

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE

Jan 9, 2013

S.R. 1

PRINCIPAL CLERK

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SENATE RESOLUTION DRSR65001-LB-33G (12/31)

Sponsors: Senator Apodaca (Primary Sponsor).

Referred to:

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE
2 FOR THE REGULAR SESSION OF THE 2013 GENERAL ASSEMBLY.

3 Be it resolved by the Senate:

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

6 **PERMANENT RULES OF**
7 **THE REGULAR SESSIONS OF THE SENATE**
8 **2013 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
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.

17 **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.** – The Presiding Officer shall take the Chair at the hour
25 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
28 P.M., except that if the next legislative day is Monday, the time for reconvening shall be 7:00
29 P.M.

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

32 **RULE 4. Convening and presiding in absence of President.** – In the absence of
33 the President, the President Pro Tempore or a Senator designated by the President Pro Tempore
34 shall convene or reconvene the Senate and preside, and during such time shall be vested with
35 all powers of the President of the Senate except that of casting a vote in case of a tie when the



1 President Pro Tempore or the designated Presiding Officer has already voted on the question as
2 a Senator. In the event of the absence of the President and President Pro Tempore at any time
3 fixed for the reconvening of the Senate, the Senate shall be called to order by a member
4 designated by the President Pro Tempore, or if no member is designated, by the Deputy
5 President Pro Tempore of the Senate. If no member has been designated and the Deputy
6 President Pro Tempore is also absent, the Senate shall be called to order by the Chair of the
7 Committee on Rules and Operations of the Senate who shall designate some member to act as
8 Presiding Officer.

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

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

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

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

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

40 II. CONDUCT OF DEBATE

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

45 **RULE 9.** (reserved for future use).

46 **RULE 10. Points of order.** – (a) The Presiding Officer shall preserve order and
47 decorum and proceed with the business of the Senate according to the rules adopted. The
48 Presiding Officer shall decide all questions of order, subject to an appeal to the Chairman of the
49 Committee on Rules and Operation of the Senate, whose decision may be appealed to the
50 Senate by any member, on which appeal no member shall speak more than once unless by
51 leave of the Senate. A two-thirds vote of the membership of the Senate present and voting is

1 necessary to sustain any appeal from the ruling of the Chairman of the Committee on Rules
2 and Operation of the Senate.

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

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

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

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

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

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

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

32 (2) A point of order; or

33 (3) A parliamentary inquiry.

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

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

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

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

42 **RULE 15. Questions of personal privilege; explanation of vote.** – (a) Upon
43 recognition by the Presiding Officer for that purpose, any Senator may speak to a question of
44 personal privilege for a time not exceeding three minutes, and may use some or all of that time
45 to explain to the Senate a "Senatorial Statement of Personal Privilege". Upon motion supported
46 by a majority present and voting, that statement may be spread upon the Journal. Neither
47 personal privilege nor a Senatorial Statement of Personal Privilege may be used to explain a
48 vote, debate a bill, or in any way disrupt the regular business of the Senate, nor shall such
49 opportunities be used to solicit support or sponsors for any bill. The format of Senatorial
50 Statement of Personal Privilege shall be prescribed by the Chairman of the Committee on Rules
51 and Operation of the Senate, but in any case shall speak only in the voice of the Senator

1 submitting it. The Presiding Officer shall determine if the question raised is one of privilege
2 and shall, without the point of order being raised, enforce this rule, subject to an appeal to the
3 Chairman of the Committee on Rules and Operation of the Senate whose decision may be
4 appealed to the Senate by any Senator, on which appeal no member shall speak more than once
5 unless by leave of the Senate. A two-thirds vote of the membership of the Senate present and
6 voting is necessary to sustain any appeal from the ruling of the Chairman of the Committee on
7 Rules and Operation of the Senate.

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

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

13 RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

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

37 (i) The operation of:

38 a. Vocal wireless communication devices, or

39 b. Any other electronic devices whose sound cannot be muted,
40 are prohibited on the floor or in the gallery while the Senate is in session.

