

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**HOUSE RESOLUTION 19
Committee Substitute Favorable 2/16/11**

Sponsors:

Referred to:

February 1, 2011

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

3 Be it resolved by the House of Representatives:

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

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

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I. Order of Business

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

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

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

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

34 (b) Should the point of a quorum be raised, the doors shall be closed, and the
35 Clerk shall call the roll of the House, after which the names of those not responding shall again
36 be called. In the absence of a quorum, 15 members are authorized to compel the attendance of
37 absent members and may order that absentees for whom no sufficient excuses are made be
38



1 taken into custody wherever they may be found by special messenger appointed for that
2 purpose.

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

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

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

- 15 (1) The receiving of petitions, memorials, and papers addressed to the General
16 Assembly or to the House;
- 17 (1a) Messages from the Governor;
- 18 (2) Ratification of bills;
- 19 (3) Reports of standing committees and permanent subcommittees;
- 20 (4) Reports of select committees;
- 21 (5) Reports of referral by standing committee Chairs of bills to permanent
22 subcommittees;
- 23 (6) First reading and reference to committee of bills and resolutions;
- 24 (7) Messages from the Senate;
- 25 (8) Concurrence with Senate amendments or Senate committee substitutes;
- 26 (9) The unfinished business of the preceding day;
- 27 (10) Calendar (each category in accordance with Rule 40 – House bills first):
 - 28 a. Resolutions for adoption
 - 29 b. Conference reports for adoption
 - 30 c. Local bills (roll call), third reading
 - 31 d. Local bills (roll call), second reading
 - 32 e. Local bills, third reading
 - 33 f. Local bills, second reading
 - 34 g. Public bills (roll call), third reading
 - 35 h. Public bills (roll call), second reading
 - 36 i. Public bills and resolutions, third reading
 - 37 j. Public bills and resolutions, second reading;
- 38 (11) Reading of notices and announcements.

39 **II. Conduct of Debate**

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

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

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

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

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

10 (2) A point of order,

11 (3) A parliamentary inquiry, or

12 (4) A question of privilege.

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

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

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

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

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

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

41 (d) In computing the time allowed for argument, the time consumed in
42 answering questions should be considered and is taken out of any time allowed that member.

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

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

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

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

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

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

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

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

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

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

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

29 (2) A motion to postpone indefinitely,

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

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

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

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

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

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

39 (2) The Majority Leader;

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

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

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

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

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

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

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

9 IV. Voting

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

13 (1) The passage as required by Article II, Section 23 of the North Carolina
14 Constitution 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 unit
19 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 questions on which a call for the ayes and noes under Rule 24(a) and
24 Article II, Section 19 of the North Carolina Constitution has been sustained.

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

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

30 (b) Votes on the following questions shall be taken on the electronic voting
31 system:

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

37 (2) Upon a call for division.

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

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

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

48 (e) When the electronic voting system is used, the Speaker shall state the
49 question and shall then state substantially the following: "All in favor vote 'aye'; all opposed
50 vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must
51 vote by the electronic voting system within the time allowed for that vote, unless the voting

1 station assigned to a member is malfunctioning. The Speaker shall enforce this rule without
2 exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will
3 now lock the machine and record the vote." After the machine is locked and the vote recorded,
4 the Speaker shall announce the vote and declare the result.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Committees	Subcommittees
Agriculture	(None)
Appropriations	-Education -General Government -Health and Human Services -Justice and Public Safety -Natural and Economic Resources -Transportation
Banking	(None)
Commerce and Job Development	-Alcoholic Beverage Control -Business and Labor -Science and Technology
Education	(None)
Elections	(None)
Environment	(None)
Ethics	(None)
Finance	(None)
Government	(None)
Health and Human Services	-Mental Health
Homeland Security, Military, and Veterans Affairs	(None)

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

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

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

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

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

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

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

- 1 (1) 15 minutes preceding a regular session of the House, and
- 2 (2) 10 minutes preceding the hour of the next regularly scheduled standing
- 3 committee or permanent subcommittee meeting.

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

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

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

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

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

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

- 27 (1) Dismiss the complaint and take no further action.
- 28 (2) Issue a private letter of reprimand to the legislator, if the legislator
- 29 unintentionally violated the provisions of the Open Meetings Law.
- 30 (3) Issue a public letter of reprimand if the violation of the Open Meetings Law
- 31 was intentional or if the legislator has previously received a private letter of
- 32 reprimand. The Chair of the Committee on Ethics shall have the public letter
- 33 of reprimand spread on the pages of the House Journal.
- 34 (4) Refer the matter to the House for appropriate action.

35 **RULE 29. Notice of Standing Committee and Permanent Subcommittee**
36 **Meetings and Hearings.** – (a) Notice of meetings of standing committees and permanent
37 subcommittees that will occur at the regularly scheduled meeting times shall be given by one or
38 both of the following methods:

- 39 (1) Notice given openly at a session of the House; or
- 40 (2) Notice mailed or sent by electronic mail to those who have requested notice,
- 41 and to the Legislative Services Office, which shall post the notice on the
- 42 General Assembly Web site.

43 (b) Notice of all other meetings shall be given in the House. If the meeting is
44 scheduled to occur after adjournment, notice shall also be given by electronic mail and posting
45 on the General Assembly Web site.

46 (c) The chair of the standing committee or permanent subcommittee shall notify or
47 cause to be notified the sponsor of each bill which is set for hearing or consideration before the
48 standing committee or permanent subcommittee as to the date, time, and place of that meeting.

