

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

**Simple  
S  
Adopted**

**Resolution**

**SENATE RESOLUTION 1  
Adopted As Amended 1/25/95**

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Sponsors: Senator Rand.

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Referred to:

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January 25, 1995

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE  
2 SENATE FOR THE REGULAR SESSIONS OF THE 1995 GENERAL ASSEMBLY  
3 OF NORTH CAROLINA.

4 Be it resolved by the Senate:

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

7 **"PERMANENT RULES OF**  
8 **THE REGULAR SESSIONS OF THE SENATE**  
9 **1995 GENERAL ASSEMBLY OF NORTH CAROLINA**

- 10 I. Order of Business, Rules 1-7  
11 II. Conduct of Debate, Rules 8-17  
12 III. Motions, Rules 18-24  
13 IV. Voting, Rules 25-30  
14 V. Committees, Rules 31-37  
15 VI. Handling Bills, Rules 38-59.1  
16 VII. Legislative Officers and Employees, Rules 60-65  
17 VIII. General Rules, Rules 66-77.

18 **I. ORDER OF BUSINESS**

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

4           **RULE 2. Convening hour.**—The Presiding Officer shall take the Chair at the  
5 hour fixed by the Senate upon adjournment on the preceding legislative day, and shall  
6 call the members to order. In case the Senate adjourned on the preceding legislative day  
7 without having fixed the hour of reconvening, the Senate shall reconvene on the next  
8 legislative day at 1:30 p.m., except that if the next legislative day is Monday, time for  
9 convening shall be 8:00 p.m.

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

12          **RULE 4. Convening and presiding in absence of President.**—In the absence  
13 of the President, the President Pro Tempore shall convene or reconvene the Senate and  
14 preside, and during such time shall be vested with all powers of the President except that  
15 of casting a vote in case of tie when he has already voted on the question as a Senator. In  
16 the event of the absence of the President and President Pro Tempore at any time fixed for  
17 the reconvening of the Senate, the Deputy President Pro Tempore of the Senate, the  
18 Principal Clerk of the Senate, or in his or her absence also, the Chairman of the Senate  
19 Committee on Rules and Operation of the Senate, shall call the Senate to order and  
20 designate some member to act as Presiding Officer.

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

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

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

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

- 34          (1) Reports of standing committees.
- 35          (2) Reports of select committees.
- 36          (3) Introduction of bills, petitions, and resolutions.
- 37          (4) Messages from the House of Representatives.
- 38          (5) Unfinished business of preceding day.
- 39          (6) Special orders.
- 40          (7) General orders:
  - 41                  (a) Local bills in numerical order, Senate bills first
  - 42                          (i) Third reading roll call and electronic voting system votes
  - 43                          (ii) Second reading roll call and electronic voting system votes

- 1 (iii) Second reading **viva voce**  
2 (iv) Third reading **viva voce**  
3 (b) Public bills in numerical order, Senate bills first  
4 (i) Third reading roll call and electronic voting system votes  
5 (ii) Second reading roll call and electronic voting system votes  
6 (iii) Second reading **viva voce**  
7 (iv) Third reading **viva voce**

## 8 II. CONDUCT OF DEBATE

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

13 RULE 9. **Substitution for Presiding Officer.**—The Presiding Officer, while in  
14 the Senate chamber, shall have the right to call on any member of the Senate to perform  
15 the duties of the Chair.

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

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

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

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

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

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

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

6 1. A request that the member speaking yield for a question,

7 2. A point of order, or

8 3. A parliamentary inquiry.

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

10 RULE 13. (Reserved for future use).

11 RULE 14. **Limitations on individual debate.**—(a) No Senator shall speak on the  
12 same reading more than twice on the main question, nor longer than thirty minutes for the  
13 first speech and fifteen minutes for the second speech. No Senator shall speak on the  
14 same reading more than once on any motion or appeal, and then no longer than ten  
15 minutes.

16 (b) By permission of the Presiding Officer any member of the Senate may address  
17 the Senate from the well of the Senate.

