

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE RESOLUTION 17

Sponsors: Senator Rand.

Referred to:

January 29, 1997

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 SENATE FOR THE REGULAR SESSIONS OF THE 1997 GENERAL ASSEMBLY
3 OF NORTH CAROLINA.

4 Be it resolved by the Senate:

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

7 **PERMANENT RULES OF**
8 **THE REGULAR SESSIONS OF THE SENATE**
9 **1997 GENERAL ASSEMBLY OF NORTH CAROLINA**

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

18 **I. ORDER OF BUSINESS**

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 of
21 the Senate and its committees.

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

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

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

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

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

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

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

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

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

6 II. CONDUCT OF DEBATE

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

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

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

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

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

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

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

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

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

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

4 (2) A point of order, or

5 (3) A parliamentary inquiry.

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

7 RULE 13. (Reserved for future use).

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

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

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

21 RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

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

4 III. MOTIONS

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

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

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

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

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

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

31 RULE 23. **Motion for previous question.**—(a) The previous question may be
32 moved upon a pending single motion, any pending amendment or amendments, and/or
33 the pending bill to its passage or the pending resolution to its adoption. An authorized
34 Senator moving the previous question shall specify to what the motion applies. Unless
35 specifically limited, the motion shall be deemed to apply to the bill or resolution and any
36 pending amendments.

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

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

- 1 (1) The chairman of the committee submitting the report on the bill or other
2 matter under consideration,
- 3 (2) The member introducing the bill or other matter under consideration,
- 4 (3) The member in charge of the measure, who shall be designated by the
5 chairman of the committee reporting the same to the Senate at the time
6 the bill or other matter under consideration is reported to the Senate or
7 taken up for consideration, or
- 8 (4) The Chairman of the Committee on Rules and Operations of the Senate.

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

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

22 IV. VOTING

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

- 26 (1) All questions on which the Constitution of North Carolina requires that
27 the ayes and noes be taken and recorded on the Journal;
- 28 (2) All questions on which a call for the ayes and noes under Rule 26(b) has
29 been sustained;
- 30 (3) Second and third readings of bills proposing amendment of the
31 Constitution of North Carolina; and
- 32 (4) The vote on approval of a bill that was vetoed by the Governor.

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

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

40 (c) When the electronic voting system is used, the Presiding Officer shall fix and
41 announce the time, not to exceed one minute, which shall be allowed for voting on the
42 question before the Senate. The system shall be set to lock automatically and to record

1 the vote when that time has expired. Once the system has locked and recorded a vote, the
2 vote shall be printed by the system.

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

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

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

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

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

- 29 1. To lay on the table.
- 30 2. For the previous question.
- 31 3. To postpone indefinitely.
- 32 4. To postpone to a day certain.
- 33 5. To refer to a committee.
- 34 6. To reconsider.
- 35 7. To adopt.
- 36 8. To concur.
- 37 9. To take from the table.
- 38 10. Miscellaneous.

39 **RULE 26. Voice votes; call for ayes and noes.**—(a) When the electronic
40 voting system is not used, all votes on which a call of the roll of the Senate is not required
41 shall be taken by voice vote. The question shall be put as follows: "Those in favor say
42 'aye'," and, after the affirmative vote is expressed, "Opposed 'no'"; after which the
43 Presiding Officer shall announce the result. If a division on any vote is desired, it must

1 be called for immediately before the result of the voting is announced on any question,
2 and upon such call, the Presiding Officer shall require the members to stand and be
3 counted for and against the proposition under consideration.

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

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

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

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

27 (1) Be in writing,

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

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

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

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

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

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

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

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

1 consideration and before any motion or vote on the bill or any amendment to the bill.
2 The Senator making the request for excuse in committee must renew his request for
3 excuse on the floor of the Senate 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
6 shall be 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
9 this 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
12 motion concerning the bill at that reading, any subsequent reading, or any subsequent
13 consideration of the bill.

14 (f) A Senator may move that his excuse from deliberations on a particular bill
15 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 **RULE 30. Explanation of vote.**—Any Senator may explain his vote on any
19 bill by obtaining permission of the Presiding Officer after the final vote is taken. No
20 more than three minutes shall be consumed in such explanation.

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 chairmen and vice-chairmen
25 and to establish select committees, but this does not exclude the right of the Senate by
26 resolution to establish select committees. Upon the recommendation of the Committee
27 on Rules and Operations of the Senate, the Senate may authorize by majority vote of the
28 Senators present and voting a change in the number of standing committees.

