

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE RESOLUTION 1
Calendar 1/26/05**

Sponsors: Senator Rand.

Referred to:

January 26, 2005

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 SENATE FOR THE REGULAR SESSIONS OF THE 2005 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
2005 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
12 III. Motions, Rules 18-24
13 IV. Voting, Rules 25-30
14 V. Committees, Rules 31-37
15 VI. Handling Bills, Rules 38-59.2
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, the time
27 for 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 Committee on Rules and Operations of
9 the Senate, shall call the Senate to order and designate some member to act as Presiding
10 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 preserved by the
25 Principal Clerk, so that the Presiding Officer or Senate may be better able to judge the
26 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 not
22 wear any head covering in the Senate Chamber while the Senate is in session, unless
23 one's religion requires his head to be covered. All persons on the Senate floor while the
24 Senate is in session shall be dressed in business attire, including coat and tie for men.

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 Senate Chamber.

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 permitted while the Senate is in session. This rule does not prohibit the use of quotations
3 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 re-refer to a standing committee.
- 30 (7) To refer 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 reconsideration shall be in order unless made on the same day or
22 in the next following legislative day on which the vote took place. When the next
23 legislative day has by motion of the Senate been restricted as to matters which may be
24 considered, a motion to reconsider shall be in order on the next succeeding day upon
25 which regular business is conducted. No question shall be reconsidered more than once.

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

30 (c) If a bill has gone out of the possession of the Senate and a motion to
31 reconsider under these rules is passed, the bill shall not be enrolled unless it again
32 passes third reading. The Principal Clerk shall notify the House of Representatives and
33 the Enrolling Clerk of any action under this subsection.

34 **IV. VOTING**

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

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

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

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

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

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

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

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

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

13 (d) The voting station at each Senator's desk in the Chamber shall be used
14 only by the Senator to whom the station is assigned. Under no circumstances shall any
15 other person vote at a Senator's station. It is a breach of the ethical obligation of a
16 Senator either to request that another vote at the requesting Senator's station or to vote at
17 another Senator's station. The Presiding Officer shall enforce this rule without
18 exception.

19 (e) When the electronic voting system is used, the Presiding Officer shall
20 state the question and shall then state substantially the following: "All in favor vote
21 'aye'; all opposed vote 'no'; _____ seconds will be allowed for voting on this question;
22 the Clerk will record the vote." After the machine locks and records the vote, the
23 Presiding Officer shall announce the vote and declare the result.

24 (f) One copy of the machine printout of the vote record shall be filed in
25 the office of the Principal Clerk, and one copy shall be filed in the Legislative Library
26 where it shall be open to public inspection.

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

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

- 41 (1) To lay on the table.
42 (2) For the previous question.
43 (3) To postpone indefinitely.
44 (4) To postpone to a day certain.

- 1 (5) To refer to a committee.
- 2 (6) To reconsider.
- 3 (7) To adopt.
- 4 (8) To concur.
- 5 (9) To take from the table.
- 6 (10) Miscellaneous.

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

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

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

36 (b) No Senator who is absent shall pair unless the absent Senator has
37 obtained a leave of absence.

38 (c) This rule does not apply to committee or subcommittee proceedings.

39 **RULE 28. Dividing question.** – (a) If a bill is subject to division into
40 separate parts so that each part states a separate and distinct proposition capable of
41 standing alone, a Senator may move that the question be divided. The motion shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 V. COMMITTEES

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

1 composition of the standing committees by a majority vote of the Senators present and
2 voting.

