

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE RESOLUTION 29

Sponsors: Representatives Jack Hunt; and Culp.

Referred to: Rules, Calendar, and Operations of the House.

February 2, 1993

1 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF
3 REPRESENTATIVES OF THE 1993 GENERAL ASSEMBLY.

4 Be it resolved by the House of Representatives:

5 Section 1. The permanent rules of the Regular Sessions of the House of
6 Representatives of the 1993 General Assembly shall read as follows:

7 **RULES OF THE REGULAR SESSIONS OF THE**
8 **HOUSE OF REPRESENTATIVES OF THE 1993**
9 **GENERAL ASSEMBLY OF NORTH CAROLINA**

- 10 I. Order of Business, 1-5
11 II. Conduct of Debate, 6-12
12 III. Motions, 13-19
13 IV. Voting, 20-25
14 V. Committees, 26-30
15 VI. Handling of Bills, 31-44.1
16 VII. Legislative Officers and Employees, 45-49
17 VIII. Privileges of the Hall, 50-53
18 IX. General Rules, 54-62

19 **I. ORDER OF BUSINESS**

20 **RULE 1. Convening Hour.**—The House shall convene each legislative day at
21 the hour fixed by the House. In the event the House adjourns on the preceding
22 legislative day without having fixed an hour for reconvening, the House shall convene
23 on the next legislative day at 2:00 p.m.

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

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

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

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

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

- 16 1. a request that the member speaking yield for a question,
- 17 2. a point of order,
- 18 3. a parliamentary inquiry, or
- 19 4. a question of privilege.

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

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

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

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

1 (b) No member shall speak more than twice on the main question, nor longer
2 than 30 minutes for the first speech and 15 minutes for the second speech; nor shall he
3 speak more than twice upon an amendment or motion to reconsider, commit, appeal or
4 postpone, and then not longer than 10 minutes for the first speech and five minutes for
5 the second speech.

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

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

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

17 **RULE 12. General Decorum.**—(a) The Speaker shall preserve order and
18 decorum.

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

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

24 (d) Food or beverages shall not be permitted on the floor of the House.

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

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

29 (g) Special recitals, performances by musicians or other groups shall not be
30 permitted on the floor of the House and special guests of members of the House shall
31 not be permitted on the floor of the House.

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

34 III. MOTIONS

35 **RULE 13. Motions Generally.**—(a) Every motion shall be reduced to writing, if
36 the Speaker or any two members request it. No motion relating to a bill shall be in
37 order which does not 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
39 shall 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
41 Clerk, it shall be in the possession of the House; but it may be withdrawn before a
42 decision or amendment, except in case of a motion to reconsider, which motion, when
43 made by a member, shall be in possession of the House and shall not be withdrawn
44 without leave of the House.

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

3 To adjourn

4 To lay on the table

5 To postpone indefinitely

6 Previous question

7 To reconsider

8 To postpone to a day certain

9 To re-refer

10 To amend an amendment

11 To amend

12 To substitute

13 To pass the bill

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

17 **RULE 15. Motion to Adjourn.**—(a) A motion to adjourn shall be seconded before
18 the motion is put to the vote of the House.

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

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

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

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

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

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

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

43 **RULE 18. Motion to Reconsider.**—(a) When a question has been decided, it is
44 in order for any member to move for the reconsideration thereof, on the same or the

1 succeeding legislative day; provided that if the vote by which the motion was originally
2 decided was taken by a recorded vote, only a member of the prevailing side may move
3 for reconsideration.

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

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

8 (2) A motion to postpone indefinitely,

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

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

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

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

15 **RULE 19. Previous Question.**—(a) The previous question may be called only by
16 the member submitting the report on the bill or other matter under consideration, by the
17 member introducing the bill or other matter under consideration, or by the member in
18 charge of the measure, who shall be designated by the Chair of the standing committee
19 or permanent subcommittee reporting the same to the House at the time the bill or other
20 matter under consideration is reported to the House or taken up for consideration.

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

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

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

30 IV. VOTING

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

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

36 a. Raising money on the credit of the State,

37 b. Pledging the faith of the State for the payment of a debt,

38 c. Imposing a State tax, or

39 d. Authorizing a county, municipality, or other local governmental
40 unit to

41 1. Raise money on its credit,

42 2. Pledge its faith for the payment of a debt, or

43 3. Impose a local tax.

