

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE RESOLUTION 83

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Sponsors: Senator Winner.

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Referred to: Rules and Operation of the Senate.

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February 18, 1991

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE  
2 SENATE FOR THE REGULAR SESSIONS OF THE 1991 GENERAL  
3 ASSEMBLY OF NORTH CAROLINA.

4 Be it resolved by the Senate:

5 Section 1. The permanent rules for the Regular Sessions are as follows:

6 **PERMANENT RULES OF**  
7 **THE REGULAR SESSIONS OF THE SENATE**  
8 **1991 GENERAL ASSEMBLY OF NORTH CAROLINA**

- 9 I. Order of Business, Rules 1-7  
10 II. Conduct of Debate, Rules 8-17  
11 III. Motions, Rules 18-24  
12 IV. Voting, Rules 25-30.1  
13 V. Committees, Rules 31-37  
14 VI. Handling Bills, Rules 38-59.1  
15 VII. Legislative Officers and Employees, Rules 60-65  
16 VIII. General Rules, Rules 66-77.

17 **I. ORDER OF BUSINESS**

18 **RULE 1. Rules controlling the Senate of North Carolina and its**  
19 **committees.**—The following rules shall govern and control all actions and procedures of  
20 the Senate and its committees.

21 **RULE 2. Convening hour.**—The Presiding Officer shall take the Chair at the  
22 hour fixed by the Senate upon adjournment on the preceding legislative day, and shall  
23 call the members to order. In case the Senate adjourned on the preceding legislative day  
24 without having fixed the hour of reconvening, the Senate shall reconvene on the next  
25 legislative day at 1:30 p.m.

1           **RULE 3. Opening the session.**—The Presiding Officer shall, upon order  
2 being obtained, have the sessions of the Senate opened with prayer.

3           **RULE 4. Convening in absence of President.**—In the absence of the  
4 President, the President Pro Tempore shall reconvene the Senate and preside, and during  
5 such time shall be vested with all powers of the President except that of casting a vote in  
6 case of tie when he has already voted on the question as a Senator. In the event of the  
7 absence of the President and President Pro Tempore at any time fixed for the  
8 reconvening of the Senate, the Deputy President Pro Tempore of the Senate, the  
9 Principal Clerk of the Senate, or in his or her absence also, the Chairman of the Senate  
10 Committee on Rules and Operation of the Senate, shall call the Senate to order and  
11 designate some member to act as Presiding Officer.

12           **RULE 5. Quorum.**—(a) A quorum consists of a majority of all the qualified  
13 members of the Senate.

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

17           **RULE 6. Approval of Journal.**—After the prayer, and upon appearance of a  
18 quorum, the Presiding Officer shall cause the Journal of the preceding day to be read  
19 and approved, unless the President Pro Tempore or, in his absence, the Deputy President  
20 Pro Tempore of the Senate or some member of the Senate by motion sustained by a  
21 majority of the members present, has the reading thereof dispensed with and the same  
22 approved as written.

23           **RULE 7. Order of business.**—After approval of the Journal, the order of  
24 business shall be as follows:

- 25           (1) Reports of standing committees.
- 26           (2) Reports of select committees.
- 27           (3) Introduction of bills, petitions, and resolutions.
- 28           (4) Messages from the House of Representatives.
- 29           (5) Unfinished business of preceding day.
- 30           (6) Special orders.
- 31           (7) General orders:
  - 32           (a) Local bills in numerical order, Senate bills first
    - 33                   (i) Third reading roll call and electronic voting system votes
    - 34                   (ii) Second reading roll call and electronic voting system votes
    - 35                   (iii) Second reading **viva voce**
    - 36                   (iv) Third reading **viva voce**
  - 37           (b) Public bills in numerical order, Senate bills first
    - 38                   (i) Third reading roll call and electronic voting system votes
    - 39                   (ii) Second reading roll call and electronic voting system votes
    - 40                   (iii) Second reading **viva voce**
    - 41                   (iv) Third reading **viva voce**

**II. CONDUCT OF DEBATE**

42           **RULE 8. Presiding Officer to maintain order.**—The Presiding Officer shall  
43 have general direction of the Hall of the Senate and shall be authorized to take such  
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1 action as is necessary to maintain order, and in case of any disturbance or disorderly  
2 conduct in the galleries or lobbies, he shall have the power to order those areas cleared.

3 **RULE 9. Substitution for Presiding Officer.** The Presiding Officer shall  
4 have the right to call on any member to perform the duties of the Chair, but substitution  
5 shall not extend beyond one day.

6 **RULE 10. Points of order.**—(a) The Presiding Officer shall preserve order and  
7 decorum and proceed with the business of the Senate according to the rules adopted. He  
8 shall decide all questions of order, subject to an appeal to the Senate by any member, on  
9 which appeal no member shall speak more than once unless by leave of the Senate. A  
10 two-thirds vote of the membership of the Senate present and voting is necessary to  
11 sustain any appeal from the ruling of the Presiding Officer.

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

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

22 **RULE 11. Debating and voting by Lieutenant Governor.**—The Lieutenant  
23 Governor, as President of the Senate, being a Constitutional Officer shall not have the  
24 right to debate any question or to address the Senate upon any proposition unless by  
25 permission of the majority of members present, and shall have the right to vote only  
26 when there is a tie vote upon any question or election.

27 **RULE 12. Obtaining recognition.**—(a) When any Senator is about to speak in  
28 debate or deliver any matter to the Senate, he shall rise from his seat and respectfully  
29 address the Presiding Officer. No member shall speak further until recognized by the  
30 Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two  
31 or more members rise at the same time, the Presiding Officer shall name the member to  
32 speak.

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

37 (c) A Senator who has obtained the floor may be interrupted only for the  
38 following reasons:

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

42 (d) When a Senator refers to a bill, the bill number and short title must be used.

43 **RULE 13.** (Reserved for future use).

1       RULE 14. **Limitations on individual debate.**—(a) No Senator shall speak on the  
2 same day more than twice on the main question, nor longer than thirty minutes for the  
3 first speech and fifteen minutes for the second speech. No Senator shall speak on the  
4 same day more than once on an amendment or a motion to reconsider, commit, appeal  
5 or postpone, and then no longer than ten minutes.

