

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE RESOLUTION 1
Calendar 1/29/03
Second Edition Engrossed 1/29/03**

Sponsors: Senators Rand, Carrington, and Metcalf.

Referred to:

January 29, 2003

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 SENATE FOR THE REGULAR SESSIONS OF THE 2003 GENERAL
3 ASSEMBLY.

4 Be it resolved by the Senate:

5 **SECTION 1.** The permanent rules for the Regular Sessions of the Senate
6 shall be as follows:

**PERMANENT RULES OF
THE REGULAR SESSIONS OF THE SENATE
2003 GENERAL ASSEMBLY OF NORTH CAROLINA**

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10 I. Order of Business, Rules 1-7
11 II. Conduct of Debate, Rules 8-17
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16 VII. Legislative Officers and Employees, Rules 60-65
17 VIII. General Rules, Rules 66-77.

I. ORDER OF BUSINESS

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

22 **RULE 2. Convening hour.** – The Presiding Officer shall take the Chair at the
23 hour fixed by the Senate upon adjournment on the preceding legislative day and shall
24 call the members to order. In case the Senate adjourned on the preceding legislative day
25 without having fixed the hour of reconvening, the Senate shall reconvene on the next
26 legislative day at 2:00 P.M., except that if the next legislative day is Monday, time for
27 convening shall be 7:00 P.M.

28 **RULE 3. Opening the session.** – The Presiding Officer shall, upon order
29 being obtained, have the sessions of the Senate opened with prayer.

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

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

13 (b) When a lesser number than a quorum convenes, the Senators present
14 may send the Sergeant-at-Arms or any person, for any or all absent Senators, as a
15 majority of the Senators present determines.

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

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

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

1 4. Third reading viva voce.

2 **II. CONDUCT OF DEBATE**

3 **RULE 8. Presiding Officer to maintain order.** – The Presiding Officer shall
4 have general direction of the Hall of the Senate and shall be authorized to take such
5 action as is necessary to maintain order, and in case of any disturbance or disorderly
6 conduct in the galleries or lobbies, the Presiding Officer shall have the power to order
7 those areas cleared.

8 **RULE 9.** (Reserved for future use).

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

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

19 (c) When a Senator is called to order, that Senator shall take the assigned
20 seat until the Presiding Officer determines whether that Senator was in order or not; if
21 decided to be out of order, that Senator shall not proceed without the permission of the
22 Senate; and every question of order shall be decided by the Presiding Officer, subject to
23 an appeal to the Senate by any Senator; and if a Senator is called to order for words
24 spoken, the words to which an exception is made shall be immediately taken down in
25 writing by the Principal Clerk, so that the Presiding Officer or Senate may be better able
26 to judge the matter.

27 **RULE 11. Debating and voting by Lieutenant Governor.** – The Lieutenant
28 Governor, as President of the Senate, being a Constitutional Officer, shall not have the
29 right to debate any question or to address the Senate upon any proposition unless by
30 permission of the majority of members present and shall have the right to vote only
31 when there is a tie vote upon any question or election.

32 **RULE 12. Obtaining recognition.** – (a) When any Senator is about to speak
33 in debate or deliver any matter to the Senate, that Senator shall rise and respectfully
34 address the Presiding Officer. No member shall speak further until recognized by the
35 Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two
36 or more members rise at the same time, the Presiding Officer shall name the member to
37 speak.

38 (b) A Senator who has the floor may yield the floor to another Senator
39 only for the purpose of allowing another Senator to state a question. Only the Presiding
40 Officer may award the floor to any Senator.

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

43 (1) A request that the member speaking yield for a question;

44 (2) A point of order; or

1 (3) A parliamentary inquiry.
2 (d) When a Senator refers to a bill, the bill number and short title must be
3 used.

4 RULE 13. (Reserved for future use).

5 RULE 14. **Limitations on individual debate.** – (a) No Senator shall speak
6 on the same reading more than twice on the main question, nor longer than 30 minutes
7 for the first speech and 15 minutes for the second speech. No Senator shall speak on the
8 same reading more than once on any motion or appeal, and then no longer than 10
9 minutes.

10 (b) By permission of the Presiding Officer, any member of the Senate may
11 address the Senate from the well of the Senate.

12 RULE 15. **Questions of personal privilege.** – Upon recognition by the
13 Presiding Officer for that purpose, any Senator may as the last order of the Senate's
14 business that day speak to a question of personal privilege for a time not exceeding
15 three minutes. Personal privilege may not be used to explain a vote, debate a bill, or in
16 any way disrupt the regular business of the Senate. Personal privilege shall not be used
17 to solicit support or sponsors for any bill. The Presiding Officer shall determine if the
18 question raised is one of privilege and shall, without the point of order being raised,
19 enforce this rule.

20 RULE 16. (Reserved for future use).

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

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

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

31 (d) When a motion to adjourn or for recess is affirmatively determined, no
32 member or officer shall leave that member or officer's place until adjournment or recess
33 is declared by the Presiding Officer.

34 (e) Smoking shall not be allowed in the galleries of the Senate.

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

40 (g) Food or beverage shall not be permitted in the Senate Chamber, either
41 on the floor or in the galleries; however, after the Senate has remained in session for a
42 period of one hour, food and beverage shall be allowed upon the floor of the Senate.

1 (h) Reading of newspapers, magazines, periodicals, or books shall not be
2 acceptable while the Senate is in session. This rule does not prohibit the use of
3 quotations during debate or for personal privilege.

4 (i) The operation of:

- 5 a. Wireless communication devices,
- 6 b. Pagers, or
- 7 c. Laptop or notebook computers

8 by Senators on the floor is prohibited while the Senate is in session. The operation by
9 any other person of wireless communication devices which may be disruptive on the
10 floor or in the gallery is prohibited while the Senate is in session.

11 (j) No member of the Senate shall place any item on another Senator's
12 chamber desk or in another Senator's office unless the item conspicuously displays the
13 name of the Senator placing the item.

14 III. MOTIONS

15 **RULE 18. Motions generally.** – Any motion shall be reduced to writing, if
16 requested by the Presiding Officer or a Senator, and read by the Presiding Officer or
17 Reading Clerk before the same is debated. Any motion may be withdrawn by the
18 introducer at any time before decision or amendment. No motion relating to a bill shall
19 be in order which does not identify the bill by its number and short title. Except as
20 otherwise specifically provided in these rules, no second is required.

