

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

**S  
Resolution  
Adopted**

**Simple**

SENATE RESOLUTION 1  
Adopted 1/27/99

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Sponsors: Senators Rand; Carrington and Warren.

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Referred to:

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January 27, 1999

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE  
2 SENATE FOR THE REGULAR SESSIONS OF THE 1999 GENERAL ASSEMBLY  
3 OF NORTH CAROLINA.

4 Be it resolved by the Senate:

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

7 **PERMANENT RULES OF**  
8 **THE REGULAR SESSIONS OF THE SENATE**  
9 **1999 GENERAL ASSEMBLY OF NORTH CAROLINA**

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

18 **I. ORDER OF BUSINESS**

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

4           **RULE 2. Convening hour.** – The Presiding Officer shall take the Chair at the  
5 hour fixed by the Senate upon adjournment on the preceding legislative day, and shall  
6 call the members to order. In case the Senate adjourned on the preceding legislative day  
7 without having fixed the hour of reconvening, the Senate shall reconvene on the next  
8 legislative day at 2:00 p.m., except that if the next legislative day is Monday, time for  
9 convening shall be 7:00 p.m.

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

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

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

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

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

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

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

- 1                                   2.     Second reading roll call and electronic voting system
- 2   votes.
- 3                                   3.     Second reading viva voce.
- 4                                   4.     Third reading viva voce.
- 5                   b.     Public bills in numerical order, Senate bills first.
- 6                                   1.     Third reading roll call and electronic voting system votes.
- 7                                   2.     Second reading roll call and electronic voting system
- 8   votes.
- 9                                   3.     Second reading viva voce.
- 10                                  4.     Third reading viva voce.

## 11                                   **II. CONDUCT OF DEBATE**

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

16                   **RULE 9. Substitution for Presiding Officer.** – The Presiding Officer, while  
17 in the Senate Chamber, shall have the right to call on any member of the Senate to  
18 perform the duties of the Chair.

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

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

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

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

40                   **RULE 12. Obtaining recognition.** – (a)     When any Senator is about to speak in  
41 debate or deliver any matter to the Senate, he shall rise from his seat and respectfully  
42 address the Presiding Officer. No member shall speak further until recognized by the  
43 Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two

1 or more members rise at the same time, the Presiding Officer shall name the member to  
2 speak.

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

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

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

9 (2) A point of order, or

10 (3) A parliamentary inquiry.

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

12 RULE 13. (Reserved for future use).

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

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

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

28 RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

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

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

10 (i) The operation of wireless telephones on the floor or in the gallery is  
11 prohibited while the Senate is in session.

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

### 15 III. MOTIONS

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

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

25 (1) To adjourn.

26 (2) To lay on the table.

27 (3) For the previous question.

28 (4) To postpone indefinitely.

29 (5) To postpone to a certain day.

30 (6) To commit to a standing committee.

31 (7) To commit to a select committee.

32 (8) To amend.

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

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

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

42 RULE 23. **Motion for previous question.** – (a) The previous question may be  
43 moved upon a pending single motion, any pending amendment or amendments, and/or

1 the pending bill to its passage on that reading or all readings or the pending resolution to  
2 its adoption. An authorized Senator moving the previous question shall specify to what  
3 the motion applies. Unless specifically limited, the motion shall be deemed to apply to  
4 the bill or resolution along with any pending amendments to its passage.

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

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

12 (1) The chairman of the committee submitting the report on the bill or other  
13 matter under consideration,

14 (2) The member introducing the bill or other matter under consideration,

15 (3) The member in charge of the measure, who shall be designated by the  
16 chairman of the committee reporting the same to the Senate at the time  
17 the bill or other matter under consideration is reported to the Senate or  
18 taken up for consideration, or

19 (4) The Chairman of the Committee on Rules and Operations of the Senate.

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

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

#### 33 **IV. VOTING**

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

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

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

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

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

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  
5 second reading, and all conference reports on public bills.