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

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

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

III. MOTIONS

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

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

- 10 (1) To adjourn.
- 11 (2) To resolve into the Committee of the Whole Senate.
- 12 (3) To lay on the table.
- 13 (4) For the previous question.
- 14 (5) To postpone indefinitely.
- 15 (6) To postpone to a certain day.
- 16 (7) To re-refer to a standing committee.
- 17 (8) To refer to a select committee.
- 18 (9) To amend.

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

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

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

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

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

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

- 40 (1) The chair of the committee submitting the report on the bill or other matter
41 under consideration;
- 42 (2) The member introducing the bill or other matter under consideration;
- 43 (3) The member in charge of the measure, who shall be designated by the chair
44 of the committee reporting the same to the Senate at the time the bill or other
45 matter under consideration is reported to the Senate or taken up for
46 consideration;
- 47 (4) The Chair of the Committee on Rules and Operations of the Senate; or
- 48 (5) The President Pro Tempore.

49 **RULE 24. Motion to reconsider.** – (a) When a question has been once put and
50 decided, any Senator who voted in the majority may move to reconsider the vote thereof. No
51 motion for reconsideration shall be in order unless made on the same day or in the next

1 following legislative day on which the vote took place. When the next legislative day has by
2 motion of the Senate been restricted as to matters which may be considered, a motion to
3 reconsider shall be in order on the next succeeding day upon which regular business is
4 conducted. No question shall be reconsidered more than once.

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

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

13 IV. VOTING

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

- 17 (1) All questions on which the Constitution of North Carolina requires that the
18 ayes and noes be taken and recorded on the Journal;
- 19 (2) All questions on which a call for the ayes and noes under Rule 26(b) has
20 been sustained;
- 21 (3) Second and third readings of bills proposing amendment of the Constitution
22 of North Carolina; and
- 23 (4) The vote on approval of a bill that was vetoed by the Governor.

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

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

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

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

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

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

49 (g) When the Presiding Officer ascertains that the electronic voting system is
50 inoperative before a vote is taken or while a vote is being taken on the electronic system, the
51 Presiding Officer shall announce that fact to the Senate, and any partial electronic system

1 voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules
2 of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and
3 the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes
4 shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the electronic system,
5 it is discovered that a malfunction caused an error in the electronic system printout, the
6 Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct
7 the printout record and so advise the Senate.

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

- 11 (1) To lay on the table.
- 12 (2) To resolve into the Committee of the Whole Senate.
- 13 (3) For the previous question.
- 14 (4) To postpone indefinitely.
- 15 (5) To postpone to a day certain.
- 16 (6) To refer to a committee.
- 17 (7) To reconsider.
- 18 (8) To adopt.
- 19 (9) To concur.
- 20 (10) To take from the table.
- 21 (11) Miscellaneous.

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

30 (b) The ayes and the noes may be called for on any question before the vote is
31 taken. If a Senator desires the ayes and noes recorded on the Journal on a question, that Senator
32 shall address the Presiding Officer and obtain recognition and say, "Upon that question I call
33 for the ayes and noes." Whereupon the Presiding Officer shall say, "Is the call sustained?" If
34 one-fifth of the remaining Senators present then stand, the vote shall be taken on the electronic
35 voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the
36 electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and
37 noes taken manually and recorded on the Journal. If fewer than one-fifth of the Senators present
38 stand to sustain the call, the Presiding Officer shall announce, "An insufficient number up," and
39 a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate,
40 shall be taken.

41 **RULE 27.** (Reserved for future use).

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

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

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

49 (b) If the motion to divide the question is adopted, then there shall be no further
50 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 that
8 Senator 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 must
11 make the request to the chair of the committee when the bill is first taken up for consideration
12 and before any motion or vote on the bill or any amendment to the bill. The Senator making the
13 request for excuse in committee must renew that request for excuse on the floor of the Senate
14 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 shall be
17 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 this
20 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 motion
23 concerning the bill at that reading, any subsequent reading, or any subsequent consideration of
24 the bill.

25 (f) A Senator may move that the excuse of that Senator from deliberations on a
26 particular bill 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. This subsection may not be suspended.

31 **RULE 30.** (Reserved for future use).