18 RULE 15. **Questions of personal privilege.**—Upon recognition by the  
19 Presiding Officer for that purpose, any Senator may speak to a question of personal  
20 privilege for a time not exceeding three minutes. Personal privilege may not be used to  
21 explain a vote, debate a bill, or in any way disrupt the regular business of the Senate.  
22 Personal privilege shall not be used to solicit support or sponsors for any bill. The  
23 Presiding Officer shall determine if the question raised is one of privilege and shall,  
24 without the point of order being raised, enforce this rule.

25 RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

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

### 7 III. MOTIONS

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

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

- 17 (1) To adjourn.
- 18 (2) To lay on the table.
- 19 (3) For the previous question.
- 20 (4) To postpone indefinitely.
- 21 (5) To postpone to a certain day.
- 22 (6) To commit to a standing committee.
- 23 (7) To commit to a select committee.
- 24 (8) To amend.

25 RULE 20. **Motions requiring a second.**—The motions to adjourn, to lay on  
26 the table, and to call for the previous question, shall be seconded and decided without  
27 debate.

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

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

34 RULE 23. **Motion for previous question.**—The previous question shall be as  
35 follows: 'Shall the main question be now put?' and until it is decided shall preclude all  
36 amendments and debate. If this question is decided in the affirmative, the "main  
37 question" shall be on the passage of the bill, resolution, or other matter under  
38 consideration; but when amendments are pending, the question shall be taken upon such  
39 amendments in their inverse order, without further debate or amendment. No one shall  
40 move the previous question except the chairman of the committee submitting the report  
41 on the bill or other matter under consideration, or the member introducing the bill or  
42 other matter under consideration, or the member in charge of the measure, who shall be  
43 designated by the chairman of the committee reporting the same to the Senate at the time

1 the bill or other matter under consideration is reported to the Senate or taken up for  
2 consideration.

3 **RULE 24. Motion to reconsider.**—(a) When a question has been once put and  
4 decided, any Senator who voted in the majority may move to reconsider the vote thereof.  
5 No motion for the reconsideration of any vote shall be in order after the bill, resolution,  
6 or other matter upon which the vote was taken has gone out of the possession of the  
7 Senate. No motion for reconsideration shall be in order unless made on the same day or  
8 in the next following legislative day on which the vote took place. When the next  
9 legislative day has by motion of the Senate been restricted as to matters which may be  
10 considered, a motion to reconsider shall be in order on the next succeeding day upon  
11 which regular business is conducted. No question shall be reconsidered more than once.

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

#### 16 **IV. VOTING**

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

- 20 (1) All questions on which the Constitution of North Carolina requires that  
21 the ayes and noes be taken and recorded on the Journal;  
22 (2) All questions on which a call for the ayes and noes under Rule 26(b) has  
23 been sustained; and  
24 (3) Second and third readings of bills proposing amendment of the  
25 Constitution of North Carolina.

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

- 28 (1) Second reading of all public bills, all amendments to public bills offered  
29 after second reading, third reading if a public bill was amended after  
30 second reading, and all conference reports on public bills.  
31 (2) Any other question upon direction of the Presiding Officer or upon  
32 motion of any Senator supported by one-fifth of the Senators present.

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

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

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

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

9 (g) When the Presiding Officer ascertains that the electronic voting system is  
10 inoperative before a vote is taken or while a vote is being taken on the electronic system,  
11 he shall announce that fact to the Senate and any partial electronic system voting record  
12 shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the  
13 Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and  
14 the ayes and noes shall be taken manually and shall be recorded on the Journal. All other  
15 votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the  
16 electronic system, it is discovered that a malfunction caused an error in the electronic  
17 system print-out, the Presiding Officer shall direct the Reading Clerk and the Principal  
18 Clerk to verify and correct the print-out record and so advise the Senate.

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

- 22 1. To lay on the table.
- 23 2. For the previous question.
- 24 3. To postpone indefinitely.
- 25 4. To postpone to a day certain.
- 26 5. To refer to a committee.
- 27 6. To reconsider.
- 28 7. To adopt.
- 29 8. To concur.
- 30 9. To take from the table.
- 31 10. Miscellaneous.

