

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**Simple
Resolution
Adopted**

**SENATE RESOLUTION 1
Calendar 1/24/01
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Adopted 1/24/01**

Sponsors: Senators Rand; Carrington and Metcalf.

Referred to:

January 24, 2001

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 SENATE FOR THE REGULAR SESSIONS OF THE 2001 GENERAL
3 ASSEMBLY OF NORTH CAROLINA.

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
2001 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

1 without having fixed the hour of reconvening, the Senate shall reconvene on the next
2 legislative day at 2:00 P.M., except that if the next legislative day is Monday, time for
3 convening shall be 7:00 P.M.

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

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

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

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

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

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

- 29 (1) Reports of standing committees.
- 30 (2) Reports of select committees.
- 31 (3) Introduction of bills, petitions, and resolutions.
- 32 (4) Messages from the House of Representatives.
- 33 (5) Veto messages from the Governor.
- 34 (6) Unfinished business of preceding day.
- 35 (7) Special orders.
- 36 (8) General orders:

37 a. Local bills in numerical order, Senate bills first:

- 38 1. Third reading roll call and electronic voting system
39 votes.
- 40 2. Second reading roll call and electronic voting system
41 votes.
- 42 3. Second reading viva voce.
- 43 4. Third reading viva voce.

44 b. Public bills in numerical order, Senate bills first:

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

7 II. CONDUCT OF DEBATE

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

13 **RULE 9.** (reserved for future use)

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

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

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

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

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

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

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

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

7 (2) A point of order; or

8 (3) A parliamentary inquiry.

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

11 RULE 13. (Reserved for future use).

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

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

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

27 RULE 16. (Reserved for future use).

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

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

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

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

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

43 (f) No remark soliciting the donation of funds for the support of any
44 person or organization shall be in order upon the floor of the Senate, unless the remark

1 has some relevance to a bill or resolution before the body. No article of any kind
2 soliciting business or donations may be placed by any person anywhere in the Senate
3 Chamber or in any Senate office.

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

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

10 (i) The operation of wireless telephones, pagers, or laptop or notebook
11 computers by Senators on the floor is prohibited while the Senate is in session. The
12 operation by any other person of wireless communication devices which may be
13 disruptive on the 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 III. MOTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **IV. VOTING**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 44 1. To lay on the table.

2. For the previous question.
3. To postpone indefinitely.
4. To postpone to a day certain.
5. To refer to a committee.
6. To reconsider.
7. To adopt.
8. To concur.
9. To take from the table.
10. Miscellaneous.

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

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

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

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

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

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

1 The motion shall be adopted by majority vote of the Senators present and voting.

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 re-referred 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
29 deliberations on a particular bill be withdrawn, which question shall be determined
30 without debate.

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

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

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

39 V. COMMITTEES

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

1 on Rules and Operations of the Senate, the Senate may authorize by majority vote of the
2 Senators present and voting a change in the number of standing committees.

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

10 Appropriations on Health and Human Services

11 Appropriations on Information Technology

12 Appropriations on Justice and Public Safety

13 Appropriations on Natural and Economic Resources

14 Children & Human Resources

15 Commerce

16 Education/Higher Education

17 Finance

18 Health Care

19 Information Technology

20 Insurance and Consumer Protection

21 Judiciary I

22 Judiciary II

23 Rural Development

24 State and Local Government

25 Pensions & Retirement and Aging

26 Redistricting

27 Rules and Operations of the Senate

28 Transportation

29 Ways & Means.

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

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

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

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

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

1 (2) The Commerce Committee shall consist of 22 members.
2 The President Pro Tempore shall have the exclusive right and authority to determine the
3 total number of members and the number of members of each political party of each
4 committee. No Senator shall hold membership on more than 12 standing committees
5 unless the Committee on Rules and Operations of the Senate provides otherwise.

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

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

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

14 **RULE 36. Standing committee and standing subcommittee meetings.** –
15 No committee or subcommittee shall hold a secret meeting. All meetings of committees
16 and subcommittees shall be open to the public, except as provided in G.S.
17 143-318.14A(e). In no event shall final action be taken by any committee or
18 subcommittee except in open session.

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

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

27 VI. HANDLING BILLS

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

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

34 (b) Whenever a bill is filed 25 copies shall be submitted to the Principal
35 Clerk. Any bill submitted without the required number of copies shall be immediately
36 returned to the primary sponsor.

