

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

S

**Simple  
Resolution  
Adopted**

**SENATE RESOLUTION 1  
Adopted 1/13/21**

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Sponsors: Senator Rabon (Primary Sponsor).

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Referred to: Calendar 1/13/2021

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January 13, 2021

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR  
2 THE REGULAR SESSION OF THE 2021 GENERAL ASSEMBLY.

3 Be it resolved by the Senate:

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

**PERMANENT RULES OF  
THE REGULAR SESSION OF THE SENATE  
2021 GENERAL ASSEMBLY OF NORTH CAROLINA**

- 9 I. Order of Business, Rules 1-7  
10 II. Conduct of Debate, Rules 8-17  
11 III. Motions, Rules 18-24.1  
12 IV. Voting, Rules 25-30  
13 V. Committees, Rules 31-37.2  
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**

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 1.1. Emergencies.** – In the event of a disaster, natural or otherwise, that  
22 precludes the General Assembly from meeting in the Legislative Building, the members will be  
23 notified by the President Pro Tempore where and when the Senate will convene.

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

29 (b) At the hour fixed by the Senate upon adjournment on the preceding legislative  
30 day, or at the hour to which the Senate has previously recessed on that same legislative day, and  
31 upon direction from the President Pro Tempore of the Senate or the Chairman of the Committee  
32 on Rules and Operations of the Senate, the Principal Clerk of the Senate may convene the Senate  
33 for the purpose of announcing to the Chamber that the Senate stands in recess until a later,  
34 specified hour.

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



1           **RULE 4. Convening and presiding in absence of President.** – In the absence of the  
2 President, the President Pro Tempore or a Senator designated by the President Pro Tempore shall  
3 convene or reconvene the Senate and preside, and during such time shall be vested with all  
4 powers of the President of the Senate except that of casting a vote in case of a tie when the  
5 President Pro Tempore or the designated Presiding Officer has already voted on the question as  
6 a Senator. In the event of the absence of the President and President Pro Tempore at any time  
7 fixed for the reconvening of the Senate, the Senate shall be called to order by a member  
8 designated by the President Pro Tempore, or if no member is designated, by the Deputy President  
9 Pro Tempore of the Senate. If no member has been designated and the Deputy President Pro  
10 Tempore is also absent, the Senate shall be called to order by the Chair of the Committee on  
11 Rules and Operations of the Senate, who shall designate some member to act as Presiding Officer.  
12 The Principal Clerk of the Senate may convene the Senate for the purpose of notifying the  
13 Chamber that the Senate stands in recess pursuant to Rule 2(b) of these Rules.

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

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

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

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

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

## 46           **II. CONDUCT OF DEBATE**

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

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

1           **RULE 10. Points of order.** – (a) The Presiding Officer shall preserve order and  
2 decorum and proceed with the business of the Senate according to the rules adopted. The  
3 Presiding Officer shall decide all questions of order, subject to an appeal to the Chairman of the  
4 Committee on Rules and Operations of the Senate, whose decision may be appealed to the Senate  
5 by any member, on which appeal no member shall speak more than once unless by leave of the  
6 Senate. A two-thirds vote of the membership of the Senate present and voting is necessary to  
7 sustain any appeal from the ruling of the Chairman of the Committee on Rules and Operations  
8 of the Senate.

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

11           (c) When a Senator is called to order, that Senator shall take the assigned seat  
12 until the Presiding Officer determines whether that Senator was in order or not; if decided to be  
13 out of order, that Senator shall not proceed without the permission of the Senate; and every  
14 question of order shall be decided by the Presiding Officer, subject to an appeal to the Chairman  
15 of the Committee on Rules and Operations of the Senate, whose decision may be appealed to the  
16 Senate by any Senator; and if a Senator is called to order for words spoken, the words to which  
17 an exception is made shall be immediately preserved by the Principal Clerk, so that the Presiding  
18 Officer, Chairman of the Committee on Rules and Operations of the Senate, or Senate may be  
19 better able to judge the matter.

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

25           **RULE 12. Obtaining recognition.** – (a) When any Senator is about to speak in debate  
26 or deliver any matter to the Senate, that Senator shall rise and respectfully address the Presiding  
27 Officer. No member shall speak further until recognized by the Presiding Officer. The Presiding  
28 Officer shall recognize the first to rise and, when two or more members rise at the same time, the  
29 Presiding Officer shall name the member to speak, giving priority to the President Pro Tempore,  
30 the Deputy President Pro Tempore, or the Chair of the Committee on Rules and Operations of  
31 the Senate.

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

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

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

38           (2) A point of order; or

39           (3) A parliamentary inquiry.