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

- 24 (1) To adjourn.
- 25 (2) To lay on the table.
- 26 (3) For the previous question.
- 27 (4) To postpone indefinitely.
- 28 (5) To postpone to a certain day.
- 29 (6) To commit to a standing committee.
- 30 (7) To commit to a select committee.
- 31 (8) To amend.

32 **RULE 20. Motions requiring a second.** – The motions to adjourn, to lay on
33 the table, and to call for the previous question shall be seconded and decided without
34 debate.

35 **RULE 21. Motions to postpone to certain day and to commit.** – The
36 respective motions to postpone to a certain day or to commit to a standing or select
37 committee shall preclude debate on the main question.

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

41 **RULE 23. Motion for previous question.** – (a) The previous question may
42 be moved upon a pending single motion, any pending amendment or amendments,
43 and/or the pending bill to its passage on that reading or all readings or the pending
44 resolution to its adoption. An authorized Senator moving the previous question shall

1 specify to what the motion applies. Unless specifically limited, the motion shall be
2 deemed to apply to the bill or resolution along with any pending amendments to its
3 passage.

4 (b) The previous question shall be as follows: "Shall the main question be
5 now put?" and until it is decided shall preclude all amendments and debate. If this
6 question is decided in the affirmative, the "main question" shall be on the passage of the
7 bill, resolution, or other matter under consideration; but when amendments are pending,
8 the question shall be taken upon such amendments in their inverse order, without further
9 debate or amendment.

10 (c) Only one of the following Senators may move the previous question:

11 (1) The chair of the committee submitting the report on the bill or other
12 matter under consideration;

13 (2) The member introducing the bill or other matter under consideration;

14 (3) The member in charge of the measure, who shall be designated by the
15 chair of the committee reporting the same to the Senate at the time the
16 bill or other matter under consideration is reported to the Senate or
17 taken up for consideration; or

18 (4) The Chair of the Committee on Rules and Operations of the Senate.

19 **RULE 24. Motion to reconsider.** – (a) When a question has been once put
20 and decided, any Senator who voted in the majority may move to reconsider the vote
21 thereof. No motion for the reconsideration of any vote shall be in order after the bill,
22 resolution, or other matter upon which the vote was taken has gone out of the possession
23 of the Senate. No motion for reconsideration shall be in order unless made on the same
24 day or in the next following legislative day on which the vote took place. When the next
25 legislative day has by motion of the Senate been restricted as to matters which may be
26 considered, a motion to reconsider shall be in order on the next succeeding day upon
27 which regular business is conducted. No question shall be reconsidered more than once.

28 (b) Notwithstanding subsection (a) of this rule, a motion to reconsider is in
29 order at any time if made by the Chair or, in the Chair's absence, the Vice-Chair of the
30 Committee on Rules and Operations of the Senate for the sole purpose of correcting
31 grammatical errors in bills in the possession of the Senate.

32 IV. VOTING

33 **RULE 25. Use of electronic voting system.** – (a) Votes on the following
34 questions shall be taken on the electronic voting system, and the ayes and noes shall be
35 recorded on the Journal:

36 (1) All questions on which the Constitution of North Carolina requires that
37 the ayes and noes be taken and recorded on the Journal;

38 (2) All questions on which a call for the ayes and noes under Rule 26(b)
39 has been sustained;

40 (3) Second and third readings of bills proposing amendment of the
41 Constitution of North Carolina; and

42 (4) The vote on approval of a bill that was vetoed by the Governor.

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

- 1 (1) Second reading of all public bills, all amendments to public bills
2 offered after second reading, third reading if a public bill was amended
3 after second reading, and all conference reports on public bills.
- 4 (2) Any other question upon direction of the Presiding Officer or upon
5 motion of any Senator supported by one-fifth of the Senators present.
- 6 (c) When the electronic voting system is used, the Presiding Officer shall
7 fix and announce the time, not to exceed one minute, which shall be allowed for voting
8 on the question before the Senate. The system shall be set to lock automatically and to
9 record the vote when that time has expired. Once the system has locked and recorded a
10 vote, the vote shall be printed by the system.
- 11 (d) The voting station at each Senator's desk in the Chamber shall be used
12 only by the Senator to whom the station is assigned. Under no circumstances shall any
13 other person vote at a Senator's station. It is a breach of the ethical obligation of a
14 Senator either to request that another vote at the requesting Senator's station or to vote at
15 another Senator's station. The Presiding Officer shall enforce this rule without
16 exception.
- 17 (e) When the electronic voting system is used, the Presiding Officer shall
18 state the question and shall then state substantially the following: "All in favor vote
19 'aye'; all opposed vote 'no'; _____ seconds will be allowed for voting on this question;
20 the Clerk will record the vote." After the machine locks and records the vote, the
21 Presiding Officer shall announce the vote and declare the result.
- 22 (f) One copy of the machine printout of the vote record shall be filed in
23 the office of the Principal Clerk, and one copy shall be filed in the Legislative Library
24 where it shall be open to public inspection.
- 25 (g) When the Presiding Officer ascertains that the electronic voting system
26 is inoperative before a vote is taken or while a vote is being taken on the electronic
27 system, the Presiding Officer shall announce that fact to the Senate, and any partial
28 electronic system voting record shall be voided. In such a case, if the Constitution of
29 North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk
30 shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall
31 be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule
32 26. If, after a vote is taken on the electronic system, it is discovered that a malfunction
33 caused an error in the electronic system printout, the Presiding Officer shall direct the
34 Reading Clerk and the Principal Clerk to verify and correct the printout record and so
35 advise the Senate.
- 36 (h) For the purpose of identifying motions on which the vote is taken on
37 the electronic system (the identification codes having no relation to the order of
38 precedence of motions), the motions are coded as follows:
- 39 (1) To lay on the table.
40 (2) For the previous question.
41 (3) To postpone indefinitely.
42 (4) To postpone to a day certain.
43 (5) To refer to a committee.
44 (6) To reconsider.

- 1 (7) To adopt.
- 2 (8) To concur.
- 3 (9) To take from the table.
- 4 (10) Miscellaneous.