- 1 (2) All measures affecting a fee imposed by the State or any subdivision
2 thereof.
- 3 (3) All questions on which a call for the ayes and noes under Rule 24(a)
4 and Article II, Section 19 of the Constitution of North Carolina has
5 been sustained.
- 6 (4) Both second and third readings of bills proposing amendment of the
7 Constitution of North Carolina or ratifying resolutions amending the
8 Constitution of the United States.
- 9 (b) Votes on the following questions shall be taken on the electronic voting
10 system:
- 11 (1) Second reading of all public bills, all amendments to public bills
12 offered after second reading, third reading if a public bill was amended
13 after second reading or if the reading occurs on a day or days
14 following the second reading, all conference reports on public bills, all
15 motions to lay public bills on the table, and all motions to postpone
16 public bills indefinitely.
- 17 (2) Upon a call for division.
- 18 (3) Any other question upon direction of the Speaker or upon motion of
19 any member supported by one-fifth (1/5) of the members present.
- 20 (c) When the electronic voting system is used, 15 seconds shall be allowed for
21 voting on the question before the House, unless the Chair shall direct otherwise. The
22 system shall be set to close automatically when that time has expired. Once the system
23 is locked, the vote shall be recorded and printed.
- 24 (d) The voting station at each member's desk in the Chamber shall be used only
25 by the member to which the station is assigned. Under no circumstances shall any other
26 person vote at a member's station. It is a breach of the ethical obligation of a member
27 either to request that another person vote at the requesting member's station, or to vote
28 at another member's station. The Speaker shall enforce this rule without exception.
- 29 (e) When the electronic voting system is used, the Speaker shall state the
30 question and shall then state substantially the following: "All in favor vote 'aye'; all
31 opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the
32 member must vote by the electronic voting system within the time allowed for that vote,
33 unless the voting station assigned to a member is malfunctioning. The Speaker shall
34 enforce this rule without exception. After the allotted time for voting has elapsed, the
35 Speaker shall say: "The Clerk will now lock the machine and record the vote." After the
36 machine is locked and the vote recorded, the Speaker shall announce the vote and
37 declare the result.
- 38 (f) One copy of the machine printout of the vote record of all votes taken on
39 the electronic system shall be filed in the office of the Principal Clerk, and one copy
40 shall be filed in the Legislative Library where it shall be open to public inspection.
- 41 (g) When the Speaker ascertains that the electronic voting system is
42 inoperative before a vote is taken or while a vote is being taken on the electronic
43 system, he shall announce that fact to the House and any partial electronic system
44 voting record shall be voided. In such a case, if the Constitution of North Carolina or

1 the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of
2 the House, and the ayes and noes shall be taken manually and shall be recorded on the
3 Journal. All roll call votes shall be taken alphabetically. All other votes shall be taken
4 by voice vote. If, after a vote is taken on the electronic system, it is discovered that a
5 malfunction caused an error in the electronic system printout, the Speaker shall direct
6 the Reading Clerk and the Principal Clerk to verify and correct the printout record and
7 so advise the House.

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

- 10 1. To adjourn
- 11 2. To lay on the table
- 12 3. To postpone indefinitely
- 13 4. Previous question
- 14 5. To reconsider
- 15 6. To postpone to a day certain
- 16 7. To re-refer
- 17 8. To amend an amendment
- 18 9. To amend
- 19 10. To substitute
- 20 11. To concur or not concur
- 21 12. Miscellaneous

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

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

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

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

33 (b) No member may vote unless he is in the chamber when the question is put.
34 This subsection of this rule cannot be suspended.

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

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

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

1 or more Vice-Chairs for any standing committee not having permanent standing
2 subcommittees.

3 (f) The Chair of the standing committee shall be a voting member of each
4 permanent subcommittee of the standing committee.

5 (g) Either the Chair or Acting Chair, designated by the Chair or by the
6 Speaker, and five other members of the standing committee or permanent
7 subcommittee, or a majority of the standing committee or permanent subcommittee,
8 whichever is fewer, shall constitute a quorum of that standing committee or permanent
9 subcommittee.

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

13 **RULE 27. List of Standing Committees and Permanent Subcommittees.—**

14 The standing committees and permanent subcommittees thereof are:

15 Committee	Subcommittees
16 Agriculture	(None)
17 Appropriations	-Education
18	-General Government
19	-Human Resources
20	-Justice and Public Safety
21	-Natural and Economic Resources
22	-Transportation
23 Business and Labor	-Economic Expansion and Growth
24	-Labor Relations and Employment
25	-Science and Technology
26	-Travel and Tourism
27 Children, Youth and	
28 Families	(None)
29 Constitutional Amendments	
30 and Referenda	(None)
31 Courts and Justice	(None)
32 Education	-Community Colleges
33	-Pre-School, Elementary and Secondary Education
34	-University Education and Affairs
35 Environment	(None)
36 Ethics	(None)
37 Finance	(None)
38 Financial Institutions	(None)
39 Health and Human Services	(None)
40 Insurance	(None)
41 Judiciary I	(None)
42 Judiciary II	(None)
43 Judiciary III	(None)
44 Local and Regional	

