

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE RESOLUTION 1

Sponsors: Senator Rand.

Referred to: Calendar 1-28-09.

January 28, 2009

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE
2 FOR THE REGULAR SESSION OF THE 2009 GENERAL ASSEMBLY.

3 Be it resolved by the Senate:

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

PERMANENT RULES OF
THE REGULAR SESSIONS OF THE SENATE
2009 GENERAL ASSEMBLY OF NORTH CAROLINA

- 6
7
8
9 I. Order of Business, Rules 1-7
10 II. Conduct of Debate, Rules 8-17
11 III. Motions, Rules 18-24
12 IV. Voting, Rules 25-30
13 V. Committees, Rules 31-37
14 VI. Handling Bills, Rules 38-59.2
15 VII. Legislative Officers and Employees, Rules 60-65
16 VIII. General Rules, Rules 66-77.

I. ORDER OF BUSINESS

17
18 **RULE 1. Rules controlling the Senate of North Carolina and its committees.** –
19 The following rules shall govern and control all actions and procedures of the Senate and its
20 committees.

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

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

29 **RULE 4. Convening and presiding in absence of President.** – In the absence of
30 the President, the President Pro Tempore shall convene or reconvene the Senate and preside,
31 and during such time shall be vested with all powers of the President except that of casting a
32 vote in case of a tie when the President Pro Tempore has already voted on the question as a
33 Senator. In the event of the absence of the President and President Pro Tempore at any time
34 fixed for the reconvening of the Senate, the Deputy President Pro Tempore of the Senate, the



1 Principal Clerk of the Senate, or in their absence also, the Chair of the Committee on Rules and
2 Operations of the Senate, shall call the Senate to order and designate some member to act as
3 Presiding Officer.

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

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

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

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

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

35 II. CONDUCT OF DEBATE

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

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

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

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

49 (c) When a Senator is called to order, that Senator shall take the assigned seat
50 until the Presiding Officer determines whether that Senator was in order or not; if decided to be
51 out of order, that Senator shall not proceed without the permission of the Senate; and every

1 question of order shall be decided by the Presiding Officer, subject to an appeal to the Senate
2 by any Senator; and if a Senator is called to order for words spoken, the words to which an
3 exception is made shall be immediately preserved by the Principal Clerk, so that the Presiding
4 Officer or Senate may be better able to judge the matter.

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

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

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

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

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

21 (2) A point of order; or

22 (3) A parliamentary inquiry.

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

24 **RULE 13.** (Reserved for future use).

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

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

31 **RULE 15. Questions of personal privilege; explanation of vote.** – (a) Upon
32 recognition by the Presiding Officer for that purpose, any Senator may speak to a question of
33 personal privilege for a time not exceeding three minutes. Personal privilege may not be used to
34 explain a vote, debate a bill, or in any way disrupt the regular business of the Senate. Personal
35 privilege shall not be used to solicit support or sponsors for any bill. The Presiding Officer shall
36 determine if the question raised is one of privilege and shall, without the point of order being
37 raised, enforce this rule.

38 (b) Any Senator may explain that Senator's vote on any bill that day by
39 obtaining permission of the Presiding Officer after the final vote is taken. No more than three
40 minutes shall be consumed in such explanation.

41 (c) Questions of personal privilege and explanations of vote shall be the last
42 orders of the Senate's business that day.

43 **RULE 16.** (Reserved for future use).

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

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

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

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

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

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

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

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

19 (i) The operation of:

20 a. Wireless communication devices,

21 b. Pagers, or

22 c. Laptop or notebook computers, other than the computer furnished to
23 the Senator for usage only on the floor,

24 are prohibited on the floor or in the gallery while the Senate is in session.

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

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

32 III. MOTIONS

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

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

42 (1) To adjourn.

43 (2) To lay on the table.

44 (3) For the previous question.

45 (4) To postpone indefinitely.

46 (5) To postpone to a certain day.

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

48 (7) To refer to a select committee.

49 (8) To amend.