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

13 (b) The ayes and the noes may be called for on any question before the
14 vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a
15 question, that Senator shall address the Presiding Officer and obtain recognition and
16 say, "Upon that question I call for the ayes and noes." Whereupon the Presiding Officer
17 shall say, "Is the call sustained?" If one-fifth of the remaining Senators present then
18 stand, the vote shall be taken on the electronic voting system if it is operative, and the
19 ayes and noes shall be recorded on the Journal. If the electronic voting system is
20 inoperative, the roll of the Senate shall be called and the ayes and noes taken manually
21 and recorded on the Journal. If fewer than one-fifth of the Senators present stand to
22 sustain the call, the Presiding Officer shall announce, "An insufficient number up", and
23 a vote by electronic voting or by voice, whichever is appropriate under the Rules of the
24 Senate, shall be taken.

25 **RULE 27. Pair votes.** – (a) If a Senator is paired with another Senator on a
26 question, the Senator shall announce the pair as follows: " I desire to announce a pair. If
27 Senator _____ were present, that Senator would vote _____; I would vote _____ (the
28 opposite)." The Senator shall send forward at that time a written statement of the pair
29 on a form provided by the Principal Clerk and neither member of the pair shall vote on
30 the question. A pair shall be announced before the vote is taken viva voce or, if the
31 electronic voting system is used, before the machine is unlocked. The Clerk shall record
32 the pair on the Journal when the Constitution or Rules of the Senate require a call of the
33 roll and shall record on the electronic system printout all pairs announced.

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

35 **RULE 28. Dividing question.** – (a) If any question contains several distinct
36 propositions, a Senator may move that the question be divided. The motion shall:

- 37 (1) Be in writing,
- 38 (2) Be submitted to the Principal Clerk at the time the motion is made, and
- 39 (3) Clearly state how the question is to be divided.

40 Upon a majority vote of the Senators present and voting, the motion shall be adopted.

41 (b) If the motion to divide the question is adopted, then there shall be no
42 further amendment or debate on any of the distinct propositions.

1 (c) If the question is divided and any part thereof fails, then the bill or
2 resolution and any pending amendments shall be removed from the calendar and
3 rereferred to the committee from which the bill or resolution was reported.

4 (d) Only one motion to divide the question shall be in order during
5 consideration of a bill or resolution.

6 **RULE 29. Duty to vote; excuses.** – (a) Every Senator who is within the
7 Senate Chamber when the question is stated by the Presiding Officer shall vote thereon
8 unless that Senator is excused by the Senate.

9 (b) A Senator who is a member of a committee shall, upon request, be
10 excused from deliberations and voting on the bill while it is before the committee. The
11 Senator must make the request to the chair of the committee when the bill is first taken
12 up for consideration and before any motion or vote on the bill or any amendment to the
13 bill. The Senator making the request for excuse in committee must renew that request
14 for excuse on the floor of the Senate as set forth in this rule.

15 (c) Any Senator may move to be excused at any time from voting on any
16 matter. The Senator may make a brief statement of the reasons for the motion which
17 question shall be taken without debate on the motion.

18 (d) The Senator may send forward to the Principal Clerk, on a form
19 provided by the Clerk, a concise statement of the reason for the motion, and the Clerk
20 shall include this statement in the Journal.

21 (e) The Senator so excused shall not debate the bill or any amendment to
22 the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on
23 any motion concerning the bill at that reading, any subsequent reading, or any
24 subsequent consideration of the bill.

25 (f) A Senator may move that the excuse of that Senator from deliberations
26 on a particular bill be withdrawn, which question shall be determined without debate.

27 (g) A motion to be excused or for the withdrawal of an excuse shall be
28 taken without debate.

29 (h) A motion by any Senator to change that Senator's vote must be made
30 on the same legislative day as the vote is taken. This subsection may not be suspended.

31 **RULE 30. Explanation of vote.** – Any Senator may, as the last order of the
32 Senate's business that day, explain that Senator's vote on any bill that day by obtaining
33 permission of the Presiding Officer after the final vote is taken. No more than three
34 minutes shall be consumed in such explanation.

35 **V. COMMITTEES**

36 **RULE 31. Appointment of committees.** – The President Pro Tempore of the
37 Senate shall have the exclusive right and authority to appoint the membership of all
38 committees, regular and select, and to appoint committee chairs and vice-chairs and to
39 establish select committees, but this does not exclude the right of the Senate by
40 resolution to establish select committees. Upon the recommendation of the Committee
41 on Rules and Operations of the Senate, the Senate may alter the name, number, and
42 composition of the standing committees by a majority vote of the Senators present and
43 voting.

1 **RULE 32. List of standing/select committees.** – The standing committees
2 shall be:

3 Agriculture/Environment/Natural Resources
4 Appropriations/Base Budget
5 Appropriations on Department of Transportation
6 Appropriations on Education/Higher Education
7 Appropriations on General Government
8 Appropriations on Health and Human Services
9 Appropriations on Information Technology
10 Appropriations on Justice and Public Safety
11 Appropriations on Natural and Economic Resources
12 Children & Human Resources
13 Commerce
14 Education/Higher Education
15 Finance
16 Health Care
17 Information Technology
18 Insurance and Consumer Protection
19 Judiciary I
20 Judiciary II
21 Rural Development
22 State and Local Government
23 Pensions & Retirement and Aging
24 Rules and Operations of the Senate
25 Transportation
26 Ways & Means.

27 **RULE 33. Notice of committee meetings.** – (a) Public notice of all
28 committee meetings shall be given in the Senate. The required notice may be waived as
29 to any meeting by the attendance at that meeting of all of the members of the committee
30 or by personal waiver.

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

34 (c) The published calendar shall reflect those committee notices received
35 in the Office of the Principal Clerk prior to 3:30 P.M. or as announced in the daily
36 session.

37 **RULE 34. Membership of committees; quorum.** – (a) Membership on
38 standing committees shall consist of not more than 20 nor fewer than five Senators,
39 including the chairs and vice-chairs and ranking minority members; provided that:

40 (1) The Appropriations/Base Budget and Finance Committee shall not be
41 limited as to membership, and

42 (2) The Commerce Committee shall consist of 22 members.

43 The President Pro Tempore shall have the exclusive right and authority to determine the
44 total number of members and the number of members of each political party of each

1 committee. No Senator shall hold membership on more than 12 standing committees
2 unless the Committee on Rules and Operations of the Senate provides otherwise.

3 A quorum of the Appropriations/Base Budget, Ways and Means, and Finance
4 Committees shall consist of a majority of the committee. A quorum of any other
5 committee shall consist of either the chair and five members or a majority of the
6 committee, whichever is fewer.

7 (b) The President Pro Tempore may serve as an ex officio member of each
8 Senate committee and subcommittee.

9 **RULE 35. Roll call vote in committee.** – No roll call vote may be taken in
10 any committee. The committee chair may vote in committee.

