

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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**HOUSE RESOLUTION 1**

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Sponsors: Representative Baddour.

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Referred to:

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January 27, 1999

1 A HOUSE RESOLUTION ADOPTING THE TEMPORARY RULES OF THE  
2 REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF  
3 REPRESENTATIVES OF THE 1999 GENERAL ASSEMBLY.

4 Be it resolved by the House of Representatives:

5 Section 1. The temporary rules of the Regular Sessions of the House of  
6 Representatives of the 1999 General Assembly are:

7 **TEMPORARY RULES OF THE REGULAR SESSIONS OF THE**  
8 **HOUSE OF REPRESENTATIVES OF THE 1999**  
9 **GENERAL ASSEMBLY OF NORTH CAROLINA**

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19 **I. ORDER OF BUSINESS**

20 **RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday**  
21 **Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by  
22 the House. In the event the House adjourns on the preceding legislative day without

1 having fixed an hour for reconvening, the House shall convene on the next legislative day  
2 at 2:00 p.m. During January and February of 1999, no sessions may be held on Friday.  
3 No session shall continue after 10:00 p.m. on Monday nor after 9:00 p.m. on any other  
4 days, and the Speaker shall adjourn the House without motion at that point, except that a  
5 motion may be made as to the time and day of next convening. No session shall be held  
6 on Sunday.

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

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

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

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

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

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

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

- 1 b. Local bills (roll call) second reading
- 2 c. Local bills third reading
- 3 d. Local bills second reading
- 4 e. Public bills (roll call) third reading
- 5 f. Public bills (roll call) second reading
- 6 g. Public bills and resolutions, third reading
- 7 h. Public bills and resolutions, second reading;
- 8 (11) Reading of notices and announcements; but messages and motions to
- 9 elect officers shall always be in order.

## 10 II. CONDUCT OF DEBATE

11 **RULE 6. Duties and Powers of the Speaker.** – The Speaker shall have  
12 general direction of the Hall. With the consent of or in the absence of the Speaker Pro  
13 Tempore, the Speaker may name any member to perform the duties of the Chair, but  
14 substitution shall not extend beyond one day, except in the case of sickness or by leave of  
15 the House.

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

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

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

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

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

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

1 House. A two-thirds (2/3) vote of the members present shall be necessary to sustain any  
2 appeal from the ruling of the Chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 5 III. MOTIONS

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

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

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

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

18 To adjourn

19 To lay on the table

20 Previous question

21 To postpone indefinitely

22 To reconsider

23 To postpone to a day certain

24 To re-refer

25 To amend an amendment

26 To amend

27 To substitute

28 To pass the bill

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 32 (1) The Chair of the Committee on Rules, Calendar, and Operations of the  
33 House;
- 34 (2) The majority leader;
- 35 (3) The Speaker Pro Tempore;
- 36 (4) The member submitting the report on the bill or other matter under  
37 consideration, by the member introducing the bill or other matter under  
38 consideration; or
- 39 (5) The member in charge of the measure, who shall be designated by the  
40 Chair of the standing committee or permanent subcommittee reporting  
41 the same to the House at the time the bill or other matter under  
42 consideration is reported to the House or taken up for consideration.

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

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

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

#### 9 IV. VOTING

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

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

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

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

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

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

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

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

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

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

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



- 1 (8) To amend an amendment
- 2 (9) To amend
- 3 (10) To substitute
- 4 (11) To concur or not concur
- 5 (12) Miscellaneous

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

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

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

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

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

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

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

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

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

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

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

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



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

4 (i) The Speaker Pro Tempore, Majority Leader, two Majority Whips, and one  
 5 member designated by the Speaker at the time of appointments of chairs of standing  
 6 committees are ex officio members of every standing committee and permanent  
 7 subcommittee, with the right to vote. No more than four of these persons may vote under  
 8 the authority of this subsection at any committee meeting.

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

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

Committees	Subcommittees
Aging (None)	
Agriculture	(None)
Alcoholic Beverage Control	(None)
Appropriations	-Capital
	-Education
	-General Government
	-Health and Human Services
	-Justice and Public Safety
	-Natural and Economic
Resources	
	-Transportation
Children, Youth and Families	(None)
Cultural Resources	(None)
Economic Growth and Community Development	(None)
Education-Community Colleges	
—	-Pre-School, Elementary and Secondary Education
	-Universities
Election Law and Campaign Finance Reform	(None)