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

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

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

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

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

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

- 19 (1) The chair of the committee submitting the report on the bill or other matter
20 under consideration;
- 21 (2) The member introducing the bill or other matter under consideration;
- 22 (3) The member in charge of the measure, who shall be designated by the chair
23 of the committee reporting the same to the Senate at the time the bill or other
24 matter under consideration is reported to the Senate or taken up for
25 consideration;
- 26 (4) The Chair of the Committee on Rules and Operations of the Senate; or
- 27 (5) The President Pro Tempore.

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

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

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

43 IV. VOTING

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

- 47 (1) All questions on which the Constitution of North Carolina requires that the
48 ayes and noes be taken and recorded on the Journal;
- 49 (2) All questions on which a call for the ayes and noes under Rule 26(b) has
50 been sustained;

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

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

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

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

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

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

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

35 (1) Be in writing,

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

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

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

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

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

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

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

49 (b) A Senator who is a member of a committee shall, upon request, be excused
50 from deliberations and voting on the bill while it is before the committee. The Senator must
51 make the request to the chair of the committee when the bill is first taken up for consideration

1 and before any motion or vote on the bill or any amendment to the bill. The Senator making the
 2 request for excuse in committee must renew that request for excuse on the floor of the Senate
 3 as set forth in this rule.

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

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

10 (e) The Senator so excused shall not debate the bill or any amendment to the
 11 bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion
 12 concerning the bill at that reading, any subsequent reading, or any subsequent consideration of
 13 the bill.

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

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

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

20 **RULE 30. [RESERVED]**

21 **V. COMMITTEES**

22 **RULE 31. Appointment of committees.** – The President Pro Tempore of the
 23 Senate shall have the exclusive right and authority to appoint the membership of all
 24 committees, regular and select, and to appoint committee chairs and vice-chairs and to establish
 25 select committees, but this does not exclude the right of the Senate by resolution to establish
 26 select committees. Upon the recommendation of the Committee on Rules and Operations of the
 27 Senate, the Senate may alter the name, number, and composition of the standing committees by
 28 a majority vote of the Senators present and voting.

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

30 Agriculture/Environment/Natural Resources

31 Appropriations/Base Budget

32 Appropriations on Department of Transportation

33 Appropriations on Education/Higher Education

34 Appropriations on General Government and Information Technology

35 Appropriations on Health and Human Services

36 Appropriations on Justice and Public Safety

37 Appropriations on Natural and Economic Resources

38 Commerce

39 Education/Higher Education

40 Finance

41 Health Care

42 Information Technology

43 Judiciary I

44 Judiciary II

45 Mental Health & Youth Services

46 State and Local Government

47 Pensions & Retirement and Aging

48 Rules and Operations of the Senate

49 Transportation

50 Ways & Means

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

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

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

9 **RULE 34. Membership of committees; quorum.** – (a) Membership on standing
10 committees shall consist of no fewer than five Senators, including the chairs and vice-chairs
11 and ranking minority members.

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

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

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

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

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

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

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

36 **VI. HANDLING BILLS**

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

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

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

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

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

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

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

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

13 Monday until 30 minutes after adjournment; and

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

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

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

22 (c) No member may introduce more than one bill that contains no substantive
23 provisions.

24 **RULE 40.1. Deadlines on filing for introduction of bills and resolutions.** – (a)
25 All local bills and resolutions must be filed for introduction not later than Tuesday, March 3,
26 2009, provided that any such measure submitted to the Bill Drafting Division of the Legislative
27 Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00
28 P.M. on Wednesday, March 11, 2009, shall be treated as if it had been filed for introduction
29 under this rule.

30 (b) All public bills and resolutions, except those honoring the memory of
31 deceased persons or adjourning the General Assembly, must be filed for introduction not later
32 than Friday, March 13, 2009, 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 introduction
34 in the Senate before 3:00 P.M. on Wednesday, March 25, 2009, shall be treated as if it had been
35 filed for introduction under this rule.