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

40 (b) The ayes and the noes may be called for on any question before the vote is  
41 taken. If a Senator desires the ayes and noes recorded on the Journal on a question, he  
42 shall address the Presiding Officer and obtain recognition and say, 'Upon that question I  
43 call for the ayes and noes.' Whereupon the Presiding Officer shall say, 'Is the call

1 sustained?' If one-fifth of the remaining Senators present then stand, the vote shall be  
2 taken on the electronic voting system if it is operative, and the ayes and noes shall be  
3 recorded on the Journal. If the electronic voting system is inoperative, the roll of the  
4 Senate shall be called and the ayes and noes taken manually and recorded on the Journal.  
5 If fewer than one-fifth of the Senators present stand to sustain the call, the Presiding  
6 Officer shall announce, 'An insufficient number up' and a vote by electronic voting or by  
7 voice, whichever is appropriate under the Rules of the Senate, shall be taken.

8         **RULE 27. Pairs.**—(a) If a Senator is paired with another Senator on a  
9 question, the Senator shall announce the pair as follows: 'Mr. President, I desire to  
10 announce a pair. If Senator \_\_\_\_\_ were present, he would vote \_\_\_\_\_; I would vote  
11 \_\_\_\_\_ (the opposite).' The Senator shall send forward at that time a written statement of  
12 the pair on a form provided by the Principal Clerk and neither member of the pair shall  
13 vote on the question. A pair shall be announced before the vote is taken **viva voce**, or if  
14 the electronic voting system is used, before the machine is unlocked. The Clerk shall  
15 record the pair on the Journal when the Constitution or Rules of the Senate require a call  
16 of the roll and shall record on the electronic system print-out all pairs announced.

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

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

21         **RULE 29. Duty to vote; excuses.**—(a) Every Senator who is within the Senate  
22 Chamber when the question is stated by the Presiding Officer shall vote thereon unless he  
23 is excused by the Senate.

24         (b) A Senator who is a member of a committee shall, upon request, be excused  
25 from deliberations and voting on the bill while it is before the committee. The Senator  
26 must make the request to the chair of the committee when the bill is first taken up for  
27 consideration and before any motion or vote on the bill or any amendment to the bill.  
28 The Senator making the request for excuse in Committee must renew his request for  
29 excuse on the floor of the Senate as set forth in this rule.

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

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

36         (e) The Senator so excused shall not debate the bill or any amendment to the bill,  
37 vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any  
38 motion concerning the bill at that reading, any subsequent reading, or any subsequent  
39 consideration of the bill.

40         (f) A Senator may move that his excuse from deliberations on a particular bill be  
41 withdrawn, which question shall be determined without debate.

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



1           **RULE 30. Explanation of vote.**—Any Senator may explain his vote on any  
2 bill by obtaining permission of the Presiding Officer after the final vote is taken. No  
3 more than three minutes shall be consumed in such explanation.

4   **V. COMMITTEES**

5           **RULE 31. Appointment of committees.**—(a)           The President Pro Tempore of the  
6 Senate shall have the exclusive right and authority to appoint the majority party's  
7 membership of all committees, regular and select, and to appoint committee chairmen  
8 and vice-chairmen and to establish select committees, but this does not exclude the right  
9 of the Senate by resolution to establish select committees. The minority leader shall have  
10 the exclusive right and authority to appoint all minority party's members of said  
11 committees and appoint the ranking minority member. Upon the recommendation of the  
12 committee on Rules and Operation of the Senate, the Senate may authorize by majority  
13 vote of the Senators present and voting a change in the number of standing committees.

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

16           **RULE 32. List of standing/select committees.**—The standing committees  
17 shall be:

- 18           Agriculture/Environment/Natural Resources
- 19           Appropriations
  - 20                Appropriations on Department of Transportation
  - 21                Appropriations on Education/Higher Education
  - 22                Appropriations on General Government
  - 23                Appropriations on Human Resources
  - 24                Appropriations on Justice and Public Safety
  - 25                Appropriations on Natural and Economic Resources
- 26           Base Budget
- 27           Children & Human Resources
- 28           Commerce
- 29           Education/Higher Education
- 30           Finance
- 31           Judiciary I/Constitution
- 32           Judiciary II/Election Laws
- 33           Local Government & Regional Affairs
- 34           Pensions & Retirement/Insurance/State Personnel
- 35           Rules and Operation of the Senate
- 36           Transportation
- 37           Ways & Means.