1  
2 Environment and  
3 Natural Resources\_ (None)  
4  
5 Ethics\_(None)  
6  
7 Finance (None)  
8  
9 Financial Institutions (None)  
10  
11 Health(None)  
12  
13 Highway Safety (None)  
14  
15 Insurance (None)  
16  
17 Judiciary I (None)  
18  
19 Judiciary II (None)  
20  
21 Judiciary III (None)  
22  
23 Judiciary IV (None)  
24  
25 Law Enforcement (None)  
26  
27 Local Government I (None)  
28  
29 Local Government II (None)  
30  
31 Marine Fisheries (None)  
32  
33 Mental Health (None)  
34  
35 Military, Veterans and  
36 Indian Affairs (None)  
37  
38 Occupational Safety and Health (None)  
39  
40 Pensions and Retirement (None)  
41  
42 Public Health (None)  
43

1 Public Utilities (None)  
2  
3 Rules, Calendar, and  
4 Operations of the House (None)  
5  
6 Small Business (None)  
7  
8 State Parks and Properties (None)  
9  
10 State Personnel (None)  
11  
12 Technology (None)  
13  
14 Transportation (None)  
15  
16 Travel and Tourism (None)  
17  
18 University Board of Governors  
19 Nominating (None)  
20  
21 Ways and Means (None)  
22  
23 Welfare Reform (None)  
24  
25 Wildlife Resources (None)

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

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

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

42 (d) Procedure in the standing committees and permanent subcommittees shall be  
43 governed by the rules of the House, so far as the same may be applicable to such

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

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

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

17 (1) 15 minutes preceding a regular session of the House, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 14 VI. HANDLING OF BILLS

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

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

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

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

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

37 "House Substitute for \_\_\_\_\_" or "House Committee Substitute for \_\_\_\_\_".

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

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

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



1        **RULE 31.1. Deadlines on Introduction and Receipt of Limitation on Number of**  
2 **Public Bills Introduced; Single Subject Rule.** – (a) All public bills or resolutions  
3 recommended by commissions or standing committees authorized or directed by act or  
4 resolution of the General Assembly to report to the 1999 Regular Session of the General  
5 Assembly, or to report prior to convening of that session, must have been submitted to  
6 the Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on the fourth  
7 Wednesday in February (February 24) and must be introduced not later than 3:00 p.m. on  
8 the next Wednesday (March 3) of the first year of the biennial session; and

9            (a1) All bills prepared to be introduced for departments, agencies, or  
10 institutions of the State must have been submitted to the Bill Drafting Division of the  
11 Legislative Services Office by 4:00 p.m. on the fourth Wednesday in February (February  
12 24) and must be introduced not later than 3:00 p.m. on the next Wednesday (March 3). A  
13 bill introduced under this subsection shall be identified as an Agency Bill after its short  
14 title.

15            (a2) All local bills must have been submitted to the Bill Drafting Division of  
16 the Legislative Services Office by 4:00 p.m. on the fourth Wednesday in March (March  
17 24) and must be introduced not later than 3:00 p.m. on the next Wednesday (March 31) of  
18 the first year of the biennial session.

19            (b) All public bills which would not be required to be re-referred to the  
20 Appropriations or Finance Committees under Rule 38 must have been submitted to the  
21 Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on the first  
22 Wednesday in April (April 7) and must be introduced not later than 3:00 p.m. on the next  
23 Wednesday (April 14) of the first year of the biennial session.

24            (c) All public bills which under Rule 38 would be required to be re-referred to the  
25 Appropriations Committee, or to both the Appropriations and Finance Committees, must  
26 have been submitted to the Bill Drafting Division of the Legislative Services Office by  
27 4:00 p.m. on the third Wednesday in April (April 21) and must be introduced not later  
28 than 3:00 p.m. on the next Wednesday (April 28) of the first year of the biennial session.  
29 All public bills which under Rule 38 would be required to be re-referred to the Finance  
30 Committee but not the Appropriations Committee must have been submitted to the Bill  
31 Drafting Division of the Legislative Services Office by 4:00 p.m. on the first Wednesday  
32 in May (May 5) and must be introduced not later than 3:00 p.m. on the next Wednesday  
33 (May 12) of the first year of the biennial session. If any bill is eligible for introduction on  
34 account of the date only under this subsection, and the bill is amended so that qualifying  
35 appropriation or tax law change does not remain in the bill, it shall not be eligible for  
36 further consideration. For the purpose of this section, a "tax law change" includes any  
37 provision that would require a bill under Rule 38(b) to be referred to the Standing  
38 Committee on Finance.