6       (b) By permission of the Presiding Officer any member of the Senate may  
7 address the Senate from the well of the Senate for the purpose of explaining a bill or of  
8 giving an invocation.

9       RULE 15. **Questions of personal privilege.**—Upon recognition by the  
10 Presiding Officer for that purpose, any Senator may speak to a question of personal  
11 privilege for a time not exceeding three minutes. Personal privilege may not be used to  
12 explain a vote, debate a bill, or in any way disrupt the regular business of the Senate.  
13 The Presiding Officer shall determine if the question raised is one of privilege and shall,  
14 without the point of order being raised, enforce this rule.

15       RULE 16. (Reserved for future use).

16       RULE 17. **General decorum.**—(a) Male Senators and male visitors shall  
17 uncover their heads upon entering the Senate Chamber while the Senate is in session  
18 and shall continue uncovered during their continuance in the Chamber, unless one's  
19 religion requires his head to be covered.

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

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

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

28       (e) Smoking shall not be allowed in the galleries of the Senate during sessions.

29       (f) No remark soliciting the donation of funds for the support of any person or  
30 organization shall be in order upon the floor of the Senate, unless the remark has some  
31 relevance to a bill or resolution before the body. No article of any kind soliciting  
32 business or donations may be placed by any person anywhere in the Senate Chamber or  
33 in any Senate office.

34       (g) Food or beverage shall not be permitted in the Senate Chamber, either on the  
35 floor or in the galleries; however, after the Senate has remained in session for a period  
36 of two hours, food and beverage shall be allowed upon the floor of the Senate.

37       (h) Reading of newspapers, magazines, periodicals or books shall not be  
38 acceptable while the Senate is in session.

39                                 **III. MOTIONS**

40       RULE 18. **Motions generally.**—Any motion shall be reduced to writing, if  
41 requested by the Presiding Officer or a Senator, and read by the Presiding Officer or  
42 Reading Clerk before the same are debated; but any motion may be withdrawn by the  
43 introducer at any time before decision or amendment. No motion relating to a bill shall

1 be in order which does not identify the bill by its number and short title. Except as  
2 otherwise specifically provided in these rules, no second is required.

3 **RULE 19. Motion; order of precedence.**—When a question is before the  
4 Senate no motion shall be received except those herein specified, which motions shall  
5 have precedence as follows:

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

14 **RULE 20. Motions requiring a second.**—The motions to adjourn, to lay on  
15 the table, and to call for the previous question, shall be seconded and decided without  
16 debate, and the motion to adjourn shall always be in order when made by a Senator  
17 entitled to the floor.

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

21 **RULE 22. Motion to substitute.**—Subject to Rule 19, a member may offer a  
22 motion to substitute to any motion, except the motions for the previous question, to  
23 table, or to adjourn. No motion to substitute shall be offered to a motion to substitute.

24 **RULE 23. Motion for previous question.**—The previous question shall be as  
25 follows: "Shall the main question be now put?" and until it is decided shall preclude all  
26 amendments and debate. If this question is decided in the affirmative, the "main  
27 question" shall be on the passage of the bill, resolution, or other matter under  
28 consideration; but when amendments are pending, the question shall be taken upon such  
29 amendments in their inverse order, without further debate or amendment: Provided, that  
30 no one shall move the previous question except the chairman of the committee  
31 submitting the report on the bill or other matter under consideration, or the member  
32 introducing the bill or other matter under consideration, or the member in charge of the  
33 measure, who shall be designated by the chairman of the committee reporting the same  
34 to the Senate at the time the bill or other matter under consideration is reported to the  
35 Senate or taken up for consideration.

36 **RULE 24. Motion to reconsider.**—(a) When a question has been once put  
37 and decided, any Senator who voted in the majority may move to reconsideration  
38 thereof; but no motion for the reconsideration of any vote shall be in order after the bill,  
39 resolution, message, report, amendment, or motion upon which the vote was taken has  
40 gone out of the possession of the Senate; nor shall any motion for reconsideration be in  
41 order unless made on the same day or in the next following legislative day on which the  
42 vote proposed to be reconsidered took place: Provided, that when the next legislative  
43 day has by motion of the Senate been restricted as to matters which may be considered,

1 a motion to reconsider shall be in order on the next succeeding day upon which regular  
2 business is conducted. No question shall be reconsidered more than once.

3 (b) Notwithstanding subsection (a) of this Rule, a motion to reconsider is in  
4 order at any time if made by the Chairman or, in his absence, the Vice-Chairman of the  
5 Committee on Rules and Operation of the Senate for the sole purpose of correcting  
6 grammatical errors in bills in the possession of the Senate.

#### 7 IV. VOTING

8 **RULE 25. Use of electronic voting system.**—(a) Votes on the following questions  
9 shall be taken on the electronic voting system, and the ayes and noes shall be recorded  
10 on the Journal:

11 (1) All questions on which the Constitution of North Carolina requires that  
12 the ayes and noes be taken and recorded on the Journal.

13 (2) All questions on which a call for the ayes and noes under Rule 26(b)  
14 has been sustained.

15 (3) Both second and third readings of bills proposing amendment of the  
16 Constitution of North Carolina.

17 (b) Votes on the following questions shall be taken on the electronic voting  
18 system, and the resulting totals shall be recorded on the Journal:

19 (1) Second reading of all public bills, all amendments to public bills  
20 offered after second reading, third reading if a public bill was amended  
21 after second reading, and all conference reports on public bills.

22 (2) Any other question upon direction of the Presiding Officer or upon  
23 motion of any Senator supported by one-fifth of the Senators present.

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

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

35 (e) When the electronic voting system is used, the Presiding Officer shall state  
36 the question and shall then state substantially the following: "All in favor vote 'aye'; all  
37 opposed vote 'no'; \_\_\_\_\_ seconds will be allowed for voting on this question; the Clerk  
38 will record the vote." After the machine locks and records the vote, the Presiding  
39 Officer shall announce the vote and declare the result.