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

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

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

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

48           **RULE 15. Senatorial Statements.** – A Senatorial Statement may be utilized by a  
49 Senator to recognize constituents and events of significance and when a Resolution is not  
50 permitted under Rule 40.1. A Senatorial Statement may not be used to explain a vote, debate a  
51 bill, or in any way disrupt the regular business of the Senate. A Senatorial Statement shall be in

1 writing and in a form prescribed by the Chairman of the Committee on Rules and Operations of  
2 the Senate. A Senatorial Statement shall speak in the voice of the Senator submitting the  
3 Statement, is not a statement by the Senate, and is not subject to a vote by the Senate. A Senator  
4 may use a Moment of Personal Privilege under Rule 15.1 for a time not to exceed three minutes  
5 to read some or all of a Senatorial Statement provided the Presiding Officer determines the  
6 question raised in the Statement is one of privilege. Upon motion supported by a majority present  
7 and voting, a Senatorial Statement may be spread upon the Journal.

8 **RULE 15.1. Moments of Personal Privilege.** – (a) Upon recognition by the Presiding  
9 Officer for that purpose, any Senator may speak for a time not exceeding three minutes on a  
10 Moment of Personal Privilege.

11 (b) A Moment of Personal Privilege may not be used to explain a vote, debate a  
12 bill, or in any way disrupt the regular business of the Senate, nor shall such opportunities be used  
13 to solicit support or sponsors for any bill. The Presiding Officer shall determine if the question  
14 raised is one of privilege and shall, without the point of order being raised, enforce this rule,  
15 subject to an appeal to the Chairman of the Committee on Rules and Operations of the Senate  
16 whose decision may be appealed to the Senate by any Senator, on which appeal no member shall  
17 speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the  
18 Senate present and voting is necessary to sustain any appeal from the ruling of the Chairman of  
19 the Committee on Rules and Operations of the Senate.

20 **RULE 15.2. Explanation of vote.** – Any Senator may explain that Senator's vote on  
21 any bill that day by obtaining permission of the Presiding Officer for that purpose. No more than  
22 three minutes shall be consumed in such explanation.

23 **RULE 16. Final orders of business.** – Senatorial Statements, Moments of Personal  
24 Privilege, and explanations of votes shall be the last orders of the Senate's business that day and  
25 explanations of votes shall be made after the final vote has been taken.

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

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

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

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

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

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

43 (g) The President Pro Tempore may authorize and provide for the broadcasting  
44 of Senate sessions via television or Internet.

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

48 (i) The operation of electronic devices whose sound cannot be muted is  
49 prohibited on the floor or in the gallery while the Senate is in session.

1 (j) No member of the Senate shall place any item on another Senator's Chamber  
2 desk or in another Senator's office unless the item conspicuously displays the name of the Senator  
3 placing the item.

4 (k) No person other than the member, the member's legislative assistant, or the  
5 Principal Clerk's office or staff under the direction of the Principal Clerk, shall place any matter  
6 on the member's Chamber desk, then only materials relevant to the business of the Senate, or as  
7 allowed under subsection (j) of this rule.

8 (l) Neither food nor beverage shall be permitted in the galleries.

### 9 III. MOTIONS

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

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

- 19 (1) To adjourn.
- 20 (2) To resolve into the Committee of the Whole Senate.
- 21 (3) To lay on the table.
- 22 (4) For the previous question.
- 23 (5) To postpone indefinitely.
- 24 (6) To postpone to a certain day.
- 25 (7) To re-refer to a standing committee.
- 26 (8) To refer to a select committee.
- 27 (9) To amend.

28 **RULE 20. Motions requiring a second.** – The motions to adjourn, to resolve into the  
29 Committee of the Whole Senate, to lay on the table, and to call for the previous question shall be  
30 seconded and decided without debate.

31 **RULE 21. Motions to postpone to certain day and to commit.** – The respective  
32 motions to postpone to a certain day, to resolve into the Committee of the Whole Senate, or to  
33 commit to a standing or select committee shall preclude debate on the main question.

34 **RULE 22. Motion to substitute.** – Subject to Rule 19, a member may offer a motion  
35 to substitute to any motion, except the motions for the previous question, to table, to resolve into  
36 the Committee of the Whole Senate, or to adjourn. No motion to substitute shall be offered to a  
37 motion to substitute.

38 **RULE 23. Motion for previous question.** – (a) The previous question may be moved  
39 upon a pending single motion, any pending amendment or amendments, and/or the pending bill  
40 to its passage on that reading or all readings or the pending resolution to its adoption. An  
41 authorized Senator moving the previous question shall specify to what the motion applies. Unless  
42 specified, the motion shall be deemed to apply to the current question.

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

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

- 49 (1) The chair of the committee submitting the report on the bill or other matter  
50 under consideration;
- 51 (2) The member introducing the bill or other matter under consideration;

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

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

6 (5) The President Pro Tempore.

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

14 (b) Notwithstanding subsection (a) of this rule, a motion to reconsider is in order  
15 at any time if made by the Chair of the Committee on Rules and Operations of the Senate or the  
16 President Pro Tempore for the sole purpose of correcting grammatical errors in bills in the  
17 possession of the Senate.

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

22 **RULE 24.1. Motion to adjourn or stand in recess; standard stipulations.** – A  
23 motion to adjourn or stand in recess subject to the standard stipulations shall constitute a motion  
24 to adjourn or stand in recess subject to receipt and referral of committee reports, the introduction  
25 of bills, referral and re-referral of bills, reading of Senatorial Statements, receipt of House  
26 messages, ratification of bills, announcement of committee assignments, and messages from the  
27 Governor.