32 **V. COMMITTEES**

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

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

41 Agriculture/Environment/Natural Resources

42 Appropriations/Base Budget

43 Appropriations on Department of Transportation

44 Appropriations on Education/Higher Education

45 Appropriations on General Government and Information Technology

46 Appropriations on Health and Human Services

47 Appropriations on Justice and Public Safety

48 Appropriations on Natural and Economic Resources

49 Commerce

50 Committee of the Whole Senate

51 Education/Higher Education

- 1 Finance
- 2 Health Care
- 3 Insurance
- 4 Judiciary I
- 5 Judiciary II
- 6 State and Local Government
- 7 Pensions & Retirement and Aging
- 8 Program Evaluation
- 9 Rules and Operations of the Senate
- 10 Transportation
- 11 Ways & Means

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

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

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

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

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

27 A quorum of the Appropriations/Base Budget, Ways and Means, and Finance
28 Committees shall consist of a majority of the committee. A quorum of any other committee
29 shall consist of either the chair and five members or a majority of the committee, whichever is
30 fewer.

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

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

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

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

47 **RULE 37. Committee of the Whole Senate.** – Notwithstanding the provisions of
48 Rules 33, 34, and 35, the Senate may resolve into the Committee of the Whole Senate by
49 motion. When such a motion is seconded, the President shall put the question without debate:
50 "Shall the Senate resolve itself into the Committee of the Whole Senate for consideration of
51 _____?", stating the matter or matters identified by the Chair of the Committee on Rules

1 and Operations of the Senate to be considered. Only the President Pro Tempore, the Deputy
2 President Pro Tempore, or the Chair of the Committee on Rules and Operations of the Senate
3 may move to resolve into the Committee of the Whole Senate. The Committee of the Whole
4 Senate shall convene in the Senate Chambers and shall utilize electronic voting. Unless
5 otherwise stated, the Rules and Operations of the Senate apply to the Committee of the Whole
6 Senate and the Principal Clerk of the Senate shall be the Committee Assistant, but shall not
7 record committee activity on the Journal. The Chair shall be the President Pro Tempore of the
8 Senate or his designee.

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

12 **RULE 37.2. Committee Substitutes; Report of the Committee of the Whole**
13 **Senate; Adjournment.** – (a) The committee of the Whole Senate shall not consider committee
14 substitutes.

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

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

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

23 VI. HANDLING BILLS

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

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

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

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

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

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

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

43 **RULE 40. Introduction of bills.** – (a) Every bill filed for introduction shall contain
44 on the Senate e-jacket the title of the document and the name of the Senator or Senators
45 sponsoring it. No more than three Senators may be listed as primary sponsors. The Senate
46 e-jacket shall be delivered by the primary sponsor of the document, or by that member's
47 legislative assistant, with the prescribed authorization form signed by the primary sponsor and
48 by that member's legislative assistant, to the Office of the Senate Principal Clerk, who shall
49 receive them during regular session according to the following schedule:

50 Monday until 30 minutes after adjournment; and

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

1 All bills shall be numbered by the Office of the Principal Clerk when filed and shall be
2 considered introduced when presented to the Senate on the next following legislative day for
3 the first reading. When a bill is presented with more than one primary sponsor, the Chair of the
4 Committee on Rules and Operations of the Senate shall designate, as bill manager, one of the
5 primary sponsors. Senators may only cosponsor legislation electronically.

6 (a1) Any Senator who wishes to cosponsor a bill or resolution which has been
7 filed may do so no later than one hour following the adjournment of the session during which
8 such bill or resolution was first read and referred, but only electronically under procedures
9 approved by the Principal Clerk.

10 (b) All memorializing, celebration, commendation, and commemoration
11 resolutions shall be excluded from introduction and consideration in the Senate.
12 Notwithstanding this, a member may file a Senate memorializing, celebration, commendation,
13 or commemoration simple resolution after presenting the draft to the Chairman of the
14 Committee on Rules and Operations of the Senate and receiving the approval of that Chairman,
15 except that the Chairman may refer the request to the full committee for approval. The approval
16 of the Chairman or committee shall be indicated on the Senate e-jacket.

