

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**Simple
Resolution
Adopted**

**SENATE RESOLUTION 1
Calendar 1/24/07
Adopted 1/24/07**

Sponsors: Senator Rand.

Referred to:

January 24, 2007

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 SENATE FOR THE REGULAR SESSION OF THE 2007 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
2007 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.

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

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

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

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

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

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

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

2. Second reading roll call and electronic voting system votes.
3. Second reading viva voce.
4. Third reading viva voce.

II. CONDUCT OF DEBATE

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

RULE 9. (Reserved for future use).

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

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

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

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

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

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

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

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

4 (2) A point of order; or

5 (3) A parliamentary inquiry.

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

8 RULE 13. (Reserved for future use).

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

14 (b) With leave of the Senate, any member of the Senate may address the
15 Senate from the well of the Senate.

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

24 RULE 16. (Reserved for future use).

25 RULE 17. **General decorum.** – (a) Male Senators and male visitors shall not
26 wear any head covering in the Senate Chamber while the Senate is in session, unless
27 one's religion requires his head to be covered. All persons on the Senate floor while the
28 Senate is in session shall be dressed in business attire, including coat and tie for men.

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

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

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

38 (e) Smoking shall not be allowed in the Senate Chamber.

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

1 (g) Food or beverage shall not be permitted in the Senate Chamber, either
2 on the floor or in the galleries; however, after the Senate has remained in session for a
3 period of 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 permitted while the Senate is in session. This rule does not prohibit the use of quotations
6 during debate or for personal privilege.

7 (i) The operation of:

8 a. Wireless communication devices,

9 b. Pagers, or

10 c. Laptop or notebook computers

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

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

17 (k) No person other than the member, the member's legislative assistant,
18 or the Principal Clerk's office or staff under the direction of the Principal Clerk, shall
19 place any matter on the member's chamber desk, then only materials relevant to the
20 business of the Senate, or as allowed under subsection (g) of this section.

21 III. MOTIONS

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

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

31 (1) To adjourn.

32 (2) To lay on the table.

33 (3) For the previous question.

34 (4) To postpone indefinitely.

35 (5) To postpone to a certain day.

36 (6) To re-refer to a standing committee.

37 (7) To refer to a select committee.

38 (8) To amend.

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

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

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

4 RULE 23. **Motion for previous question.** – (a) The previous question may
5 be moved upon a pending single motion, any pending amendment or amendments,
6 and/or the pending bill to its passage on that reading or all readings or the pending
7 resolution to its adoption. An authorized Senator moving the previous question shall
8 specify to what the motion applies. Unless specifically limited, the motion shall be
9 deemed to apply to the bill or resolution along with any pending amendments to its
10 passage.

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

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

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

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

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

25 (4) The Chair of the Committee on Rules and Operations of the Senate; or

26 (5) The President Pro Tempore.

27 RULE 24. **Motion to reconsider.** – (a) When a question has been once put
28 and decided, any Senator who voted in the majority may move to reconsider the vote
29 thereof. No motion for reconsideration shall be in order unless made on the same day or
30 in the next following legislative day on which the vote took place. When the next
31 legislative day has by motion of the Senate been restricted as to matters which may be
32 considered, a motion to reconsider shall be in order on the next succeeding day upon
33 which regular business is conducted. No question shall be reconsidered more than once.

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

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

42 **IV. VOTING**

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

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

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

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

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

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

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

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

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

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

29 (e) When the electronic voting system is used, the Presiding Officer shall
30 state the question and shall then state substantially the following: "All in favor vote
31 'aye'; all opposed vote 'no'; _____ seconds will be allowed for voting on this question;
32 the Clerk will record the vote." After the machine locks and records the vote, the
33 Presiding Officer shall announce the vote and declare the result, and no member may
34 vote thereafter.