1	Government I	(None)
2	Local and Regional	
3	Government II	(None)
4	Pensions and Retirement	(None)
5	Public Employees	(None)
6	Public Utilities	(None)
7	Rules, Calendar, and	
8	Operations of the House	(None)
9	State Government	-Boards and Commissions
10		-Military, Veterans and Indian Affairs
11		-State Parks, Facilities and Property
12	Transportation	-Airports, Railways, and Waterways
13		-Highways
14		-Public Transportation.

15 **RULE 28. Standing Committee and Permanent Subcommittee Meetings.**—(a)

16 Standing committees and permanent subcommittees of standing committees
 17 shall be furnished with suitable meeting places pursuant to a schedule adopted by the
 18 Standing Committee on Rules, Appointments and Calendar. Select committees shall be
 19 furnished with suitable meeting places as their needs require by the Chair of the
 20 Standing Committee on Rules, Appointments and Calendar.

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

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

31 (d) Procedure in the standing committees and permanent subcommittee shall be
 32 governed by the rules of the House, so far as the same may be applicable to such
 33 procedure. Before a question is put, any member may call for the ayes and noes. If the
 34 call is sustained by one-fifth (1/5) of the members present, the question shall be decided
 35 by the ayes and noes upon a roll call vote. All roll call votes shall be taken
 36 alphabetically and shall be subject to Rule 21(c).

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

40 (f) No standing committee or permanent subcommittee shall meet during any
 41 session of the House. Standing committees and permanent subcommittees shall meet at
 42 their regularly-scheduled hour. No permanent subcommittee shall meet at the same
 43 time that its standing committee is meeting. Standing committees and permanent
 44 subcommittees may meet at other times as authorized by the Chair of the Standing

1 Committee on Rules, Appointments, and Calendar in order to assure the availability of
2 the meeting room and that no conflicts will exist with the meetings of other bodies. All
3 standing committee and permanent subcommittee meetings shall adjourn no later than:

4 (1) 15 minutes preceding a regular session of the House, and

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

7 (g) Any call or notice of a standing committee or permanent subcommittee
8 meeting between legislative sessions shall be mailed to each member of the standing
9 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
11 permanent subcommittee, the member shall be notified by certified mail of the
12 meetings.

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

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

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

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

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

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

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

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

40 **RULE 29. Notice of Standing Committee and Permanent Subcommittee**
41 **Meetings and Hearings.**—Public notice of all standing committee and permanent
42 subcommittee meetings shall be given in the House. The Chair of the standing
43 committee or permanent subcommittee shall notify or cause to be notified the sponsor

1 of each bill which is set for hearing or consideration before the standing committee or
2 permanent subcommittee as to the date, time, and place of that meeting.

3 **RULE 29.1. Public Hearings.**—(a) Requests for a public hearing shall be made in
4 writing to the Chair of the standing committee and, if applicable, the Chair of the
5 permanent subcommittee to which the bill has been referred. The Chair of the standing
6 committee may schedule a public hearing by the standing committee as a whole after
7 the adjournment of a regular daily House session. The Chair of the permanent
8 subcommittee may schedule a public hearing before the permanent subcommittee at its
9 regularly-scheduled hour. Denial of a request made by a House member may be
10 appealed to the Speaker.

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

14 (b) Persons desiring to appear and be heard at a public hearing shall submit
15 their request to the Chair of the standing committee or permanent subcommittee. The
16 standing committee or permanent subcommittee Chair may designate one or more
17 members to arrange the order of appearance of interested parties. A brief, written
18 statement of testimony may be submitted without oral presentation and shall be
19 incorporated in the minutes of the public hearing.

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

27 **RULE 30. Standing Committee of the Whole House.**—(a) A Standing
28 Committee of the Whole House shall not be formed, except by suspension of the rules,
29 if there be objection by any member.

30 (b) After passage of a motion to form a Standing Committee of the Whole House,
31 the Speaker shall appoint a Chairperson to preside in the standing committee, and the
32 Speaker shall leave the dais.

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

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

39 (e) When a bill is submitted to the Standing Committee of the Whole House,
40 it shall be read and debated by sections, leaving the preamble to be last considered. The
41 body of the bill shall not be defaced or interlined, but all amendments, noting the page
42 and line, shall be duly entered by the clerk on a separate paper as the same shall be
43 agreed to by the standing committee, and be so reported to the House. After report, the

1 bill shall again be subject to be debated and amended by sections before a question on
2 its passage be taken.