#### 28 IV. VOTING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 27 (1) To lay on the table.
- 28 (2) To resolve into the Committee of the Whole Senate.
- 29 (3) For the previous question.
- 30 (4) To postpone indefinitely.
- 31 (5) To postpone to a day certain.
- 32 (6) To refer to a committee.
- 33 (7) To reconsider.
- 34 (8) To adopt.
- 35 (9) To concur.
- 36 (10) To take from the table.
- 37 (11) Miscellaneous.

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

46 (b) The ayes and the noes may be called for on any question before the vote is  
47 taken. If a Senator desires the ayes and noes recorded on the Journal on a question, that Senator  
48 shall address the Presiding Officer and obtain recognition and say, "Upon that question I call for  
49 the ayes and noes." Whereupon the Presiding Officer shall say, "Is the call sustained?" If one-fifth  
50 of the remaining Senators present then stand, the vote shall be taken on the electronic voting  
51 system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic

1 voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken  
2 manually and recorded on the Journal. If fewer than one-fifth of the Senators present stand to  
3 sustain the call, the Presiding Officer shall announce, "An insufficient number up," and a vote by  
4 electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be  
5 taken.

6 RULE 27. (Reserved for future use).

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

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

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

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

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

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

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

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

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

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

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

40 (f) A Senator may move that the excuse of that Senator from deliberations on a  
41 particular bill be withdrawn, which question shall be determined without debate. The Senator  
42 shall send forward to the Principal Clerk, on a form provided by the Clerk, the written request.

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

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

47 RULE 30. (Reserved for future use).

## 48 V. COMMITTEES

49 RULE 31. **Appointment of committees.** – The President Pro Tempore of the Senate  
50 shall have the exclusive right and authority to appoint the membership of all committees, regular  
51 and select, and to appoint committee chairs and vice-chairs and to establish select committees,



1 but this does not exclude the right of the Senate by resolution to establish select committees.  
2 Upon the recommendation of the Committee on Rules and Operations of the Senate, the Senate  
3 may alter the name, number, and composition of the standing committees by a majority vote of  
4 the Senators present and voting.

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

6 Agriculture, Energy, and Environment

7 Appropriations/Base Budget

8 Appropriations on Department of Transportation

9 Appropriations on Education/Higher Education

10 Appropriations on General Government and Information Technology

11 Appropriations on Health and Human Services

12 Appropriations on Justice and Public Safety

13 Appropriations on Agriculture, Natural, and Economic Resources

14 Commerce and Insurance

15 Committee of the Whole Senate

16 Education/Higher Education

17 Finance

18 Health Care

19 Judiciary

20 Pensions and Retirement and Aging

21 Redistricting and Elections

22 Rules and Operations of the Senate

23 State and Local Government

24 Transportation

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

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

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

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

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

40 A quorum of the Appropriations/Base Budget and Finance Committees shall consist  
41 of a majority of the committee. A quorum of any other committee shall consist of either the chair  
42 and five members or a majority of the committee, whichever is fewer.

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

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

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

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

9           **RULE 37. Committee of the Whole Senate.** – Notwithstanding the provisions of  
10 Rules 33, 34, and 35, the Senate may resolve into the Committee of the Whole Senate by motion.  
11 When such a motion is seconded, the President shall put the question without debate: "Shall the  
12 Senate resolve itself into the Committee of the Whole Senate for consideration of \_\_\_\_\_?",  
13 stating the matter or matters identified by the Chair of the Committee on Rules and Operations  
14 of the Senate to be considered. Only the President Pro Tempore, the Deputy President Pro  
15 Tempore, or the Chair of the Committee on Rules and Operations of the Senate may move to  
16 resolve into the Committee of the Whole Senate. The Committee of the Whole Senate shall  
17 convene in the Senate Chambers and shall utilize electronic voting. Unless otherwise stated, the  
18 Rules and Operations of the Senate apply to the Committee of the Whole Senate and the Principal  
19 Clerk of the Senate shall be the Committee Assistant, but shall not record committee activity on  
20 the Journal. The Chair shall be the President Pro Tempore of the Senate or his designee.

21           **RULE 37.1. Membership, quorum, and voting.** – Every Senator shall be a member  
22 of the Committee of the Whole Senate. A quorum of a Committee of the Whole Senate is 26  
23 members.

24           **RULE 37.2. Committee substitutes; report of the Committee of the Whole**  
25 **Senate; adjournment.** – (a) The committee of the Whole Senate shall not consider committee  
26 substitutes.

27           (b) The Chair may entertain a motion that the Committee adjourn after the Chair  
28 has announced that the Committee has finished the business for which it was convened.

29           (c) The Chair of the Committee of the Whole Senate shall report the bill to the  
30 Senate immediately following the adjournment of the Committee, including any amendments  
31 that were adopted in the Committee.

32           (d) The Chair shall announce the adjournment of the Committee of the Whole  
33 Senate and the members shall adjourn and, if the Committee was resolved out of an unadjourned  
34 session, the Senate shall resume session.