29 **RULE 32. List of standing/select committees.**—(a) The standing committees
30 shall be:

31 Agriculture/Environment/Natural Resources

32 Appropriations

33 Appropriations on Department of Transportation

34 Appropriations on Education/Higher Education

35 Appropriations on General Government

36 Appropriations on Human Resources

37 Appropriations on Justice and Public Safety

38 Appropriations on Natural and Economic Resources

39 Base Budget

40 Children & Human Resources

41 Commerce

42 Education/Higher Education

43 Finance

1 Judiciary
2 State Government, Local Government, and Personnel
3 Pensions & Retirement and Insurance
4 Rules and Operations of the Senate
5 Transportation
6 Ways & Means.

7 (b) The select committees shall be:
8 Congressional Redistricting
9 Future of the Courts.

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

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

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

19 **RULE 34. Membership of committees; quorum.**—(a) Membership on standing
20 committees shall consist of not more than 20 nor less than five Senators, including the
21 chairman and vice-chairmen and ranking minority member; provided that:

22 (1) The Appropriations Committee and Finance Committee shall not be
23 limited as to membership,

24 (2) The Commerce Committee shall consist of 22 members, and

25 (3) The Judiciary Committee shall consist of 25 members.

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

30 A quorum of the Appropriations, Ways and Means, and Finance Committees
31 shall consist of a majority of the committee. A quorum of any other committee shall
32 consist of either the chairman and five members or a majority of the committee,
33 whichever is fewer.

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

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

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

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

8 RULE 37. (Reserved for interim operations rule).

9 VI. HANDLING BILLS

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

12 RULE 39. **Form and copies of bills.**—(a) Unless variation is authorized by the
13 Committee on Rules and Operations of the Senate, bills submitted for introduction shall
14 be in a computer-typed form prepared by the Legislative Services Office. When a bill
15 which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill
16 to be retyped in the prescribed form, and the retyped copy shall become the official copy
17 of the bill for all purposes. The original bill shall then be returned to the introducer of the
18 bill and shall not become a part of the records or documents of the Senate.

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

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

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

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

34 Tuesday, Wednesday, and Thursday until
35 3:00 o'clock p.m.;

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

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

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

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

2 (a) All local bills and resolutions must be filed for introduction not later than Thursday,
3 March 27, 1997; provided that any such measure submitted to the Bill Drafting Division
4 of the Legislative Services Office by 3:00 p.m. on that day and filed for introduction in
5 the Senate before 3:00 p.m. on Thursday, April 3, 1997, shall be treated as if it had been
6 filed for introduction under this rule.

7 (b) All public bills and resolutions, except those honoring the memory of deceased
8 persons or adjourning the General Assembly, must be filed for introduction not later than
9 Thursday, April 10, 1997; provided that any such measure submitted to the Bill Drafting
10 Division of the Legislative Services Office by 3:00 p.m. on that day and filed for
11 introduction in the Senate before 3:00 p.m. on Thursday, April 17, 1997, shall be treated
12 as if it had been filed for introduction under this rule.

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

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

18 **RULE 41. Crossover bill deadline.–**In order to be eligible for consideration
19 by the Senate during the 1997 or 1998 Regular Sessions of the 1997 General Assembly,
20 all House bills other than those required to be referred to the Committee on Finance by
21 Rule 42, appropriations bills or adjournment resolutions must be received and read on the
22 floor of the Senate as a message from the House no later than May 1, 1997; provided that
23 a message from the House received by the next legislative day stating that a bill has
24 passed its third reading and is being engrossed shall comply with the requirements of this
25 rule and provided that the House accepts Senate bills ordered engrossed on the next
26 legislative day.

27 **RULE 41.1. Relationship between Ways and Means Committee and other**
28 **committees dealing with money matters; relationship between these other committees**
29 **dealing with money matters.–**In those instances specified herein, the Committee on Ways
30 and Means shall have responsibility for final consideration of bills dealing with money
31 matters before the bills are considered on the floor of the Senate. Upon the agreement of
32 a chairman of any two of the following committees: Appropriations, Finance, and Ways
33 and Means, any bill which is reported favorably from the Committee on Appropriations,
34 or the Committee on Finance shall be re-referred by the Presiding Officer to the
35 Committee on Ways and Means for consideration. Bills referred to the Committee on
36 Appropriations pursuant to Rule 43 may be referred by the Chairman of the Committee
37 on Appropriations to the Appropriations Committee on the Department of Transportation,
38 the Appropriations Committee on Education, the Appropriations Committee on General
39 Government, the Appropriations Committee on Human Resources, the Appropriations
40 Committee on Justice and Public Safety, or the Appropriations Committee on Natural and
41 Economic Resources for a report back to the Committee on Appropriations.