6 (2) Any other question upon direction of the Presiding Officer or upon  
7 motion 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 and  
9 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  
11 the vote when that time has expired. Once the system has locked and recorded a vote, the  
12 vote shall be printed by the system.

13 (d) The voting station at each Senator's desk in the Chamber shall be used only by  
14 the Senator to whom the station is assigned. Under no circumstances shall any other  
15 person vote at a Senator's station. It is a breach of the ethical obligation of a Senator  
16 either to request that another vote at the requesting Senator's station, or to vote at another  
17 Senator's station. The 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  
20 opposed vote 'no'; \_\_\_\_\_ seconds will be allowed for voting on this question; the Clerk  
21 will record the vote." After the machine locks and records the vote, the Presiding Officer  
22 shall announce the vote and declare the result.

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  
25 it 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,  
28 he shall announce that fact to the Senate, and any partial electronic system voting record  
29 shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the  
30 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  
32 votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the  
33 electronic system, it is discovered that a malfunction caused an error in the electronic  
34 system printout, the Presiding Officer shall direct the Reading Clerk and the Principal  
35 Clerk to verify and correct the print-out 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  
38 of 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.

- 1           6. To reconsider.
- 2           7. To adopt.
- 3           8. To concur.
- 4           9. To take from the table.
- 5           10. Miscellaneous.

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

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

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

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

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

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

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

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



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

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

6 **RULE 29. Duty to vote; excuses.** – (a) Every Senator who is within the Senate  
7 Chamber when the question is stated by the Presiding Officer shall vote thereon unless he  
8 is excused by the Senate.

9 (b) A Senator who is a member of a committee shall, upon request, be excused  
10 from deliberations and voting on the bill while it is before the committee. The Senator  
11 must make the request to the chair of the committee when the bill is first taken up for  
12 consideration and before any motion or vote on the bill or any amendment to the bill.  
13 The Senator making the request for excuse in committee must renew his request for  
14 excuse on the floor of the Senate as set forth in this rule.

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

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

21 (e) The Senator so excused shall not debate the bill or any amendment to the  
22 bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any  
23 motion concerning the bill at that reading, any subsequent reading, or any subsequent  
24 consideration of the bill.

25 (f) A Senator may move that his excuse from deliberations on a particular bill  
26 be withdrawn, which question shall be determined without debate.

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

29 (h) A motion by any Senator to change that Senator's vote must be made on the  
30 same legislative day as the vote is taken.

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

## 35 V. COMMITTEES

36 **RULE 31. Appointment of committees.** – The President Pro Tempore of the  
37 Senate shall have the exclusive right and authority to appoint the membership of all  
38 committees, regular and select, and to appoint committee chairmen and vice-chairmen  
39 and to establish select committees, but this does not exclude the right of the Senate by  
40 resolution to establish select committees. Upon the recommendation of the Committee  
41 on Rules and Operations of the Senate, the Senate may authorize by majority vote of the  
42 Senators present and voting a change in the number of standing committees.

1        **RULE 32. List of standing/select committees.** – (a)        The standing committees  
2 shall be:

3        Agriculture/Environment/Natural Resources  
4        Appropriations/Base Budget  
5                Appropriations on Department of Transportation  
6                Appropriations on Education/Higher Education  
7                Appropriations on General Government  
8                Appropriations on Human Resources  
9                Appropriations on Justice and Public Safety  
10                Appropriations on Natural and Economic Resources

11 Children & Human Resources

12 Commerce

13 Education/Higher Education

14 Finance

15 Health Care

16 Information Technology

17 Insurance

18 Judiciary I

19 Judiciary II

20 State and Local Government

21 Pensions & Retirement and Aging

22 Rules and Operations of the Senate

23 Transportation

24 Ways & Means.

25        (b)        The select committees shall be:

26        Tobacco Settlement Issues

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

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

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

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

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

41                (2)        The Commerce Committee shall consist of 22 members.