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

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

40 **RULE 41. Crossover bill deadline.** – In order to be eligible for consideration by the
41 Senate during the 2009 or 2010 Regular Sessions of the 2009 General Assembly, all House
42 bills other than those required to be referred to the Committee on Finance or the Committee on
43 Appropriations/Base Budget by Rule 42 or adjournment resolutions must be received and read
44 on the floor of the Senate as a message from the House no later than Thursday, May 14, 2009,
45 provided that a message from the House received by the next legislative day stating that a bill
46 has passed its third reading and is being engrossed shall comply with the requirements of this
47 rule and provided that the House accepts Senate bills ordered engrossed on the next legislative
48 day.

49 **RULE 41.1. Relationship between Committee on Ways and Means and other**
50 **committees dealing with money matters; relationship between these other committees**
51 **dealing with money matters.** – In those instances specified herein, the Committee on Ways

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

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

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

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

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

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

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

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

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

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

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

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

12 (2) Program of hospital, medical, disability, or related benefits provided for
13 teachers and State employees, funded in whole or in part by State funds,
14 shall have attached to it at the time of its consideration by any committee a brief explanatory
15 statement or note which shall include a reliable estimate of the financial and actuarial effect of
16 the proposed change, as provided in G.S. 120-114. The actuarial note shall be attached to the
17 jacket of each proposed bill or resolution that is reported favorably by any committee and shall
18 be clearly designated as an actuarial note. Upon its introduction, a bill or resolution described
19 in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement
20 and Aging.

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

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

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

39 (e) When any committee reports a measure to which an actuarial note is
40 attached at the time of committee consideration, with any amendment of such nature as would
41 substantially affect the cost to or the revenues of any system, the chair of the committee
42 reporting the measure shall obtain from the Fiscal Research Division and the administrator of
43 the affected system an actuarial note of the fiscal and actuarial effect of the proposed
44 amendment. The actuarial note shall be attached to the jacket of the measure. A Chair of the
45 Appropriations/Base Budget Committee, or of the Finance Committee, or of the Committee on
46 Rules and Operations of the Senate, or of the Ways and Means Committee, upon the floor of
47 the Senate, may request that an actuarial note be attached to a bill, resolution, or an amendment
48 which affects the costs to or the revenues of a system described in this rule and which is in the
49 possession of the Senate, when in the opinion of that Chair, the effect to the cost to or the
50 revenues of a system described in this rule are not apparent from the language of the measure.
51 No bill, resolution, or amendment for which an actuarial note has been requested may be

1 considered for passage prior to the actuarial note from both the Fiscal Research Division and
2 the administrator of the affected system being attached to it.

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

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

13 Upon receipt of the request, the Legislative Committee on New Licensing Boards
14 shall prepare and return the assessment report as soon as possible but not later than 60 days
15 from the date of receipt of the request, reserving the right to extend this time to 90 days. A
16 supplementary report shall be prepared and submitted to the requesting Senator not later than
17 30 days after the receipt of the request.

18 (b) Municipal Incorporations. Every legislative proposal introduced in the
19 Senate, or received in the Senate from the House, proposing the incorporation of a municipality
20 shall have attached to the jacket of the original bill at the time of its consideration on second or
21 third readings by the Senate or by any committee of the Senate prior to a favorable report, a
22 recommendation from the Joint Legislative Commission on Municipal Incorporations,
23 established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the
24 Joint Legislative Commission on Municipal Incorporations shall be made in accordance with
25 the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and
26 shall include the 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, amendment,
28 and resolution proposing any change in the law that could cause a net increase in the length of
29 time for which persons are incarcerated or the number of persons incarcerated, whether by
30 increasing penalties for violating existing laws, by criminalizing behavior, or by any other
31 means, shall have attached to it at the time of its consideration by the Senate a fiscal note
32 prepared by the Fiscal Research Division. The fiscal note shall be prepared in consultation with
33 the Sentencing Policy and Advisory Commission and shall identify and estimate, for the first
34 five fiscal years the proposed change would be in effect, all costs of the proposed net increase
35 in incarceration, including capital outlay costs if the legislation would require increased cell
36 space. If, after careful investigation, the Fiscal Research Division determines that no dollar
37 estimate is possible, the note shall contain a statement to that effect, setting forth the reasons
38 why no dollar estimate can be given. No comment or opinion shall be included in the fiscal
39 note with regard to the merits of the measure for which the note is prepared. However,
40 technical and mechanical defects may be noted.

