

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE RESOLUTION DRSR55008-LB-27B (01/08)

Sponsors: Senator Rand.

Referred to:

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**

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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
35 Principal Clerk of the Senate, or in their absence also, the Chair of the Committee on Rules and



1 Operations of the Senate, shall call the Senate to order and designate some member to act as
2 Presiding Officer.

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

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

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

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

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

34 **II. CONDUCT OF DEBATE**

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

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

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

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

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

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

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

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

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

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

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

20 (2) A point of order; or

21 (3) A parliamentary inquiry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (i) The operation of:

17 a. Wireless communication devices,

18 b. Pagers, or

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

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

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

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

29 III. MOTIONS

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

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

39 (1) To adjourn.

40 (2) To lay on the table.

41 (3) For the previous question.

42 (4) To postpone indefinitely.

43 (5) To postpone to a certain day.

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

45 (7) To refer to a select committee.

46 (8) To amend.

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

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

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

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

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

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

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

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

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

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

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

- 39 (1) To lay on the table.
40 (2) For the previous question.
41 (3) To postpone indefinitely.
42 (4) To postpone to a day certain.
43 (5) To refer to a committee.
44 (6) To reconsider.
45 (7) To adopt.
46 (8) To concur.
47 (9) To take from the table.
48 (10) Miscellaneous.

49 **RULE 26. Voice votes; call for division; call for ayes and noes.** – (a) When the
50 electronic voting system is not used, all votes on which a call of the roll of the Senate is not
51 required shall be taken by voice vote. The question shall be put as follows: "Those in favor say

1 'aye'," and, after the affirmative vote is expressed, "Opposed 'no'"; after which the Presiding
2 Officer shall announce the result. If a division on any vote is desired, it must be called for
3 immediately before the result of the voting is announced on any question, and, upon such call,
4 the Presiding Officer shall require the members to stand and be counted for and against the
5 proposition under consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **RULE 30. [RESERVED]**

18 **V. COMMITTEES**

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

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

27 Agriculture/Environment/Natural Resources

28 Appropriations/Base Budget

29 Appropriations on Department of Transportation

30 Appropriations on Education/Higher Education

31 Appropriations on General Government and Information Technology

32 Appropriations on Health and Human Services

33 Appropriations on Justice and Public Safety

34 Appropriations on Natural and Economic Resources

35 Commerce

36 Education/Higher Education

37 Finance

38 Health Care

39 Information Technology

40 Judiciary I

41 Judiciary II

42 Mental Health & Youth Services

43 State and Local Government

44 Pensions & Retirement and Aging

45 Rules and Operations of the Senate

46 Transportation

47 Ways & Means

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

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

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

6 **RULE 34. Membership of committees; quorum.** – (a) Membership on standing
7 committees shall consist of fewer than five Senators, including the chairs and vice-chairs and
8 ranking minority members.

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

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

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

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

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

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

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

33 VI. HANDLING BILLS

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

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

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

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

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

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

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

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

9 Monday until 30 minutes after adjournment; and

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

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

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

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

20 **RULE 40.1. Deadlines on filing for introduction of bills and resolutions.** – (a)
21 All local bills and resolutions must be filed for introduction not later than Tuesday, March 3,
22 2009, provided that any such measure submitted to the Bill Drafting Division of the Legislative
23 Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00
24 P.M. on Wednesday, March 11, 2009, shall be treated as if it had been filed for introduction
25 under this rule.

26 (b) All public bills and resolutions, except those honoring the memory of
27 deceased persons or adjourning the General Assembly, must be filed for introduction not later
28 than Friday, March 13, 2009, provided that any such measure submitted to the Bill Drafting
29 Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction
30 in the Senate before 3:00 P.M. on Wednesday, March 25, 2009, shall be treated as if it had been
31 filed for introduction under this rule.