42 The President Pro Tempore shall have the exclusive right and authority to determine the  
43 total number of members and the number of members of each political party of each

1 committee. No Senator shall hold membership on more than 12 standing committees  
2 unless the Committee on Rules and Operations of the Senate provides otherwise.

3 A quorum of the Appropriations/Base Budget, Ways and Means, and Finance  
4 Committees shall consist of a majority of the committee. A quorum of any other  
5 committee shall consist of either the chairman and five members or a majority of the  
6 committee, whichever is fewer.

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

9 **RULE 35. Roll call vote in committee.** – No roll call vote may be taken in  
10 any committee. The committee chairman may vote in committee.

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

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

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

## 24 VI. HANDLING BILLS

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

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

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

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

39 **RULE 40. Introduction of bills.** – (a) Every bill filed for introduction shall  
40 contain on the outside cover the title of the document and the name of the Senator or  
41 Senators presenting it. Bills shall be delivered by the primary sponsor of the document or  
42 with the prescribed authorization form signed by the primary sponsor to the Office of the

1 Senate Principal Clerk who shall receive them during regular session according to the  
2 following schedule:

3 Monday until 30 minutes after adjournment; and

4 Any other day the Senate holds a session until 3:00 p.m.

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

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

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

13 (a) All local bills and resolutions must be filed for introduction not later than Wednesday,  
14 March 24, 1999; provided that any such measure submitted to the Bill Drafting Division  
15 of the Legislative Services Office by 4:00 p.m. on that day and filed for introduction in  
16 the Senate before 3:00 p.m. on Wednesday, March 31, 1999, shall be treated as if it had  
17 been filed for introduction under this rule.

18 (b) All public bills and resolutions, except those honoring the memory of deceased  
19 persons or adjourning the General Assembly, must be filed for introduction not later than  
20 April 7, 1999; provided that any such measure submitted to the Bill Drafting Division of  
21 the Legislative Services Office by 4:00 p.m. on that day and filed for introduction in the  
22 Senate before 3:00 p.m. on Wednesday, April 14, 1999, shall be treated as if it had been  
23 filed for introduction under this rule.

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

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

29 **RULE 41. Crossover bill deadline. –** In order to be eligible for consideration  
30 by the Senate during the 1999 or 2000 Regular Sessions of the 1999 General Assembly,  
31 all House bills other than those required to be referred to the Committee on Finance or  
32 the Committee on Appropriations/Base Budget by Rule 42, or adjournment resolutions  
33 must be received and read on the floor of the Senate as a message from the House no later  
34 than April 29, 1999; provided that a message from the House received by the next  
35 legislative day stating that a bill has passed its third reading and is being engrossed shall  
36 comply with the requirements of this rule and provided that the House accepts Senate  
37 bills ordered engrossed on the next legislative day.

38 **RULE 41.1. Relationship between Committee on Ways and Means and**  
39 **other committees dealing with money matters; relationship between these other**  
40 **committees dealing with money matters. –** In those instances specified herein, the  
41 Committee on Ways and Means shall have responsibility for final consideration of bills  
42 dealing with money matters before the bills are considered on the floor of the Senate.  
43 Upon the agreement of a chairman of any two of the following committees:

1 Appropriations/Base Budget, Finance, and Ways and Means, any bill which is reported  
2 favorably from the Committee on Appropriations/Base Budget, or the Committee on  
3 Finance shall be re-referred by the Presiding Officer to the Committee on Ways and  
4 Means for consideration. Bills referred to the Committee on Appropriations/Base Budget  
5 pursuant to Rule 43 may be referred by the Chairman of the Committee on  
6 Appropriations/Base Budget to the Appropriations Committee on the Department of  
7 Transportation, the Appropriations Committee on Education, the Appropriations  
8 Committee on General Government, the Appropriations Committee on Human  
9 Resources, the Appropriations Committee on Justice and Public Safety, or the  
10 Appropriations Committee on Natural and Economic Resources for a report back to the  
11 Committee on Appropriations/Base Budget.