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

43 (g) When the Presiding Officer ascertains that the electronic voting system is  
44 inoperative before a vote is taken or while a vote is being taken on the electronic

1 system, he shall announce that fact to the Senate and any partial electronic system  
2 voting record shall be voided. In such a case, if the Constitution of North Carolina or  
3 the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of  
4 the Senate, and the ayes and noes shall be taken manually and shall be recorded on the  
5 Journal. All other votes shall be taken by voice vote as prescribed in Senate Rule 26(a).  
6 If, after a vote is taken on the electronic system, it is discovered that a malfunction  
7 caused an error in the electronic system print-out, the Presiding Officer shall direct the  
8 Reading Clerk and the Principal Clerk to verify and correct the print-out record and so  
9 advise the Senate.

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

- 13 1. To lay on the table.
- 14 2. For the previous question.
- 15 3. To postpone indefinitely.
- 16 4. To postpone to a day certain.
- 17 5. To refer to a committee.
- 18 6. To reconsider.
- 19 7. To adopt.
- 20 8. To concur.
- 21 9. To take from the table.
- 22 10. Miscellaneous.

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

31 (b) The ayes and the noes may be called for on any question before the vote is  
32 taken. If a Senator desires the ayes and noes recorded on the Journal on a question, he  
33 shall address the Presiding Officer and obtain recognition and say, "Upon that question I  
34 call for the ayes and noes." Whereupon the Presiding Officer shall say, "Is the call  
35 sustained?" If one-fifth of the Senators present then stand, the vote shall be taken on the  
36 electronic voting system if it is operative, and the ayes and noes shall be recorded on the  
37 Journal. If the electronic voting system is inoperative, the roll of the Senate shall be  
38 called and the ayes and noes taken manually and recorded on the Journal. If fewer than  
39 one-fifth of the Senators present stand to sustain the call, the Presiding Officer shall  
40 announce, "An insufficient number up" and a vote by electronic voting or by voice,  
41 whichever is appropriate under the Rules of the Senate, shall be taken.

42 **RULE 27. Pairs.**—(a) If a Senator is paired with another Senator on a  
43 question, the Senator shall announce the pair as follows: "Mr. President, I desire to  
44 announce a pair. If Senator \_\_\_\_\_ were present, he would vote \_\_\_\_\_; I would vote

1 \_\_\_\_\_ (the opposite).' The Senator shall send forward at that time a written statement of  
2 the pair on a form provided by the Principal Clerk and neither member of the pair shall  
3 vote on the question. A pair shall be announced before the vote is taken **viva voce**, or if  
4 the electronic voting system is used, before the machine is unlocked. The Clerk shall  
5 record the pair on the Journal when the Constitution or Rules of the Senate require a call  
6 of the roll and shall record on the electronic system print-out all pairs announced.

7 (b) This rule does not apply to committee or subcommittee proceedings.

8 **RULE 28. Dividing question.**—If any question contains several distinct  
9 propositions, it shall be divided by the Presiding Officer, at the request of any Senator,  
10 provided each subdivision, if left to itself, forms a substantive proposition.

11 **RULE 29. Duty to vote; excuses.**—(a) Every Senator who is within the bar of  
12 the Senate when the question is stated by the Presiding Officer shall vote thereon unless  
13 he is excused by the Senate. The bar of the Senate shall include the entire Senate  
14 Chamber.

15 (b) Any Senator, upon motion adopted, shall be excused from the deliberations  
16 and voting on a particular bill, but to do so must make that motion after the second  
17 reading of the bill and before any motion or vote on the bill or any amendment thereto.  
18 If the reason for the request arises at some point later in the proceedings, the motion  
19 may be made at that time.

20 (c) The Senator may make a brief statement of the reasons for making that  
21 motion. The Senator may send forward to the Principal Clerk, on a form provided by  
22 the Clerk, a concise statement of the reason for the motion, and the Clerk shall include  
23 this statement in the Journal.

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

28 (e) A Senator may move that his excuse from deliberations on a particular bill be  
29 withdrawn.

30 (f) A motion to be excused or for the withdrawal of an excuse shall be taken  
31 without debate.

32 **RULE 30. Explanation of vote.**—Any Senator may explain his vote on any  
33 bill pending by obtaining permission of the Presiding Officer after the final vote is  
34 taken: Provided, that not more than three minutes shall be consumed in such  
35 explanation.

## 36 V. COMMITTEES

37 **RULE 31. Appointment of committees.**—(a) The President Pro Tempore of  
38 the Senate shall have the exclusive right and authority to appoint the majority party's  
39 membership of all committees, regular and select, and to appoint committee chairmen  
40 and vice-chairmen and to establish select committees, but this does not exclude the right  
41 of the Senate by resolution to establish select committees. The minority leader shall  
42 have the exclusive right and authority to appoint all minority party's members of said  
43 committees and appoint the ranking minority member. Upon the recommendation of  
44 the committee on Rules and Operation of the Senate, the Senate may authorize by



1 majority vote of the Senators present and voting a change in the number of standing  
2 committees.

3 (b) The President Pro Tempore and Minority Leader shall designate their party's  
4 members to all standing committees at the beginning of the session.

5 **RULE 32. List of standing committees.**—The standing committees shall be:

6 Agriculture, Marine Resources, and Wildlife

7 Alcoholic Beverage Control

8 Appropriations

9 Appropriations on Education

10 Appropriations on General Government

11 Appropriations on Human Resources

12 Appropriations on Justice and Public Safety

13 Appropriations on Natural and Economic Resources

14 Banks and Thrift Institutions

15 Base Budget

16 Constitution

17 Education

18 Election Laws

19 Environment and Natural Resources

20 Finance

21 Higher Education

22 Human Resources

23 Insurance

24 Judiciary I

25 Judiciary II

26 Local Government and Regional Affairs

27 Manufacturing and Labor

28 Pensions and Retirement

29 Public Utilities

30 Redistricting

31 Legislative Redistricting

32 Congressional Redistricting

33 Rules and Operation of the Senate

34 State Personnel and State Government

35 Transportation

36 Travel, Tourism, and Cultural Resources

37 Veteran and Military Affairs, Law Enforcement, and Senior Citizens

38 Ways and Means

39 **RULE 33. Notice of committee meetings.**—(a) Public notice of all  
40 committee meetings shall be given in the Senate. The required notice may be waived as  
41 to any meeting by the attendance at that meeting of all of the members of the  
42 committee, or by personal waiver.