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

38 (g) When the Presiding Officer ascertains that the electronic voting system
39 is inoperative before a vote is taken or while a vote is being taken on the electronic
40 system, the Presiding Officer shall announce that fact to the Senate, and any partial
41 electronic system voting record shall be voided. In such a case, if the Constitution of
42 North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk
43 shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall
44 be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule

1 26. If, after a vote is taken on the electronic system, it is discovered that a malfunction
2 caused an error in the electronic system printout, the Presiding Officer shall direct the
3 Reading Clerk and the Principal Clerk to verify and correct the printout record and so
4 advise the Senate.

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

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

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

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

38 **RULE 27. Pair votes.** – (a) If a Senator is paired with another Senator on a
39 question, the Senator shall announce the pair as follows: "I desire to announce a pair. If
40 Senator _____ were present, that Senator would vote _____; I would vote _____ (the
41 opposite)." The Senator shall send forward at that time a written statement of the pair
42 on a form provided by the Principal Clerk, and neither member of the pair shall vote on
43 the question. A pair shall be announced before the vote is taken viva voce or, if the
44 electronic voting system is used, before the machine is unlocked. The Clerk shall record

1 the pair on the Journal when the Constitution or Rules of the Senate require a call of the
2 roll and shall record on the electronic system printout all pairs announced.

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

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

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

9 (1) Be in writing,

10 (2) Be submitted to the Principal Clerk at the time the motion is made, and

11 (3) Clearly state how the question is to be divided.

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

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

15 (c) If the question is divided and any part thereof fails, then the bill or
16 resolution and any pending amendments shall be removed from the calendar and re-
17 referred to the committee from which the bill or resolution was reported.

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

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

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

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

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

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

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

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

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

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

5 **V. COMMITTEES**

6 **RULE 31. Appointment of committees.** – The President Pro Tempore of the
 7 Senate shall have the exclusive right and authority to appoint the membership of all
 8 committees, regular and select, and to appoint committee chairs and vice-chairs and to
 9 establish select committees, but this does not exclude the right of the Senate by
 10 resolution to establish select committees. Upon the recommendation of the Committee
 11 on Rules and Operations of the Senate, the Senate may alter the name, number, and
 12 composition of the standing committees by a majority vote of the Senators present and
 13 voting.

14 **RULE 32. List of standing/select committees.** – The standing committees
 15 shall be:

- 16 Agriculture/Environment/Natural Resources
- 17 Appropriations/Base Budget
- 18 Appropriations on Department of Transportation
- 19 Appropriations on Education/Higher Education
- 20 Appropriations on General Government and Information Technology
- 21 Appropriations on Health and Human Services
- 22 Appropriations on Justice and Public Safety
- 23 Appropriations on Natural and Economic Resources
- 24 Commerce
- 25 Education/Higher Education
- 26 Finance
- 27 Health Care
- 28 Information Technology
- 29 Judiciary I
- 30 Judiciary II
- 31 Mental Health & Youth Services
- 32 State and Local Government
- 33 Pensions & Retirement and Aging
- 34 Rules and Operations of the Senate
- 35 Transportation
- 36 Ways & Means

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

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

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

4 **RULE 34. Membership of committees; quorum.** – (a) Membership on
5 standing committees shall consist of not more than 20 nor fewer than five Senators,
6 including the chairs and vice-chairs and ranking minority members; provided that the
7 Appropriations/Base Budget, Commerce and Finance Committees shall not be limited
8 as to membership.

9 The President Pro Tempore shall have the exclusive right and authority to
10 determine the total number of members and the number of members of each political
11 party of each committee. No Senator shall hold membership on more than 12 standing
12 committees unless the Committee on Rules and Operations of the Senate provides
13 otherwise.

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

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

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

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

27 **RULE 36.1. Committee minutes to Legislative Library.** – The chair of a
28 committee shall ensure 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 chair 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 chair.

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
37 bills shall apply also to resolutions, memorials, and petitions.