42 **RULE 42. Reference of appropriation and finance bills.–**(a) All bills introduced
43 in the Senate providing for appropriations from the State, or any subdivision thereof

1 shall, before being considered by the Senate, be referred to the Committee on
2 Appropriations, and bills referred to other committees carrying any such provisions shall
3 be reported to the Senate as being bills to be referred to the Appropriations Committee
4 before proper action may be taken by the Senate.

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

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

14 **RULE 42.1. Fiscal notes.**—(a) A chairman of the Appropriations Committee, or of the
15 Finance Committee, or of the Rules and Operations of the Senate Committee, or of the
16 Ways and Means Committee, upon the floor of the Senate, may request that a fiscal
17 analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in
18 the possession of the Senate and that a fiscal note be attached to the measure, when in the
19 opinion of that chairman the fiscal effects of that measure are not apparent from the
20 language of the measure. No bill for which a fiscal note has been requested may be
21 considered for passage prior to the fiscal note being attached to the bill.

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

27 (c) The fiscal note shall be prepared by the Fiscal Research Division on a form
28 approved by the Chairman of the Rules and Operations of the Senate Committee as to
29 content and form and signed by the staff member or members preparing it. If no estimate
30 in dollars is possible, the fiscal note shall indicate the reasons that no estimate is
31 provided. The fiscal note shall not comment on the merit but may identify technical
32 problems. The Fiscal Research Division shall make the fiscal note available to the
33 membership of the Senate.

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

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

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

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

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

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

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

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

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

36 (e) When any committee reports a measure to which an actuarial note is
37 attached at the time of committee consideration, with any amendment of such nature as
38 would substantially affect the cost to or the revenues of any retirement or pension
39 system, the chairman of the committee reporting the measure shall obtain from the Fiscal
40 Research Division an actuarial note of the fiscal and actuarial effect of the proposed
41 amendment. The actuarial note shall be attached to the jacket of the measure. An
42 amendment to any bill or resolution shall not be in order if the amendment affects the
43 costs to or the revenues of a system or program described in subdivision (a)(1) of this

1 rule, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal
2 Research Division, as to the actuarial effect of the amendment.

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 Boards. Every legislative
6 proposal introduced in the Senate proposing the establishment of an occupational or
7 professional licensing board or a study for the need to establish such a board shall have
8 attached to the jacket of the original bill at the time of its consideration on second or third
9 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
12 constitute any part of the expression of legislative intent proposed by the formation of a
13 licensing board.

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

19 (b) Municipal Incorporations. Every legislative proposal introduced in the Senate,
20 or received in the Senate from the House, proposing the incorporation of a municipality
21 shall have attached to the jacket of the original bill at the time of its consideration on
22 second or third readings by the Senate or by any committee of the Senate prior to a
23 favorable report, a recommendation from the Joint Legislative Commission on Municipal
24 Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The
25 recommendation of the Joint Legislative Commission on Municipal Incorporations shall
26 be made in accordance with the provisions and criteria set forth in Article 20 of Chapter
27 120 of the General Statutes and shall include the findings required to be made by G.S.
28 120-166 through G.S. 120-170.

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

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

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

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

18 **RULE 42.3B. Local legislation affecting the State Highway System.**—A
19 local bill affecting the State Highway System shall be referred to the Committee on
20 Transportation.

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

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

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

- 30 (1) Alters expenditures or salaries;
- 31 (2) Changes the scope or character of a program which must be reduced,
32 increased, or changed because of an increase or decrease of funds
33 appropriated for the program or because of changes in federal law or
34 regulation; or
- 35 (3) Modifies any function of State government which necessitates a transfer
36 of funds from one department to another;

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

1 RULE 42.5. **Appropriations Committee meetings.**—Notwithstanding the
2 provisions of G.S. 143-14, and pursuant to the last sentence thereof, the Appropriations
3 Chairman may in his or her sole discretion direct that the Appropriations Committee or
4 its subcommittees or both may consider the budget and the budget plan including all
5 appropriations in separate meetings from the House of Representatives and may do all
6 things set forth in said statute separately from the House of Representatives.