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

4 **RULE 34. Membership of committees; quorum.**—Membership on standing  
5 committees shall consist of not more than 20 nor less than 5 Senators, including the  
6 chairman and vice-chairmen and ranking minority member; provided that the  
7 Appropriations Committee, Base Budget Committee, Finance Committee, and  
8 Redistricting Committee shall not be limited as to membership. The President Pro  
9 Tempore shall have the exclusive right and authority to determine the number of  
10 members of each committee. The initial appointed membership of each standing  
11 committee shall with respect to each political party be in the same proportion to the  
12 nearest whole person as the proportion of membership by political party in the entire  
13 Senate. No Senator shall hold membership on more than 12 standing committees unless  
14 the committee on Rules and Operation of the Senate provides otherwise.

15 A quorum of the Appropriations, Base Budget, Ways and Means, and Finance  
16 Committees shall consist of a majority of the committee. A quorum of any other  
17 committee shall consist of either the chairman and 5 members or a majority of the  
18 committee, whichever is fewer.

19 **RULE 34.1. President Pro Tempore.**—The President Pro Tempore may  
20 attend each committee as if he were a member but shall have no vote.

21 **RULE 35. Roll call vote in committee.**—No roll call vote may be taken in  
22 any committee. The committee chairman may vote in committee.

23 **RULE 36. Committee meetings.**—No committee or subcommittee shall hold  
24 a secret meeting, and all meetings of committees and subcommittees shall be open to  
25 the public: Provided, that any committee or subcommittee has the inherent right to hold  
26 an executive session when it determines that it is absolutely necessary to have such a  
27 session in order to prevent personal embarrassment, or when it is in the best interest of  
28 the State; and in no event shall final action be taken by any committee or subcommittee  
29 except in open session.

30 **RULE 36.1. Committee minutes to Legislative Library.**—The chairman of  
31 a committee shall insure that written minutes are compiled for each of the committee's  
32 meetings. The minutes shall indicate the number of members present and the actions  
33 taken by the committee at the meeting. Not later than 30 days after the adjournment of  
34 each session of the General Assembly, the chairman shall deliver the minutes to the  
35 Legislative Library. The President Pro Tempore of the Senate may grant a reasonable  
36 extension of time for filing said minutes upon application of the committee chairman.

37 **RULE 37.** (Reserved for interim operations rule).

## 38 VI. HANDLING BILLS

39 **RULE 38. Application of rules.**— All provisions of these rules applying to  
40 bills shall apply also to resolutions, memorials and petitions.

41 **RULE 39. Form and copies of bills.**—(a) Unless variation is authorized by the  
42 Committee on Rules and Operation of the Senate, bills submitted for introduction shall  
43 be in a computer-typed form prepared by the Legislative Services Office. When a bill  
44 which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill

1 to be retyped in the prescribed form, and the retyped copy shall become the official  
2 copy of the bill for all purposes. The original bill shall then be returned to the  
3 introducer of the bill and shall not become a part of the records or documents of the  
4 Senate.

5 (b) Whenever a bill is introduced, 25 copies shall be submitted to the Principal  
6 Clerk. Any bill submitted without the required number of copies shall be immediately  
7 returned to the introducer.

8 **RULE 39.1. Public and local bills; availability of copies of bills.**—A public  
9 bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15  
10 counties. No public bill and, upon objection by a member, no local bill may be  
11 considered unless copies of the bill have been made available to the entire membership  
12 of the Senate.

13 **RULE 40. Introduction of bills.**—(a) Every bill filed for introduction shall contain  
14 on the outside cover the title of the document and the name of the Senator or Senators  
15 presenting it. Bills shall be delivered by the primary sponsor of the document or with  
16 the prescribed authorization form signed by the primary sponsor to the office of the  
17 Senate Principal Clerk who shall receive them during regular session according to the  
18 following schedule:

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

20 Tuesday, Wednesday, and Thursday until  
21 4:00 o'clock P.M.;

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

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

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

28 (c) All memorializing, celebration, commendation, and commemoration  
29 resolutions, except those which solely honor the memory of deceased persons or a North  
30 Carolina institution, or both, shall be excluded from introduction and consideration in  
31 the Senate.

32 **RULE 41. Deadlines on filing for introduction of bills and resolutions.**—

33 (a) All bills or resolutions recommended by commissions or committees  
34 authorized or directed by act or resolution of the General Assembly to report to the 1991  
35 Regular Session of the General Assembly, or to report prior to convening of that  
36 session, must be filed for introduction not later than the third Wednesday in February  
37 (February 20) of the first year of the biennial session; provided that any such measure  
38 submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 p.m.  
39 on that date and filed for introduction in the Senate before 3:00 p.m. on the next  
40 Wednesday (February 27) shall be treated as if it had been filed for introduction  
41 pursuant to this subsection.

42 (a1) All bills prepared to be introduced by departments, agencies, or institutions of  
43 the State must be filed for introduction not later than the third Thursday in March  
44 (March 21) of the first year of the biennial session; provided that any such measure

1 submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 p.m.  
2 on that date and filed for introduction in the Senate before 3:00 p.m. on the next  
3 Thursday (March 28) shall be treated as if it had been filed for introduction pursuant to  
4 this subsection.

5 (a2) All local bills must be filed for introduction not later than the first Thursday  
6 in April (April 4) of the first year of the biennial session; provided that any such  
7 measure submitted to the Bill Drafting Division of the Legislative Services Office by  
8 4:00 p.m. on that date and filed for introduction in the Senate before 3:00 p.m. on the  
9 next Thursday (April 11) shall be treated as if it had been filed for introduction pursuant  
10 to this subsection.

