

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE RESOLUTION 1

Sponsors: Representative Lewis.

Referred to: Calendar 1/11/2017

January 11, 2017

1 A HOUSE RESOLUTION ADOPTING THE TEMPORARY RULES OF THE HOUSE OF
2 REPRESENTATIVES FOR THE 2017 REGULAR SESSION.

3 Be it resolved by the House of Representatives:

4 **SECTION 1.** The temporary rules of the Regular Session of the House of
5 Representatives of the 2017 General Assembly are:

6 **TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES FOR THE REGULAR**
7 **SESSION OF THE 2017 GENERAL ASSEMBLY OF NORTH CAROLINA**

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17 **I. Order of Business**

18 **RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday Legislative**
19 **Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the
20 event the House adjourns on the preceding legislative day without having fixed an hour for
21 reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and
22 February of 2017, no sessions may be held on Friday. Without leave of the House, no session shall
23 continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall
24 adjourn the House without motion at that point, except that a motion may be made as to the time
25 and day of next convening. No votes shall be held on Sunday, except for votes on motions to
26 approve the journal and to adjourn.

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

30 **RULE 2. Opening the Session.** – The Sergeant-at-Arms shall clear the House five
31 minutes before the convening hour. At the convening hour on each legislative day, the Speaker
32 shall call the members to order and shall have the session opened with prayer. At the convening
33 hour, the Speaker, or the Speaker's designee, shall lead the members in the Pledge of Allegiance to
34 the American Flag.

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

37 (b) Should the point of a quorum be raised, the doors shall be closed, and the Clerk
38 shall call the roll of the House, after which the names of those not responding shall again be



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1 called. In the absence of a quorum, 15 members are authorized to compel the attendance of absent
2 members and may order that absentees for whom no sufficient excuses are made be taken into
3 custody wherever they may be found by special messenger appointed for that purpose.

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

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

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

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

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 day,
43 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 Speaker of
46 the House of Representatives, the Principal Clerk shall preside over the House until the House
47 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 question
4 to the member occupying the floor; but he or she shall not otherwise interrupt the member having
5 the floor, except as provided in subsection (c) of this rule; and the Speaker shall, without the point
6 of order being raised, enforce this rule.

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

21 **RULE 8.1. Statements of personal privilege; explanation of vote.** – Upon
22 recognition by the Speaker for that purpose, any member may speak to a question of personal
23 privilege for a time not exceeding three minutes and may use some or all of that time to explain to
24 the House a "Representative Statement of Personal Privilege." Upon motion supported by a
25 majority present and voting, that statement may be spread upon the Journal. Neither personal
26 privilege nor a Representative Statement of Personal Privilege may be used to explain a vote,
27 debate a bill, or in any way disrupt the regular business of the House, nor shall such opportunities
28 be used to solicit support or sponsors for any bill. The format of a Representative Statement of
29 Personal Privilege shall be prescribed by the Chairman of the Committee on Rules, Calendar, and
30 Operations of the House, but in any case shall speak only in the voice of the member submitting it.
31 The Speaker shall determine if the question raised is one of personal privilege and shall, without
32 the point of order being raised, enforce this rule.

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

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

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

46 (b) No member shall speak more than twice on the main question nor longer than
47 15 minutes for the first speech and five minutes for the second speech; nor shall the member speak
48 more than twice upon an amendment or motion to reconsider, re-refer, appeal, or postpone or any
49 motion on concurrence, and then not longer than 10 minutes for the first speech and five minutes
50 for the second speech.

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

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

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

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

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

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

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

20 (d) Food or beverages shall not be permitted on the floor of the House during the
21 first hour of the daily session.

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

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

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

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

31 (i) The use of a mobile device or cellular phone for the purpose of making or
32 receiving a phone call shall not be permitted in the House Chamber.