11 **RULE 36. Standing committee and standing subcommittee meetings.** –
12 No committee or subcommittee shall hold a secret meeting. All meetings of committees
13 and subcommittees shall be open to the public, except as provided in G.S.
14 143-318.14A(e). In no event shall final action be taken by any committee or
15 subcommittee except in open session.

16 **RULE 36.1. Committee minutes to Legislative Library.** – The chair of a
17 committee shall ensure that written minutes are compiled for each of the committee's
18 meetings. The minutes shall indicate the number of members present and the actions
19 taken by the committee at the meeting. Not later than 30 days after the adjournment of
20 each session of the General Assembly, the chair shall deliver the minutes to the
21 Legislative Library. The President Pro Tempore of the Senate may grant a reasonable
22 extension of time for filing said minutes upon application of the committee chair.

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

24 VI. HANDLING BILLS

25 **RULE 38. Application of rules.** – All provisions of these rules applying to
26 bills shall apply also to resolutions, memorials, and petitions.

27 **RULE 39. Form and copies of bills.** – (a) Unless variation is authorized by
28 the Committee on Rules and Operations of the Senate, bills submitted for introduction
29 shall be in a computer-typed form prepared by the Legislative Services Office and
30 approved by the Committee on Rules and Operations of the Senate.

31 (b) Whenever a bill is filed, 25 copies shall be submitted to the Principal
32 Clerk. Any bill submitted without the required number of copies shall be immediately
33 returned to the primary sponsor.

34 **RULE 39.1. Public and local bills; availability of copies of bills.** – A public
35 bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15
36 counties. No public bill and, upon objection by a member, no local bill may be
37 considered unless copies of the bill have been made available to the entire membership
38 of the Senate.

39 **RULE 40. Introduction of bills.** – (a) Every bill filed for introduction shall
40 contain on the outside cover the title of the document and the name of the Senator or
41 Senators presenting it. Bills shall be delivered by the primary sponsor of the document,
42 or by that member's legislative assistant with the prescribed authorization form signed
43 by the primary sponsor and by that member's legislative assistant to the Office of the

1 Senate Principal Clerk, who shall receive them during regular session according to the
2 following schedule:

3 Monday until 30 minutes after adjournment; and

4 Any other day the Senate holds a session until 3:00 P.M.

5 All bills shall be numbered by the Office of the Principal Clerk when filed
6 and shall be considered introduced when presented to the Senate on the next following
7 legislative day for the first reading.

8 (b) All memorializing, celebration, commendation, and commemoration
9 resolutions, except those which solely honor the memory of deceased persons or a North
10 Carolina institution, or both, shall be excluded from introduction and consideration in
11 the Senate.

12 **RULE 40.1. Deadlines on filing for introduction of bills and resolutions. –**

13 (a) All local bills and resolutions must be filed for introduction not later than
14 Wednesday, March 12, 2003, provided that any such measure submitted to the Bill
15 Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed
16 for introduction in the Senate before 3:00 P.M. on Wednesday, March 19, 2003, shall be
17 treated as if it had been filed for introduction under this rule.

18 (b) All public bills and resolutions, except those honoring the memory of
19 deceased persons or adjourning the General Assembly, must be filed for introduction
20 not later than March 26, 2003, provided that any such measure submitted to the Bill
21 Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed
22 for introduction in the Senate before 3:00 P.M. on Wednesday, April 2, 2003, shall be
23 treated as if it had been filed for introduction under this rule.

24 (c) A two-thirds vote of the membership of the Senate present and voting
25 shall be required to file for introduction any bill or resolution after the dates established
26 by this rule.

27 (d) This rule shall not apply to any appropriations, finance, or local bills
28 filed in reconvened session following the adjournment of the first year of the biennial
29 session.

30 **RULE 41. Crossover bill deadline. –** In order to be eligible for consideration
31 by the Senate during the 2003 or 2004 Regular Sessions of the 2003 General Assembly,
32 all House bills other than those required to be referred to the Committee on Finance or
33 the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions
34 must be received and read on the floor of the Senate as a message from the House no
35 later than April 24, 2003, provided that a message from the House received by the next
36 legislative day stating that a bill has passed its third reading and is being engrossed shall
37 comply with the requirements of this rule and provided that the House accepts Senate
38 bills ordered engrossed on the next legislative day.

39 **RULE 41.1. Relationship between Committee on Ways and Means and
40 other committees dealing with money matters; relationship between these other
41 committees dealing with money matters. –** In those instances specified herein, the
42 Committee on Ways and Means shall have responsibility for final consideration of bills
43 dealing with money matters before the bills are considered on the floor of the Senate.
44 Upon the agreement of a chair of any two of the following committees:

1 Appropriations/Base Budget, Finance, and Ways and Means, any bill which is reported
2 favorably from the Committee on Appropriations/Base Budget or the Committee on
3 Finance shall be rereferred by the Presiding Officer to the Committee on Ways and
4 Means for consideration. Bills referred to the Committee on Appropriations/Base
5 Budget pursuant to Rule 43 may be referred by the Chair of the Committee on
6 Appropriations/Base Budget to the Appropriations Committee on the Department of
7 Transportation, the Appropriations Committee on Education, the Appropriations
8 Committee on General Government, the Appropriations Committee on Health and
9 Human Resources, the Appropriations Committee on Information Technology, the
10 Appropriations Committee on Justice and Public Safety, or the Appropriations
11 Committee on Natural and Economic Resources for a report back to the Committee on
12 Appropriations/Base Budget.

13 **RULE 42. Reference of appropriation and finance bills.** – (a) All bills
14 introduced in the Senate providing for appropriations from the State, or any subdivision
15 thereof, shall, before being considered by the Senate, be referred to the Committee on
16 Appropriations/Base Budget and bills referred to other committees carrying any such
17 provisions shall be reported to the Senate as being bills to be referred to the
18 Appropriations/Base Budget Committee before proper action may be taken by the
19 Senate.

20 (b) All bills introduced in the Senate providing for bond issues, imposing
21 or raising fees or other revenues payable to the State, its agencies, its licensing boards,
22 or any of its subdivisions, levying taxes, or in any manner affecting the taxing power of
23 the State or any subdivision thereof, shall, before being considered by the Senate, be
24 referred to the Committee on Finance, and bills referred to other committees carrying
25 any such provisions shall be reported to the Senate as being bills to be referred to the
26 Committee on Finance before proper action may be taken by the Senate.