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

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

4 (c) The published calendar shall reflect those committee notices received in the  
5 Office of the Principal Clerk prior to 3:30 p.m. or as announced in the daily session.

6 **RULE 34. Membership of committees; quorum.**—(a) Membership on standing  
7 committees shall consist of not more than 20 nor less than 5 Senators, including the  
8 chairman and vice-chairmen and ranking minority member; provided that the  
9 Appropriations Committee and Finance Committee shall not be limited as to  
10 membership. The President Pro Tempore shall have the exclusive right and authority to  
11 determine the total number of members and the number of members of each political  
12 party of each committee. No Senator shall hold membership on more than 12 standing  
13 committees unless the Committee on Rules and Operation of the Senate provides  
14 otherwise.

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

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

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

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

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

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

## 35 VI. HANDLING BILLS

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

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

1 bill for all purposes. The original bill shall then be returned to the introducer of the bill  
2 and shall not become a part of the records or documents of the Senate.

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

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

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

17 Monday until 8:30 o'clock p.m.;

18 Tuesday, Wednesday, and Thursday until

19 3:00 o'clock p.m.;

20 Friday until 2:00 o'clock p.m.

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

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

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

29 (a) All local bills and resolutions must be filed for introduction not later than Wednesday,  
30 April 5, 1995; provided that any such measure submitted to the Bill Drafting Division of  
31 the Legislative Services Office by 3:00 p.m. on that day and filed for introduction in the  
32 Senate before 3:00 p.m. on Wednesday, April 12, 1995, shall be treated as if it had been  
33 filed for introduction under this rule.

34 (b) All public bills and resolutions, except those honoring the memory of deceased  
35 persons or adjourning the General Assembly, must be filed for introduction not later than  
36 Wednesday, April 26, 1995; provided that any such measure submitted to the Bill  
37 Drafting Division of the Legislative Services Office by 3:00 p.m. on that day and filed for  
38 introduction in the Senate before 3:00 p.m. on Wednesday, May 3, 1995, shall be treated  
39 as if it had been filed for introduction under this rule.

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

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

3 **RULE 41. Crossover bill deadline.**—In order to be eligible for consideration  
4 by the Senate during the 1995 or 1996 Regular Sessions of the 1995 General Assembly,  
5 all House Bills other than those required to be referred to the Committee on Finance by  
6 Rule 42, appropriations bills or adjournment resolutions must be received and read on the  
7 floor of the Senate as a message from the House no later than May 11, 1995; provided  
8 that a message from the House received by the next legislative day stating that a bill has  
9 passed its third reading and is being engrossed shall comply with the requirements of this  
10 rule and provided that the House accepts Senate bills ordered engrossed on the next  
11 legislative day.

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

27 **RULE 42. Reference of appropriation and finance bills.**—(a) All bills introduced  
28 in the Senate providing for appropriations from the State, or any subdivision thereof  
29 shall, before being considered by the Senate, be referred to the Committee on  
30 Appropriations, and bills referred to other committees carrying any such provisions shall  
31 be reported to the Senate as being bills to be referred to the Appropriations Committee  
32 before proper action may be taken by the Senate.

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

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

42 **RULE 42.1. Fiscal notes.**—(a) A chairman of the Appropriations Committee, or of the  
43 Finance Committee, or of the Rules and Operations of The Senate Committee, or of the

1 Ways and Means Committee, upon the floor of the Senate, may request that a fiscal  
2 analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in  
3 the possession of the Senate and that a fiscal note be attached to the measure, when in the  
4 opinion of that chairman the fiscal effects of that measure are not apparent from the  
5 language of the measure. No bill for which a fiscal note has been requested may be  
6 considered for passage prior to the fiscal note being attached to the bill.

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

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

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

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

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

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

32 1. State, municipal or other retirement system funded in whole or in part  
33 out of public funds; or  
34 2. Program of hospital, medical, disability or related benefits provided for  
35 teachers and State employees, funded in whole or in part by State funds,  
36 shall have attached to it at the time of its consideration by any committee a brief  
37 explanatory statement or note which shall include a reliable estimate of the financial and  
38 actuarial effect of the proposed change to that retirement or pension system. The  
39 actuarial note shall be attached to the jacket of each proposed bill or resolution which is  
40 reported favorably by any committee, shall be separate therefrom, and shall be clearly  
41 designated as an actuarial note. Upon its introduction, a bill described in subsection  
42 (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement.