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

34 **III. Motions**

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

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

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

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

46 To adjourn.

47 To recess.

48 To lay on the table.

49 Previous question.

50 To postpone indefinitely.

51 To reconsider.

1 To postpone to a day certain.

2 To re-refer.

3 To amend an amendment.

4 To amend.

5 To pass the bill.

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

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

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

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

17 (b) A motion to table shall be decided without debate; however, the proponent of
18 the matter that is subject of the motion to table shall be given up to two minutes to explain the
19 matter subject to the motion to table if the proponent has not previously explained the matter prior
20 to the motion to table.

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

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

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

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

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

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

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

44 (2) A motion to postpone indefinitely,

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

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

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

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

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

- 1 (1) The Chair of the Committee on Rules, Calendar, and Operations of the House;
2 (1a) The Vice-Chair of the Committee on Rules, Calendar, and Operations of the
3 House if the Chair is not in the chamber or able to participate in debate;
4 (2) The Majority Leader;
5 (3) The member submitting the report on the bill or other matter under
6 consideration;
7 (4) The member introducing the bill or other matter under consideration;
8 (5) The member in charge of the measure, who shall be designated by the chair of
9 the standing committee reporting the same to the House at the time the bill or
10 other matter under consideration is reported to the House or taken up for
11 consideration.
- 12 (b) The previous question shall be as follows: "Shall the main question now be
13 put?" When the call for the previous question has been decided in the affirmative by a majority
14 vote of the House, the question is on the passage of the bill, resolution, or other matter under
15 consideration.
- 16 (c) The call for the previous question shall preclude all motions, amendments, and
17 debate, except the motion to adjourn, motion to recess, or motion to table.
- 18 (d) If the previous question is decided in the negative, the question remains under
19 debate.
- 20 (e) After the previous question is ordered by the House on the main question of
21 second or third reading, the Majority Leader and the Minority Leader may each allocate three
22 minutes of debate on the question. The Majority Leader and the Minority Leader may each
23 designate another member to act under this subsection.

24 IV. Voting

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

- 28 (1) The passage as required by Article II, Section 23 of the North Carolina
29 Constitution on second and third readings of any bill:
30 a. Raising money on the credit of the State,
31 b. Pledging the faith of the State for the payment of a debt,
32 c. Imposing a State tax, or
33 d. Authorizing a county, municipality, or other local governmental unit to:
34 1. Raise money on its credit,
35 2. Pledge its faith for the payment of a debt, or
36 3. Impose a local tax.
- 37 (2) All questions on which a call for the ayes and noes under Rule 24(a) and Article
38 II, Section 19 of the North Carolina Constitution has been sustained.
- 39 (3) Both second and third readings of bills proposing amendment of the North
40 Carolina Constitution or ratifying resolutions amending the United States
41 Constitution.
- 42 (4) The passage of a bill notwithstanding the Governor's veto thereof pursuant to
43 Article II, Section 22 of the North Carolina Constitution.
- 44 (b) Votes on the following questions shall be taken on the electronic voting system:
45 (1) Second reading of all public bills except resolutions, all amendments to public
46 bills offered after second reading, third reading if a public bill was amended
47 after second reading or if the reading occurs on a day or days following the
48 second reading, all conference reports on public bills, all motions to lay public
49 bills on the table, and all motions to postpone public bills indefinitely.
- 50 (2) Upon a call for division.

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

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

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

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

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

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

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

36 (1) To adjourn.

37 (2) To recess.

38 (3) To lay on the table.

39 (4) Previous question.

40 (5) To postpone indefinitely.

41 (6) To reconsider.

42 (7) To postpone to a day certain.

43 (8) To re-refer.

44 (9) To amend an amendment.

45 (10) To amend.

46 (11) To concur or not concur.

47 (12) Miscellaneous.

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

1 (b) When a voice vote is taken, the Speaker shall put the question substantially as
2 follows: "Those in favor (as the question may be) will say 'aye'," and after the affirmative voice
3 has been expressed, "Those opposed will say 'no'."