41 (b) The sponsor of each bill, amendment, or resolution to which this subsection
42 applies shall present a copy of the bill, amendment, or resolution with the request for a fiscal
43 note to the Fiscal Research Division. Upon receipt of the request and the copy of the bill,
44 amendment, or resolution, the Fiscal Research Division shall prepare the fiscal note as
45 promptly as possible. The Fiscal Research Division shall prepare the fiscal note and transmit it
46 to the sponsor within two weeks after the request is made, unless the sponsor agrees to an
47 extension of time.

48 (c) This fiscal note shall be attached to the original of each proposed bill,
49 amendment, or resolution that is reported favorably by any committee, but shall be separate
50 from the bill, amendment, or resolution and shall be clearly designated as a fiscal note. A fiscal
51 note attached to a bill, amendment, or resolution pursuant to this subsection is not a part of the

1 bill, amendment, or resolution and is not an expression of legislative intent proposed by the bill,
2 amendment, or resolution.

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

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

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

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

18 (1) Alters expenditures or salaries;

19 (2) Changes the scope or character of a program which must be reduced,
20 increased, or changed because of an increase or decrease of funds
21 appropriated for the program or because of changes in federal law or
22 regulation; or

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

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

31 **RULE 42.5. Appropriations/Base Budget Committee meetings.** – The
32 Appropriations/Base Budget Cochairs may in their exclusive discretion direct that the
33 Appropriations/Base Budget Committee or its subcommittees or both may consider the budget
34 and the budget plan including all appropriations in separate meetings from the House of
35 Representatives and may do all things set forth in said statute separately from the House of
36 Representatives.

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

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

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

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

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

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

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

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

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

41 (b) A motion to discharge a committee from consideration of a bill or resolution
42 may be filed with the Principal Clerk if accompanied by a petition signed by two-thirds of the
43 members of the Senate asking that the committee be discharged from further consideration of
44 the bill or resolution. No petition may be circulated for signatures until 10 legislative days after
45 the bill has been referred to the committee. No petition may be circulated for signature until
46 notice has been given on the floor of the Senate that the petition is to be circulated. If such a
47 motion accompanied by a valid petition is filed, the Principal Clerk shall place that motion on
48 the calendar for the next legislative day as a special order of business. If the motion is adopted
49 by two-thirds of the members of the Senate, then the committee to which the bill or resolution
50 has been referred is discharged from further consideration of the bill or resolution, and that bill
51 or resolution is placed on the calendar for the next legislative day as a special order of business.

1 If the committee had, prior to discharge, adopted any amendment or committee substitute for
2 the bill, it shall be in order to offer that amendment or substitute on the floor as if it were a
3 committee amendment or substitute. The Principal Clerk shall provide a form for discharge
4 petitions.

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

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

12 **RULE 49.** (Reserved).

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

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

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

30 **RULE 53. Effect of defeated measure.** – (a) After a bill has been tabled, or has
31 failed to pass on any of its readings, the contents of such bill or the principal provisions of its
32 subject matter shall not be embodied in any other measure. After an amendment has been
33 tabled or defeated on the Senate floor, the contents of such amendment or the principal
34 provisions of its subject matter shall not be embodied in any other measure. If a substitute
35 amendment is adopted on the floor, the contents of the previously pending amendment which
36 are not contained in the substitute shall be considered to have been defeated. Upon the point of
37 order being raised and sustained by the Presiding Officer, such measure shall be laid upon the
38 table and shall not be taken therefrom except by a vote of two-thirds of the membership of the
39 Senate present and voting: Provided, no local bill shall be held by the Presiding Officer as
40 embodying the provisions of, or being identical with, any statewide measure which has been
41 laid upon the table or failed to pass any of its readings.