11 (a3) All resolutions, except those honoring the memory of deceased persons or  
12 adjourning the General Assembly must be filed for introduction not later than the  
13 second Thursday in May (May 9) of the first year of the biennial session; provided that  
14 any such measure submitted to the Bill Drafting Division of the Legislative Services  
15 Office by 4:00 p.m. on that date and filed for introduction in the Senate before 3:00 p.m.  
16 on the next Thursday (May 16) shall be treated as if it had been filed for introduction  
17 pursuant to this subsection.

18 (a4) All public bills not containing appropriations or not requiring to be referred to  
19 the Committee on Finance by Rule 42 must be filed for introduction not later than the  
20 second Thursday in April (April 11) of the first year of the biennial session; provided  
21 that any such measure submitted to the Bill Drafting Division of the Legislative  
22 Services Office by 4:00 p.m. on that date and filed for introduction in the Senate before  
23 3:00 p.m. on the next Thursday (April 18) shall be treated as if it had been filed for  
24 introduction pursuant to this subsection.

25 (a5) All public bills containing appropriations or requiring to be referred to the  
26 Committee on Finance by Rule 42 must be filed for introduction not later than the first  
27 Thursday in May (May 2) of the first year of the biennial session; provided that any  
28 such measure submitted to the Bill Drafting Division of the Legislative Services Office  
29 by 4:00 p.m. on that date and filed for introduction in the Senate before 3:00 p.m. on the  
30 next Thursday (May 9) shall be treated as if it had been filed for introduction pursuant  
31 to this subsection.

32 (a6) A two-thirds vote of the membership of the Senate present and voting shall be  
33 required to file for introduction any bill or resolution after the dates established by this  
34 section.

35 (a7) Except for subsection (c), this rule shall not apply to any reconvened session  
36 following the adjournment of the first year of the biennial session.

37 (b) In order to be eligible for consideration by the Senate during the first regular  
38 session, all House Bills other than those required to be referred to the Committee on  
39 Redistricting, or the Committee on Finance by Rule 42, appropriations bills or  
40 adjournment resolutions, must be received and read on the floor of the Senate as a  
41 message from the House no later than May 16 of the first regular session; provided that  
42 a message from the House received by the next legislative day stating that a bill has  
43 passed its third reading and is being engrossed shall comply with the requirements of  
44 this subsection and provided that the House has a similar rule.

1 (c) No Senate local appropriations bill may be filed for introduction in the Senate  
2 during the second year of the biennial session unless it is filed for introduction on or  
3 before June 16 of the second year of the biennial session.

4 (d) This rule does not apply to bills establishing districts for Congress or State or  
5 local entities.

6 RULE 41.1. Relationship between Ways and Means Committee and other  
7 committees dealing with money matters; relationship between these other committees  
8 dealing with money matters.—In those instances specified herein, the Committee on  
9 Ways and Means shall have responsibility for final consideration of bills dealing with  
10 money matters before the bills are considered on the floor of the Senate. Upon the  
11 agreement of the chairmen of any two of the following committees: Appropriations,  
12 Finance, and Ways and Means, any bill which net effect decreases revenues or which  
13 net effect increases appropriations and is reported favorably from the Committee on  
14 Appropriations or the Committee on Finance shall be re-referred by the Presiding  
15 Officer to the Committee on Ways and Means for consideration. Bills referred to the  
16 Committee on Appropriations pursuant to Rule 43 may be referred by the Chairman of  
17 the Committee on Appropriations to the Appropriations Committee on Human  
18 Resources, Appropriations Committee on Education, Appropriations Committee on  
19 General Government, Appropriations Committee on Justice and Public Safety, or  
20 Appropriations Committee on Natural and Economic Resources for a report back to the  
21 Committee on Appropriations.

22 RULE 42. **References of appropriations and finance bills.**—(a) All bills  
23 introduced in the Senate providing for appropriations from the State, or any subdivision  
24 thereof, shall, before being considered for passage by the Senate, be referred to the  
25 Committee on Appropriations, and bills referred to other committees carrying any such  
26 provisions shall be reported to the Senate as being bills to be referred to the  
27 Appropriations Committee before being considered for passage by the Senate. All bills  
28 introduced in the Senate providing for bond issues, imposing fees payable to the State,  
29 its agencies, its licensing boards, or any of its subdivisions, levying taxes, or in any  
30 manner affecting the taxing power of the State or any subdivision thereof, shall, before  
31 being considered for passage by the Senate, be referred to the Committee on Finance,  
32 and bills referred to other committees carrying any such provisions shall be reported to  
33 the Senate as being bills to be referred to the Finance Committee before being  
34 considered for passage by the Senate.

35 (b) This rule shall not apply to bills imposing civil penalties, criminal fines,  
36 forfeitures, or penalties for infractions.

37 RULE 42.1. **Fiscal notes.**—(a) The chairman or cochairmen or vice-chairman of the  
38 Appropriations Committee, of the Finance Committee or of the Rules Committee, or of  
39 the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal  
40 analysis be made of a bill, resolution or an amendment to a bill or resolution which is in  
41 the possession of the Senate and that a fiscal note be attached to the measure, when in  
42 the opinion of that chairman or vice-chairman the fiscal effects of that measure are not  
43 apparent from the language of the measure. No bill for which a fiscal note has been

1 requested may be considered for passage prior to the fiscal note being attached to the  
2 bill.

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

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

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

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

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

25 **RULE 42.2. Actuarial notes.**—(a) Every bill or resolution proposing any change  
26 in the law relative to any

- 27 1. State, municipal or other retirement system funded in whole or in part  
28 out of public funds; or  
29 2. Program of hospital, medical, disability or related benefits provided for  
30 teachers and State employees, funded in whole or in part by State  
31 funds

32 shall have attached to it at the time of its consideration by any committee a brief  
33 explanatory statement or note which shall include a reliable estimate of the financial and  
34 actuarial effect of the proposed change to that retirement or pension system. The  
35 actuarial note shall be attached to the jacket of each proposed bill or resolution which is  
36 reported favorably by any committee, shall be separate therefrom, and shall be clearly  
37 designated as an actuarial note.

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

1 (c) The sponsor of the bill or resolution shall also present a copy of the measure  
2 to the chief administrative officer of the retirement or pension system affected by the  
3 measure. The chief administrative officer shall have an actuarial note prepared by the  
4 system's actuary on the measure and shall transmit the note to the sponsor of the  
5 measure not later than two weeks after the request is received. The actuarial note shall  
6 be attached to the jacket of the measure.