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

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

1 **RULE 39.1. Public and local bills; availability of copies of bills; limitation**
2 **on local bills becoming public bills.** – (a) A public bill is a bill affecting 15 or more
3 counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon
4 objection by a member, no local bill may be considered unless copies of the bill have
5 been made available to the entire membership of the Senate.

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

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

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

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

19 Monday until 30 minutes after adjournment; and

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

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

28 (c) No member may introduce more than two bills that contain no
29 substantive provisions.

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

31 (a) All local bills and resolutions must be filed for introduction not later than Tuesday,
32 February 27, 2007, provided that any such measure submitted to the Bill Drafting
33 Division of the Legislative Services Office by 4:00 P.M. on that day and filed for
34 introduction in the Senate before 3:00 P.M. on Wednesday, March 7, 2007, shall be
35 treated as if it had been filed for introduction under this rule.

36 (b) All public bills and resolutions, except those honoring the memory of
37 deceased persons or adjourning the General Assembly, must be filed for introduction
38 not later than Tuesday, March 13, 2007, provided that any such measure submitted to
39 the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day
40 and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 21,
41 2007, shall be treated as if it had been filed for introduction under this rule.

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

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

4 **RULE 41. Crossover bill deadline.** – In order to be eligible for consideration
5 by the Senate during the 2007 or 2008 Regular Sessions of the 2007 General Assembly,
6 all House bills other than those required to be referred to the Committee on Finance or
7 the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions
8 must be received and read on the floor of the Senate as a message from the House no
9 later than Thursday, May 17, 2007, provided that a message from the House received
10 by the next legislative day stating that a bill has passed its third reading and is being
11 engrossed shall comply with the requirements of this rule and provided that the House
12 accepts Senate bills ordered engrossed on the next legislative day.

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

31 **RULE 42. Reference of appropriation and finance bills.** – (a) All bills
32 introduced in the Senate providing for appropriations from the State, or any subdivision
33 thereof, shall, before being considered by the Senate, be referred to the Committee on
34 Appropriations/Base Budget and bills referred to other committees carrying any such
35 provisions shall be reported to the Senate as being bills to be referred to the
36 Appropriations/Base Budget Committee before proper action may be taken by the
37 Senate.

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

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

3 **RULE 42.1. Fiscal notes.** – (a) A Chair of the Appropriations/Base Budget
4 Committee, or of the Finance Committee, or of the Committee on Rules and Operations
5 of the Senate, or of the Ways and Means Committee, upon the floor of the Senate, may
6 request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or
7 resolution which is in the possession of the Senate and that a fiscal note be attached to
8 the measure, when in the opinion of that Chair the fiscal effects of that measure are not
9 apparent from the language of the measure. No bill, resolution, or amendment for which
10 a fiscal note has been requested may be considered for passage prior to the fiscal note's
11 being attached to it.

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

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

24 (d) A sponsor of a bill, resolution, or amendment may deliver a copy of
25 that member's bill, resolution, or amendment to the Fiscal Research Division for the
26 preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when the
27 sponsor files the bill or resolution or to the amendment when the sponsor moves its
28 adoption.

29 (e) The sponsor of a bill, resolution, or amendment to which a fiscal note
30 is attached who objects to the estimates and information provided may reduce to writing
31 the objections. These objections shall be appended to the fiscal note attached to the bill,
32 resolution, or amendment and to the copies of the fiscal note available to the
33 membership.

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) Municipal Incorporations. Every legislative proposal introduced in the
18 Senate, or received in the Senate from the House, proposing the incorporation of a
19 municipality shall have attached to the jacket of the original bill at the time of its
20 consideration on second or third readings by the Senate or by any committee of the
21 Senate prior to a favorable report, a recommendation from the Joint Legislative
22 Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of
23 the General Statutes. The recommendation of the Joint Legislative Commission on
24 Municipal Incorporations shall be made in accordance with the provisions and criteria
25 set forth in Article 20 of Chapter 120 of the General Statutes and shall include the
26 findings required to be made by G.S. 120-166 through G.S. 120-170.