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

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

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

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

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

32 **RULE 42.3. Assessment reports.**—Every legislative proposal introduced in the  
33 Senate proposing the establishment of an occupational or professional licensing board or  
34 a study for the need to establish such a board shall have attached to the jacket of the  
35 original bill at the time of its consideration on second or third readings by the Senate or  
36 by any committee of the Senate prior to a favorable report, an assessment report from the  
37 Legislative Committee on New Licensing Boards, pursuant to Article 18A of Chapter  
38 120 of the General Statutes. The assessment report shall not constitute any part of the  
39 expression of legislative intent proposed by the formation of a licensing board.

40 Upon receipt of the request the Legislative Committee on New Licensing Boards shall  
41 prepare and return the assessment report as soon as possible but not later than 60 days,  
42 reserving the right to extend this time to 90 days. A supplementary report shall be

1 prepared and submitted to the requesting Senator not later than 30 days after the receipt  
2 of the request.

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

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

23 (c) This fiscal note shall be attached to the original of each proposed bill or  
24 resolution that is reported favorably by any committee, but shall be separate from the bill  
25 or resolution and shall be clearly designated as a fiscal note. A fiscal note attached to a  
26 bill or resolution pursuant to this subsection is not a part of the bill or resolution and is  
27 not an expression of legislative intent proposed by the bill or resolution.

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

34 **RULE 42.3B. Local legislation affecting the State Highway System.**—A  
35 local bill affecting the State Highway System shall be referred to the Committee on  
36 Transportation.

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

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

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

4 (1) Alters expenditures or salaries;

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

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

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

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

23 **RULE 43. First reading; reference to committee.**—All bills filed for  
24 introduction and all House bills received in the office of the Principal Clerk not later than  
25 one and one-half hours preceding the convening of the Senate, upon presentation to the  
26 Senate, shall be read in regular order of business by their number and title which shall  
27 constitute the first reading of the bill. The Chairman of the Committee on Rules and  
28 Operations of the Senate or, in his absence, the Vice-Chairman of the Committee shall  
29 refer to a Senate committee all bills introduced in the Senate or received from the House  
30 of Representatives. Upon the referral being made, the Chairman of the Committee on  
31 Rules and Operations of the Senate shall notify the Principal Clerk of the Senate of the  
32 referral, and the Reading Clerk shall announce the referral of the bill. The Principal  
33 Clerk shall inform the Presiding Officer of the referral. The title and referral shall be  
34 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 Finance 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 before being passed, and the Presiding Officer shall give notice at each reading  
40 whether it be the first, second, or third. The Reading Clerk shall announce the referral as  
41 set forth in Rule 43. No bill shall be amended upon the floor of the Senate until it has  
42 been twice read. 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 quorum of the committee was present and a majority of those  
5 present voted in favor of the report. Every report of the committee upon a bill or  
6 resolution shall stand upon the general orders with the bill or resolution. No committee  
7 shall report a bill or resolution without 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 the  
10 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 day,  
21 and the question before the Senate shall be 'The adoption of the Minority Report.' If the  
22 minority report is adopted by a majority vote of the membership of the Senate, the bill  
23 shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie  
24 upon the table.

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

35           (b) Notwithstanding anything to the contrary, the chairman of a committee to  
36 which a bill or other matter is assigned may, with the consent of two-thirds of the  
37 membership of the Senate present and voting, recall the measure to be referred to another  
38 committee or the floor.

39           **RULE 48. Calendar; order to be followed.**—The Presiding Officer and the  
40 Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the  
41 order in which they stand upon the calendar, unless otherwise ordered as hereinafter  
42 provided. The published calendar shall include all bills reported favorably from  
43 committees, or reported with a minority report attached, or placed on the calendar on

1 motion: Provided, that the published local calendar may carry the number of each bill, the  
2 county or counties referred to, and an abbreviated statement of the title of the bill.