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

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

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

26 **RULE 42.3. Assessment reports.**—Every legislative proposal introduced in  
27 the Senate proposing the establishment of an occupational or professional licensing  
28 board or a study for the need to establish such a board shall have attached to the jacket  
29 of the original bill at the time of its consideration on second or third readings by the  
30 Senate or by any committee of the Senate prior to a favorable report, an assessment  
31 report from the Legislative Committee on New Licensing Boards, pursuant to Article  
32 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute  
33 any part of the expression of legislative intent proposed by the formation of a licensing  
34 board.

35 Upon receipt of the request the Legislative Committee on New Licensing Boards  
36 shall prepare and return the assessment report as soon as possible but not later than 60  
37 days, reserving the right to extend this time to 90 days. A supplementary report shall be  
38 prepared and submitted to the requesting Senator not later than 30 days after the receipt  
39 of the request.

40 **RULE 42.4. Content of appropriations bills.**—(a) No provision changing existing  
41 law shall be contained in any of the following bills: (1) the Current Operations  
42 Appropriations Bill; (2) the Capital Improvement Appropriations Bill; (3) any bill  
43 generally revising appropriations for the second fiscal year of a biennium.

1 (b) No amendment to any bill listed in subsection (a) of this rule shall be in order  
2 if the language is prohibited by that subsection.

3 (c) Notwithstanding subsections (a) and (b) of this section, any of the bills listed  
4 in subsection (a) of this section or an amendment to such bill may change existing law if  
5 the change:

6 (1) Alters expenditures or salaries;

7 (2) Changes the scope or character of a program which must be reduced,  
8 increased, or changed because of an increase or decrease of funds  
9 appropriated for the program or because of changes in federal law or  
10 regulation; or

11 (3) Modifies any function of State government which necessitates a  
12 transfer of funds from one department to another;

13 provided, that for a provision to be in order under this subsection, it must be  
14 recommended to the General Assembly in a written report adopted by the  
15 Appropriations Committee before or at the same time the bill is reported, or if such  
16 provision is contained in a floor amendment, the sponsor of the amendment must  
17 present to the Principal Clerk at or before the time the amendment is offered an  
18 explanation of the amendment for distribution to each member of the Senate.

19 **RULE 42.5. Appropriations committee meetings.**—Notwithstanding the  
20 provisions of G.S. 143-14, and pursuant to the last sentence thereof, the Appropriations  
21 Chairman may in his or her sole discretion direct that the Appropriations Committee or  
22 its subcommittees or both may consider the budget and the budget plan including all  
23 appropriations in separate meetings from the House of Representatives and may do all  
24 things set forth in said Statute separately from the House of Representatives.

25 **RULE 43. First reading; reference to committee.**—All bills filed for  
26 introduction and all House bills received in the office of the Principal Clerk not later  
27 than one and one-half hours preceding the convening of the Senate, upon presentation to  
28 the Senate, shall be read in regular order of business by their number and title which  
29 shall constitute the first reading of the bill. Unless otherwise disposed of, the Reading  
30 Clerk shall announce the referral of the bill which shall have been referred by the  
31 Principal Clerk of the Senate under the supervision of the Chairman of the Committee  
32 on Rules and Operation of the Senate or in his absence the Vice-Chairman of said  
33 Committee. The Principal Clerk shall inform the Presiding Officer of the referral. The  
34 title and referral shall be entered upon the Journal.

35 Bills may be referred to more than one committee serially, i.e. "S.B. \_\_\_\_\_ is  
36 referred to the Committee on Agriculture and upon a favorable report referred to the  
37 Appropriations Committee."

38 **RULE 44. Bills to receive three readings.**—Every bill shall receive three  
39 readings previous to being passed, and the Presiding Officer shall give notice at each  
40 whether it be the first, second, or third. After the first reading, unless a motion is made  
41 by some Senator, the Reading Clerk shall announce the referral as set forth in Rule 43.  
42 No bill shall be amended upon the floor of the Senate until it has been twice read.  
43 Senate simple resolutions shall not require three readings.



1           **RULE 45. Reports of committees.**—Every Senator presenting a report of a  
2 committee shall endorse the report with the name of the committee and, in case of a  
3 minority report, with the names of the members making the report. The report of the  
4 committee shall show that a majority of the committee was present and voted. Every  
5 report of the committee upon a bill or resolution shall stand upon the general orders  
6 with the bill or resolution. No committee shall report a bill or resolution without  
7 prejudice.

8           **RULE 45.1. Action on amendment before re-referral.**—If any committee  
9 recommends adoption of an amendment or committee substitute of a bill which, under  
10 the rules of the Senate is sequentially referred to another committee, the amendment or  
11 committee substitute shall be considered and, if adopted, the amendment or substitute  
12 engrossed before the bill is re-referred.

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

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

24           **RULE 47. Recall of bill from committee.**—When a bill has been introduced  
25 and referred to a committee, if after 10 days the committee has failed to report thereon,  
26 then the author of the bill may, after three days' public notice given in the Senate and  
27 delivered in writing to the chairman of the committee, on motion supported by a vote of  
28 two-thirds of the membership of the Senate present and voting, recall the bill from the  
29 committee to the floor of the Senate for consideration and such action thereon as a  
30 majority of the Senators present may direct. This rule shall not be temporarily  
31 suspended except upon one day's notice on the motion given in the Senate and delivered  
32 in writing to the chairman of the committee and to sustain that motion two-thirds of the  
33 membership of the Senate present and voting shall be required.

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

41           **RULE 49. Considering bills out of regular order.**—Except as provided in  
42 Rule 50, any bill or other matter may be taken up out of order upon order of the  
43 Presiding Officer or upon motion sustained by a majority of the membership of the  
44 Senate.

1           **RULE 50. Third reading requirements.**—No bill on its third reading shall  
2 be acted upon out of the regular order in which it stands on the calendar, and no bill  
3 shall be acted upon on its third reading the same day on which it passed its second  
4 reading, unless so ordered by two-thirds of the membership of the Senate present and  
5 voting.