3 **RULE 32. List of standing/select committees.** – The standing committees
4 shall be:

5 Agriculture/Environment/Natural Resources

6 Appropriations/Base Budget

7 Appropriations on Department of Transportation

8 Appropriations on Education/Higher Education

9 Appropriations on General Government and Information Technology

10 Appropriations on Health and Human Services

11 Appropriations on Justice and Public Safety

12 Appropriations on Natural and Economic Resources

13 Commerce

14 Education/Higher Education

15 Finance

16 Health Care

17 Homeland Security, Emergency Management & Military Affairs

18 Information Technology

19 Judiciary I

20 Judiciary II

21 Mental Health & Youth Services

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 may consist of more than 20 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 and the Deputy President Pro Tempore
8 may serve as ex officio members of each 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
14 G.S. 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; limitation**
35 **on local bills becoming public bills.** – (a) A public bill is a bill affecting 15 or more
36 counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon
37 objection by a member, no local bill may be considered unless copies of the bill have
38 been made available to the entire membership of the Senate.

39 (b) A local bill that has become a public bill shall not be considered in the
40 Senate unless one of the following applies:

41 (1) The North Carolina Constitution prescribes that the bill as filed must
42 be a public bill because of its subject matter.

43 (2) The bill became a public bill because counties were added, but the bill
44 relates to the subject matter contained in the original bill.

1 **RULE 40. Introduction of bills.** – (a) Every bill filed for introduction shall
2 contain on the outside cover the title of the document and the name of the Senator or
3 Senators presenting it. Bills shall be delivered by the primary sponsor of the document,
4 or by that member's legislative assistant with the prescribed authorization form signed
5 by the primary sponsor and by that member's legislative assistant to the Office of the
6 Senate Principal Clerk, who shall receive them during regular session according to the
7 following schedule:

8 Monday until 30 minutes after adjournment; and

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

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

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

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

18 (a) All local bills and resolutions must be filed for introduction not later than
19 Wednesday, March 2, 2005, provided that any such measure submitted to the Bill
20 Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed
21 for introduction in the Senate before 3:00 P.M. on Wednesday, March 9, 2005, shall be
22 treated as if it had been filed for introduction under this rule.

23 (b) All public bills and resolutions, except those honoring the memory of
24 deceased persons or adjourning the General Assembly, must be filed for introduction
25 not later than Wednesday, March 16, 2005, provided that any such measure submitted to
26 the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day
27 and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 23,
28 2005, shall be treated as if it had been filed for introduction under this rule.

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

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

35 **RULE 41. Crossover bill deadline.** – In order to be eligible for consideration
36 by the Senate during the 2005 or 2006 Regular Sessions of the 2005 General Assembly,
37 all House bills other than those required to be referred to the Committee on Finance or
38 the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions
39 must be received and read on the floor of the Senate as a message from the House no
40 later than May 19, 2005, provided that a message from the House received by the next
41 legislative day stating that a bill has passed its third reading and is being engrossed shall
42 comply with the requirements of this rule and provided that the House accepts Senate
43 bills ordered engrossed on the next legislative day.

1 **RULE 41.1. Relationship between Committee on Ways and Means and**
2 **other committees dealing with money matters; relationship between these other**
3 **committees dealing with money matters.** – In those instances specified herein, the
4 Committee on Ways and Means shall have responsibility for final consideration of bills
5 dealing with money matters before the bills are considered on the floor of the Senate.
6 Upon the agreement of a chair of any two of the following committees:
7 Appropriations/Base Budget, Finance, and Ways and Means, any bill which is reported
8 favorably from the Committee on Appropriations/Base Budget or the Committee on
9 Finance shall be rereferred by the Presiding Officer to the Committee on Ways and
10 Means for consideration. Bills referred to the Committee on Appropriations/Base
11 Budget pursuant to Rule 43 may be referred by the Chair of the Committee on
12 Appropriations/Base Budget to the Appropriations Committee on the Department of
13 Transportation, the Appropriations Committee on Education, the Appropriations
14 Committee on General Government, the Appropriations Committee on Health and
15 Human Resources, the Appropriations Committee on Information Technology, the
16 Appropriations Committee on Justice and Public Safety, or the Appropriations
17 Committee on Natural and Economic Resources for a report back to the Committee on
18 Appropriations/Base Budget.

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

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

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

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

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

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

13 (d) A sponsor of a bill, resolution, or amendment may deliver a copy of
14 that member's bill, resolution, or amendment to the Fiscal Research Division for the
15 preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when the
16 sponsor files the bill or resolution or to the amendment when the sponsor moves its
17 adoption.