3 **RULE 49. (Reserved)**

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

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

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

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

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

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

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

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

1           **RULE 56. Corrections of typographical errors in bills.**—The Enrolling Clerk  
2 is authorized to make corrections of typographical errors in the text of bills at any time  
3 prior to ratification. Before the correction is made, the Enrolling Clerk shall have the  
4 approval of the Chairman of the Committee on Rules and Operation of the Senate or, in  
5 his absence, the Vice-Chairman of said Committee.

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

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

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

- 18           i. Report the bill with the recommendation either that the Senate concur or  
19 that the Senate do not concur; and
- 20           ii. Advise the Presiding Officer as to whether or not the amendment or  
21 committee substitute is a material amendment under Article II, Section  
22 23, of the State's Constitution.

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

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

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

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

1 considered the bill. In considering matters in difference between the Senate and House  
2 committed to the conferees, only such matters as are in difference between the two  
3 houses shall be considered by the conferees, and the conference report shall deal only  
4 with such matters. In conference committee, the Senate's position shall be determined by  
5 a majority of the Senate conferees. The conference report shall not be amended.

6         **RULE 57.1. Germaneness of amendment.**—All amendments and  
7 committee substitutes shall be germane to the original subject matter of the bill. The  
8 question of germaneness is in order at any time the measure is before the body prior to  
9 final action on the measure.

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

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

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

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

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

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

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

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

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

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

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

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

3 (c) The selection of said clerk and/or secretary shall be the prerogative of the  
4 individual member. Such clerks and secretaries shall file initial applications for  
5 employment with the Supervisor of Clerks and shall receive compensation as prescribed  
6 by the Legislative Services Commission. The employment period of clerks and  
7 secretaries shall comply with the period as established by the Legislative Services  
8 Commission unless employment for an extended period is approved by the President Pro  
9 Tempore. The clerks and secretaries shall adhere to such uniform regulations and other  
10 conditions of employment (including retention) under the direction of the Supervisor of  
11 Clerks as the Committee on Rules and Operation of the Senate shall adopt.

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

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

18 **RULE 65. Deputy President Pro Tempore.**—The Senate shall elect a Deputy  
19 President Pro Tempore. The Deputy President Pro Tempore shall become the President  
20 Pro Tempore upon the death, resignation or removal from office of the President Pro  
21 Tempore.

## 22 **VIII. GENERAL RULES**

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

26 **RULE 67. Admission to the floor of the Senate.**—No person except members  
27 of the Senate, members of the House of Representatives, staff of the General Assembly;  
28 staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and  
29 Superior Courts; the Governor and members of the Council of State; former members of  
30 the General Assembly; and persons particularly invited and extended the privileges of the  
31 floor by the Presiding Officer shall be admitted to the floor of the Senate during its  
32 session. Notwithstanding any other provision of these rules, no registered lobbyist shall  
33 be admitted to the floor of the Senate or Senate Chamber while the Senate is in session.  
34 When the Senate is not in daily session, the President Pro Tempore shall determine the  
35 privileges of the floor.

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

1 provision of this rule, no registered lobbyist shall be admitted to or remain on the floor of  
2 the Senate within 15 minutes prior to the Senate's scheduled daily session.

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

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

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

16         **RULE 69. News media.**—The President is authorized to assign area and  
17 equipment on the floor of the Senate for the use of the representatives of news media; and  
18 the President shall provide regulations for the operation of the representatives of the news  
19 media on the floor of the Senate.

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

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

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

35         (b) Not later than two weeks after the initial committee assignments become final,  
36 the President Pro Tempore of the Senate is authorized to make assignments of committee  
37 rooms and offices to designated committees, chairmen, and members of the Senate. In  
38 making such assignments of individual offices, the President Pro Tempore may give  
39 preferential consideration to the respective members according to the length of service  
40 which each member has rendered in the Senate.

41         **RULE 73. Administrative rules and regulations involving Senate**  
42 **employees.**—All administrative rules, regulations and orders involving all individuals  
43 employed to perform duties for the Senate, other than those appointed by the Principal

1 Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and  
2 Operation of the Senate.

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

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

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

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

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

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