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

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

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

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

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

41 (c) The fiscal note shall be prepared by the Fiscal Research Division on a form  
42 approved by the Chairman of the Rules and Operations of the Senate Committee as to  
43 content and form and signed by the staff member or members preparing it. If no estimate

1 in dollars is possible, the fiscal note shall indicate the reasons that no estimate is  
2 provided. The fiscal note shall not comment on the merit but may identify technical  
3 problems. The Fiscal Research Division shall make the fiscal note available to the  
4 membership of the Senate.

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

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

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

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

18 (1) State, municipal, or other retirement system funded in whole or in part  
19 out of public funds; or  
20 (2) Program of hospital, medical, disability, or related benefits provided for  
21 teachers and State employees, funded in whole or in part by State funds,  
22 shall have attached to it at the time of its consideration by any committee a brief  
23 explanatory statement or note which shall include a reliable estimate of the financial and  
24 actuarial effect of the proposed change to that retirement or pension system. The  
25 actuarial note shall be attached to the jacket of each proposed bill or resolution which is  
26 reported favorably by any committee, shall be separate therefrom, and shall be clearly  
27 designated as an actuarial note. Upon its introduction, a bill described in subdivision  
28 (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement and  
29 Aging.

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

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

42 (d) The note shall be factual and shall, if possible, provide a reliable estimate of  
43 both the immediate effect and, if determinable, the long-range fiscal and actuarial effect

1 of the measure. If, after careful investigation, it is determined that no dollar estimate is  
2 possible, the note shall contain a statement to that effect, setting forth the reasons why no  
3 dollar estimate can be given. No comment or opinion shall be included in the actuarial  
4 note with regard to the merits of the measure for which the note is prepared. Technical  
5 and mechanical defects in the measure may be noted.

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

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

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

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

32 (b) Municipal Incorporations. Every legislative proposal introduced in the Senate,  
33 or received in the Senate from the House, proposing the incorporation of a municipality  
34 shall have attached to the jacket of the original bill at the time of its consideration on  
35 second or third readings by the Senate or by any committee of the Senate prior to a  
36 favorable report, a recommendation from the Joint Legislative Commission on Municipal  
37 Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The  
38 recommendation of the Joint Legislative Commission on Municipal Incorporations shall  
39 be made in accordance with the provisions and criteria set forth in Article 20 of Chapter  
40 120 of the General Statutes and shall include the findings required to be made by G.S.  
41 120-166 through G.S. 120-170.

42 **RULE 42.3A. Proposed increases in incarceration.** – (a) Every bill,  
43 amendment, and resolution proposing any change in the law that could cause a net

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

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

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

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

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

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

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

42 (1) Alters expenditures or salaries;



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

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

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

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

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

32 Bills may be referred to more than one committee serially, i.e. "S.B.  
33 \_\_\_\_\_ is referred to the Committee on Finance and upon a favorable report referred  
34 to the Appropriations/Base Budget Committee."

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

41 **RULE 45. Reports of committees.** – Every Senator presenting a report of a  
42 committee shall endorse the report with the name of the committee and, in case of a  
43 minority report, with the names of the members making the report. The report of the

1 committee shall show that a quorum of the committee was present and a majority of those  
2 present voted in favor of the report. Every report of the committee upon a bill or  
3 resolution shall stand upon the general orders with the bill or resolution. No committee  
4 shall report a bill or resolution without prejudice.

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

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

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

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

27 **RULE 47. Recall of bill from committee and discharge petition.** – (a)

28 Notwithstanding anything to the contrary, only the President Pro Tempore, the  
29 Chairman of the Committee on Rules and Operations of the Senate, or the chairman of a  
30 committee to which a bill or other matter is assigned may, with the consent of a majority  
31 of the membership of the Senate present and voting, recall the measure to be referred to  
32 another committee or the floor.

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

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

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

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

13 **RULE 49.** (Reserved).