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

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

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

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

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

33 shall have attached to it at the time of its consideration by any committee a brief
34 explanatory statement or note which shall include a reliable estimate of the financial and
35 actuarial effect of the proposed change, as provided in G.S. 120-114. The actuarial note
36 shall be attached to the jacket of each proposed bill or resolution that is reported
37 favorably by any committee and shall be clearly designated as an actuarial note. Upon
38 its introduction, a bill or resolution described in subdivision (a)(1) of this rule shall be
39 referred to the Committee on Pensions and Retirement and Aging.

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

1 actuarial note of the Fiscal Research Division shall be prepared and signed by an
2 actuary.

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

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

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

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

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

43 Upon receipt of the request, the Legislative Committee on New Licensing
44 Boards shall prepare and return the assessment report as soon as possible but not later

1 than 60 days from the date of receipt of the request, reserving the right to extend this
2 time to 90 days. A supplementary report shall be prepared and submitted to the
3 requesting Senator not later than 30 days after the receipt of the request.

4 (b) Municipal Incorporations. Every legislative proposal introduced in the
5 Senate, or received in the Senate from the House, proposing the incorporation of a
6 municipality shall have attached to the jacket of the original bill at the time of its
7 consideration on second or third readings by the Senate or by any committee of the
8 Senate prior to a favorable report, a recommendation from the Joint Legislative
9 Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of
10 the General Statutes. The recommendation of the Joint Legislative Commission on
11 Municipal Incorporations shall be made in accordance with the provisions and criteria
12 set forth in Article 20 of Chapter 120 of the General Statutes and shall include the
13 findings required to be made by G.S. 120-166 through G.S. 120-170.

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

29 (b) The sponsor of each bill, amendment, or resolution to which this
30 subsection applies shall present a copy of the bill, amendment, or resolution with the
31 request for a fiscal note to the Fiscal Research Division. Upon receipt of the request and
32 the copy of the bill, amendment, or resolution, the Fiscal Research Division shall
33 prepare the fiscal note as promptly as possible. The Fiscal Research Division shall
34 prepare the fiscal note and transmit it to the sponsor within two weeks after the request
35 is made, unless the sponsor agrees to an extension of time.

36 (c) This fiscal note shall be attached to the original of each proposed bill,
37 amendment, or resolution that is reported favorably by any committee, but shall be
38 separate from the bill, amendment, or resolution and shall be clearly designated as a
39 fiscal note. A fiscal note attached to a bill, amendment, or resolution pursuant to this
40 subsection is not a part of the bill, amendment, or resolution and is not an expression of
41 legislative intent proposed by the bill, amendment, or resolution.

42 (d) If a committee reports favorably a proposed bill or resolution with an
43 amendment that proposes a change in the law that could cause a net increase in the
44 length of time for which persons are incarcerated or the number of persons incarcerated,

1 whether by increasing penalties for violating existing laws, by criminalizing behavior,
2 or by any other means, the chair of the committee shall obtain from the Fiscal Research
3 Division and attach to the amended bill or resolution a fiscal note as provided in this
4 section.

5 **RULE 42.4. Content of appropriations bills.** – (a) No provision changing
6 existing law shall be contained in any of the following bills: (i) the Current Operations
7 Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill
8 generally revising appropriations for the second fiscal year of a biennium.

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

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

14 (1) Alters expenditures or salaries;

15 (2) Changes the scope or character of a program which must be reduced,
16 increased, or changed because of an increase or decrease of funds
17 appropriated for the program or because of changes in federal law or
18 regulation; or

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

21 provided, that for a provision to be in order under this subsection, it must be
22 recommended to the General Assembly in a written report adopted by the
23 Appropriations/Base Budget Committee before or at the same time the bill is reported,
24 or, if such provision is contained in a floor amendment, the sponsor of the amendment
25 must present to the Principal Clerk at or before the time the amendment is offered an
26 explanation of the amendment for distribution to each member of the Senate.