39            (d) In order to be eligible for consideration by the House during the first Regular  
40 Session, all Senate bills other than finance or appropriations bills which would be  
41 required to be re-referred to the Appropriations or Finance Committees under Rule 38 or  
42 adjournment resolutions, must be received and read on the floor of the House as a  
43 message from the Senate no later than April 29; provided that a message from the Senate

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

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

8 (e) This rule, other than subsection (d1), does not apply to bills establishing  
9 districts for Congress or State or local entities. This rule, other than subsection (d1), does  
10 not apply to measures ratifying an amendment or amendments to the Constitution of the  
11 United States.

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

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

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

1 Any recommendation of favorable or without prejudice may include a  
2 recommendation of re-referral to another standing committee. After a bill is reported to a  
3 standing committee by a permanent subcommittee of that standing committee, the  
4 standing committee Chair may re-refer the bill to another permanent subcommittee of  
5 that standing committee.

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

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

14 **RULE 34. Introduction of Resolutions and Bills, Copies Required.** – (a)

15 Whenever any resolution or bill is introduced, a duplicate copy thereof shall be  
16 attached thereto, and the Principal Clerk shall cause said duplicate copy to be numbered  
17 as the original resolution or bill is numbered, and shall cause the same to be available at  
18 all times to the member introducing the same.

19 (b) Numbering of House Bills shall be designated as "H.B. \_\_\_\_." (No. following).  
20 A Joint Resolution shall be designated as "H.J.R. \_\_\_\_." (No. following). A House  
21 Resolution shall be designated as "H.R. \_\_\_\_." (No. following).

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

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

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

41 **RULE 35.1. Assessment Reports.** – (a) Every bill or resolution proposing the  
42 establishment of an occupational or professional licensing board, as defined in Article  
43 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a

1 board shall have attached to the jacket of the original bill or resolution at the time of its  
2 consideration on second and third readings by the House or by any standing committee or  
3 permanent subcommittee of the House, an assessment report from the Legislative  
4 Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the  
5 General Statutes. The assessment report shall not constitute any part of the expression of  
6 legislative intent proposed by the formation of a licensing board. Upon receipt of the  
7 request, the Legislative Committee on New Licensing Boards shall prepare and return the  
8 assessment report as soon as possible but not later than 60 days, reserving the right to  
9 extend this time to 90 days.

10 (b) Every legislative proposal introduced in the House of Representatives, or  
11 received in the House of Representatives from the Senate, proposing the incorporation of  
12 a municipality shall have attached to the jacket of the original bill at the time of its  
13 consideration on second or third readings by the House of Representatives or by any  
14 committee of the House of Representatives prior to a favorable report, a recommendation  
15 from the Joint Legislative Commission on Municipal Incorporations, established by  
16 Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint  
17 Legislative Commission on Municipal Incorporations shall be made in accordance with  
18 the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes  
19 and shall include the findings required to be made by G.S. 120-166 through G.S. 120-  
20 170.

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

22 (a) **When reports required.** – All House bills and resolutions shall be reported from the  
23 standing committee or permanent subcommittee to which referred with such  
24 recommendations as the standing committee or permanent subcommittee may desire to  
25 make except in the case where the principal introducer requests in writing to the Chair of  
26 the standing committee or permanent subcommittee that the bill not be considered.

27 With the written approval of the Chair of the standing committee and with the  
28 recommendation of the subcommittee pursuant to Rule 32(b)(4) through (6), the Chair of  
29 the permanent subcommittee may report the bill directly to the floor with that  
30 recommendation. If a permanent subcommittee recommends reporting a bill to the floor  
31 and the Chair of the standing committee fails to give approval, the bill shall be deemed to  
32 have been reported to the standing committee with the same recommendation as the  
33 subcommittee would have made to the House.

34 (b) **Favorable Report.** – When a standing committee or permanent subcommittee  
35 reports a bill with the recommendation that it be passed, the bill shall be placed on the  
36 favorable calendar on the day designated by the Chair of the Committee on Rules,  
37 Calendar, and Operations of the House, but no later than the fourth legislative day after  
38 submission of the report, unless:

- 39 (1) The bill is re-referred to the Committee on Appropriations or  
40 Committee on Finance under Rule 38 or was serially referred under  
41 Rule 32; or

1           (2) The bill has not yet been placed on the calendar, and the Speaker no  
2           later than the end of the next legislative day after the committee report  
3           refers the bill to another committee.

4 In order to place a bill on the calendar for a legislative day, notice shall be given orally in  
5 the House or in writing to the Principal Clerk. When a committee substitute is adopted  
6 and receives a favorable report by the committee or permanent subcommittee, the  
7 standing committee or permanent subcommittee Chair shall submit to the standing  
8 committee or permanent subcommittee the question of an unfavorable report on the  
9 original bill. The standing committee's or permanent subcommittee's action, if any, on  
10 the original bill shall be reported at the same time the committee substitute is reported.