## 35   **VI. HANDLING BILLS**

36           **RULE 38. Application of rules.** – All provisions of these rules applying to bills,  
37 including, but not limited to, provisions governing the introduction, eligibility, and filing of bills,  
38 shall apply also to resolutions and petitions.

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

43           (b) Whenever a bill is filed, it shall be submitted to the Principal Clerk in the form  
44 of a Senate e-jacket.

45           **RULE 39.1. Public and local bills; limitation on local bills becoming public bills.**  
46 – (a) A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than  
47 15 counties. No bill may be considered unless the bill has been made available to the entire  
48 membership of the Senate.

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

- 1 (1) The North Carolina Constitution prescribes that the bill as filed must be a  
2 public bill because of its subject matter.
- 3 (2) The bill became a public bill because counties were added, but the bill relates  
4 to the subject matter contained in the original bill.

5 **RULE 40. Introduction of bills.** – (a) Pursuant to G.S. 120-11.1, on January 13,  
6 2021, a simple resolution to establish the Senate Permanent Rules, and a joint resolution to  
7 adjourn to January 27, 2021, may be filed. No other bills are eligible to be filed on January 13,  
8 2021.

9 (a1) Every bill filed for introduction shall contain on the Senate e-jacket the title  
10 of the document and the name of the Senator or Senators sponsoring it. No more than three  
11 Senators may be listed as primary sponsors. The Senator whose name appears first shall deliver  
12 the Senate e-jacket to the Office of the Principal Clerk either physically or electronically using  
13 the member's electronic dashboard. Subject to any authorization prescribed by the Principal  
14 Clerk, a member's legislative assistant may deliver a Senate e-jacket by any method allowed  
15 under this rule.

16 (a2) The Senate Principal Clerk shall receive bills for introduction during regular  
17 session according to the following schedule:

18 Monday until 30 minutes after adjournment; and

19 Any other day the Senate holds a session until 4:00 P.M.

20 (a3) All bills shall be numbered by the Office of the Principal Clerk when filed and  
21 shall be considered introduced when presented to the Senate on the next legislative day for the  
22 first reading. When a bill is presented with more than one primary sponsor, the Chair of the  
23 Committee on Rules and Operations of the Senate shall designate, as bill manager, one of the  
24 primary sponsors. Senators may only cosponsor legislation electronically.

25 (b) Any Senator who wishes to cosponsor a bill or resolution that has been filed  
26 may do so no later than one hour following the adjournment of the session during which the bill  
27 or resolution was first read and referred, but only electronically under procedures approved by  
28 the Principal Clerk.

29 (c) No member may introduce a public bill that has no substantive provisions. No  
30 member may introduce more than one local bill that contains no substantive provisions.

31 **RULE 40.1. Limitations on certain resolutions.** – (a) A Senator may file a resolution  
32 that memorializes, celebrates, commends, or commemorates a deceased former member of the  
33 General Assembly.

34 (b) Resolutions of this nature that do not relate to deceased former members shall  
35 be excluded from introduction and consideration by the Senate. Senators shall instead utilize  
36 Senatorial Statements to recognize other individuals or events of significance. Notwithstanding  
37 this, in exceptional circumstances only, a Senator may file a resolution that memorializes,  
38 celebrates, commends, or commemorates other individuals or events after presenting the draft to  
39 the Chairman of the Committee on Rules and Operations of the Senate and receiving the approval  
40 of that Chairman, except that the Chairman may refer the request to the full committee for  
41 approval. The approval of the Chairman or committee shall be indicated on the Senate e-jacket.

42 (c) The Chairman of the Committee on Rules and Operations of the Senate may  
43 refer any such resolution to a committee or place the resolution on the Senate's calendar for a  
44 date certain.

45 (d) During the Senate's consideration of a resolution relating to a deceased  
46 member, the Presiding Officer shall order the Chamber secured by the Sergeant-at-Arms so as to  
47 prevent the entry or exit of any person.

48 **RULE 40.2. Deadlines on filing for introduction of bills.** – (a) All local bills must  
49 be submitted to either the Legislative Drafting Division or the Legislative Analysis Division of  
50 the Legislative Services Office by 4:00 P.M. on Thursday, February 25, 2021, and must be filed  
51 for introduction in the Senate before 4:00 P.M. on Thursday, March 11, 2021.

1 (b) All public bills and resolutions, except those listed in subsection (b1) of this  
2 rule, must be submitted to either the Legislative Drafting Division or the Legislative Analysis  
3 Division of the Legislative Services Office by 4:00 P.M. on Thursday, March 11, 2021, and must  
4 be filed for introduction in the Senate before 4:00 P.M. on Tuesday, April 6, 2021.

5 (b1) The following bills are not subject to subsection (b) of this rule: (i) those  
6 providing for action on gubernatorial nominations or appointments, (ii) those providing for action  
7 on appointments by the General Assembly pursuant to G.S. 120-121, (iii) those proposing  
8 amendments to the North Carolina Constitution, (iv) those containing statutory amendments  
9 necessary to implement proposed amendments to the North Carolina Constitution, (v) those  
10 establishing districts for Congress or State or local entities, (vi) those addressing election laws,  
11 (vii) those ratifying amendments to the United States Constitution, and (viii) those adjourning  
12 the General Assembly.