3 VI. HANDLING OF BILLS

4 **RULE 31. Introduction of Bills and Resolutions.**—(a) All bills and resolutions
5 shall be introduced by submitting same to the Principal Clerk's office on the legislative
6 day prior to the first reading and reference thereof according to the following schedule:
7 by 8:30 p.m. each Monday, by 3:00 p.m. each Tuesday, Wednesday, Thursday, and
8 Friday.

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

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

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

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

26 "House Substitute for" or "House Committee Substitute for _____".

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

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

31 **RULE 31.1. Deadlines on Introduction and Receipt of Bills.**—(a) All bills or
32 resolutions recommended by commissions or standing committees authorized or
33 directed by act or resolution of the General Assembly to report to the 1993 Regular
34 Session of the General Assembly, or to report prior to convening of that session, must
35 be introduced not later than the third Wednesday in February (February 17) of the first
36 year of the biennial session; provided that any such measure submitted to the Bill
37 Drafting Division of the Legislative Services Office by 4:00 p.m. on that date and
38 introduced in the House of Representatives before 3:00 p.m. on the next Wednesday
39 (February 24) shall be treated as if it had been introduced pursuant to this subsection.

40 (a1) All bills prepared to be introduced for departments, agencies, or
41 institutions of the State must be introduced not later than the third Thursday in March
42 (March 18) of the first year of the biennial session; provided that any such measure
43 submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 p.m.
44 on that date and introduced in the House of Representatives before 3:00 p.m. on the next

1 Thursday (March 25) shall be treated as if it had been introduced pursuant to this
2 subsection. Bills introduced under this subsection shall be identified as an Agency Bill
3 after its short title.

4 (a2) All local bills must be introduced not later than the first Thursday in
5 April (April 1) of the first year of the biennial session; provided that any such measure
6 submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 p.m.
7 on that date and introduced in the House of Representatives before 3:00 p.m. on the next
8 Thursday (April 8) shall be treated as if it had been introduced pursuant to this
9 subsection.

10 (b) All public bills not containing appropriations or tax law changes must be
11 introduced not later than the second Thursday in April (April 8) of the first year of the
12 biennial session; provided that any such measure submitted to the Bill Drafting Division
13 of the Legislative Services Office by 4:00 p.m. on that date and introduced in the House
14 of Representatives before 3:00 p.m. on the next Thursday (April 15) shall be treated as
15 if it had been introduced pursuant to this subsection.

16 (c) All public bills containing appropriations or tax law changes must be
17 introduced not later than the first Thursday in May (May 6) of the first year of the
18 biennial session; provided that any such measure submitted to the Bill Drafting Division
19 of the Legislative Services Office by 4:00 p.m. on that date and introduced in the House
20 of Representatives before 3:00 p.m. on the next Thursday (May 13) shall be treated as if
21 it had been introduced pursuant to this subsection.

22 (c1) All resolutions, except those honoring the memory of deceased persons
23 or adjourning the General Assembly must be introduced not later than the second
24 Thursday in May (May 6) of the first year of the biennial session; provided that any
25 such measure submitted to the Bill Drafting Division of the Legislative Services Office
26 by 4:00 p.m. on that date and introduced in the House of Representatives before 3:00
27 p.m. on the next Thursday (May 13) shall be treated as if it had been introduced
28 pursuant to this subsection.

29 (d) In order to be eligible for consideration by the House during the first Regular
30 Session, all Senate bills other than finance or appropriations bills or adjournment
31 resolutions, must be received and read on the floor of the House as a message from the
32 Senate no later than May 13; provided that a message from the Senate received by the
33 next legislative day stating that a bill has passed its third reading and is being engrossed
34 shall comply with the requirements of this subsection and provided that the Senate has a
35 similar rule.

36 (e) This rule does not apply to bills establishing districts for Congress or
37 State or local entities.

38 **RULE 32. Reference to Standing Committee and to Permanent**
39 **Subcommittees.**—(a) Each bill, joint resolution, or House resolution not
40 introduced on the report of a standing committee shall immediately upon its first
41 reading be referred by the Speaker to such standing committee or permanent
42 subcommittee as he deems appropriate.