11       (c) **Report Without Prejudice.** – When a standing committee or the Local,  
12 Regional, and State Revenues Subcommittee reports a bill without prejudice, the bill shall  
13 be placed on the favorable calendar in the same manner as provided in subsection (a) of  
14 this rule.

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

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

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

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

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

41       (c) The fiscal note shall be prepared by the Fiscal Research Division on a form  
42 approved by the Rules, Calendar, and Operations of the House Committee as to content  
43 and form and signed by the staff member or members preparing it. If no estimate in

1 dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided.  
2 The fiscal note shall not comment on the merit but may identify technical problems. The  
3 Fiscal Research Division shall make the fiscal note available to the membership of the  
4 House.

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

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

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

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

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

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

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

37 (c) The sponsor of the bill or resolution shall also present a copy of the measure to  
38 the actuary employed by the system or program affected by the measure. Actuarial notes  
39 shall be prepared and transmitted to the sponsor of the measure not later than two weeks  
40 after the request is received, unless an extension of time is agreed to by the sponsor as  
41 being necessary in the preparation of the note. The actuarial note shall be attached to the  
42 jacket of the measure. The provisions of this subsection may be waived by the measure's  
43 sponsor for a measure affecting local government retirement or pension plans not

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

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

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

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

26 **RULE 36.4. Local Legislation Affecting State Highway System.** – A local  
27 bill affecting the State Highway System shall be referred to the Committee on  
28 Transportation.

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

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

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

36 (2) Requires or will require in the future substantial additional State monies  
37 from the General Fund or Highway Fund to implement its provisions,  
38 shall indicate same in the report, and said bill or resolution shall be  
39 referred to the Standing Committee on Appropriations for a further  
40 report before being acted upon by the House.

41 (b) All standing committees, other than the Standing Committee on Finance, when  
42 favorably reporting any bill which in any way or manner raises revenue, reduces revenue,  
43 levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the

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

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

10 **RULE 39. Recall of Bill From Standing Committee.** – (a) When a House  
11 bill has been introduced and referred to a standing committee, or when a Senate bill has  
12 been referred to a standing committee, if after 10 legislative days the standing committee  
13 has failed to report the bill, then the introducer of the House bill or some member  
14 designated by him, or some House member designated by the introducer of the Senate  
15 bill, may, after three legislative days' public notice given in the House and delivered in  
16 writing to the Chair of the standing committee, on motion supported by a vote of three-  
17 fifths (3/5) of the members of the House, recall the same from the standing committee to  
18 the floor of the House for consideration and such action thereon as a majority of the  
19 members present may direct.

20 (b) This rule shall not be temporarily suspended without one day's notice on  
21 the motion given in the House and delivered in writing to the Chair of the standing  
22 committee, and to sustain that motion two-thirds (2/3) of the members of the House shall  
23 be required.

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

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

38 (b) When a House bill has been introduced and referred to a committee, or  
39 when a Senate bill has been referred to a committee, if after 10 legislative days the  
40 committee has failed to report the bill, then the Speaker may during session, after three  
41 legislative days' public notice given in the House and delivered in writing to the Chair of  
42 the standing committee, re-refer the bill to another committee.



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

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

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

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

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

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

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

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

40           Only one principal (first degree) amendment shall be pending at any one time.  
41 If a subsequent or substitute principal amendment shall be offered, the Speaker shall rule  
42 it out of order. However, any member desiring to offer a subsequent or substitute  
43 principal amendment in opposition to the pending amendment may inform the House by

1 way of argument against the pending amendment that if it is defeated the member  
2 proposes to offer another principal amendment, and the member may then read and  
3 explain such proposed amendment.

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

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

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

13 **RULE 43.3. Committee Substitutes Adopted by the Senate to Bills Originating in the**  
14 **House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever  
15 the Senate has adopted a committee substitute for a bill originating in the House, and has  
16 returned the bill to the House for concurrence in that committee substitute, the House  
17 may not concur in that committee substitute until the next legislative day following the  
18 day on which the House receives that committee substitute.

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

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

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

33 If the committee substitute was referred to standing committee, the standing  
34 committee shall:

- 35 (1) Report the bill with the recommendation either that the House do concur  
36 or that the House do not concur; and  
37 (2) Advise the Speaker as to whether or not that committee substitute is a  
38 material amendment under Article II, Section 23 of the State's  
39 Constitution.

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

42 (e) If the committee substitute for a bill is a material amendment, the receiving  
43 of that bill on messages shall constitute first reading and the question before the House

1 shall be concurrence on second reading. If the motion is passed, the question then shall  
2 be concurrence on third reading on the next legislative day.