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (2) Advise the Presiding Officer as to whether or not the amendment or  
34 committee substitute is a material amendment under Article II, Section  
35 23, of the State's Constitution.

36 (d) If the amendment or committee substitute for a bill is not a material  
37 amendment, the question before the Senate shall be concurrence. In the event there is  
38 more than one House amendment, the question shall be concurrence in all the House  
39 amendments and the question may not be divided, notwithstanding Rule 28. The  
40 question which shall be put before the Senate by the Presiding Officer shall be: "Does  
41 the Senate concur in the House amendments (committee substitute) to S.B.\_\_\_\_?"

42 (e) If the amendment or committee substitute for a bill is a material  
43 amendment, the receiving of that bill on messages shall constitute first reading and the

1 question before the Senate shall be concurrence on second reading. If the motion is  
2 passed, the question then shall be concurrence on third reading on the next legislative  
3 day.

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

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

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

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

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

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

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

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

## 41 VII. LEGISLATIVE OFFICERS AND EMPLOYEES

42 **RULE 60. Pages.** – (a) The President Pro Tempore of the Senate shall appoint pages.  
43 The President Pro Tempore, or such person as he may designate, shall supervise the

1 pages and assign to them their duties. Each page shall be at least 15 years of age or be in  
2 the ninth grade at the time of service.

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

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

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

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

15 **RULE 62. Principal Clerk's staff.** – The Principal Clerk of the Senate shall  
16 employ all necessary employees and clerks required to carry out the duties of his or her  
17 office. The Principal Clerk shall have supervision and control, and shall assign such  
18 duties and powers as he or she shall direct to his or her employees and clerks.

19 **RULE 63. Committee assistants and legislative assistants.** – (a) Each  
20 committee shall have a committee assistant. The committee assistant to a committee  
21 shall serve as legislative assistant to the chairman of that committee.

22 (b) Each member shall be assigned a legislative assistant, unless he or she has a  
23 committee assistant to serve as his or her legislative assistant.

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

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

37 **RULE 64. Senate Journal.** – The Principal Clerk shall prepare and be  
38 responsible for the Journal. The President Pro Tempore or, in his absence, the Deputy  
39 President Pro Tempore shall examine the Journal to determine if the proceedings of the  
40 previous day have been correctly recorded.

41 **RULE 65. Deputy President Pro Tempore.** – The Senate shall elect a  
42 Deputy President Pro Tempore. Upon the death, resignation, or removal from office of

1 the President Pro Tempore, the Senate shall elect one of its members to succeed to that  
2 office.

### 3 VIII. GENERAL RULES

4 RULE 66. **President to sign papers.** – All acts, addresses, and resolutions,  
5 and all warrants and subpoenas issued by order of the Senate shall be signed by the  
6 President or by the President Pro Tempore or Deputy President Pro Tempore presiding in  
7 his absence.

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

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

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

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

37 RULE 68. **Privileges of the floor.** – Any group or individual other than  
38 members of the Senate who desires to make remarks upon the floor of the Senate will  
39 first obtain approval of the President Pro Tempore or, in his absence, the Deputy  
40 President Pro Tempore of the Senate.

41 RULE 69. **News media.** – The President Pro Tempore is authorized to assign  
42 area and equipment on the floor of the Senate for the use of the representatives of news

1 media, and the President shall provide regulations for the operation of the representatives  
2 of the news media on the floor of the Senate.

3 **RULE 70. Absence without leave.** – No Senator or officer of the Senate shall  
4 depart the service of the Senate without leave, or receive pay as a Senator or officer for  
5 the time he is absent without leave.

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

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

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

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

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

32 **RULE 75. Public hearings, filing of written statements.** – Persons desiring  
33 to appear and be heard at a public hearing are encouraged to file with the chairman of the  
34 committee a brief or a written statement of the remarks to be made at least 24 hours  
35 before the time of the hearing.

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

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



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

4            Section 2. This resolution is effective upon adoption.