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 rule.

15 (d) Bills that are subject to Rule 42 of these rules and local bills may be filed in  
16 any regular session that convenes in an even-numbered year.

17 **RULE 41. Crossover bill deadline; exemptions.** – (a) In order to be eligible for  
18 consideration by the Senate during the 2021 or 2022 Regular Session of the 2021 General  
19 Assembly, all House bills other than those described in subsection (b) of this Rule must be  
20 received and read on the floor of the Senate as a message from the House no later than Thursday,  
21 May 13, 2021, provided that a message from the House received by the next legislative day  
22 stating that a bill has passed its third reading and is being engrossed shall comply with the  
23 requirements of this rule and provided that the House accepts Senate bills ordered engrossed on  
24 the next legislative day.

25 (b) The following bills are not subject to subsection (a) of this rule: (i) those  
26 required to be referred to the Committee on Finance or the Committee on Appropriations/Base  
27 Budget by Rule 42, (ii) those providing for action on gubernatorial nominations or appointments,  
28 (iii) those providing for action on appointments by the General Assembly pursuant to  
29 G.S. 120-121, (iv) those providing for amendments to the North Carolina Constitution, (v) those  
30 containing statutory amendments necessary to implement proposed amendments to the North  
31 Carolina Constitution, (vi) those establishing districts for Congress or State or local entities, (vii)  
32 those addressing election laws, (viii) those ratifying an amendment or amendments to the  
33 Constitution of the United States, and (ix) those adjourning the General Assembly.

34 **RULE 41.1. Effect of adjournment resolution.** – Rule 40.2 and 41 are subject to  
35 and may be modified by a resolution jointly adjourning both chambers to a date certain.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50           (c) The sponsor of the bill or resolution shall also present a copy of the measure  
51 to the chief administrative officer of the system affected by the measure. The chief administrative

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

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

11 (e) When any committee reports a measure to which an actuarial note is attached  
12 at the time of committee consideration, with any amendment of such nature as would  
13 substantially affect the cost to or the revenues of any system, the chair of the committee reporting  
14 the measure shall obtain from the Fiscal Research Division and the administrator of the affected  
15 system an actuarial note of the fiscal and actuarial effect of the proposed amendment. The  
16 actuarial note shall be attached to the jacket of the measure. A chair of the Appropriations/Base  
17 Budget Committee, or of the Finance Committee, or of the Committee on Rules and Operations  
18 of the Senate, upon the floor of the Senate, may request that an actuarial note be attached to a  
19 bill, resolution, or an amendment that affects the costs to or the revenues of a system described  
20 in this rule and that is in the possession of the Senate, when in the opinion of that chair, the effect  
21 to the cost to or the revenues of a system described in this rule are not apparent from the language  
22 of the measure. No bill, resolution, or amendment for which an actuarial note has been requested  
23 may be considered for passage prior to the actuarial note from both the Fiscal Research Division  
24 and the administrator of the affected system being attached to it.

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

27 **RULE 42.3. Assessment reports.** – Municipal Incorporations. Every legislative  
28 proposal introduced in the Senate, or received in the Senate from the House, proposing the  
29 incorporation of a municipality shall have attached to the jacket of the original bill at the time of  
30 its consideration on second or third readings by the Senate or by any committee of the Senate  
31 prior to a favorable report, a recommendation from the Municipal Incorporations Subcommittee  
32 of the Joint Legislative Committee on Local Government established by Article 20 of Chapter  
33 120 of the General Statutes. The recommendation of that Subcommittee shall be made in  
34 accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General  
35 Statutes and shall include the findings required to be made by G.S. 120-166 through  
36 G.S. 120-170.

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

1 (b) The sponsor of each bill, amendment, or resolution to which this subsection  
2 applies shall present a copy of the bill, amendment, or resolution with the request for a fiscal note  
3 to the Fiscal Research Division. Upon receipt of the request and the copy of the bill, amendment,  
4 or resolution, the Fiscal Research Division shall prepare the fiscal note as promptly as possible.  
5 The Fiscal Research Division shall prepare the fiscal note and transmit it to the sponsor within  
6 two 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,  
8 amendment, or resolution that is reported favorably by any committee, but shall be separate from  
9 the bill, amendment, or resolution and shall be clearly designated as a fiscal note. A fiscal note  
10 attached to a bill, amendment, or resolution pursuant to this subsection is not a part of the bill,  
11 amendment, or resolution and is not an expression of legislative intent proposed by the bill,  
12 amendment, or resolution.

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

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

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

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

27 (1) Alters expenditures or salaries;

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

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

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

39 **RULE 42.5. Appropriations/Base Budget Committee meetings.** – The  
40 Appropriations/Base Budget Cochairs may in their exclusive discretion direct that the  
41 Appropriations/Base Budget Committee or its subcommittees or both may consider the budget  
42 and the budget plan, including all appropriations, in separate meetings from the House of  
43 Representatives and may do all things separately from the House of Representatives.