27 (c) This rule shall not apply to bills imposing civil penalties, criminal
28 fines, forfeitures, or penalties for infractions.

29 **RULE 42.1. Fiscal notes.** – (a) A Chair of the Appropriations/Base Budget
30 Committee, or of the Finance Committee, or of the Rules and Operations of the Senate
31 Committee, or of the Ways and Means Committee, upon the floor of the Senate, may
32 request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or
33 resolution which is in the possession of the Senate and that a fiscal note be attached to
34 the measure, when in the opinion of that Chair the fiscal effects of that measure are not
35 apparent from the language of the measure. No bill, resolution, or amendment for which
36 a fiscal note has been requested may be considered for passage prior to the fiscal note's
37 being attached to it.

38 (b) The fiscal note shall be filed and attached to the bill, resolution, or
39 amendment within two legislative days of the request. If it is impossible to prepare a
40 fiscal note within two legislative days, the Director of Fiscal Research shall, in writing,
41 so advise the Presiding Officer, the Principal Clerk, and the member introducing or
42 proposing the measure and shall 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
44 form approved by the Chair of the Rules and Operations of the Senate Committee as to

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

6 (d) A sponsor of a bill, resolution, or amendment may deliver a copy of
7 that member's bill, resolution, or amendment to the Fiscal Research Division for the
8 preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when the
9 sponsor files the bill or resolution or to the amendment when the sponsor moves its
10 adoption.

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

16 (f) Subsection (a) of this rule shall not apply to the Current Operations
17 Appropriations Bill or the Capital Improvement Appropriations Bill. This rule shall not
18 apply to a bill, resolution, or amendment requiring an actuarial note under these rules.

19 **RULE 42.2. Actuarial notes.** – (a) Every bill or resolution proposing any
20 change in the law relative to any:

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

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

26 shall have attached to it at the time of its consideration by any committee a brief
27 explanatory statement or note which shall include a reliable estimate of the financial and
28 actuarial effect of the proposed change. The actuarial note shall be attached to the jacket
29 of each proposed bill or resolution which is reported favorably by any committee and
30 shall be clearly designated as an actuarial note. Upon its introduction, a bill or resolution
31 described in subdivision (a)(1) of this rule shall be referred to the Committee on
32 Pensions and Retirement and Aging.

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

39 (c) The sponsor of the bill or resolution shall also present a copy of the
40 measure to the chief administrative officer of the system affected by the measure. The
41 chief administrative officer shall have an actuarial note prepared by the system's actuary
42 on the measure and shall transmit the note to the sponsor of the measure not later than
43 two weeks after the request is received. The actuarial note shall be attached to the jacket
44 of the measure.

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

8 (e) When any committee reports a measure to which an actuarial note is
9 attached at the time of committee consideration, with any amendment of such nature as
10 would substantially affect the cost to or the revenues of any system, the chair of the
11 committee reporting the measure shall obtain from the Fiscal Research Division and the
12 administrator of the affected system an actuarial note of the fiscal and actuarial effect of
13 the proposed amendment. The actuarial note shall be attached to the jacket of the
14 measure. A Chair of the Appropriations/Base Budget Committee, or of the Finance
15 Committee, or of the Rules and Operations of the Senate Committee, or of the Ways
16 and Means Committee, upon the floor of the Senate, may request that an actuarial note
17 be attached to a bill, resolution, or an amendment which affects the costs to or the
18 revenues of a system described in this rule and which is in the possession of the Senate,
19 when in the opinion of that Chair, the effect to the cost to or the revenues of a system
20 described in this rule are not apparent from the language of the measure. No bill,
21 resolution, or amendment for which an actuarial note has been requested may be
22 considered for passage prior to the actuarial note from both the Fiscal Research Division
23 and the administrator of the affected system being attached to it.

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

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

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

40 (b) Municipal Incorporations. Every legislative proposal introduced in the
41 Senate, or received in the Senate from the House, proposing the incorporation of a
42 municipality shall have attached to the jacket of the original bill at the time of its
43 consideration on second or third readings by the Senate or by any committee of the
44 Senate prior to a favorable report, a recommendation from the Joint Legislative

1 Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of
2 the General Statutes. The recommendation of the Joint Legislative Commission on
3 Municipal Incorporations shall be made in accordance with the provisions and criteria
4 set forth in Article 20 of Chapter 120 of the General Statutes and shall include the
5 findings required to be made by G.S. 120-166 through G.S. 120-170.

6 **RULE 42.3A. Proposed increases in incarceration.** – (a) Every bill,
7 amendment, and resolution proposing any change in the law that could cause a net
8 increase in the length of time for which persons are incarcerated or the number of
9 persons incarcerated, whether by increasing penalties for violating existing laws, by
10 criminalizing behavior, or by any other means, shall have attached to it at the time of its
11 consideration by the Senate a fiscal note prepared by the Fiscal Research Division. The
12 fiscal note shall be prepared in consultation with the Sentencing Policy and Advisory
13 Commission and shall identify and estimate, for the first five fiscal years the proposed
14 change would be in effect, all costs of the proposed net increase in incarceration,
15 including capital outlay costs if the legislation would require increased cell space. If,
16 after careful investigation, the Fiscal Research Division determines that no dollar
17 estimate is possible, the note shall contain a statement to that effect, setting forth the
18 reasons why no dollar estimate can be given. No comment or opinion shall be included
19 in the fiscal note with regard to the merits of the measure for which the note is prepared.
20 However, technical and mechanical defects may be noted.

21 (b) The sponsor of each bill, amendment, or resolution to which this
22 subsection applies shall present a copy of the bill, amendment, or resolution with the
23 request for a fiscal note to the Fiscal Research Division. Upon receipt of the request and
24 the copy of the bill, amendment, or resolution, the Fiscal Research Division shall
25 prepare the fiscal note as promptly as possible. The Fiscal Research Division shall
26 prepare the fiscal note and transmit it to the sponsor within two weeks after the request
27 is made, unless the sponsor agrees to an extension of time.

28 (c) This fiscal note shall be attached to the original of each proposed bill,
29 amendment, or resolution that is reported favorably by any committee, but shall be
30 separate from the bill, amendment, or resolution and shall be clearly designated as a
31 fiscal note. A fiscal note attached to a bill, amendment, or resolution pursuant to this
32 subsection is not a part of the bill, amendment, or resolution and is not an expression of
33 legislative intent proposed by the bill, amendment, or resolution.