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

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

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

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

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

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

22 (c) No member may change a vote without leave of the House, but such leave shall
23 not be granted if it affects the result or if the session in which the vote was taken has been
24 adjourned.

25 **RULE 24.1A. Excuse From Deliberations and Voting on a Bill.** – (a) Any member
26 shall, upon request, be excused in advance from the deliberations and voting on a particular bill at
27 any time that the reason for the request arises in the proceedings on the bill.

28 (b) The member may make a brief oral statement of the reasons for making the
29 request. The member shall provide to the Principal Clerk, on a form provided by the Clerk, a
30 concise written statement of the reason for the request, and the Clerk shall include this statement
31 in the Journal.

32 (c) Except as provided in subsection (e) of this rule, the member so excused shall
33 not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment
34 to the bill, or offer or vote on any motion concerning the bill, in committee or on the floor of the
35 House at any reading, or any subsequent consideration of the bill.

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

38 (e) By leave of the House, a member who has been excused from deliberations and
39 voting on a bill may participate in deliberations and votes on amendments to which that member
40 does not have any conflict that requires excusal.

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

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

47 **V. Committees**

48 **RULE 26. Standing Committees Generally.** – (a) The Speaker shall appoint a chair,
49 or cochair, of every standing committee and select committee, if any. In the construction of these
50 rules, the word "chair" as applied to a committee, extends to and includes a cochair of the
51 committee. The Speaker shall have the exclusive right and authority to establish select

1 committees, but this does not exclude the right of the House by resolution to establish select
2 committees.

3 (b) The Speaker shall establish the number of members of each standing committee
4 and appoint the members in a manner to reflect the partisan membership of the House, except that
5 the Committee on Ethics shall have an equal number of members of the majority and minority.

6 (c) Before appointing members of committees, the Speaker shall consult with the
7 Minority Leader. The Speaker and Minority Leader shall consider members' committee
8 preferences in making appointments and recommendations.

9 (d) The Speaker may not appoint new members to committees after April 15 of an
10 odd-numbered year or at any time during an even-numbered year except to fill vacancies caused
11 by the resignation, death, removal, or inability to serve of a member. As to select committees
12 established after March 1 of an odd-numbered year or during an even-numbered year, the Speaker
13 may not appoint new members more than 60 calendar days after the select committee is
14 established, except to fill vacancies caused by the resignation, death, removal, or inability to serve
15 of a member.

16 (e) The Speaker may name one or more vice-chairs for any standing committee.

17 (f) Up to two Chairs of the Appropriations Committee are entitled to vote in all
18 other Appropriations Committees (Capital, Education, General Government, Health and Human
19 Services, Information Technology, Justice and Public Safety, Agriculture and Natural and
20 Economic Resources, and Transportation).

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

25 (h) In any joint meeting of the Senate and House committees, the House standing
26 committee reserves the right to vote separately.

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

30 **RULE 27. List of Standing Committees.** – The standing committees thereof are:

31 Committees

32
33 Aging

34
35 Agriculture

36
37 Alcoholic Beverage Control

38
39 Appropriations

40 Appropriations, Capital

41 Appropriations, Education

42 Appropriations, General Government

43 Appropriations, Health and Human Services

44 Appropriations, Information Technology

45 Appropriations, Justice and Public Safety

46 Appropriations, Agriculture and Natural and Economic Resources

47 Appropriations, Transportation

48
49 Banking

50
51 Homelessness, Foster Care, and Dependency

1	
2	Commerce and
3	Job Development
4	
5	Education – K-12
6	
7	Education – Community Colleges
8	
9	Education – Universities
10	
11	Elections and Ethics Law
12	
13	Energy and Public Utilities
14	
15	Environment
16	
17	Ethics
18	
19	Finance
20	
21	Health
22	
23	Homeland Security, Military, and
24	Veterans Affairs
25	
26	Insurance
27	
28	Judiciary I
29	
30	Judiciary II
31	
32	Judiciary III
33	
34	Judiciary IV
35	
36	Pensions and Retirement
37	
38	Regulatory Reform
39	
40	Rules, Calendar, and
41	Operations of the House
42	
43	State and Local Government I
44	
45	State and Local Government II
46	
47	State Personnel
48	
49	Transportation
50	
51	Wildlife Resources