17 (b1) Simple resolutions conforming to subsection (b) of this section and any
18 Senate or House joint resolutions shall be read for the first time during the Senate's next daily
19 session occurring on a Tuesday. Upon such first reading such resolution shall be placed at the
20 end of that day's calendar for consideration and decision without debate. The foregoing
21 requirement of Tuesday consideration shall not apply to second reading of (i) resolutions
22 specifically contemplated by the North Carolina Constitution or statute or (ii) resolutions that
23 pertain to the internal functioning of either or both houses of the General Assembly. This
24 subsection does not apply to third reading of any joint resolution.

25 (b2) Notwithstanding subsections (b) and (b1) of this section any resolution
26 memorializing, celebrating, commending, or commemorating a deceased person who served
27 previously in either the Senate or the House of Representatives shall be introduced on the next
28 legislative day after its filing and the Chairman of the Committee on Rules and Operations of
29 the Senate shall direct that the resolution be either (i) referred to the Committee on Rules and
30 Operations of the Senate for further consideration or (ii) placed on the Senate's calendar for a
31 date certain. When a resolution introduced in accordance with this subsection is read for a
32 second time in the Senate, debate shall be allowed and, during the course of such debate, the
33 Presiding Officer shall order the chamber secured by the Sergeant-at-Arms so as to prevent the
34 entry or exit of any person.

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

37 **RULE 40.1. Deadlines on filing for introduction of bills and resolutions.** – (a)
38 All local bills and resolutions must be filed for introduction not later than Tuesday, March 5,
39 2013, provided that any such measure submitted to the Bill Drafting Division of the Legislative
40 Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00
41 P.M. on Wednesday, March 13, 2013, shall be treated as if it had been filed for introduction
42 under this rule.

43 (b) All public bills and resolutions, except those adjourning the General
44 Assembly, must be filed for introduction not later than Friday, March 15, 2013, provided that
45 any such measure submitted to the Bill Drafting Division of the Legislative Services Office by
46 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Thursday,
47 March 28, 2013, shall be treated as if it had been filed for introduction under this rule.

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

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

1 **RULE 41. Crossover bill deadline.** – In order to be eligible for consideration by the
2 Senate during the 2013 or 2014 Regular Sessions of the 2013 General Assembly, all House
3 bills other than (i) those required to be referred to the Committee on Finance or the Committee
4 on Appropriations/Base Budget by Rule 42, (ii) those establishing districts for Congress or
5 State or local entities, or (iii) adjournment resolutions must be received and read on the floor of
6 the Senate as a message from the House no later than Thursday, May 16, 2013, provided that a
7 message from the House received by the next legislative day stating that a bill has passed its
8 third reading and is being engrossed shall comply with the requirements of this rule and
9 provided that the House accepts Senate bills ordered engrossed on the next legislative day.

10 **RULE 41.1.** (Reserved for future use).

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

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

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

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

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

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

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

49 (e) The sponsor of a bill, resolution, or amendment to which a fiscal note is
50 attached who objects to the estimates and information provided may reduce to writing the

1 objections. These objections shall be appended to the fiscal note attached to the bill, resolution,
2 or amendment and to the copies of the fiscal note available to the membership.

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

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

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

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

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

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

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

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

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

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

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

11 Upon receipt of the request, the Joint Legislative Commission on Governmental
12 Operations shall prepare and return the assessment report as soon as possible but not later than
13 60 days from the date of receipt of the request, reserving the right to extend this time to 90
14 days. A supplementary report shall be prepared and submitted to the requesting Senator not
15 later than 30 days after the receipt of the request.

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

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

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

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

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

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

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

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

16 (1) Alters expenditures or salaries;

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

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

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

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

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

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

48 **RULE 44. Bills to receive three readings.** – Every bill shall receive three readings
49 before being passed, and the Presiding Officer shall give notice at each reading whether it be
50 the first, second, or third. The Reading Clerk shall announce the referral as set forth in Rule 43.

1 No bill shall be amended upon the floor of the Senate, except under Rule 45.1, until it has been
2 twice read. Senate simple resolutions shall not require three readings.