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

13           **RULE 52. Procedure when necessary number of Senators not present.**—  
14 If, on taking the question on a bill, it appears that a constitutional quorum is not present,  
15 or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it  
16 appears that such number is not present, the bill shall be again read and the question  
17 taken thereon; if the bill fails a second time for the want of the necessary number being  
18 present and voting, the bill shall not be finally lost, but shall be returned to the calendar  
19 in its proper order.

20           **RULE 53. Effect of defeated bill.**—(a) After a bill has been tabled, or has  
21 failed to pass on any of its readings, the contents of such bill or the principal provisions  
22 of its subject matter shall not be embodied in any other measure. Upon the point of  
23 order being raised and sustained by the Presiding Officer, such measure shall be laid  
24 upon the table, and shall not be taken therefrom except by a vote of two-thirds of the  
25 membership of the Senate present and voting: Provided, no local bill shall be held by  
26 the Presiding Officer as embodying the provisions, or being identical with any statewide  
27 measure which has been laid upon the table or failed to pass any of its readings.

28           (b) When a bill has been postponed indefinitely by the Senate, the bill shall lie  
29 upon the table, and shall not be taken therefrom except by a vote of two-thirds of the  
30 membership of the Senate present and voting.

31           **RULE 54. Taking bill from table.**—No bill which has been laid upon the  
32 table shall be taken therefrom except by a vote of two-thirds of the membership of the  
33 Senate present and voting.

34           **RULE 54.1. Bill title.**—The title of each bill shall adequately and fairly reflect  
35 its subject matter.

36           **RULE 55. Amending titles of bills.**—When a bill is materially modified or  
37 the scope of its application extended or decreased, or if the county, or counties, to which  
38 it applies is changed, the title of the bill shall be changed by the Senator introducing the  
39 bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate  
40 the full purport of the bill as amended and the county or counties to which it applies.

41           **RULE 56. Corrections of typographical errors in bills.**—The Enrolling  
42 Clerk is authorized to make corrections of typographical errors in the text of bills at any  
43 time prior to ratification. Before the correction is made, the Enrolling Clerk shall have

1 the approval of the Chairman of the Committee on Rules and Operation of the Senate  
2 or, in his absence, the Vice-Chairman of said Committee.

3 **RULE 56.1. Amendments and committee substitutes adopted by the House to**  
4 **bills originating in the Senate.**—(a) Whenever the House has adopted an  
5 amendment or a committee substitute for a bill originating in the Senate, and has  
6 returned the bill to the Senate for concurrence in that amendment or committee  
7 substitute, the Senate may not concur in that amendment or committee substitute until  
8 the next legislative day following the day on which the Senate receives that measure.

9 (b) The Principal Clerk under the supervision of the Chairman of the Rules and  
10 Operation Committee of the Senate may, and upon motion supported by a majority of  
11 the Senate present and voting, shall refer the bill to an appropriate committee for  
12 consideration of the amendment or committee substitute.

13 (c) The Presiding Officer shall, in placing the bill on the calendar, rule whether  
14 the amendment or committee substitute is a material amendment under Article II,  
15 Section 23, of the State's Constitution. If the measure is referred to committee, the  
16 committee shall:

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

22 (d) If the amendment or committee substitute for a bill is not a material  
23 amendment, the question before the Senate shall be concurrence. In the event there is  
24 more than one House amendment, the question shall be concurrence in all the House  
25 amendments and the question may not be divided, notwithstanding Rule 28. The  
26 question which shall be put before the Senate by the Presiding Officer shall be: "Does  
27 the Senate concur in the House amendments (Committee Substitute) to S.B. \_\_\_\_\_?"

28 (e) If the amendment or committee substitute for a bill is a material amendment,  
29 the receiving of that bill on messages shall constitute first reading and the question  
30 before the Senate shall be concurrence on second reading. If the motion is passed, the  
31 question then shall be concurrence on third reading on the next legislative day.

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

34 **RULE 57. Conference committee.**—Whenever the Senate fails to concur in  
35 amendments or committee substitutes put by the House to a bill originating in the  
36 Senate, or whenever the House of Representatives fails to concur in amendments or  
37 committee substitutes put by the Senate to a bill originating in the House, a conference  
38 committee shall be appointed by the President Pro Tempore of the Senate or in his  
39 absence the Deputy President Pro Tempore, upon motion, and the bill under  
40 consideration shall thereupon go to and be considered by the joint conferees on the part  
41 of the Senate and House of Representatives. Senate conferees shall not be less than  
42 three nor more than twelve and shall include the primary sponsor and the chairman of  
43 each committee which considered the bill. In considering matters in difference between  
44 the Senate and House committed to the conferees, only such matters as are in difference

1 between the two houses shall be considered by the conferees, and the conference report  
2 shall deal only with such matters. In conference committee a majority of the Senate  
3 conferees shall be the Senate's position on any matter in which a vote is taken. The  
4 conference report shall not be amended.

5 **RULE 57.1. Germaneness of amendment.**—All amendments and  
6 committee substitutes shall be germane to the original subject matter of the bill.

7 **RULE 58. Certification of passage of bills.**—The Principal Clerk shall  
8 certify the passage of bills by the Senate, with the date thereof, together with the fact  
9 whether passed by vote of three-fifths or two-thirds of the membership of the Senate  
10 present and voting, whenever such vote may be required by the Constitution or laws of  
11 the State.

12 **RULE 59. Transmittal of bills to House.**—No bill shall be sent from the  
13 Senate on the day of its passage except on the last day of the session, unless otherwise  
14 ordered by a vote of two-thirds of the membership of the Senate present and voting.

15 **RULE 59.1. Engrossment.**—Bills and resolutions, except those making  
16 appropriations, which originate in the Senate and which are amended shall be engrossed  
17 before being sent to the House.

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

19 **RULE 60. Pages.**—(a) The President Pro Tempore of the Senate shall appoint  
20 pages. The President Pro Tempore, or such person as he may designate, shall supervise  
21 the pages and assign to them their duties. Each page shall be at least 14 years of age.