1 **RULE 28. Standing Committee Meetings.** – (a) Standing committees shall be
2 furnished with suitable meeting places pursuant to a schedule established by the Chair of the
3 Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be
4 furnished with suitable meeting places as their needs require by the Chair of the Standing
5 Committee on Rules, Calendar, and Operations of the House.

6 (b) Subject to the provisions of subsection (c) of this rule, standing committees
7 shall permit other members of the General Assembly, the press, and the general public to attend all
8 sessions of said standing committees.

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

14 (d) Procedure in the standing committees shall be governed by the rules of the
15 House, so far as the same may be applicable to such procedure. Before a question is put, any
16 member may call for the ayes and noes. The Chair shall ask, "Is the call sustained?" If the call is
17 sustained by one-fifth of the members present and standing, the question shall be decided by the
18 ayes and noes upon a roll call vote. All roll call votes shall be taken alphabetically and shall be
19 subject to Rule 21(c).

20 (d1) The committee chair shall set the agenda for each committee meeting. After
21 April 1, 2017, a committee may, provided there is a written request signed by at least two-thirds of
22 the members of the committee, place a bill on the committee's agenda for the next regularly
23 scheduled meeting of the committee.

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

27 (f) No standing committee shall meet during any session of the House. Standing
28 committees shall meet at their regularly scheduled hour. Standing committees may meet at other
29 times as authorized by the Chair of the Standing Committee on Rules, Calendar, and Operations of
30 the House in order to assure the availability of the meeting room and that no conflicts will exist
31 with the meetings of other bodies. All standing committee meetings shall adjourn no later than:

- 32 (1) 15 minutes preceding a regular session of the House, and
33 (2) 10 minutes preceding the hour of the next regularly scheduled standing
34 committee meeting.

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

38 (g) Any call or notice of a standing committee meeting between legislative sessions
39 shall be sent by electronic mail to each member of the standing committee at least five days prior
40 to such meeting. If a member of the body so requests in writing to the chair of the standing
41 committee, the member shall also be notified of the meetings by mail at a designated address.

42 (h) During standing committee meetings, the chair may exercise the right to vote,
43 or may reserve this right until there is a tie, in which event the chair may vote, but in no instance
44 may the chair vote twice on the same question.

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

50 (b) If, after such preliminary investigation as it may make, the Committee
51 determines to proceed with an inquiry into the conduct of any individual, the Committee shall

1 notify the individual as to the fact of the inquiry and the charges against the individual and shall
2 schedule one or more hearings on the matter. The individual shall have the right to present
3 evidence, cross-examine witnesses, and be represented by counsel at any hearings.

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

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

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

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

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

14 **RULE 29. Notice of Standing Committee Meetings and Hearings.** – (a) Notice of
15 meetings of standing committees that will occur at the regularly scheduled meeting times shall be
16 given by one or both of the following methods:

17 (1) Notice given openly at a session of the House; or

18 (2) Notice mailed or sent by electronic mail to those who have requested notice,
19 and to the Legislative Services Office, which shall post the notice on the
20 General Assembly Web site.

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

24 (c) The chair of the standing committee shall notify or cause to be notified the
25 sponsor of each bill that is set for hearing or consideration before the standing committee as to the
26 date, time, and place of that meeting.

27 **RULE 29.1. Public Hearings.** – (a) Requests for a public hearing shall be made in
28 writing to the chair of the standing committee to which the bill has been referred. The chair of the
29 standing committee may schedule a public hearing by the standing committee as a whole after the
30 adjournment of a regular daily House session. Denial of a request made by a House member may
31 be appealed to the Speaker.