27 **RULE 42.5. Appropriations/Base Budget Committee meetings.** –
28 Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence
29 thereof, the Appropriations/Base Budget Cochairs may in their exclusive discretion
30 direct that the Appropriations/Base Budget Committee or its subcommittees or both
31 may consider the budget and the budget plan including all appropriations in separate
32 meetings from the House of Representatives and may do all things set forth in said
33 statute separately from the House of Representatives.

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

1 Clerk shall inform the Presiding Officer of the referral. The title and referral shall be
2 entered upon the Journal.

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

6 **RULE 44. Bills to receive three readings.** – Every bill shall receive three
7 readings before being passed, and the Presiding Officer shall give notice at each reading
8 whether it be the first, second, or third. The Reading Clerk shall announce the referral as
9 set forth in Rule 43. No bill shall be amended upon the floor of the Senate, except under
10 Rule 45.1, until it has been twice read. Senate simple resolutions shall not require three
11 readings.

12 **RULE 45. Reports of committees.** – Every Senator presenting a report of a
13 committee shall endorse the report with the name of the committee and, in case of a
14 minority report, with the names of the members making the report. The report of the
15 committee shall show that a quorum of the committee was present and a majority of
16 those present voted in favor of the report. Every report of the committee upon a bill or
17 resolution shall stand upon the general orders with the bill or resolution. No committee
18 shall report a bill or resolution without prejudice.

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

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

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

37 (b) When a bill is reported by a committee with an unfavorable report, but
38 accompanied by a minority report, signed by at least three members of the committee
39 who were present and who voted on the bill when the bill was considered in committee,
40 then the minority report shall be placed on the calendar and considered the following
41 day, and the question before the Senate shall be: "The adoption of the minority report."
42 If the minority report is adopted by a majority vote of the membership of the Senate, the
43 bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall
44 lie upon the table.

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

7 (b) A motion to discharge a committee from consideration of a bill or
8 resolution may be filed with the Principal Clerk if accompanied by a petition signed by
9 two-thirds of the members of the Senate asking that the committee be discharged from
10 further consideration of the bill or resolution. No petition may be circulated for
11 signatures until 10 legislative days after the bill has been referred to the committee. No
12 petition may be circulated for signature until notice has been given on the floor of the
13 Senate that the petition is to be circulated. If such a motion accompanied by a valid
14 petition is filed, the Principal Clerk shall place that motion on the calendar for the next
15 legislative day as a special order of business. If the motion is adopted by two-thirds of
16 the members of the Senate, then the committee to which the bill or resolution has been
17 referred is discharged from further consideration of the bill or resolution, and that bill or
18 resolution is placed on the calendar for the next legislative day as a special order of
19 business. If the committee had, prior to discharge, adopted any amendment or
20 committee substitute for the bill, it shall be in order to offer that amendment or
21 substitute on the floor as if it were a committee amendment or substitute. The Principal
22 Clerk shall provide a form for discharge petitions.

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

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

30 **RULE 49.** (Reserved).

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

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

43 **RULE 52. Procedure when necessary number of Senators not present.** –
44 If, on taking the question on a bill, it appears that a constitutional quorum is not present,

1 or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it
2 appears that such number is not present, the bill shall be again read and the question
3 taken thereon; if the bill fails a second time for the want of the necessary number being
4 present and voting, the bill shall not be finally lost but shall be returned to the calendar
5 in its proper order.

6 **RULE 53. Effect of defeated measure.** – (a) After a bill has been tabled, or
7 has failed to pass on any of its readings, the contents of such bill or the principal
8 provisions of its subject matter shall not be embodied in any other measure. After an
9 amendment has been tabled or defeated on the Senate floor, the contents of such
10 amendment or the principal provisions of its subject matter shall not be embodied in any
11 other measure. If a substitute amendment is adopted on the floor, the contents of the
12 previously pending amendment which are not contained in the substitute shall be
13 considered to have been defeated. Upon the point of order being raised and sustained by
14 the Presiding Officer, such measure shall be laid upon the table and shall not be taken
15 therefrom except by a vote of two-thirds of the membership of the Senate present and
16 voting: Provided, no local bill shall be held by the Presiding Officer as embodying the
17 provisions of, or being identical with, any statewide measure which has been laid upon
18 the table or failed to pass any of its readings.