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

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

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

45 **RULE 41.1. Relationship between Committee on Ways and Means and other**
46 **committees dealing with money matters; relationship between these other committees**
47 **dealing with money matters.** – In those instances specified herein, the Committee on Ways
48 and Means shall have responsibility for final consideration of bills dealing with money matters
49 before the bills are considered on the floor of the Senate. Upon the agreement of a chair of any
50 two of the following committees: Appropriations/Base Budget, Finance, and Ways and Means,
51 any bill which is reported favorably from the Committee on Appropriations/Base Budget or the

1 Committee on Finance shall be re-referred by the Presiding Officer to the Committee on Ways
2 and Means for consideration. Bills referred to the Committee on Appropriations/Base Budget
3 pursuant to Rule 43 may be referred by the Chair of the Committee on Appropriations/Base
4 Budget to the Appropriations Committee on the Department of Transportation, the
5 Appropriations Committee on Education, the Appropriations Committee on General
6 Government, the Appropriations Committee on Health and Human Resources, the
7 Appropriations Committee on Information Technology, the Appropriations Committee on
8 Justice and Public Safety, or the Appropriations Committee on Natural and Economic
9 Resources for a report back to the Committee on Appropriations/Base Budget.

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

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

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

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

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

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

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

48 (e) The sponsor of a bill, resolution, or amendment to which a fiscal note is
49 attached who objects to the estimates and information provided may reduce to writing the
50 objections. These objections shall be appended to the fiscal note attached to the bill, resolution,
51 or amendment 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 Improvement Appropriations Bill. This rule shall not apply
3 to a bill, resolution, 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 out of
7 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 explanatory
11 statement or note which shall include a reliable estimate of the financial and actuarial effect of
12 the proposed change, as provided in G.S. 120-114. The actuarial note shall be attached to the
13 jacket of each proposed bill or resolution that is reported favorably by any committee and shall
14 be clearly designated as an actuarial note. Upon its introduction, a bill or resolution described
15 in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement
16 and Aging.

17 (b) The sponsor of the bill or resolution shall present a copy of the measure,
18 with the sponsor's request for an actuarial note, to the Fiscal Research Division, which shall
19 prepare the actuarial note as promptly as possible but not later than two weeks after the request
20 is 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 Division
22 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
24 to the chief administrative officer of the system affected by the measure. The chief
25 administrative officer shall have an actuarial note prepared by the system's actuary on the
26 measure and shall transmit the note to the sponsor of the measure not later than two weeks after
27 the request is received. The actuarial note may be attached to the jacket of the measure.

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

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

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

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

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

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

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

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

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

50 (d) If a committee reports favorably a proposed bill or resolution with an
51 amendment that proposes a change in the law that could cause a net increase in the length of

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

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

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

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

14 (1) Alters expenditures or salaries;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **RULE 49.** (Reserved).

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

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

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

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

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

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

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

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

50 **RULE 56. Corrections of typographical errors in bills.** – The Enrolling Clerk is
51 authorized to make corrections of typographical errors in the text of bills at any time prior to

1 ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the
2 Chair of the Committee on Rules and Operations of the Senate or, in the Chair's absence, the
3 Vice-Chair of said Committee, the President Pro Tempore, or the Deputy President Pro
4 Tempore.

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

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

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

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

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

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

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

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

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

49 **RULE 57.1. Germaneness of amendment or committee substitute.** – All
50 amendments and committee substitutes shall be germane to the subject matter of the original

1 bill. The question of germaneness is in order at any time the measure is before the body prior to
2 final action on the measure.

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

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

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

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

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

19 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

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

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

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

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

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

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

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

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

45 (c) The selection of committee assistants, legislative assistants, research
46 assistants, and office assistants shall be the prerogative of the individual member. Such
47 committee assistants, office assistants, research assistants, and legislative assistants shall file
48 initial applications for employment with the Director of Legislative Assistants and shall receive
49 compensation as prescribed by the Legislative Services Commission. The employment period
50 of committee assistants, legislative assistants, research assistants, and office assistants shall
51 comply with the period as established by the Legislative Services Commission unless

1 employment for an extended period is approved by the President Pro Tempore. The committee
2 assistants, legislative assistants, research assistants, and office assistants shall adhere to such
3 uniform regulations and other conditions of employment (including retention) under the
4 direction of the Director of Senate Legislative Assistants as the Committee on Rules and
5 Operations of the Senate shall adopt.

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

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

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

15 **VIII. GENERAL RULES**

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

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

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

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

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

49 **RULE 68. Privileges of the floor.** – Any group or individual other than members of
50 the Senate who desires to make remarks upon the floor of the Senate will first obtain approval

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

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

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

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

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

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

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

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

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

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

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

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

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