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

1 Principal Clerk of the Senate of the referral, and the Reading Clerk shall announce the referral of  
2 the bill. The Principal Clerk shall inform the Presiding Officer of the referral. The title and  
3 referral shall be entered upon the Journal.

4 Bills may be referred to more than one committee serially: e.g., "S.B. \_\_\_\_\_ is  
5 referred to the Committee on Finance and upon a favorable report referred to the  
6 Appropriations/Base Budget Committee."

7 **RULE 44. Bills to receive three readings.** – Every bill shall receive three readings  
8 before being passed, and the Presiding Officer shall give notice at each reading whether it be the  
9 first, second, or third. Unless a member of the Senate objects, a bill may be referred to, and  
10 presented to the Senate, by its bill number and short title. The Reading Clerk shall announce the  
11 referral as set forth in Rule 43. No bill shall be amended upon the floor of the Senate, except  
12 under Rule 45.1, until it has been twice read. Senate simple resolutions shall not require three  
13 readings.

14 **RULE 45. Reports of committees.** – Every Senator presenting a report of a  
15 committee shall endorse the report with the name of the committee. The report of the committee  
16 shall show that a quorum of the committee was present and a majority of those present voted in  
17 favor of the report. Every report of the committee upon a bill or resolution shall stand upon the  
18 general orders with the bill or resolution. No committee shall report a bill or resolution without  
19 prejudice.

20 **RULE 45.1. Action on amendment or committee substitute; distribution of**  
21 **committee substitutes.** – (a) If any committee recommends adoption of an amendment or  
22 committee substitute of a bill or resolution, the amendment or committee substitute shall be  
23 considered adopted upon the reading of the committee report. The bill or resolution, as amended,  
24 or its adopted committee substitute shall be placed on the calendar for the next legislative day or  
25 re-referred if the bill or resolution was serially referred. The committee substitute's original bill  
26 or resolution shall lie on the table.

27 (b) Notwithstanding any other provision of this rule, a committee substitute for a  
28 simple resolution shall be placed on the calendar for the next legislative day for a vote on its  
29 adoption.

30 (c) Unless a committee substitute of a bill or resolution being considered by a  
31 committee is distributed to members of that committee no later than 6:00 P.M. the day prior to  
32 the committee meeting, the committee substitute shall be carried over to the next day, unless a  
33 majority of the members of that committee present and voting vote to take up the measure at that  
34 time.

35 **RULE 46. Unfavorable report by committee.** – All bills reported unfavorably by  
36 the committee to which they were referred shall lie upon the table but may be taken from the  
37 table and placed upon the calendar by a two-thirds vote of the membership of the Senate present  
38 and voting.

39 **RULE 47. Recall of bill from committee and discharge petition; re-calendar**  
40 **or referral of a bill to committee.** – (a) Notwithstanding anything to the contrary, only the  
41 President Pro Tempore, the Chair of the Committee on Rules and Operations of the Senate, or  
42 the chair of a committee to which a bill or other matter is assigned may, with the consent of a  
43 majority of the membership of the Senate present and voting, recall the measure from its assigned  
44 committee to be referred to another committee or the floor. Only the President Pro Tempore or  
45 the Chair of the Committee on Rules and Operations of the Senate may, with the consent of a  
46 majority present and voting, re-calendar a bill or resolution appearing on the calendar or refer or  
47 re-refer it to committee.

48 (b) A motion to discharge a committee from consideration of a bill or resolution  
49 may be filed with the Principal Clerk if accompanied by a petition signed by two-thirds of the  
50 members of the Senate asking that the committee be discharged from further consideration of the  
51 bill or resolution. No petition may be circulated for signatures until 10 legislative days after the



1 bill has been referred to the committee. No petition may be circulated for signature until notice  
2 has been given on the floor of the Senate that the petition is to be circulated. If such a motion  
3 accompanied by a valid petition is filed, the Principal Clerk shall place that motion on the  
4 calendar for the next legislative day as a special order of business. If the motion is adopted by  
5 two-thirds of the members of the Senate, then the committee to which the bill or resolution has  
6 been referred is discharged from further consideration of the bill or resolution, and that bill or  
7 resolution is placed on the calendar for the next legislative day as a special order of business. If  
8 the committee had, prior to discharge, adopted any amendment or committee substitute for the  
9 bill, it shall be in order to offer that amendment or substitute on the floor as if it were a committee  
10 amendment or substitute. The Principal Clerk shall provide a form for discharge petitions.

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

12 **RULE 48. Calendar; order to be followed.** – The Presiding Officer and the Principal  
13 Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they  
14 stand upon the calendar, unless otherwise ordered in accordance with Rule 47. The published  
15 calendar shall include all bills reported favorably from committees, or placed on the calendar on  
16 motion, and shall include the bill number and short title of each bill on the calendar.