43 (b) The standing committee Chair may refer each bill referred to the standing
44 committee to the permanent subcommittee specifically charged with the subject matter

1 of the bill. A report of that referral shall be made in writing and submitted to the body
2 pursuant to Rule 5(5). Except as provided in Rule 36, the permanent subcommittee to
3 which the bill is referred shall report the bill back to the full standing committee. That
4 subcommittee report shall include one of the following recommendations:

- 5 (1) Favorable, without prejudice, or unfavorable as to the original bill with
6 the recommendation that the report be made to the standing
7 committee;
- 8 (2) Favorable, without prejudice, or unfavorable as to the original bill, as
9 amended, with the recommendation that the report be made to the
10 standing committee;
- 11 (3) Favorable or without prejudice to the proposed committee substitute,
12 and unfavorable to the original bill, with the recommendation that the
13 report be made to the standing committee;
- 14 (4) Favorable as to the original bill with the recommendation that the
15 report be made directly to the floor of the House, if approved by the
16 standing committee Chair;
- 17 (5) Favorable to the original bill, as amended, with the recommendation
18 that the report be made directly to the floor of the House, if approved
19 by the standing committee Chair;
- 20 (6) Favorable to the proposed committee substitute with the
21 recommendation that the report be made directly to the floor of the
22 House, if approved by the standing committee Chair, and unfavorable
23 to the original bill.

24 Any recommendation of favorable or without prejudice may include a
25 recommendation of re-referral to another standing committee. After a bill is reported to
26 a standing committee by a permanent subcommittee of that standing committee, the
27 standing committee Chair may re-refer the bill to another permanent subcommittee of
28 that standing committee.

29 Upon recommendation to the standing committee the bill shall be before that
30 body for further action unless the permanent subcommittee Chair reports the bill
31 directly pursuant to Rule 36.

32 (c) When a committee substitute is adopted by a permanent subcommittee or a
33 standing committee for a bill which was introduced with no substantive provisions and
34 the committee substitute deletes a majority of the provisions of the original bill and adds
35 provisions that are not germane to the original bill, no further action may be taken by
36 any standing committee or permanent subcommittee upon such bill until the second
37 legislative day thereafter.

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

43 **RULE 34. Introduction of Resolutions and Bills, Copies Required.**—(a)

44 Whenever any resolution or bill is introduced, a duplicate copy thereof shall

1 be attached thereto, and the Principal Clerk shall cause said duplicate copy to be
2 numbered as the original resolution or bill is numbered, and shall cause the same to be
3 available at all times to the member introducing the same.

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

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

12 **RULE 35. Duplicating and Availability of Copies of Bills.**—(a) The Legislative
13 Administrative Officer shall cause such bills as are introduced to be duplicated in such
14 numbers as may be specified by the Speaker. The Legislative Administrative Officer
15 shall cause one copy of each resolution and public bill for each legislator to be delivered
16 to his clerk or secretary who shall place it in the appropriate notebook on the legislator's
17 desk. If a legislator so requests, a second copy shall be delivered to his clerk or
18 secretary who shall place it in the legislator's office. The remaining copies shall be
19 placed in the Printed Bills Room and made available to the committees to which the bill
20 is referred, to individual legislators on request, and to the general public.

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

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

36 **RULE 36. Report by Standing Committee or Permanent Subcommittee.**—
37 All House bills and resolutions shall be reported from the standing committee or
38 permanent subcommittee to which referred with such recommendations as the standing
39 committee or permanent subcommittee may desire to make except in the case where the
40 principal introducer requests in writing to the Chair of the standing committee or
41 permanent subcommittee that the bill not be considered.

42 With the written approval of the Chair of the standing committee and with the
43 recommendation of the subcommittee pursuant to Rule 32(4) through (6), the Chair of
44 the permanent subcommittee may report the bill directly to the floor with that

1 recommendation. If a permanent subcommittee recommends reporting a bill to the floor
2 and the Chair of the standing committee fails to give his approval, the bill shall be
3 deemed to have been reported to the standing committee with the same recommendation
4 as the subcommittee would have made to the House.

5 (a) **Favorable Report.** When a standing committee or permanent subcommittee
6 reports a bill with the recommendation that it be passed, the bill shall be placed on the
7 favorable calendar for the next succeeding legislative day; except that committee
8 substitutes for bills shall be placed on the favorable calendar for the second next
9 succeeding legislative day after being reported. When a committee substitute is adopted
10 and receives a favorable report by the committee or permanent subcommittee, the
11 standing committee or permanent subcommittee Chair shall submit to the standing
12 committee or permanent subcommittee the question of an unfavorable report on the
13 original bill. The standing committee's or permanent subcommittee's action, if any, on
14 the original bill shall be reported at the same time the committee substitute is reported.