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

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

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

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

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

37 **RULE 56.1. Amendments and committee substitutes adopted by the**
38 **House to bills originating in the Senate.** – (a) Whenever the House has adopted an
39 amendment or a committee substitute for a bill originating in the Senate, and has
40 returned the bill to the Senate for concurrence in that amendment or committee
41 substitute, the Senate may not concur in that amendment or committee substitute until
42 the next legislative day following the day on which the Senate receives that measure.

43 (b) The Chair of the Committee on Rules and Operations of the Senate
44 may, or upon motion supported by a majority of the Senate present and voting shall,

1 refer the bill to an appropriate committee for consideration of the amendment or
2 committee substitute.

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

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

9 (2) Advise the Presiding Officer as to whether or not the amendment or
10 committee substitute is a material amendment under Article II, Section
11 23, of the State's Constitution.

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

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

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

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

41 **RULE 57.1. Germaneness of amendment or committee substitute.** – All
42 amendments and committee substitutes shall be germane to the subject matter of the
43 original bill. The question of germaneness is in order at any time the measure is before
44 the body prior to final action on the measure.

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

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

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

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

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

19 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

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

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

26 **RULE 61. Sergeants-at-Arms.** – (a) There shall be 16 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
31 members and employees of the Senate while in the Senate Chamber or any place in
32 which the Senate or its committees are in session.

33 (c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by
34 orders of the Senate and signed by the Presiding Officer of the Senate, and said warrants
35 and 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 that
38 office. The Principal Clerk shall have supervision and control and shall assign such
39 duties and powers as the Principal Clerk shall direct to the employees and clerks of that
40 office.

41 **RULE 63. Committee assistants, legislative assistants, research assistants,**
42 **and office assistants.** – (a) Each committee shall have a committee assistant. The
43 committee assistant to a committee shall serve as legislative assistant to the chair of that
44 committee.

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

3 (c) The selection of committee assistants, legislative assistants, research
4 assistants, and office assistants shall be the prerogative of the individual member. Such
5 committee assistants, office assistants, research assistants, and legislative assistants shall
6 file initial applications for employment with the Director of Legislative Assistants and
7 shall receive compensation as prescribed by the Legislative Services Commission. The
8 employment period of committee assistants, legislative assistants, research assistants,
9 and office assistants shall comply with the period as established by the Legislative
10 Services Commission unless employment for an extended period is approved by the
11 President Pro Tempore. The committee assistants, legislative assistants, research
12 assistants, and office assistants shall adhere to such uniform regulations and other
13 conditions of employment (including retention) under the direction of the Director of
14 Senate Legislative Assistants as the Committee on Rules and Operations of the Senate
15 shall adopt.

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

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

22 **RULE 65. Deputy President Pro Tempore.** – The Senate shall elect a
23 Deputy President Pro Tempore. Upon the death, resignation, or removal from office of
24 the President Pro Tempore, the Senate shall elect one of its members to succeed to that
25 office.

26 **VIII. GENERAL RULES**

27 **RULE 66. President to sign papers.** – All acts, addresses, and resolutions,
28 and all warrants and subpoenas issued by order of the Senate, shall be signed by the
29 President, the President Pro Tempore, or the Deputy President Pro Tempore.

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

40 **RULE 67A. Restricted admission to the floor of the Senate prior to the**
41 **daily session.** – No person, except members of the Senate, members of the House of
42 Representatives, staff of the General Assembly; the staff of the Lieutenant Governor;
43 Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and
44 members of the Council of State; former members of the General Assembly; and

1 persons particularly invited and extended the privileges of the floor by a member of the
2 Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate
3 within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any
4 other provision of this rule, no registered lobbyist shall be admitted to or remain on the
5 floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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