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

42 **RULE 40. Introduction of bills.** – (a) Every bill filed for introduction shall
43 contain on the outside cover the title of the document and the name of the Senator or
44 Senators presenting it. Bills shall be delivered by the primary sponsor of the document,

1 or by that member's legislative assistant with the prescribed authorization form signed
2 by the primary sponsor and by that member's legislative assistant to the Office of the
3 Senate Principal Clerk who shall receive them during regular session according to the
4 following schedule:

5 Monday until 30 minutes after adjournment; and

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

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

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

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

15 (a) All local bills and resolutions must be filed for introduction not later than
16 Wednesday, March 14, 2001, provided that any such measure submitted to the Bill
17 Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed
18 for introduction in the Senate before 3:00 P.M. on Wednesday, March 21, 2001, shall
19 be treated as if it had been filed for introduction under this rule.

20 (b) All public bills and resolutions, except those honoring the memory of
21 deceased persons or adjourning the General Assembly, must be filed for introduction
22 not later than March 28, 2001, provided that any such measure submitted to the Bill
23 Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed
24 for introduction in the Senate before 3:00 P.M. on Wednesday, April 4, 2001, shall be
25 treated as if it had been filed for introduction under this rule.

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

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

32 **RULE 41. Crossover bill deadline.** – In order to be eligible for consideration
33 by the Senate during the 2001 or 2002 Regular Sessions of the 2001 General
34 Assembly, all House bills other than those required to be referred to the Committee on
35 Finance or the Committee on Appropriations/Base Budget by Rule 42, or adjournment
36 resolutions must be received and read on the floor of the Senate as a message from the
37 House no later than April 26, 2001, provided that a message from the House received
38 by the next legislative day stating that a bill has passed its third reading and is being
39 engrossed shall comply with the requirements of this rule and provided that the House
40 accepts Senate bills ordered engrossed on the next legislative day.

41 **RULE 41.1. Relationship between Committee on Ways and Means and**
42 **other committees dealing with money matters; relationship between these other**
43 **committees dealing with money matters.** – In those instances specified herein, the
44 Committee on Ways and Means shall have responsibility for final consideration of bills

1 dealing with money matters before the bills are considered on the floor of the Senate.
2 Upon the agreement of a chair of any two of the following committees:
3 Appropriations/Base Budget, Finance, and Ways and Means, any bill which is reported
4 favorably from the Committee on Appropriations/Base Budget, or the Committee on
5 Finance shall be re-referred by the Presiding Officer to the Committee on Ways and
6 Means for consideration. Bills referred to the Committee on Appropriations/Base
7 Budget pursuant to Rule 43 may be referred by the Chair of the Committee on
8 Appropriations/Base Budget to the Appropriations Committee on the Department of
9 Transportation, the Appropriations Committee on Education, the Appropriations
10 Committee on General Government, the Appropriations Committee on Health and
11 Human Resources, the Appropriations Committee on Information Technology, the
12 Appropriations Committee on Justice and Public Safety, or the Appropriations
13 Committee on Natural and Economic Resources for a report back to the Committee on
14 Appropriations/Base Budget.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (c) The sponsor of the bill or resolution shall also present a copy of the
43 measure to the chief administrative officer of the retirement or pension system affected
44 by the measure. The chief administrative officer shall have an actuarial note prepared by

1 the system's actuary on the measure and shall transmit the note to the sponsor of the
2 measure not later than two weeks after the request is received. The actuarial note shall
3 be attached to the jacket of the measure.

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

11 (e) When any committee reports a measure to which an actuarial note is
12 attached at the time of committee consideration, with any amendment of such nature as
13 would substantially affect the cost to or the revenues of any retirement or pension
14 system, the chair of the committee reporting the measure shall obtain from the Fiscal
15 Research Division an actuarial note of the fiscal and actuarial effect of the proposed
16 amendment. The actuarial note shall be attached to the jacket of the measure. An
17 amendment to any bill or resolution shall not be in order if the amendment affects the
18 costs to or the revenues of a system or program described in subdivision (a)(1) of this
19 rule, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal
20 Research Division, as to the actuarial effect of the amendment.