34 (d) If a committee reports favorably a proposed bill or resolution with an
35 amendment that proposes a change in the law that could cause a net increase in the
36 length of time for which persons are incarcerated or the number of persons incarcerated,
37 whether by increasing penalties for violating existing laws, by criminalizing behavior,
38 or by any other means, the chair of the committee shall obtain from the Fiscal Research
39 Division and attach to the amended bill or resolution a fiscal note as provided in this
40 section.

41 **RULE 42.4. Content of appropriations bills.** – (a) No provision changing
42 existing law shall be contained in any of the following bills: (i) the Current Operations
43 Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill
44 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
2 in order if the language is prohibited by that subsection.

3 (c) Notwithstanding subsections (a) and (b) of this section, any of the bills
4 listed in subsection (a) of this section or an amendment to such bill may change existing
5 law if 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/Base Budget Committee before or at the same time the bill is reported,
16 or, if such provision is contained in a floor amendment, the sponsor of the amendment
17 must 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/Base Budget Committee meetings.** –
20 Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence
21 thereof, the Appropriations/Base Budget Cochairs may in their exclusive discretion
22 direct that the Appropriations/Base Budget Committee or its subcommittees or both
23 may consider the budget and the budget plan including all appropriations in separate
24 meetings from the House of Representatives and may do all things set forth in said
25 statute separately from the House of Representatives.

26 **RULE 43. First reading; reference to committee.** – All bills filed for
27 introduction and all House bills received in the office of the Principal Clerk not later
28 than one and one-half hours preceding the convening of the Senate, upon presentation to
29 the Senate, shall be read in regular order of business by their number and title which
30 shall constitute the first reading of the bill. The Chair of the Committee on Rules and
31 Operations of the Senate or, in the Chair's absence, the Vice-Chair of the Committee
32 shall refer to a Senate committee all bills introduced in the Senate or received from the
33 House of Representatives. Upon the referral being made, the Chair of the Committee on
34 Rules and Operations of the Senate shall notify the Principal Clerk of the Senate of the
35 referral, and the Reading Clerk shall announce the referral of the bill. The Principal
36 Clerk shall inform the Presiding Officer of the referral. The title and referral shall be
37 entered upon the Journal.

38 Bills may be referred to more than one committee serially, i.e. "S.B.
39 _____ is referred to the Committee on Finance and upon a favorable report referred
40 to the Appropriations/Base Budget Committee."

41 **RULE 44. Bills to receive three readings.** – Every bill shall receive three
42 readings before being passed, and the Presiding Officer shall give notice at each reading
43 whether it be the first, second, or third. The Reading Clerk shall announce the referral as
44 set forth in Rule 43. No bill shall be amended upon the floor of the Senate, except under

1 Rule 45.1, until it has been twice read. Senate simple resolutions shall not require three
2 readings.

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

10 **RULE 45.1. Action on amendment or committee substitute.** – If any
11 committee recommends adoption of an amendment or committee substitute of a bill or
12 resolution, the amendment or committee substitute shall be considered adopted upon the
13 reading of the committee report and shall be engrossed. Unless a committee substitute
14 of a bill or resolution being considered by a committee is distributed to members of that
15 committee no later than the day prior to the committee meeting, the committee
16 substitute shall be carried over to the next day unless a majority of the members of that
17 committee present and voting vote to take up the measure at that time. The bill or
18 resolution, as amended, or its adopted committee substitute shall be placed on the
19 calendar for the next legislative day or rereferred if the bill or resolution was serially
20 referred. The committee substitute's original bill or resolution shall lie on the table.

21 Notwithstanding any other provision of this rule, a committee substitute for a
22 simple resolution shall be placed on the calendar for the next legislative day for a vote
23 on its adoption.

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

28 (b) When a bill is reported by a committee with an unfavorable report, but
29 accompanied by a minority report, signed by at least three members of the committee
30 who were present and who voted on the bill when the bill was considered in committee,
31 then the minority report shall be placed on the calendar and considered the following
32 day, and the question before the Senate shall be: "The adoption of the minority report."
33 If the minority report is adopted by a majority vote of the membership of the Senate, the
34 bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall
35 lie upon the table.

36 **RULE 47. Recall of bill from committee and discharge petition.** – (a)
37 Notwithstanding anything to the contrary, only the President Pro Tempore, the Chair of
38 the Committee on Rules and Operations of the Senate, or the chair of a committee to
39 which a bill or other matter is assigned may, with the consent of a majority of the
40 membership of the Senate present and voting, recall the measure to be referred to
41 another committee or the floor.

42 (b) A motion to discharge a committee from consideration of a bill or
43 resolution may be filed with the Principal Clerk if accompanied by a petition signed by
44 three-fifths of the members of the Senate asking that the committee be discharged from

1 further consideration of the bill or resolution. No petition may be circulated for
2 signatures until 10 legislative days after the bill has been referred to the committee. No
3 petition may be circulated for signature until notice has been given on the floor of the
4 Senate that the petition is to be circulated. If such a motion accompanied by a valid
5 petition is filed, the Principal Clerk shall place that motion on the calendar for the next
6 legislative day as a special order of business. If the motion is adopted by a majority of
7 the Senate, then the committee to which the bill or resolution has been referred is
8 discharged from further consideration of the bill or resolution, and that bill or resolution
9 is placed on the calendar for the next legislative day as a special order of business. If the
10 committee had, prior to discharge, adopted any amendment or committee substitute for
11 the bill, it shall be in order to offer that amendment or substitute on the floor as if it
12 were a committee amendment or substitute. The Principal Clerk shall provide a form for
13 discharge petitions.

14 (c) This rule shall not be temporarily suspended.

15 **RULE 48. Calendar; order to be followed.** – The Presiding Officer and the
16 Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the
17 order in which they stand upon the calendar, unless otherwise ordered as hereinafter
18 provided. The published calendar shall include all bills reported favorably from
19 committees, or reported with a minority report attached, or placed on the calendar on
20 motion, and shall include the bill number and short title of each bill on the calendar.

21 **RULE 49.** (Reserved).

22 **RULE 50. Third reading requirements.** – No bill on its third reading shall
23 be acted upon out of the regular order in which it stands on the calendar, and no bill
24 shall be acted upon on its third reading the same day on which it passed its second
25 reading, unless so ordered by two-thirds of the membership of the Senate present and
26 voting.