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

42 (b) The sponsor of each bill, amendment, or resolution to which this
43 subsection applies shall present a copy of the bill, amendment, or resolution with the
44 request for a fiscal note to the Fiscal Research Division. Upon receipt of the request and

1 the copy of the bill, amendment, or resolution, the Fiscal Research Division shall
2 prepare the fiscal note as promptly as possible. The Fiscal Research Division shall
3 prepare the fiscal note and transmit it to the sponsor within two weeks after the request
4 is made, unless the sponsor agrees to an extension of time.

5 (c) This fiscal note shall be attached to the original of each proposed bill,
6 amendment, or resolution that is reported favorably by any committee, but shall be
7 separate from the bill, amendment, or resolution and shall be clearly designated as a
8 fiscal note. A fiscal note attached to a bill, amendment, or resolution pursuant to this
9 subsection is not a part of the bill, amendment, or resolution and is not an expression of
10 legislative intent proposed by the bill, amendment, or resolution.

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

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

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

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

27 (1) Alters expenditures or salaries;

28 (2) Changes the scope or character of a program which must be reduced,
29 increased, or changed because of an increase or decrease of funds
30 appropriated for the program or because of changes in federal law or
31 regulation; or

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

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

40 **RULE 42.5. Appropriations/Base Budget Committee meetings.** –
41 Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence
42 thereof, the Appropriations/Base Budget Cochairs may in their exclusive discretion
43 direct that the Appropriations/Base Budget Committee or its subcommittees or both
44 may consider the budget and the budget plan including all appropriations in separate

1 meetings from the House of Representatives and may do all things set forth in said
2 statute separately from the House of Representatives.

3 **RULE 43. First reading; reference to committee.** – All bills filed for
4 introduction and all House bills received in the office of the Principal Clerk not later
5 than one and one-half hours preceding the convening of the Senate, upon presentation to
6 the Senate, shall be read in regular order of business by their number and title which
7 shall constitute the first reading of the bill. The Chair of the Committee on Rules and
8 Operations of the Senate or, in the Chair's absence, the Vice-Chair of the Committee, or
9 the President Pro Tempore may refer to a Senate committee all bills introduced in the
10 Senate or received from the House of Representatives. Upon the referral being made,
11 the Chair of the Committee on Rules and Operations of the Senate shall notify the
12 Principal Clerk of the Senate of the referral, and the Reading Clerk shall announce the
13 referral of the bill. The Principal Clerk shall inform the Presiding Officer of the referral.
14 The title and referral shall be entered upon the Journal.

15 Bills may be referred to more than one committee serially: e.g., "S.B.
16 _____ is referred to the Committee on Finance and upon a favorable report referred
17 to the Appropriations/Base Budget Committee."

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

24 **RULE 45. Reports of committees.** – Every Senator presenting a report of a
25 committee shall endorse the report with the name of the committee and, in case of a
26 minority report, with the names of the members making the report. The report of the
27 committee shall show that a quorum of the committee was present and a majority of
28 those present voted in favor of the report. Every report of the committee upon a bill or
29 resolution shall stand upon the general orders with the bill or resolution. No committee
30 shall report a bill or resolution without prejudice.

31 **RULE 45.1. Action on amendment or committee substitute.** – If any
32 committee recommends adoption of an amendment or committee substitute of a bill or
33 resolution, the amendment or committee substitute shall be considered adopted upon the
34 reading of the committee report and shall be engrossed. Unless a committee substitute
35 of a bill or resolution being considered by a committee is distributed to members of that
36 committee no later than the day prior to the committee meeting, the committee
37 substitute shall be carried over to the next day unless a majority of the members of that
38 committee present and voting vote to take up the measure at that time. The bill or
39 resolution, as amended, or its adopted committee substitute shall be placed on the
40 calendar for the next legislative day or re-referred if the bill or resolution was serially
41 referred. The committee substitute's original bill or resolution shall lie on the table.