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

35 (b) Persons desiring to appear and be heard at a public hearing shall submit their
36 requests to the chair of the standing committee. The standing committee chair may designate one
37 or more members to arrange the order of appearance of interested parties. A brief written
38 statement of testimony may be submitted without oral presentation and shall be incorporated into
39 the minutes of the public hearing.

40 **RULE 29.2. Minutes to Legislative Library.** – The chair of a standing committee
41 shall ensure that written minutes are compiled for each of the body's meetings. The minutes shall
42 indicate the members present and the actions taken at the meeting. Not later than 10 days after the
43 adjournment of each session of the General Assembly, the chair shall deliver the minutes to the
44 Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing
45 said minutes upon written application of the chair.

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

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

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

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

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

13 VI. Handling of Bills

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

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

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

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

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

33 (f) House resolutions need not be read more than twice.

34 (g) All memorializing, celebration, commendation, and commemoration
35 resolutions, except those honoring the memory of deceased persons, shall be excluded from
36 introduction and consideration in the House. The mention of a deceased person as a pretext to
37 honor an institution or a living person is prohibited. Members should utilize a "Representative
38 Statement of Personal Privilege," as provided in Rule 8.1, as the preferred alternative to House
39 simple resolutions that memorialize, celebrate, commend, and commemorate, other than for those
40 relating to deceased members of the General Assembly.

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

43 **RULE 31.1. Deadlines on Introduction and Receipt; No Blank Bills; 15-Bill Limit;
44 Single Subject Rule.** – (a) All local bills must be submitted to the Bill Drafting Division of the
45 Legislative Services Office by 4:00 P.M. on Wednesday, March 15, 2017, and must be introduced
46 not later than 3:00 P.M. on Wednesday, March 29, 2017.

47 (b) All public bills or resolutions recommended by commissions or standing
48 committees authorized or directed by act or resolution of the General Assembly (i) to report to the
49 2017 Regular Session of the General Assembly, or to report prior to convening of that session, or
50 (ii) which are recommended to the 2017 Regular Session of the General Assembly by a
51 commission or committee established directly by Chapter 120 of the General Statutes, must have

1 been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on
2 Tuesday, February 21, 2017, and must be introduced not later than 3:00 P.M. on Wednesday,
3 March 1, 2017.

4 (c) All bills prepared to be introduced for departments, agencies, or institutions of
5 the State must have been submitted to the Bill Drafting Division of the Legislative Services Office
6 by 4:00 P.M. on Tuesday, March 7, 2017, and must be introduced not later than 3:00 P.M. on
7 Wednesday, March 15, 2017. A bill introduced under this subsection shall be identified as an
8 Agency Bill after its short title or in the drafting code.

9 (d) All public bills that would not be required to be re-referred to the
10 Appropriations or Finance Committees under Rule 38 and all joint resolutions and House
11 resolutions must be submitted to the Bill Drafting Division of the Legislative Services Office by
12 4:00 P.M. on Thursday, March 30, 2017, and must be introduced not later than 3:00 P.M. on
13 Wednesday April 12, 2017.

14 (e) All public bills which under Rule 38 are required to be re-referred to either or
15 both of the Appropriations Committee or the Finance Committee must be submitted to the Bill
16 Drafting Division of the Legislative Services Office by 4:00 P.M. on Thursday, April 6, 2017, and
17 must be introduced not later than 3:00 P.M. on Wednesday, April 19, 2017. If any bill is subject to
18 the deadline under this subsection and the bill is amended so that all the provisions requiring
19 referral to either or both of those committees under Rule 38 do not remain in the bill, it is not
20 eligible for further consideration.