27 **RULE 51. Special orders.** – Any bill or other matter in consideration before
28 the Senate may be made a special order for a subsequent day or hour by a vote of the
29 majority of the Senators voting, and if action on the bill is not completed on that day, it
30 shall be returned to its place on the calendar, unless it is made a special order for
31 another day; and when a special order is under consideration it shall take precedence
32 over any special order or subsequent order for the day, but such subsequent order may
33 be taken up immediately after the previous special order has been disposed of.

34 **RULE 52. Procedure when necessary number of Senators not present.** –
35 If, on taking the question on a bill, it appears that a constitutional quorum is not present,
36 or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it
37 appears that such number is not present, the bill shall be again read and the question
38 taken thereon; if the bill fails a second time for the want of the necessary number being
39 present and voting, the bill shall not be finally lost but shall be returned to the calendar
40 in its proper order.

41 **RULE 53. Effect of defeated measure.** – (a) After a bill has been tabled, or
42 has failed to pass on any of its readings, the contents of such bill or the principal
43 provisions of its subject matter shall not be embodied in any other measure. After an
44 amendment has been tabled or defeated on the Senate floor, the contents of such

1 amendment or the principal provisions of its subject matter shall not be embodied in any
2 other measure. If a substitute amendment is adopted on the floor, the contents of the
3 previously pending amendment which are not contained in the substitute shall be
4 considered to have been defeated. Upon the point of order being raised and sustained by
5 the Presiding Officer, such measure shall be laid upon the table and shall not be taken
6 therefrom except by a vote of two-thirds of the membership of the Senate present and
7 voting: Provided, no local bill shall be held by the Presiding Officer as embodying the
8 provisions of, or being identical with, any statewide measure which has been laid upon
9 the table or failed to pass any of its readings.

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

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

16 **RULE 54.1. Bill title.** – The title of each bill shall adequately and fairly
17 reflect its subject matter.

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

23 **RULE 56. Corrections of typographical errors in bills.** – The Enrolling
24 Clerk is authorized to make corrections of typographical errors in the text of bills at any
25 time prior to ratification. Before the correction is made, the Enrolling Clerk shall have
26 the approval of the Chair of the Committee on Rules and Operations of the Senate or, in
27 the Chair's absence, the Vice-Chair of said Committee.

28 **RULE 56.1. Amendments and committee substitutes adopted by the**
29 **House to bills originating in the Senate.** – (a) Whenever the House has adopted an
30 amendment or a committee substitute for a bill originating in the Senate, and has
31 returned the bill to the Senate for concurrence in that amendment or committee
32 substitute, the Senate may not concur in that amendment or committee substitute until
33 the next legislative day following the day on which the Senate receives that measure.

34 (b) The Chair of the Rules and Operations Committee of the Senate may,
35 or upon motion supported by a majority of the Senate present and voting shall, refer the
36 bill to an appropriate committee for consideration of the amendment or committee
37 substitute.

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

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

1 (2) Advise the Presiding Officer as to whether or not the amendment or
2 committee substitute is a material amendment under Article II, Section
3 23, of the State's Constitution.

4 (d) If the amendment or committee substitute for a bill is not a material
5 amendment, the question before the Senate shall be concurrence. In the event there is
6 more than one House amendment, the question shall be concurrence in all the House
7 amendments and the question may not be divided, notwithstanding Rule 28. The
8 question which shall be put before the Senate by the Presiding Officer shall be: "Does
9 the Senate concur in the House amendments (committee substitute) to S.B. ___?"

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

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

17 **RULE 57. Conference committee.** – The President Pro Tempore of the
18 Senate, or in the President Pro Tempore's absence the Deputy President Pro Tempore,
19 upon motion, shall appoint a conference committee when the Senate fails to concur in
20 amendments or committee substitutes put by the House to a bill originating in the
21 Senate, or when the House of Representatives fails to concur in amendments or
22 committee substitutes put by the Senate to a bill originating in the House. Senate
23 conferees shall include the primary sponsor of the bill. In considering the bill committed
24 to the conferees, only such matters as are germane to the bill shall be considered by the
25 conferees, and the conference report shall deal only with such matters. The matters
26 referred to the conference committee by the conference committee chairs shall go to and
27 be considered by the conferees appointed by the Senate and the House of
28 Representatives. While the bill is in conference committee, the Senate's position shall be
29 determined by a majority of the Senate conferees. Upon agreement by the Senate and
30 House of Representatives, a conference report shall be drafted reflecting the matters
31 considered and agreed upon by the conferees. The conference report shall not be
32 amended.

33 **RULE 57.1. Germaneness of amendment.** – All amendments and committee
34 substitutes shall be germane to the subject matter of the bill. The question of
35 germaneness is in order at any time the measure is before the body prior to final action
36 on the measure.

37 **RULE 58. Certification of passage of bills.** – The Principal Clerk shall
38 certify the passage of bills by the Senate, with the date thereof, together with the fact
39 whether passed by vote of three-fifths or two-thirds of the membership of the Senate
40 present and voting, whenever such vote may be required by the Constitution or laws of
41 the State.

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

1 **RULE 59.1. Engrossment.** – Bills and resolutions, except those making
2 appropriations, which originate in the Senate and which are amended shall be engrossed
3 before being sent to the House.

4 **RULE 59.2. Vetoed Bills.** – (a) The Principal Clerk is designated the Senate
5 Officer to receive bills vetoed by the Governor. The veto message shall be read in the
6 Senate on the next legislative day following its receipt by the Principal Clerk.

7 (b) Upon a veto message's being read in the Senate, the Chair of the
8 Committee on Rules and Operations of the Senate shall either refer the bill and the
9 Governor's objections and veto message to committee or place the bill on the calendar
10 for a day certain.

11 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

12 **RULE 60. Pages.** – (a) The President Pro Tempore of the Senate shall
13 appoint pages. The President Pro Tempore, or such person as the President Pro Tempore
14 may designate, shall supervise the pages and assign to them their duties. Each page shall
15 be at least 15 years of age or be in the ninth grade at the time of service.

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

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

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

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

28 **RULE 62. Principal Clerk's staff.** – The Principal Clerk of the Senate shall
29 employ all necessary employees and clerks required to carry out the duties of that
30 office. The Principal Clerk shall have supervision and control and shall assign such
31 duties and powers as the Principal Clerk shall direct to the employees and clerks of that
32 office.

33 **RULE 63. Committee assistants and legislative assistants.** – (a) Each
34 committee shall have a committee assistant. The committee assistant to a committee
35 shall serve as legislative assistant to the chair of that committee.