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

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

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

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

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

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

43 (c) The fiscal note shall be prepared by the Fiscal Research Division on a form
44 approved by the Rules, Appointments, and Calendar Committee as to content and form

1 and signed by the staff member or members preparing it. If no estimate in dollars is
2 possible, the fiscal note shall indicate the reasons that no estimate is provided. The
3 fiscal note shall not comment on the merit but may identify technical problems. The
4 Fiscal Research Division shall make the fiscal note available to the membership of the
5 House.

6 (d) A sponsor of a bill or amendment may deliver a copy of his bill or
7 amendment to the Fiscal Research Division for the preparation of a fiscal note. The
8 sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment
9 when he moves its adoption.

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

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

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

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

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

24 shall have attached to it at the time of its consideration by any standing committee or
25 permanent subcommittee a brief explanatory statement or note which shall include a
26 reliable estimate of the financial and actuarial effect of the proposed change to that
27 retirement or pension system. The actuarial note shall be attached to the jacket of each
28 proposed bill or resolution which is reported favorably by any standing committee or
29 any permanent subcommittee, shall be separate therefrom, and shall be clearly
30 designated as an actuarial note.

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

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

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

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

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

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

24 **RULE 37. Removing Bill from Unfavorable Calendar.**—A bill may be
25 removed from the unfavorable calendar upon motion carried by a two-thirds (2/3) vote.
26 A motion to remove a bill from the unfavorable calendar is debatable.

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

- 30 1. carries an appropriation from the State; or
- 31 2. requires or will require in the future substantial additional State monies
32 from the General Fund or Highway Fund to implement its provisions
33 shall indicate same in the report, and said bill or resolution shall be
34 referred to the Standing Committee on Appropriations for a further
35 report before being acted upon by the House.

36 (b) All standing committees, other than the Standing Committee on Finance,
37 when favorably reporting any bill which in any way or manner raises revenue, reduces
38 revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or
39 authorizes the issue of bonds or notes, whether public, public-local, or private, shall
40 indicate same in the report, and said bill shall be referred to the Standing Committee on
41 Finance for a further report before being acted upon by the House.

42 (c) **Action on Amendment Before Re-Referral.** If any standing committee
43 recommends adoption of an amendment or committee substitute of a bill which, under
44 the rules of the House must be referred to the Standing Committees on Appropriations

1 or Standing Committee on Finance, the amendment or committee substitute shall be
2 considered and, if adopted, the amendment or substitute engrossed before the bill is re-
3 referred.

4 **RULE 39. Recall of Bill from Standing Committee.**—When a House bill
5 has been introduced and referred to a standing committee, if after 10 legislative days the
6 standing committee has failed to report thereon, then the introducer of the bill or some
7 member designated by him may, after three legislative days' public notice given in the
8 House and delivered in writing to the Chair of the standing committee, on motion
9 supported by a majority vote of the members present and voting, recall the same from
10 the standing committee to the floor of the House for consideration and such action
11 thereon as a majority of the members present may direct. This rule shall not be
12 temporarily suspended without one day's notice on the motion given in the House and
13 delivered in writing to the Chair of the standing committee, and to sustain that motion
14 two-thirds (2/3) of the members present and voting shall be required.

15 **RULE 39.1. Recall of Bill from Permanent Subcommittee.**—When a House
16 bill has been referred to a permanent subcommittee, if after 10 legislative days the
17 subcommittee has failed to act thereon or, at any time, with the agreement of the
18 subcommittee chair, the standing committee Chair may re-refer the bill from that
19 permanent subcommittee to another permanent subcommittee of the same standing
20 committee provided the report of the re-referral shall be made pursuant to Rule 32.

21 **RULE 39.2. Re-Referral of Bills from One Standing Committee to**
22 **Another Standing Committee.**—Upon consent of the sponsor of the bill, the Speaker,
23 the Chair of the standing committee from whom the bill is to be re-referred, and the
24 Chair of the standing committee to whom the bill is to be re-referred, the Chair may
25 move for a re-referral to another standing committee and the bill shall be re-referred
26 upon vote of the majority present during a regular session of the House.

27 **RULE 40. Calendars and Schedules of Business.**—The Clerk of the House
28 shall prepare a daily schedule of business, including the Calendar of Bills and
29 Resolutions for consideration and debate that day, in accordance with the Order of
30 Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the
31 order in which they are introduced. All bills and resolutions shall be taken up as they
32 appear in each category (Rule 5(10)) in the order they were reported by standing
33 committee; but the Standing Committee on Rules, Appointments and Calendar may at
34 any time arrange the order of precedence in which bills may be considered.