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

22 (g) No member may introduce more than 15 public bills. For the purpose of this
23 subsection, the introducer is the member who is listed as the first sponsor. A member may assign a
24 portion of this limit to another member electronically using the procedures established and
25 published by the Principal Clerk. This subsection does not apply to bills or resolutions
26 recommended by commissions or committees authorized or directed by act or resolution of the
27 General Assembly (i) to report to the 2017 Regular Session of the General Assembly, or to report
28 prior to convening of that session, or (ii) that are recommended to the Regular Session of the
29 General Assembly by a commission or committee established directly by Chapter 120 of the
30 General Statutes. This subsection does not apply to joint resolutions or House resolutions.

31 (h) In order to be eligible for consideration by the House during the first Regular
32 Session, all Senate bills other than finance or appropriations bills that would be required to be
33 re-referred to the Appropriations or Finance Committee under Rule 38 or adjournment resolutions
34 must be received and read on the floor of the House as a message from the Senate no later than
35 Thursday, April 27, 2017; provided that a message from the Senate received by the next legislative
36 day stating that a bill has passed its third reading and is being engrossed shall comply with the
37 requirements of this subsection and provided that the Senate has a similar rule.

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

41 (j) This rule, other than subsections (f), (g), and (i), does not apply to bills (i)
42 establishing districts for Congress or State or local entities, (ii) introduced on the report of the
43 Committees on Appropriations, Finance, or Rules, Calendar, and Operations of the House, or (iii)
44 ratifying an amendment or amendments to the Constitution of the United States. This rule does not
45 apply to resolutions adjourning the General Assembly sine die or to a day certain.

46 **RULE 32. Reference to Standing Committees; Serial Referrals.** – Each bill not
47 introduced on the report of a standing committee shall immediately upon its first reading be
48 referred by the Speaker to such standing committee or committee of the whole as the Speaker
49 deems appropriate. The Speaker at the same time may order that, if the bill is reported with any
50 favorable recommendation or without prejudice, it be re-referred automatically upon the
51 committee report to another committee designated in the order. Each joint resolution or House

1 resolution not introduced on the report of a standing committee shall immediately upon its first
2 reading either be referred by the Speaker to a standing committee or be calendared on the date
3 designated by the Speaker, as the Speaker deems appropriate.

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

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

11 Whenever any resolution or bill is filed for introduction, it shall comply with
12 the procedures established and published by the Principal Clerk.

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

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

20 (b) A public bill is a bill affecting 15 or more counties. A local bill is one affecting
21 fewer than 15 counties.

22 **RULE 35.1. Assessment Reports; Municipal Incorporation Reports.** – (a) Every bill
23 or resolution proposing the establishment of an occupational or professional licensing board or a
24 study for the need to establish such a board shall have attached to the jacket of the original bill or
25 resolution at the time of its consideration on second and third readings by the House or by any
26 standing committee of the House an assessment report from the Joint Legislative Commission on
27 Governmental Operations. The assessment report shall not constitute any part of the expression of
28 legislative intent proposed by the formation of a licensing board.

29 (b) Every legislative proposal introduced in the House or received in the House
30 from the Senate, proposing the incorporation of a municipality shall have attached to the jacket of
31 the original bill at the time of its consideration on second or third readings by the House or by any
32 committee of the House prior to a favorable report, a recommendation from the Municipal
33 Incorporations Subcommittee of the Joint Legislative Committee on Local Government,
34 established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the
35 Municipal Incorporations Subcommittee of the Joint Legislative Committee on Local Government
36 shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120
37 of the General Statutes and shall include the findings required to be made by G.S. 120-166
38 through G.S. 120-170.

39 **RULE 36. Report by Standing Committee.** – (a) **Reports.** – Bills and resolutions
40 may be reported from the standing committee to which referred with such recommendations as the
41 standing committee may desire to make.