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

19 Bills may be referred to more than one committee serially, i.e. "S.B.
20 _____ is referred to the Committee on Finance and upon a favorable report referred
21 to the Appropriations Committee."

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

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

35 RULE 45.1. **Action on amendment or committee substitute.**—If any
36 committee recommends adoption of an amendment or committee substitute of a bill or
37 resolution, the amendment or committee substitute shall be considered adopted upon the
38 reading of the committee report and shall be engrossed. The bill or resolution, as
39 amended, or its adopted committee substitute shall be placed on the calendar for the next
40 legislative day or re-referred if the bill or resolution was serially referred. The committee
41 substitute's original bill or resolution shall lie on the table.

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

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

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

16 **RULE 47. Recall of bill from committee and discharge petition.**—(a)

17 Notwithstanding anything to the contrary, only the President Pro Tempore or
18 the chairman of a committee to which a bill or other matter is assigned may, with the
19 consent of a majority of the membership of the Senate present and voting, recall the
20 measure to be referred to another committee or the floor.

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

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

37 **RULE 48. Calendar; order to be followed.**—The Presiding Officer and the
38 Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the
39 order in which they stand upon the calendar, unless otherwise ordered as hereinafter
40 provided. The published calendar shall include all bills reported favorably from
41 committees, or reported with a minority report attached, or placed on the calendar on
42 motion: Provided, that the published local calendar may carry the number of each bill, the
43 county or counties referred to, and an abbreviated statement of the title of the bill.

1 RULE 49. (Reserved).

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

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

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

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

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

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

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

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

41 RULE 56. **Corrections of typographical errors in bills.**—The Enrolling Clerk
42 is authorized to make corrections of typographical errors in the text of bills at any time
43 prior to ratification. Before the correction is made, the Enrolling Clerk shall have the

1 approval of the Chairman of the Committee on Rules and Operations of the Senate or, in
2 his absence, the Vice-Chairman of said Committee.

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

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

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

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

17 (2) Advise the Presiding Officer as to whether or not the amendment or
18 committee substitute is a material amendment under Article II, Section
19 23, of the State's Constitution.

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

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

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

33 **RULE 57. Conference committee.**—Whenever the Senate fails to concur in
34 amendments or committee substitutes put by the House to a bill originating in the Senate,
35 or whenever the House of Representatives fails to concur in amendments or committee
36 substitutes put by the Senate to a bill originating in the House, a conference committee
37 shall be appointed by the President Pro Tempore of the Senate or in his absence the
38 Deputy President Pro Tempore, upon motion, and the bill under consideration shall
39 thereupon go to and be considered by the joint conferees on the part of the Senate and
40 House of Representatives. Senate conferees shall include the primary sponsor and the
41 chairman of each committee which considered the bill. In considering matters in
42 difference between the Senate and House committed to the conferees, only such matters
43 as are in difference between the two houses shall be considered by the conferees, and the

1 conference report shall deal only with such matters. In conference committee, the
2 Senate's position shall be determined by a majority of the Senate conferees. The
3 conference report shall not be amended.

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

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

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

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

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

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

25 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

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

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

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

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

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

41 **RULE 62. Principal Clerk's staff.**—The Principal Clerk of the Senate shall
42 employ all necessary employees and clerks required to carry out the duties of his or her

1 office. The Principal Clerk shall have supervision and control, and shall assign such
2 duties and powers as he or she shall direct to his or her employees and clerks.

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

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

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

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

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

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

27 VIII. GENERAL RULES

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

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

41 **RULE 67A. Restricted admission to the floor of the Senate prior to the**
42 **daily session.**—No person, except members of the Senate; members of the House of
43 Representatives; staff of the General Assembly; the staff of the Lieutenant Governor;

1 Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and
2 members of the Council of State; former members of the General Assembly; and persons
3 particularly invited and extended the privileges of the floor by a member of the Senate or
4 the Presiding Officer, shall be admitted to or remain on the floor of the Senate within 15
5 minutes prior to the Senate's scheduled daily session. Notwithstanding any other
6 provision of this rule, no registered lobbyist shall be admitted to or remain on the floor of
7 the Senate within 15 minutes prior to the Senate's scheduled daily session.

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

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

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

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

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

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

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

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

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

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

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

15 RULE 76. **Voting in joint sessions.**—When any Senate committee sits jointly
16 with the House committee, the Senate committee reserves the right to vote separately
17 from the House committee.

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

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

26 Section 2. This resolution is effective upon adoption.