36 (b) Each member shall be assigned a legislative assistant, unless that
37 member has a committee assistant to serve as that member's legislative assistant.

38 (c) The selection of committee assistants, legislative assistants, and office
39 assistants shall be the prerogative of the individual member. Such committee assistants
40 and legislative assistants shall file initial applications for employment with the Director
41 of Legislative Assistants and shall receive compensation as prescribed by the
42 Legislative Services Commission. The employment period of committee assistants,
43 legislative assistants, and office assistants shall comply with the period as established by
44 the Legislative Services Commission unless employment for an extended period is

1 approved by the President Pro Tempore. The committee assistants, legislative assistants,
2 and office assistants shall adhere to such uniform regulations and other conditions of
3 employment (including retention) under the direction of the Director of Senate
4 Legislative Assistants as the Committee on Rules and Operations of the Senate shall
5 adopt.

6 (d) The Director of Senate Legislative Assistants and any assistants shall
7 be appointed by the President Pro Tempore of the Senate.

8 **RULE 64. Senate Journal.** – The Principal Clerk shall prepare and be
9 responsible for the Journal. The President Pro Tempore or, in the President Pro
10 Tempore's absence, the Deputy President Pro Tempore shall examine the Journal to
11 determine if the proceedings of the previous day have been correctly recorded.

12 **RULE 65. Deputy President Pro Tempore.** – The Senate shall elect a
13 Deputy President Pro Tempore. Upon the death, resignation, or removal from office of
14 the President Pro Tempore, the Senate shall elect one of its members to succeed to that
15 office.

16 **VIII. GENERAL RULES**

17 **RULE 66. President to sign papers.** – All acts, addresses, and resolutions,
18 and all warrants and subpoenas issued by order of the Senate, shall be signed by the
19 President or by the President Pro Tempore or Deputy President Pro Tempore presiding
20 in the President's 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 Presiding Officer shall be admitted to the
27 floor of the Senate during its session. Notwithstanding any other provision of these
28 rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate
29 Chamber while the Senate is in session. When the Senate is not in daily session, the
30 President Pro Tempore shall determine the privileges of the floor.

31 **RULE 67A. Restricted admission to the floor of the Senate prior to the**
32 **daily session.** – No person, except members of the Senate, members of the House of
33 Representatives, staff of the General Assembly; the staff of the Lieutenant Governor;
34 Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and
35 members of the Council of State; former members of the General Assembly; and
36 persons particularly invited and extended the privileges of the floor by a member of the
37 Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate
38 within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any
39 other provision of this rule, no registered lobbyist shall be admitted to or remain on the
40 floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.

41 **RULE 67.1. Recognition for extending courtesies.** – (a) Courtesies of the
42 floor and galleries shall be extended only by the Presiding Officer on the Presiding
43 Officer's own motion or upon the written request of a member of the Senate to former
44 members of the General Assembly or to distinguished visitors.

1 (b) The Presiding Officer, upon written request at intervals between
2 various orders of business, may extend courtesies to schools or other special large
3 groups visiting in the galleries while they are present, and the Presiding Officer shall, at
4 such times as deemed appropriate, express to those visitors in the galleries the pleasure
5 of the Senate for their presence.

6 **RULE 68. Privileges of the floor.** – Any group or individual other than
7 members of the Senate who desires to make remarks upon the floor of the Senate will
8 first obtain approval of the President Pro Tempore or, in the President Pro Tempore's
9 absence, the Deputy President Pro Tempore of the Senate.

10 **RULE 69. News media.** – The President Pro Tempore is authorized to assign
11 area and equipment on the floor of the Senate for the use of the representatives of news
12 media, and the President Pro Tempore shall provide regulations for the operation of the
13 representatives of the news media on the floor of the Senate.

14 **RULE 70. Absence without leave.** – No Senator or officer of the Senate shall
15 depart the service of the Senate without leave or receive pay as a Senator or officer for
16 the time absent without leave.

17 **RULE 71. Placing material on Senators' desks or in Senators' offices.** –
18 Any person other than a member of the Senate or an employee of the General Assembly
19 desiring to place articles of any kind on or about desks in the Senate Chamber or in the
20 offices of the members of the Senate shall make written application to and obtain
21 written approval from the Principal Clerk.

22 **RULE 72. Assignment of seats; offices.** – (a) The President Pro Tempore of
23 the Senate shall assign seats in the Senate Chamber to the members elected. The
24 President Pro Tempore, when assigning seats, shall give preferential consideration to
25 the respective members according to the length of service which each member has
26 rendered in the Senate. No incumbent appointed to fill an unexpired term in the
27 immediate preceding session shall retain the seat if requested by a Senator elected to
28 said session.

29 (b) Not later than two weeks after the initial committee assignments
30 become final, the President Pro Tempore of the Senate is authorized to make
31 assignments of committee rooms and offices to designated committees, chairs, and
32 members of the Senate. In making such assignments of individual offices, the President
33 Pro Tempore may give preferential consideration to the respective members according
34 to the length of service which each member has rendered in the Senate.

35 **RULE 73. Administrative rules and regulations involving Senate**
36 **employees.** – All administrative rules, regulations, and orders involving all individuals
37 employed to perform duties for the Senate, other than those appointed by the Principal
38 Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and
39 Operations of the Senate.

40 **RULE 74. Public hearings.** – Any Senator may request in writing a public
41 hearing by the committee considering the bill on a public bill. Requests may be granted
42 at the discretion of the chair. Notice shall be given not less than five calendar days prior
43 to public hearings. Such notices shall be issued as information for the press, and the
44 information shall be posted in the places designated by the Principal Clerk.

1 **RULE 75. Public hearings, filing of written statements.** – Persons desiring
2 to appear and be heard at a public hearing are encouraged to file with the chair of the
3 committee a brief or a written statement of the remarks to be made at least 24 hours
4 before the time of the hearing.

5 **RULE 76. Voting in joint sessions.** – When the Senate sits jointly with the
6 House, either in committee or in joint session, the Senate reserves the right to vote
7 separately.

8 **RULE 77. Alterations, suspension, or rescission of rules.** – (a) These rules
9 may not be permanently rescinded or altered except by Senate simple resolution passed
10 by a two-thirds vote of the membership of the Senate. The introducer of the resolution
11 must, on the floor of the Senate, give notice of the intent to introduce the resolution on
12 the legislative day preceding its introduction.

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

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