42 (b) **Favorable Report.** – When a standing committee reports a bill with the
43 recommendation that it be passed, the bill shall be placed on the favorable calendar on the day
44 designated by the Chair of the Standing Committee on Rules, Calendar, and Operations of the
45 House, but not on the same day that it is reported except by leave of the House, and no later than
46 the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule
47 43.3(a), unless:

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

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

1 In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of
2 the Standing Committee on Rules, Calendar, and Operations of the House orally in the House or in
3 writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable
4 report by the committee, the standing committee chair shall submit to the standing committee the
5 question of an unfavorable report on the original bill. The standing committee's action, if any, on
6 the original bill shall be reported at the same time the committee substitute is reported.

7 (b1) **Distribution of Proposed Committee Substitutes.** – Except by leave of a
8 committee, before a proposed committee substitute may be considered by the committee, the
9 proposed committee substitute shall have been distributed electronically and no later than 9:00
10 P.M. of the preceding calendar day to the members of the committee and to the member who is
11 listed as the first sponsor.

12 (c) **Report Without Prejudice.** – When a standing committee reports a bill
13 without prejudice, the bill shall be placed on the favorable calendar in the same manner as
14 provided in subsection (b) of 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, the bill
17 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 be
20 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 accompanied by
23 a minority report signed by at least one-fourth of the members of the standing committee who
24 were present and voting when the bill was considered in standing committee, the question before
25 the House shall be: "The adoption of the minority report." If the minority report is adopted by
26 majority vote, the bill shall be placed on the favorable calendar for consideration. If the minority
27 report fails of adoption by a majority vote, the bill shall be placed on the unfavorable calendar.

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

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

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

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

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

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

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

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

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

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

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

28 (c) The sponsor of the bill or resolution shall also present a copy of the measure to
29 the actuary employed by the system or program affected by the measure. Actuarial notes shall be
30 prepared and transmitted to the sponsor of the measure not later than two weeks after the request is
31 received, unless an extension of time is agreed to by the sponsor as being necessary in the
32 preparation of the note. The actuarial note shall be attached to the jacket of the measure. The
33 provisions of this subsection may be waived by the measure's sponsor for a measure affecting
34 local government retirement or pension plans not administered by the State or any local
35 government program of hospital, medical, disability, or related benefits for local government
36 employees not administered by the State.

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

44 (e) When any permanent committee reports a measure to which an actuarial note is
45 attached at the time of permanent committee consideration, with any amendment of such nature as
46 would substantially affect the cost to or the revenues of any retirement or pension system, or
47 program of hospital, medical, disability, or related benefits for teachers or State employees, the
48 chair of the standing committee reporting the measure shall obtain from the Fiscal Research
49 Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The
50 actuarial note shall be attached to the jacket of the measure. An amendment to any bill or
51 resolution shall not be in order if the amendment affects the costs to or the revenues of a

1 State-administered retirement or pension system, or program of hospital, medical, disability, or
2 related benefits for teachers or State employees, unless the amendment is accompanied by an
3 actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the
4 amendment.

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

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

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

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

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

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

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

29 (b) All standing committees, other than the Standing Committee on Finance, when
30 favorably reporting any bill that in any way or manner raises revenue, reduces revenue, levies a
31 tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or
32 notes, whether public or local, shall indicate same in the report, and said bill shall be referred to
33 the Standing Committee on Finance for a further report before being acted upon by the House.
34 This subsection shall not apply to bills only imposing fines, forfeitures, or penalties.

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

40 **RULE 39. Discharge Petition.** – (a) A motion to discharge a committee from
41 consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that measure
42 if accompanied by a petition asking that the committee be discharged from further consideration of
43 the bill. No motion may be filed until 10 legislative days after the bill has been referred to the
44 committee. No petition may be filed until notice has been given on the floor of the House that the
45 petition is to be filed and the primary sponsor giving notice has obtained a fiscal note from the
46 Fiscal Research Division on the bill, which note shall be attached to the petition. Members may
47 sign the petition only in the office of the Principal Clerk, and when the signatures of 61 members
48 appear on the petition, the Principal Clerk shall place that motion on the calendar for the next
49 legislative day as a special order of business. Members may withdraw their names at any time
50 until 61 names appear. If the motion is adopted by the House, then the committee to which the bill
51 or resolution has been referred is discharged from further consideration of the bill, and that bill is

1 placed on the calendar for the next legislative day as a special order of business. The Principal
2 Clerk shall provide a form for discharge petitions.