22 (b) Members may designate honorary pages by a statement delivered to the  
23 Principal Clerk who will have a certificate issued therefor.

24 **RULE 61. Sergeants-at-Arms.**—(a) There shall be 15 positions of Assistant  
25 Sergeants-at-Arms to be appointed, upon the recommendation of the President Pro  
26 Tempore, by the Sergeant-at-Arms who are to work under his or her supervision and to  
27 be assigned such duties and powers as he or she shall direct.

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

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

34 **RULE 62. Principal Clerk's staff.**—The Principal Clerk of the Senate shall  
35 employ all necessary employees and clerks required to carry out the duties of his or her  
36 office. The Principal Clerk shall have supervision and control, and shall assign such  
37 duties and powers as he or she shall direct to his or her employees and clerks.

38 **RULE 63. Committee clerks and secretaries.**—(a) Each committee shall have a  
39 clerk. The clerk to a committee shall serve as secretary to the chairman of that  
40 committee.

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

43 (c) The selection of said clerk and/or secretary shall be the prerogative of the  
44 individual member. Such clerks and secretaries shall file initial applications for

1 employment with the Supervisor of Clerks and shall receive compensation as prescribed  
2 by the Legislative Services Commission. The employment period of clerks and  
3 secretaries shall comply with the period as established by the Legislative Services  
4 Commission unless employment for an extended period is approved by the President  
5 Pro Tempore. The clerks and secretaries shall adhere to such uniform regulations and  
6 other conditions of employment (including retention) under the direction of the  
7 Supervisor of Clerks as the Committee on Rules and Operation of the Senate shall  
8 adopt.

9 (d) The Supervisor of Clerks and any assistants shall be appointed by the  
10 President Pro Tempore of the Senate.

11 **RULE 64. Senate Journal.**—The Principal Clerk shall prepare and be  
12 responsible for the Journal. The President Pro Tempore or, in his absence, the Deputy  
13 President Pro Tempore shall examine the Journal to determine if the proceedings of the  
14 previous day have been correctly recorded.

15 **RULE 65. Deputy President Pro Tempore.**—The Senate shall elect a  
16 Deputy President Pro Tempore.

#### 17 **VIII. GENERAL RULES**

18 **RULE 66. President to sign papers.**—All acts, addresses and resolutions,  
19 and all warrants and subpoenas issued by order of the Senate shall be signed by the  
20 President or by the President Pro Tempore presiding in his absence.

21 **RULE 67. Admission to the floor of the Senate.**—No person except  
22 members of the Senate, members of the House of Representatives, staff of the General  
23 Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of  
24 Appeals, and Superior Courts; the Governor and members of the Council of State;  
25 former members of the General Assembly; and persons particularly invited and  
26 extended the privileges of the floor by the President Pro Tempore or in his absence, the  
27 Deputy President Pro Tempore shall be admitted to the floor of the Senate during its  
28 session. Notwithstanding any other provision of these rules, no registered lobbyist shall  
29 be admitted to the floor of the Senate or Senate Chamber while the Senate is in session.

30 **RULE 67.1. Recognition for extending courtesies.**—(a) Courtesies of the  
31 floor and galleries shall be extended only by the Presiding Officer on his own motion or  
32 upon the written request of a member of the Senate to former members of the General  
33 Assembly or to distinguished visitors.

34 (b) The Presiding Officer may upon written request at intervals between various  
35 orders of business extend courtesies to schools or other special large groups visiting in  
36 the galleries while they are present, and the Presiding Officer shall, at such times as he  
37 deems appropriate, express to those visitors in the galleries the pleasure of the Senate  
38 for their presence.

39 **RULE 68. Privileges of the floor.**—Any group or individual other than  
40 members of the Senate who desires to make remarks upon the floor of the Senate will  
41 first obtain approval of the President Pro Tempore or, in his absence, the Deputy  
42 President Pro Tempore of the Senate.

43 **RULE 69. News media.**—The President is authorized to assign area and  
44 equipment on the floor of the Senate for the use of the representatives of news media;

1 and the President shall provide regulations for the operation of the representatives of the  
2 news media on the floor of the Senate.

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

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

10         **RULE 72. Assignment of seats; offices.**—(a)         The President Pro Tempore of  
11 the Senate shall assign seats in the Senate Chamber to the members elected. In making  
12 such assignments, each member elected to the immediate preceding session of the  
13 Senate shall be entitled to the seat occupied by him or to his selection of any other seat  
14 vacated. The President Pro Tempore, when assigning seats, shall give preferential  
15 consideration to the respective members according to the length of service which each  
16 member has rendered in the Senate. No incumbent appointed to fill an unexpired term  
17 in the immediate preceding session shall retain the seat if requested by a Senator elected  
18 to said session.

19         (b)         Not later than two days after the initial committee assignments become final,  
20 the President Pro Tempore of the Senate is authorized to make assignments of  
21 committee rooms and offices to designated committees, chairmen, and members of the  
22 Senate. The office adjacent to any committee room assigned to a principal committee  
23 by the President Pro Tempore shall be automatically assigned to the chairman of the  
24 principal committee. In making such assignments of individual offices, the President  
25 Pro Tempore shall give preferential consideration to the respective members according  
26 to the length of service which each member has rendered in the Senate.

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

32         **RULE 74. Public hearings.**—Any Senator may request in writing a public  
33 hearing on a public bill. Requests may be granted in the discretion of the Chairman.  
34 Notice shall be given not less than five calendar days prior to public hearings. Such  
35 notices shall be issued as information for the press and the information shall be posted  
36 in the places designated by the Principal Clerk.

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

41         **RULE 76. Voting in joint sessions.**—When any Senate Committee sits  
42 jointly with the House Committee, the Senate Committee reserves the right to vote  
43 separately from the House Committee.

1        **RULE 77. Alterations, suspension or rescission of rules.**—(a) These rules may  
2 not be permanently rescinded or altered except by Senate simple resolution passed by a  
3 two-thirds vote of the membership of the Senate. The introducer of the resolution must,  
4 on the floor of the Senate, give notice of his intent to introduce the resolution on the  
5 legislative day preceding its introduction.

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

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