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

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

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

- 3 1. been tabled,
- 4 2. been postponed indefinitely,
- 5 3. failed to pass on any of its readings, or
- 6 4. been placed on the unfavorable calendar,

7 the contents of that bill or the principal provisions of its subject matter shall not be
8 considered in any other measure originating in the Senate or originating thereafter in the
9 House. Upon the point of order being raised and sustained by the Chair, that measure
10 shall be laid upon the table, and shall not be taken therefrom except by a two-thirds
11 (2/3) vote of the members present and voting.

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

16 RULE 43. **Amendments.**—No amendment to a measure before the House
17 shall be in order unless the amendment is germane to the measure under consideration.
18 A House amendment deleting a previously adopted House amendment shall not be in
19 order.

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

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

30 RULE 43.1. **Engrossment.**—Bills and resolutions, except those making
31 appropriations, which originate in the House and which are amended, shall be engrossed
32 before being sent to the Senate.

33 RULE 43.2. **House Concurrence in Senate Amendments to House Bills.**—
34 The House shall not concur in a Senate amendment to a bill originating in the House
35 until the next legislative day after the day on which the House receives the Senate
36 amendment.

37 RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the**
38 **House; Procedure for Treatment of Material Amendments Thereto.**—(a) Whenever
39 the Senate has adopted a committee substitute for a bill originating in the House, and
40 has returned the bill to the House for concurrence in that committee substitute, the
41 House may not concur in that committee substitute until the next legislative day
42 following the day on which the House receives that committee substitute.

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

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

7 "**Revenue bills.**—No law shall be enacted to raise money on the credit of the State, or
8 to pledge the faith of the State directly or indirectly for the payment of any debt, or to
9 impose any tax upon the people of the State, or to allow the counties, cities, or towns to
10 do so, unless the bill for the purpose shall have been read three several times in each
11 House of the General Assembly and passed three several readings, which readings shall
12 have been on three different days, and shall have been agreed to by each House
13 respectively, and unless the yeas and nays on the second and third readings of the bill
14 shall have been entered on the journal."

15 If the committee substitute was referred to standing committee, the standing
16 committee shall:

- 17 i. report the bill with the recommendation either that the House
18 concur or that the House do not concur; and
- 19 ii. advise the Speaker as to whether or not that committee
20 substitute is a material amendment under Article II, Section 23,
21 of the State's Constitution.

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

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

28 (f) No committee substitute adopted by the Senate to a bill originating in the
29 House may be amended by the House.

30 **RULE 44. Conference Standing Committees.**—(a) Whenever the House
31 shall decline or refuse to concur in amendments put by the Senate to a bill originating in
32 the House, or shall refuse to concur in a substitute adopted by the Senate for a bill
33 originating in the House or whenever the Senate shall decline or refuse to concur in
34 amendments put by the House to a bill originating in the Senate, or shall refuse to
35 concur in a substitute adopted by the House for a bill originating in the Senate, a
36 conference committee may be appointed by the Speaker upon his own motion or shall
37 be appointed upon request by the principal sponsor of the original bill, the Chair of the
38 House standing committee which reported the bill, or by the sponsor of the amendment
39 in which the Senate refused to concur; and the bill under consideration shall thereupon
40 go to and be considered by the joint conferees on the part of the House and Senate. In
41 appointing members to conference committees the Speaker shall appoint no less than a
42 majority of members who generally supported the House position as determined by the
43 Speaker.

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

5 (c) If the conferees fail to agree, new conferees may be appointed. However, if
6 either house refuses to adopt the report of its conferees, no new conferees may be
7 appointed.

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

11 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

12 **RULE 45. Elected Officers.**—(a) The House shall elect one of its members
13 Speaker.

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

18 (c) The House shall elect a Principal Clerk, who shall continue in office until
19 another is elected. The Speaker shall appoint a Reading Clerk and a Sergeant-at-Arms,
20 who shall serve at the Speaker's pleasure. The Principal Clerk, Reading Clerk, and
21 Sergeant-at-Arms shall have and perform duties and responsibilities, not inconsistent
22 with these Rules, as the Speaker may assign.

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

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

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

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

33 **RULE 48. Clerks and Secretaries.**—(a) Each standing committee and
34 permanent subcommittee shall have a clerk. The clerk to a standing committee or
35 permanent subcommittee shall serve as secretary to the Chair of the standing committee
36 or permanent subcommittee.

37 (b) Each member shall be assigned a secretary, unless he has a standing
38 committee or permanent subcommittee clerk to serve as secretary.