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

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

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

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

25 (b) No bill shall be read more than once on the same day without the concurrence
26 of two-thirds of the members present and voting; provided, no bill governed by Article II, Section
27 23 of the North Carolina Constitution herein shall be read twice on one day under any
28 circumstance.

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

- 31 (1) Been tabled,
- 32 (2) Been postponed indefinitely,
- 33 (3) Failed to pass on any of its readings, or
- 34 (4) Been placed on the unfavorable calendar,

35 the contents of that bill or the principal provisions of its subject matter shall not be considered in
36 any other measure originating in the Senate or originating thereafter in the House. Upon the point
37 of order being raised and sustained by the chair, that measure shall be laid upon the table, and shall
38 not be taken therefrom except by a two-thirds vote of the members present and voting.

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

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

47 Only one principal (first degree) amendment shall be pending at any one time. If a
48 subsequent or substitute principal amendment shall be offered, the Speaker shall rule it out of
49 order. However, any member desiring to offer a subsequent or substitute principal amendment in
50 opposition to the pending amendment may inform the House by way of argument against the

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

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

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

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

11 (2) Amendments can only affect appropriations within the departments, agencies,
12 or programs within the jurisdiction of the committee.

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

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

16 (5) Amendments cannot spend reversions.

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

18 (c) When offering an amendment, the member shall deliver the signed original
19 amendment to the Principal Clerk and a copy to the Chair of the Committee on Rules, Calendar,
20 and Operations of the House.

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

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

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

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

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

41 If the committee substitute was referred to standing committee, the standing committee
42 shall:

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

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

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

49 (d) If the committee substitute for a bill is a material amendment, the receiving of
50 that bill on messages shall constitute first reading, and the question before the House shall be

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

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

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

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

26 (d) No vote shall be taken on adoption of a conference report until the next
27 legislative day following the report, except that no vote shall be taken on adoption of a conference
28 report on either the Current Operations Appropriations Bill or a bill generally revising the Current
29 Operations Appropriations Act until the third legislative day following the report.

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

33 **RULE 44.2. Veto Override.** – (a) Other than in a reconvened session, no vote shall be
34 taken on overriding a gubernatorial veto on a House bill until the second legislative day following
35 notice of its placement on the calendar.

36 (b) Other than in a reconvened session, no vote shall be taken on overriding a
37 gubernatorial veto on a Senate bill until the legislative day following notice of its placement on the
38 calendar.

39 **VII. Legislative Officers and Employees**

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

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

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

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

7 **RULE 61. Assignment of Seats.** – After initial assignment of seats, a member shall
8 continue to occupy the seat to which initially assigned until assigned a permanent seat; once
9 assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of
10 vacancy, the Speaker or the Chair of the Standing Committee on Rules, Calendar, and Operations
11 of the House may assign such permanent seats as are necessary to maintain seating.

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

17 **RULE 61.2. Convening and Assigning Seats in the New House.** – (a) The Principal
18 Clerk of the previous House of Representatives shall convene the House of Representatives at
19 9:00 A.M. on the date established by law for the convening of each regular session and preside
20 over the body until the members elect a Speaker. In the case of a vacancy, inability, or refusal to
21 so serve, the duty shall devolve upon the Sergeant-at-Arms of the prior House, and in the case of a
22 vacancy in that office, or inability or refusal to so serve, the duty shall devolve upon the Reading
23 Clerk of the prior House.

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

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

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