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

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

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

50 **RULE 55. Amending titles of bills.** – When a bill is materially modified or the
51 scope of its application extended or decreased, or if the county or counties to which it applies is

1 changed, the title of the bill shall be changed by the Senator introducing the bill or by the
2 committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the
3 bill as amended and the county or counties to which it applies.

4 **RULE 56. Corrections of typographical errors in bills.** – The Enrolling Clerk is
5 authorized to make corrections of typographical errors in the text of bills at any time prior to
6 ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the
7 Chair of the Committee on Rules and Operations of the Senate or, in the Chair's absence, the
8 Vice-Chair of said Committee, the President Pro Tempore, or the Deputy President Pro
9 Tempore.

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

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

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

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

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

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

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

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

40 **RULE 57. Conference committee.** – The President Pro Tempore of the Senate, or
41 in the President Pro Tempore's absence, the Deputy President Pro Tempore, upon motion, shall
42 appoint a conference committee when the Senate fails to concur in amendments or committee
43 substitutes put by the House to a bill originating in the Senate, or when the House of
44 Representatives fails to concur in amendments or committee substitutes put by the Senate to a
45 bill originating in the House. Senate conferees shall include the primary sponsor of the bill. In
46 considering the bill committed to the conferees, only such matters as are germane to the bill
47 shall be considered by the conferees, and the conference report shall deal only with such
48 matters. The matters referred to the conference committee by the conference committee chairs
49 shall go to and be considered by the conferees appointed by the Senate and the House of
50 Representatives. While the bill is in conference committee, the Senate's position shall be
51 determined by a majority of the Senate conferees. Upon agreement by the Senate and House of

1 Representatives, a conference report shall be drafted reflecting the matters considered and
2 agreed upon by the conferees. The conference report shall not be amended.

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

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

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

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

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

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

23 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

24 **RULE 60. Pages.** – (a) The President Pro Tempore of the Senate shall appoint
25 pages. The President Pro Tempore, or such person as the President Pro Tempore may
26 designate, shall supervise the pages and assign to them their duties. Each page shall be at least
27 15 years of age or be in the ninth grade at the time of service.

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

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

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

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

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

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

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

49 (c) The selection of committee assistants, legislative assistants, research
50 assistants, and office assistants shall be the prerogative of the individual member. Such
51 committee assistants, office assistants, research assistants, and legislative assistants shall file

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

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

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

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

19 **VIII. GENERAL RULES**

20 **RULE 66. President to sign papers.** – All addresses and all warrants and
21 subpoenas issued by order of the Senate, shall be signed by the President, the President Pro
22 Tempore, or the Deputy President Pro Tempore. All acts and resolutions shall be signed by the
23 President, the President Pro Tempore, the Deputy President Pro Tempore, or by a Senator
24 designated by the President Pro Tempore to act as Presiding Officer.

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

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

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

48 (b) The Presiding Officer, upon written request at intervals between various
49 orders of business, may extend courtesies to schools or other special large groups visiting in the
50 galleries while they are present, and the Presiding Officer shall, at such times as deemed

1 appropriate, express to those visitors in the galleries the pleasure of the Senate for their
2 presence.

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

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

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

14 **RULE 71. Placing material in Senators' offices.** – Any person other than a
15 member of the Senate or an employee of the General Assembly desiring to place articles of any
16 kind in the offices of the members of the Senate shall make written application to and obtain
17 written approval from the Principal Clerk. No items may be placed on members' desks except
18 as permitted under Rule 17.

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

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

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

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

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

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

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

- 1 (b) Except as otherwise provided herein, the Senate, upon two-thirds vote of the
- 2 membership of the Senate present and voting, may temporarily suspend any of these rules.
- 3 **SECTION 2.** This resolution is effective upon adoption.