39 (c) The selection and retention of clerks and secretaries shall be the sole
40 prerogative of the individual member or members. Such clerks and secretaries shall file
41 initial applications for employment with the Principal Clerk and shall receive
42 compensation as prescribed by the Legislative Services Commission. The employment
43 period of clerks and secretaries shall commence not earlier than the convening date of
44 the General Assembly and shall terminate not later than the final adjournment or recess

1 of the General Assembly unless employment for an extended period is approved by the
2 Speaker. The clerks and secretaries shall adhere to such uniform rules and regulations
3 not inconsistent with these Rules regarding hours and other conditions of employment
4 as the Legislative Services Commission shall fix by appropriate regulations.

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

11 **VIII. PRIVILEGES OF THE HALL**

12 **RULE 50. Admittance to Floor.**—No person except members, officers and
13 employees of the General Assembly and former members of the General Assembly who
14 are not registered under the provisions of Article 9 of Chapter 120 of the General
15 Statutes of North Carolina shall be allowed on the floor of the House during its session,
16 unless permitted by the Speaker or otherwise provided by law. Employees of the
17 General Assembly shall wear identification tags, approved by the Legislative
18 Administrative Officer, when on the floor of the House.

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

24 **RULE 52. Extending Courtesies.**—Courtesies of the floor, galleries or lobby
25 shall be extended at the discretion of the Speaker and only by the Speaker. Requests by
26 members to extend these courtesies shall be typewritten and delivered to the Speaker.
27 No member shall orally ask the Speaker to extend these courtesies during the daily
28 session.

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

32 **IX. GENERAL RULES**

33 **RULE 54. Attendance of Members.**—No member or officer of the House
34 shall absent himself from the service of the House without leave, unless from sickness
35 or disability.

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

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

42 **RULE 57. Placement or Circulation of Materials.**—Persons other than
43 members of the House shall not place or cause to be placed any materials on members'
44 desks in the House Chamber without obtaining approval of the Speaker. Any material

1 placed on members' desks in the House Chamber, or circulated to House members
2 anywhere in the Legislative Building or the Legislative Office Building, shall bear the
3 name of the originator.

4 **RULE 58. Rules, Rescission and Alteration.**—(a) These rules shall not be
5 permanently rescinded or altered except by House simple resolution passed by a two-
6 thirds (2/3) vote of the members present and voting. The introducer of the resolution
7 must on the floor of the House give notice of his intent to introduce the resolution on the
8 legislative day preceding its introduction.

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

11 **RULE 59. Limitation on Cosponsorship of Bills and Resolutions.**—Any
12 member wishing to cosponsor a bill or resolution which has been introduced may do so
13 by appearing in the office of the Principal Clerk for such purpose within one-half hour
14 following the adjournment of the session during which such bill or resolution was first
15 read and referred.

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

22 **RULE 61. Assignment of Seats.**—A member who has served in the
23 immediate preceding session may retain his seat in the subsequent biennial session.
24 After initial assignment of seats, a member shall continue to occupy the seat to which
25 initially assigned for the entire biennial session. In event of vacancy that member's
26 successor will occupy the seat of the member he replaces for the remainder of the
27 biennial session, but such successor shall not be considered as one who has served in the
28 immediate preceding session for the purposes of seat assignment in the subsequent
29 biennial session.

30 **RULE 61.1. Office Assignments.**—The Chair of the Standing Committee on
31 Rules, Appointments and Calendar shall assign to each member an office space. When
32 available, Chairs of standing committees and permanent subcommittees shall be
33 assigned an office adjacent to the room in which the standing committee or permanent
34 subcommittee generally meets if the Chair so desires. The Speaker shall be assigned an
35 office of his choice.

36 **RULE 61.2. Convening and Assigning Seats in the New House.**—(a) The
37 Principal Clerk of the previous House of Representatives shall convene the House of
38 Representatives at 12:00 noon on the date established by law for the convening of each
39 regular session, and preside over the body until the members elect a Speaker. In the
40 case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon the
41 sergeant-at-arms of the prior House, and in the case of a vacancy in that office, or
42 inability or refusal to so serve, the duty shall devolve upon the reading clerk of the prior
43 House.

1 (b) It shall be the duty of the Chair of the Standing Committee on Rules,
2 Appointments and the Calendar of the prior House to assign seats to the members of the
3 House of Representatives in its Chamber. In the case of a death of the Chair of the
4 Standing Committee on Rules, Appointments and the Calendar, or that Chair's inability
5 or refusal to serve, the Speaker of the prior House of Representatives shall appoint a
6 person to assign seats to members of the House of Representatives in its Chamber.

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

10 Sec. 2. This resolution is effective upon adoption.