17 **RULE 49. Consideration of gubernatorial nominations or appointments.** – When  
18 received by the Principal Clerk, written notice of a gubernatorial nomination or appointment that  
19 requires confirmation by the General Assembly or the Senate shall be read in session and shall  
20 be referred by the Chairman of the Committee on Rules and Operations of the Senate, or in the  
21 Chairman's absence the President Pro Tempore of the Senate, to the appropriate Senate  
22 committee. The Chairman of the Committee on Rules and Operations of the Senate may file an  
23 appropriate resolution for consideration of the nomination or appointment. For statewide or  
24 at-large nominations or appointments, the Principal Clerk shall transmit a copy of the notice of  
25 nomination or appointment to the Senator or Senators representing the county in which the  
26 nominee or appointee resides. For nominations or appointments of persons to represent a  
27 particular district or region of the State, the Principal Clerk shall transmit a copy of the notice of  
28 nomination or appointment to the Senator or Senators representing all or a portion of the  
29 particular district or region to be represented. The chair of the Senate committee receiving referral  
30 of any nomination or appointment shall determine the procedure by which the committee shall  
31 consider that nomination or appointment and may make a report of its recommendation to the  
32 Senate.

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

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

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

50 **RULE 53. Effect of defeated measure.** – (a) After a bill has been tabled, or has failed  
51 to pass on any of its readings, the contents of such bill or the principal provisions of its subject

1 matter shall not be embodied in any other measure. After an amendment has been tabled or  
2 defeated on the Senate floor, the contents of such amendment or the principal provisions of its  
3 subject matter shall not be embodied in any other measure. If a substitute amendment is adopted  
4 on the floor, the contents of the previously pending amendment which are not contained in the  
5 substitute shall be considered to have been defeated. Upon the point of order being raised and  
6 sustained by the Presiding Officer, such measure shall be laid upon the table and shall not be  
7 taken therefrom except by a vote of two-thirds of the membership of the Senate present and  
8 voting: Provided, no local bill shall be held by the Presiding Officer as embodying the provisions  
9 of, or being identical with, any statewide measure which has been laid upon the table or failed to  
10 pass any of its readings.

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

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

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

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

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

29 **RULE 56.1. Amendments and committee substitutes adopted by the House to**  
30 **bills originating in the Senate.** – (a) Whenever the House has adopted an amendment or a  
31 committee substitute for a bill originating in the Senate, and has returned the bill to the Senate  
32 for concurrence in that amendment or committee substitute, the Senate may not concur in that  
33 amendment or committee substitute until the next legislative day following the day on which the  
34 Senate receives that measure.

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

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

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

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

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

1 Senate by the Presiding Officer shall be: "Does the Senate concur in the House amendments  
2 (committee substitute) to S.B. \_\_\_\_\_?".

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

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

9 **RULE 57. Conference committee.** – The President Pro Tempore of the Senate, or in  
10 the President Pro Tempore's absence, the Deputy President Pro Tempore, upon motion, may  
11 appoint a conference committee when the Senate fails to concur in amendments or committee  
12 substitutes put by the House to a bill originating in the Senate, or when the House of  
13 Representatives fails to concur in amendments or committee substitutes put by the Senate to a  
14 bill originating in the House. Senate conferees shall include the primary sponsor of the bill. In  
15 considering the bill committed to the conferees, only such matters as are germane to the bill shall  
16 be considered by the conferees, and the conference report shall deal only with such matters. The  
17 matters referred to the conference committee by the conference committee chairs shall go to and  
18 be considered by the conferees appointed by the Senate and the House of Representatives. While  
19 the bill is in conference committee, the Senate's position shall be determined by a majority of the  
20 Senate conferees. Upon agreement by the Senate and House of Representatives, a conference  
21 report shall be drafted reflecting the matters considered and agreed upon by the conferees. The  
22 conference report shall not be amended. A conference report in order under this Rule when  
23 reported to the Senate shall be calendared for consideration of the question of adoption on any  
24 date specified by the Chairman of the Committee on Rules and Operations of the Senate, or in  
25 the absence of the Chairman, by the President Pro Tempore. In the absence of any such  
26 specification it shall be calendared for the next legislative day.

27 **RULE 57.1. Germaneness of amendment or committee substitute.** – (a) All floor  
28 amendments shall be germane to the subject matter of the measure under consideration. The  
29 question of germaneness of the proposed floor amendment is in order at any time the measure is  
30 before the body prior to final action on its adoption.

31 (b) In committee, the germaneness of amendments or committee substitutes shall  
32 be determined by the chairman of the committee in which such amendments or committee  
33 substitutes are offered.

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

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

41 **RULE 59.1. Engrossment.** – Bills which originate in the Senate and that are amended  
42 shall be engrossed before being sent to the House.

43 **RULE 59.2. Vetoed bills.** – (a) Unless directed otherwise by the President Pro  
44 Tempore of the Senate on behalf of the Senate, the Principal Clerk or an employee designated by  
45 the Principal Clerk shall receive Senate bills not approved by the Governor. The veto message  
46 shall be read in the Senate on the next legislative day following its receipt by the Principal Clerk.

47 (b) Upon a veto message's being read in the Senate, the Chair of the Committee  
48 on Rules and Operations of the Senate shall either refer the bill and the Governor's objections  
49 and veto message to committee or place the bill on the calendar for a day certain. The Chair of  
50 the Committee on Rules and Operations of the Senate or the Chair's designee shall give the Senate  
51 Minority Leader at least 24 hours' notice that a vetoed bill may be considered by the Senate.

**VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

1  
2           **RULE 60. Pages.** – (a) The President Pro Tempore of the Senate shall appoint pages.  
3 The President Pro Tempore, or such person as the President Pro Tempore may designate, shall  
4 supervise the pages and assign to them their duties. Each page shall be at least 15 years of age or  
5 be in the ninth grade at the time of service.

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

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

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

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

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

22           **RULE 63. Legislative assistants and other Senate staff.** – (a) Each member shall  
23 be assigned one legislative assistant position. Additional staff positions may be allocated to  
24 members in the discretion of the President Pro Tempore. The selection of the person to fill a staff  
25 position assigned or allocated to an individual member's office shall be his or her prerogative.

26           (b) Persons seeking an employment position in the office of an individual member  
27 shall file initial applications for employment with the Director of Legislative Assistants and shall  
28 receive compensation as prescribed by the Legislative Services Commission. Their period of  
29 employment shall comply with the period as established by the Legislative Services Commission  
30 unless employment for an extended period is approved by the President Pro Tempore. They shall  
31 adhere to such uniform regulations and other conditions of employment (including retention)  
32 under the direction of the Director of Senate Legislative Assistants as the Committee on Rules  
33 and Operations of the Senate shall adopt.

34           (c) The Director of Senate Legislative Assistants and any assistants shall be  
35 appointed by the President Pro Tempore of the Senate.

36           **RULE 64. Senate Journal.** – The President Pro Tempore of the Senate shall cause  
37 the Journal of the Senate to be examined daily before the hour of convening to determine if the  
38 proceedings of the previous day have been correctly recorded.

39           **RULE 65. Deputy President Pro Tempore.** – The Senate shall elect a Deputy  
40 President Pro Tempore. Upon a vacancy in the office of President Pro Tempore, the Senate shall  
41 elect one of its members to succeed to that office.

**VIII. GENERAL RULES**

42  
43           **RULE 66. President to sign papers.** – All addresses and all warrants and subpoenas  
44 issued by order of the Senate shall be signed by the President, the President Pro Tempore, or the  
45 Deputy President Pro Tempore. All acts and resolutions shall be signed by the President, the  
46 President Pro Tempore, the Deputy President Pro Tempore, or by a Senator designated by the  
47 President Pro Tempore to act as Presiding Officer.

48           **RULE 67. Admission to the floor of the Senate.** – No person except members of the  
49 Senate, members of the House of Representatives, staff of the General Assembly; staff of the  
50 Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the  
51 Governor and members of the Council of State; former members of the General Assembly; and

1 persons particularly invited and extended the privileges of the floor by the Presiding Officer shall  
2 be admitted to the floor of the Senate either during its session or be admitted to or remain on the  
3 floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.  
4 Notwithstanding any other provision of these rules, no registered lobbyist shall: (i) be admitted  
5 to the floor of the Senate or Senate Chamber while the Senate is in session, (ii) be admitted to or  
6 remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session,  
7 or (iii) except when a committee is meeting on the floor, be admitted to the floor of the Senate  
8 for the 15 minutes after adjournment of the Senate. When the Senate is not in daily session, the  
9 President Pro Tempore shall determine the privileges of the floor.

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

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

18 **RULE 68. Privileges of the floor.** – No group or individual other than members of  
19 the Senate may make remarks upon the floor of the Senate.

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

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

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

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 Pro  
34 Tempore, when assigning seats, may give preferential consideration to the respective members  
35 according to the length of service that each member has rendered in the Senate. No incumbent  
36 appointed to fill an unexpired term in the immediate preceding session shall retain the seat if  
37 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 rooms  
40 and offices to designated committees, chairs, and members of the Senate. In making such  
41 assignments of individual offices, the President Pro Tempore may give preferential consideration  
42 to the respective members according to the length of service that each member has rendered in  
43 the Senate.

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

48 **RULE 74. Public hearings.** – Any Senator may request in writing a public hearing  
49 by the committee considering the bill on a public bill. Requests may be granted at the discretion  
50 of the chair. Notice shall be given not less than five calendar days prior to public hearings. Such

1 notices shall be issued as information for the press, and the information shall be posted in the  
2 places designated by the Principal Clerk.

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

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

9 **RULE 77. Alteration, suspension, or rescission of rules.** – (a) These rules may not  
10 be permanently rescinded or altered except by Senate simple resolution passed by a three-fifths  
11 vote of the membership of the Senate. The introducer of the resolution must, on the floor of the  
12 Senate, give notice of the intent to introduce the resolution on the legislative day preceding its  
13 introduction.

14 (b) Except as otherwise provided herein, the Senate, upon motion of the Chairman  
15 of the Committee on Rules and Operations of the Senate, the President Pro Tempore of the  
16 Senate, or the Deputy President Pro Tempore of the Senate, and the three-fifths vote of the  
17 membership of the Senate present and voting, may temporarily suspend any of these rules.

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