49 **RULE 29.1. Public Hearings.** – (a) Requests for a public hearing shall be made in
50 writing to the chair of the standing committee and, if applicable, the chair of the permanent
51 subcommittee to which the bill has been referred. The chair of the standing committee may

1 schedule a public hearing by the standing committee as a whole after the adjournment of a
2 regular daily House session. The chair of the permanent subcommittee may schedule a public
3 hearing before the permanent subcommittee at its regularly scheduled hour. Denial of a request
4 made by a House member may be appealed to the Speaker.

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

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

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

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

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

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

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

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

37 **VI. Handling of Bills**

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

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

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

1 (d) All bills and resolutions shall show in their captions a brief descriptive
2 statement of the true substance of same, which captions may thereafter be amended.
3 Amendments to captions of bills are in order only if the amendment is germane to the bill.
4 Third reading shall not be had on any bill or resolution on the same day that such caption is
5 amended.

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

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

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

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

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

19 (b) All public bills or resolutions recommended by commissions or standing
20 committees authorized or directed by act or resolution of the General Assembly to report to the
21 2011 Regular Session of the General Assembly, or to report prior to convening of that session,
22 must have been submitted to the Bill Drafting Division of the Legislative Services Office by
23 4:00 P.M. on Tuesday, March 1, 2011, and must be introduced not later than 3:00 P.M. on
24 Wednesday, March 9, 2011; and

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

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

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

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

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

50 (h) In order to be eligible for consideration by the House during the first Regular
51 Session, all Senate bills other than finance or appropriations bills which would be required to

1 be re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment
2 resolutions must be received and read on the floor of the House as a message from the Senate
3 no later than Thursday, May 12, 2011; provided that a message from the Senate received by the
4 next legislative day stating that a bill has passed its third reading and is being engrossed shall
5 comply with the requirements of this subsection and provided that the Senate has a similar rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 **RULE 36. Report by Standing Committee or Permanent Subcommittee.** – (a)
51 **Reports.** – Bills and resolutions may be reported from the standing committee or permanent

1 subcommittee to which referred with such recommendations as the standing committee or
2 permanent subcommittee may desire to make. With the written approval of the chair of the
3 standing committee and with the recommendation of the subcommittee pursuant to Rule
4 32(b)(4) through (6), the chair of the permanent subcommittee may report the bill directly to
5 the floor with that recommendation. If a permanent subcommittee recommends reporting a bill
6 to the floor and the chair of the standing committee fails to give approval, the bill shall be
7 deemed to have been reported to the standing committee with the same recommendation as the
8 subcommittee would have made to the House.

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

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

17 (2) The bill has not yet been placed on the calendar, and the Speaker refers the
18 bill to another committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 being acted upon by the House. This subsection shall not apply to bills only imposing fines,
2 forfeitures, or penalties.

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

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

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

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

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

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

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

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

- 50 (1) Been tabled,
- 51 (2) Been postponed indefinitely,

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

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

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

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

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

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

28 (1) Amendments cannot increase total spending within a subcommittee area
29 beyond the total for that subcommittee as shown in the committee report.

30 (2) Amendments can only affect appropriations within the departments,
31 agencies, or programs within the jurisdiction of the subcommittee.

32 (3) Amendments cannot increase total spending, from any source, beyond the
33 total amount shown in the committee report.

34 (4) Amendments that cause the budget to be unbalanced are not in order.

35 (5) Amendments cannot spend reversions.

36 (6) Amendments cannot make nonrecurring reductions to fund recurring items.

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

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

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

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

50 **"Revenue bills.** – No law shall be enacted to raise money on the credit of the State, or to
51 pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any

1 tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the
2 bill for the purpose shall have been read three several times in each house of the General
3 Assembly and passed three several readings, which readings shall have been on three different
4 days, and shall have been agreed to by each house respectively, and unless the yeas and nays on
5 the second and third readings of the bill shall have been entered on the journal."

6 If the committee substitute was referred to standing committee, the standing
7 committee shall:

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

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

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

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

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

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

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

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

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

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

51 VII. Legislative Officers and Employees

1 by law. Employees of the General Assembly shall wear identification tags, approved by the
2 Legislative Services Officer, when on the floor of the House.

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

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

12 **RULE 53. Order in House Chamber, Galleries, and Lobby.** – In case of any
13 disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or
14 other presiding officer is empowered to order the same to be cleared to the extent they deem
15 necessary.

16 **IX. General Rules**

17 **RULE 54. Attendance of Members.** – No member or officer of the House shall be
18 absent from the service of the House without leave, unless from sickness or disability.

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

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

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

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

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

36 **RULE 59. Cosponsorship of Bills and Resolutions.** – (a) Except by leave of the
37 primary sponsor, no member may be listed as an additional primary sponsor on a bill after the
38 bill has been filed. Any member not listed as a cosponsor on the draft edition who wishes to
39 cosponsor a bill or resolution which has been introduced may do so by 5:00 p.m. of the
40 calendar day following the adjournment of the session during which such bill or resolution was
41 first read and referred, but only electronically under procedures approved by the Principal
42 Clerk.

43 (b) Members wishing to cosponsor legislation prior to preparation of the draft
44 should indicate such to the drafter at the time the bill is requested and before filing the bill with
45 the Principal Clerk's office. The names of the members who are the primary sponsors shall be
46 listed in the order requested by them, followed by the words (Primary Sponsors); and the
47 remaining names of such members cosponsoring shall follow on the draft edition and first
48 edition. No more than four members may be listed as primary sponsors. Names of persons
49 cosponsoring bills thereafter under subsection (a) of this Rule do not appear on subsequent
50 editions but shall be listed in the bill status system as cosponsors.

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

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

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

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

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

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

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

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