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

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

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

37 (b) Municipal Incorporations. Every legislative proposal introduced in the
38 Senate, or received in the Senate from the House, proposing the incorporation of a
39 municipality shall have attached to the jacket of the original bill at the time of its
40 consideration on second or third readings by the Senate or by any committee of the
41 Senate prior to a favorable report, a recommendation from the Joint Legislative
42 Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of
43 the General Statutes. The recommendation of the Joint Legislative Commission on
44 Municipal Incorporations shall be made in accordance with the provisions and criteria

1 set forth in Article 20 of Chapter 120 of the General Statutes and shall include the
2 findings required to be made by G.S. 120-166 through G.S. 120-170.

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

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

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

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

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

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

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

4 (1) Alters expenditures or salaries;

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

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

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

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

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

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

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

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

8 **RULE 45.1. Action on amendment or committee substitute.** – If any
9 committee recommends adoption of an amendment or committee substitute of a bill or
10 resolution, the amendment or committee substitute shall be considered adopted upon the
11 reading of the committee report and shall be engrossed. The bill or resolution, as
12 amended, or its adopted committee substitute shall be placed on the calendar for the
13 next legislative day or re-referred if the bill or resolution was serially referred. The
14 committee substitute's original bill or resolution shall lie on the table.

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

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

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

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

36 (b) A motion to discharge a committee from consideration of a bill or
37 resolution may be filed with the Principal Clerk if accompanied by a petition signed by
38 three-fifths of the members of the Senate asking that the committee be discharged from
39 further consideration of the bill or resolution. No petition may be circulated for
40 signatures until 10 legislative days after the bill has been referred to the committee. No
41 petition may be circulated for signature until notice has been given on the floor of the
42 Senate that the petition is to be circulated. If such a motion accompanied by a valid
43 petition is filed, the Principal Clerk shall place that motion on the calendar for the next
44 legislative day as a special order of business. If the motion is adopted by a majority of

1 the Senate, then the committee to which the bill or resolution has been referred is
2 discharged from further consideration of the bill or resolution, and that bill or resolution
3 is placed on the calendar for the next legislative day as a special order of business. If the
4 committee had, prior to discharge, adopted any amendment or committee substitute for
5 the bill, it shall be in order to offer that amendment or substitute on the floor as if it
6 were a committee amendment or substitute. The Principal Clerk shall provide a form for
7 discharge petitions.

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

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

15 **RULE 49. (Reserved).**

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

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

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

35 **RULE 53. Effect of defeated measure.** – (a) After a bill has been tabled, or
36 has failed to pass on any of its readings, the contents of such bill or the principal
37 provisions of its subject matter shall not be embodied in any other measure. After an
38 amendment has been tabled or defeated on the Senate floor, the contents of such
39 amendment or the principal provisions of its subject matter shall not be embodied in any
40 other measure. If a substitute amendment is adopted on the floor, the contents of the
41 previously pending amendment which are not contained in the substitute shall be
42 considered to have been defeated. Upon the point of order being raised and sustained by
43 the Presiding Officer, such measure shall be laid upon the table and shall not be taken
44 therefrom except by a vote of two-thirds of the membership of the Senate present and

1 voting: Provided, no local bill shall be held by the Presiding Officer as embodying the
2 provisions, or being identical with any statewide measure which has been laid upon the
3 table or failed to pass any of its readings.

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

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

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

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

17 **RULE 56. Corrections of typographical errors in bills.** – The Enrolling
18 Clerk is authorized to make corrections of typographical errors in the text of bills at any
19 time prior to ratification. Before the correction is made, the Enrolling Clerk shall have
20 the approval of the Chair of the Committee on Rules and Operations of the Senate or, in
21 his absence, the Vice-Chair of said Committee.

22 **RULE 56.1. Amendments and committee substitutes adopted by the**
23 **House to bills originating in the Senate.** – (a) Whenever the House has adopted an
24 amendment or a committee substitute for a bill originating in the Senate, and has
25 returned the bill to the Senate for concurrence in that amendment or committee
26 substitute, the Senate may not concur in that amendment or committee substitute until
27 the next legislative day following the day on which the Senate receives that measure.

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

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

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

38 (2) Advise the Presiding Officer as to whether or not the amendment or
39 committee substitute is a material amendment under Article II, Section
40 23, of the State's Constitution.

