

RULE 76. Voting in joint sessions.--When any Senate Committee sits jointly with the House Committee, the Senate Committee reserves the right to vote separately from the House Committee.

RULE 77. Alterations, suspension or rescission of rules.--~~[No rule of the Senate shall be altered, suspended, or rescinded except by a unanimous vote of the Senators present.]~~ [(a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the Senators present and voting. The introducer of the resolution must, on the floor of the Senate, give notice of his intent to introduce the resolution on the legislative day

preceding its introduction.

(b) Except as otherwise provided herein, the Senate, upon two-thirds vote of the Senators present and voting, may temporarily suspend any of these rules.]

[Sec. 2/ ANY MODIFICATION TO THESE PERMANENT SENATE RULES SHALL BE MADE BY SENATE SIMPLE RESOLUTION.]

Sec. [7][2]. This resolution shall become effective upon its adoption.

Appendix

Appendix

Resolutions—1977

S. R. 879

RESOLUTION 78

A JOINT RESOLUTION ESTABLISHING A SPECIAL INTERIM JOINT COMMITTEE TO STUDY THE RULES OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is established the Special Interim Joint Committee to study the Rules of the General Assembly of North Carolina.

Sec. 2. The committee members shall be appointed as follows: three members of the House of Representatives by the Speaker of the House, and three members of the Senate by the President Pro Tempore of the Senate.

Sec. 3. The committee shall study the current issues related to changing the rules of either House of the General Assembly, including the possibility of beginning a system with some Joint Rules; and the committee shall propose drafts of new rules if appropriate.

Sec. 4. The committee shall function as a Joint Committee of the General Assembly and shall have authority under the appropriate provisions of Article 5 and Article 5A of G.S. Chapter 120.

Sec. 5. The committee shall report to the 1979 General Assembly.

Sec. 6. This resolution shall become effective on July 1, 1977.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.



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