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

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

5 (b) When a bill is reported by a committee with an unfavorable report, but
6 accompanied by a minority report, signed by at least three members of the committee
7 who were present and who voted on the bill when the bill was considered in committee,
8 then the minority report shall be placed on the calendar and considered the following
9 day, and the question before the Senate shall be: "The adoption of the minority report."
10 If the minority report is adopted by a majority vote of the membership of the Senate, the
11 bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall
12 lie upon the table.

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

19 (b) A motion to discharge a committee from consideration of a bill or
20 resolution may be filed with the Principal Clerk if accompanied by a petition signed by
21 two-thirds of the members of the Senate asking that the committee be discharged from
22 further consideration of the bill or resolution. No petition may be circulated for
23 signatures until 10 legislative days after the bill has been referred to the committee. No
24 petition may be circulated for signature until notice has been given on the floor of the
25 Senate that the petition is to be circulated. If such a motion accompanied by a valid
26 petition is filed, the Principal Clerk shall place that motion on the calendar for the next
27 legislative day as a special order of business. If the motion is adopted by two-thirds of
28 the members of the Senate, then the committee to which the bill or resolution has been
29 referred is discharged from further consideration of the bill or resolution, and that bill or
30 resolution is placed on the calendar for the next legislative day as a special order of
31 business. If the committee had, prior to discharge, adopted any amendment or
32 committee substitute for the bill, it shall be in order to offer that amendment or
33 substitute on the floor as if it were a committee amendment or substitute. The Principal
34 Clerk shall provide a form for discharge petitions.

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

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

42 **RULE 49. (Reserved).**

43 **RULE 50. Third reading requirements.** – No bill on its third reading shall
44 be acted upon out of the regular order in which it stands on the calendar, and no bill

1 shall be acted upon on its third reading the same day on which it passed its second
2 reading, unless so ordered by two-thirds of the membership of the Senate present and
3 voting.

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

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

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

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

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

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

39 **RULE 55. Amending titles of bills.** – When a bill is materially modified or
40 the scope of its application extended or decreased, or if the county or counties to which
41 it applies is changed, the title of the bill shall be changed by the Senator introducing the
42 bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate
43 the 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
2 Clerk is authorized to make corrections of typographical errors in the text of bills at any
3 time prior to ratification. Before the correction is made, the Enrolling Clerk shall have
4 the approval of the Chair of the Committee on Rules and Operations of the Senate or, in
5 the Chair's absence, the Vice-Chair of said Committee, the President Pro Tempore, or
6 the Deputy President Pro Tempore.

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

13 (b) The Chair of the Committee on Rules and Operations of the Senate, (or
14 in that Chair's absence the President Pro Tempore) may, or upon motion supported by a
15 majority of the Senate present and voting shall, refer the bill to an appropriate
16 committee for consideration of the amendment or committee substitute.

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

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

23 (2) Advise the Presiding Officer as to whether or not the amendment or
24 committee substitute is a material amendment under Article II, Section
25 23, of the State's Constitution.

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

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

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

39 **RULE 57. Conference committee.** – The President Pro Tempore of the
40 Senate, or in the President Pro Tempore's absence, the Deputy President Pro Tempore,
41 upon motion, shall appoint a conference committee when the Senate fails to concur in
42 amendments or committee substitutes put by the House to a bill originating in the
43 Senate, or when the House of Representatives fails to concur in amendments or
44 committee substitutes put by the Senate to a bill originating in the House. Senate

1 conferees shall include the primary sponsor of the bill. In considering the bill committed
2 to the conferees, only such matters as are germane to the bill shall be considered by the
3 conferees, and the conference report shall deal only with such matters. The matters
4 referred to the conference committee by the conference committee chairs shall go to and
5 be considered by the conferees appointed by the Senate and the House of
6 Representatives. While the bill is in conference committee, the Senate's position shall be
7 determined by a majority of the Senate conferees. Upon agreement by the Senate and
8 House of Representatives, a conference report shall be drafted reflecting the matters
9 considered and agreed upon by the conferees. The conference report shall not be
10 amended.