41 (d) If the amendment or committee substitute for a bill is not a material
42 amendment, the question before the Senate shall be concurrence. In the event there is
43 more than one House amendment, the question shall be concurrence in all the House
44 amendments and the question may not be divided, notwithstanding Rule 28. The

1 question which shall be put before the Senate by the Presiding Officer shall be: "Does
2 the Senate concur in the House amendments (committee substitute) to S.B. ____?"

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

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

10 **RULE 57. Conference committee.** – Whenever the Senate fails to concur in
11 amendments or committee substitutes put by the House to a bill originating in the
12 Senate, or whenever the House of Representatives fails to concur in amendments or
13 committee substitutes put by the Senate to a bill originating in the House, a conference
14 committee shall be appointed by the President Pro Tempore of the Senate or in the
15 President Pro Tempore's absence the Deputy President Pro Tempore, upon motion, and
16 the bill under consideration shall thereupon go to and be considered by the joint
17 conferees on the part of the Senate and House of Representatives. Senate conferees shall
18 include the primary sponsor of the bill. In considering matters in difference between the
19 Senate and House committed to the conferees, only such matters as are in difference
20 between the two houses shall be considered by the conferees, and the conference report
21 shall deal only with such matters. In conference committee, the Senate's position shall
22 be determined by a majority of the Senate conferees. The conference report shall not be
23 amended.

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

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

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

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

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

42 (b) Upon a veto message being read in the Senate, the Chair of the
43 Committee on Rules and Operations of the Senate shall either refer the bill and the

1 Governor's objections and veto message to committee or place the bill on the calendar
2 for a day certain.

3 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

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

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

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

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

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

20 **RULE 62. Principal Clerk's staff.** – The Principal Clerk of the Senate shall
21 employ all necessary employees and clerks required to carry out the duties of that
22 office. The Principal Clerk shall have supervision and control, and shall assign such
23 duties and powers as the Principal Clerk shall direct to the employees and clerks of
24 that office.

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

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

30 (c) The selection of committee assistants, legislative assistants, and office
31 assistants shall be the prerogative of the individual member. Such committee assistants
32 and legislative assistants shall file initial applications for employment with the Director
33 of Legislative Assistants and shall receive compensation as prescribed by the
34 Legislative Services Commission. The employment period of committee assistants,
35 legislative assistants, and office assistants shall comply with the period as established by
36 the Legislative Services Commission unless employment for an extended period is
37 approved by the President Pro Tempore. The committee assistants, legislative assistants,
38 and office assistants shall adhere to such uniform regulations and other conditions of
39 employment (including retention) under the direction of the Director of Senate
40 Legislative Assistants as the Committee on Rules and Operations of the Senate shall
41 adopt.

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

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

5 **RULE 65. Deputy President Pro Tempore.** – The Senate shall elect a
6 Deputy President Pro Tempore. Upon the death, resignation, or removal from office of
7 the President Pro Tempore, the Senate shall elect one of its members to succeed to that
8 office.

9 **VIII. GENERAL RULES**

10 **RULE 66. President to sign papers.** – All acts, addresses, and resolutions,
11 and all warrants and subpoenas issued by order of the Senate shall be signed by the
12 President or by the President Pro Tempore or Deputy President Pro Tempore presiding
13 in the President's absence.

14 **RULE 67. Admission to the floor of the Senate.** – No person, except
15 members of the Senate, members of the House of Representatives, staff of the General
16 Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of
17 Appeals, and Superior Courts; the Governor and members of the Council of State;
18 former members of the General Assembly; and persons particularly invited and
19 extended the privileges of the floor by the Presiding Officer, shall be admitted to the
20 floor of the Senate during its session. Notwithstanding any other provision of these
21 rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate
22 Chamber while the Senate is in session. When the Senate is not in daily session, the
23 President Pro Tempore shall determine the privileges of the floor.

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

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

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

43 **RULE 68. Privileges of the floor.** – Any group or individual other than
44 members of the Senate who desires to make remarks upon the floor of the Senate will

1 first obtain approval of the President Pro Tempore or, in the President Pro Tempore's
2 absence, the Deputy President Pro Tempore of the Senate.

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

7 **RULE 70. Absence without leave.** – No Senator or officer of the Senate shall
8 depart the service of the Senate without leave, or receive pay as a Senator or officer for
9 the time absent without leave.

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

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

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

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

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

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

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

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

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

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