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

5 **RULE 44. Conference Standing Committees.** – (a) Whenever the House shall  
6 decline or refuse to concur in amendments put by the Senate to a bill originating in the  
7 House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating  
8 in the House or whenever the Senate shall decline or refuse to concur in amendments put  
9 by the House to a bill originating in the Senate, or shall refuse to concur in a substitute  
10 adopted by the House for a bill originating in the Senate, a conference committee may be  
11 appointed by the Speaker upon the Speaker's own motion or shall be appointed upon  
12 request by the principal sponsor of the original bill, the Chair of the House standing  
13 committee which reported the bill, or by the sponsor of the amendment in which the  
14 Senate refused to concur; and the bill under consideration shall thereupon go to and be  
15 considered by the joint conferees on the part of the House and Senate. In appointing  
16 members to conference committees, the Speaker shall appoint no less than a majority of  
17 members who generally supported the House position as determined by the Speaker.

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

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

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

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

## 30 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

31 **RULE 45. Elected Officers.** – (a) The House shall elect one of its members  
32 Speaker.

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

37 (c) The House shall elect a Principal Clerk, who shall continue in office until  
38 another is elected. The Speaker shall appoint a Reading Clerk and a Sergeant-at-Arms,  
39 who shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and  
40 Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent  
41 with these rules, as the Speaker may assign. Unless directed otherwise by the Speaker on  
42 behalf of the House, the Principal Clerk or an employee designated by the Principal Clerk  
43 shall receive House bills not approved by the Governor. In addition, the Sergeant-at-

1 Arms may assign the Reading Clerk additional duties, to be performed while the House is  
2 not in its daily session.

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

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

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

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

13 **RULE 48. Member's Staff.** – (a) Each standing committee and permanent  
14 subcommittee shall have a committee assistant. The committee assistant to a standing  
15 committee or permanent subcommittee shall serve as staff to the Chair of the standing  
16 committee or permanent subcommittee.

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

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

30 **RULE 49. Compensation of Legislative Assistants.** – No clerk, committee  
31 assistant, legislative assistant, office assistant, or other person employed or appointed  
32 under Rules 46, 47, and 48 hereof shall receive during such employment, appointment, or  
33 service, any compensation from any department of the State government, and there shall  
34 not be voted, paid, or awarded any additional pay, bonus, or gratuity to any of them; but  
35 they shall receive only the pay now provided by law for such duties and services.

### 36 **VIII. PRIVILEGES OF THE HALL**

37 **RULE 50. Admittance to Floor.** – No person except members, officers, and  
38 employees of the General Assembly who have been issued identification tags as provided  
39 by this rule, and former members of the General Assembly who are not registered under  
40 the provisions of Article 9 of Chapter 120 of the General Statutes of North Carolina shall  
41 be allowed on the floor of the House during its session, unless permitted by the Speaker  
42 or otherwise provided by law. Employees of the General Assembly shall wear



1 following the adjournment of the session during which such bill or resolution was first  
2 read and referred.

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

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

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

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

23 **RULE 61.1. Office Assignments.** – The Chair of the Standing Committee on  
24 Rules, Calendar, and Operations of the House shall assign to each member an office  
25 space. When available, Chairs of standing committees and permanent subcommittees  
26 shall be assigned an office adjacent to the room in which the standing committee or  
27 permanent subcommittee generally meets if the Chair so desires. The Speaker shall be  
28 assigned an office of his or her choice.

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

36 (b) It shall be the duty of the Chair of the Standing Committee on Rules, Calendar,  
37 and Operations of the House of the prior House to assign seats to the members of the  
38 House of Representatives in its Chamber. In the case of the inability or refusal to serve  
39 of the Chair of the Standing Committee on Rules, Calendar, and Operations of the House,  
40 the Speaker of the prior House of Representatives shall appoint a person to assign seats to  
41 members of the House of Representatives in its Chamber. In the event that the party that  
42 had a majority of members in the prior House will no longer have a majority of members  
43 of the new House, then the duty assigned in this subsection to the Chair of the committee

1 of the prior House shall instead be the duty of the person nominated as Speaker by the  
2 majority party caucus for the new House, or some member-elect designated by the  
3 Speaker-nominee. In the event no party will have a majority, then the duty assigned in  
4 this subsection to the Chair of the committee of the prior House shall instead be the joint  
5 duty of one person chosen each by the caucuses of the two parties having the greatest  
6 numbers of members.

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

10           Section 2. This resolution is effective upon adoption.