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

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

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

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

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

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

33 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

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

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

40 **RULE 61. Sergeants-at-Arms.** – (a) There shall be 16 positions of Assistant
41 Sergeants-at-Arms, to be appointed upon the recommendation of the President Pro
42 Tempore by the Sergeant-at-Arms, who are to work under his or her supervision and to
43 be assigned such duties and powers as he or she shall direct.

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

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

7 **RULE 62. Principal Clerk's staff.** – The Principal Clerk of the Senate shall
8 employ all necessary employees and clerks required to carry out the duties of that
9 office. The Principal Clerk shall have supervision and control and shall assign such
10 duties and powers as the Principal Clerk shall direct to the employees and clerks of that
11 office.

12 **RULE 63. Committee assistants, legislative assistants, research assistants,
13 and office assistants.** – (a) Each committee shall have a committee assistant. The
14 committee assistant to a committee shall serve as legislative assistant to the chair of that
15 committee.

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

18 (c) The selection of committee assistants, legislative assistants, research
19 assistants, and office assistants shall be the prerogative of the individual member. Such
20 committee assistants, office assistants, research assistants, and legislative assistants shall
21 file initial applications for employment with the Director of Legislative Assistants and
22 shall receive compensation as prescribed by the Legislative Services Commission. The
23 employment period of committee assistants, legislative assistants, research assistants,
24 and office assistants shall comply with the period as established by the Legislative
25 Services Commission unless employment for an extended period is approved by the
26 President Pro Tempore. The committee assistants, legislative assistants, research
27 assistants, and office assistants shall adhere to such uniform regulations and other
28 conditions of employment (including retention) under the direction of the Director of
29 Senate Legislative Assistants as the Committee on Rules and Operations of the Senate
30 shall adopt.

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

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

37 **RULE 65. Deputy President Pro Tempore.** – The Senate shall elect a
38 Deputy President Pro Tempore. Upon the death, resignation, or removal from office of
39 the President Pro Tempore, the Senate shall elect one of its members to succeed to that
40 office.

41 **VIII. GENERAL RULES**

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

1 **RULE 67. Admission to the floor of the Senate.** – No person except
2 members of the Senate, members of the House of Representatives, staff of the General
3 Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of
4 Appeals, and Superior Courts; the Governor and members of the Council of State;
5 former members of the General Assembly; and persons particularly invited and
6 extended the privileges of the floor by the Presiding Officer shall be admitted to the
7 floor of the Senate during its session. Notwithstanding any other provision of these
8 rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate
9 Chamber while the Senate is in session. When the Senate is not in daily session, the
10 President Pro Tempore shall determine the privileges of the floor.

11 **RULE 67A. Restricted admission to the floor of the Senate prior to the**
12 **daily session.** – No person, except members of the Senate, members of the House of
13 Representatives, staff of the General Assembly; the staff of the Lieutenant Governor;
14 Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and
15 members of the Council of State; former members of the General Assembly; and
16 persons particularly invited and extended the privileges of the floor by a member of the
17 Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate
18 within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any
19 other provision of this rule, no registered lobbyist shall be admitted to or remain on the
20 floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.

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

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

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

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

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

41 **RULE 71. Placing material in Senators' offices.** – Any person other than a
42 member of the Senate or an employee of the General Assembly desiring to place articles
43 of any kind in the offices of the members of the Senate shall make written application to

1 and obtain written approval from the Principal Clerk. No items may be placed on
2 members' desks except as permitted under Rule 17.

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

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

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

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

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

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

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

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

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