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

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

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

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

25 **RULE 47. Recall of bill from committee and discharge petition; re-calendaring
26 or referral of a bill to committee.** – (a) Notwithstanding anything to the contrary, only the
27 President Pro Tempore, the Chair of the Committee on Rules and Operations of the Senate, or
28 the chair of a committee to which a bill or other matter is assigned may, with the consent of a
29 majority of the membership of the Senate present and voting, recall the measure from its
30 assigned committee to be referred to another committee or the floor. Only the President Pro
31 Tempore or the Chair of the Committee on Rules and Operation of the Senate may, with the
32 consent of a majority present and voting, re-calendar a bill or resolution appearing on the
33 calendar or refer or re-refer it to committee.

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

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

50 **RULE 48. Calendar; order to be followed.** – The Presiding Officer and the
51 Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in

1 which they stand upon the calendar, unless otherwise ordered in accordance with Rule 47. The
2 published calendar shall include all bills reported favorably from committees, or placed on the
3 calendar on motion, and shall include the bill number and short title of each bill on the
4 calendar.

5 **RULE 49.** (Reserved for future use).

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

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

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

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

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

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

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

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

48 **RULE 56. Corrections of typographical errors in bills.** – The Enrolling Clerk is
49 authorized to make corrections of typographical errors in the text of bills at any time prior to
50 ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the
51 Chair of the Committee on Rules and Operations of the Senate or, in the Chair's absence, the

1 Vice-Chair of said Committee, the President Pro Tempore, or the Deputy President Pro
2 Tempore.

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

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

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

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

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

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

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

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

33 **RULE 57. Conference committee.** – The President Pro Tempore of the Senate, or
34 in the President Pro Tempore's absence, the Deputy President Pro Tempore, upon motion, shall
35 appoint a conference committee when the Senate fails to concur in amendments or committee
36 substitutes put by the House to a bill originating in the Senate, or when the House of
37 Representatives fails to concur in amendments or committee substitutes put by the Senate to a
38 bill originating in the House. Senate conferees shall include the primary sponsor of the bill. In
39 considering the bill committed to the conferees, only such matters as are germane to the bill
40 shall be considered by the conferees, and the conference report shall deal only with such
41 matters. The matters referred to the conference committee by the conference committee chairs
42 shall go to and be considered by the conferees appointed by the Senate and the House of
43 Representatives. While the bill is in conference committee, the Senate's position shall be
44 determined by a majority of the Senate conferees. Upon agreement by the Senate and House of
45 Representatives, a conference report shall be drafted reflecting the matters considered and
46 agreed upon by the conferees. The conference report shall not be amended. A conference report
47 in order under this Rule when reported to the Senate shall be calendared for consideration of
48 the question of adoption on any date specified by the Chairman of the Committee on Rules and
49 Operations of the Senate, or in the absence of the Chairman, by the President Pro Tempore. In
50 the absence of any such specification it shall be calendared for the next legislative day.

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

5 (b) In committee, the germaneness of amendments or committee substitutes
6 shall be determined by the chairman of the committee in which such amendments or committee
7 substitutes are offered.

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

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

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

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

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

24 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

25 **RULE 60. Pages.** – (a) The President Pro Tempore of the Senate shall appoint
26 pages. The President Pro Tempore, or such person as the President Pro Tempore may
27 designate, shall supervise the pages and assign to them their duties. Each page shall be at least
28 15 years of age or be in the ninth grade at the time of service.

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

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

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

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

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

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

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

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

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

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

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

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

20 **VIII. GENERAL RULES**

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

26 **RULE 67. Admission to the floor of the Senate.** – No person except members of
27 the Senate, members of the House of Representatives, staff of the General Assembly; staff of
28 the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts;
29 the Governor and members of the Council of State; former members of the General Assembly;
30 and persons particularly invited and extended the privileges of the floor by the Presiding
31 Officer shall be admitted to the floor of the Senate either during its session or be admitted to or
32 remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily
33 session. Notwithstanding any other provision of these rules, no registered lobbyist shall: (i) be
34 admitted to the floor of the Senate or Senate Chamber while the Senate is in session, (ii) be
35 admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's
36 scheduled daily session, or (iii) except when a committee is meeting on the floor, be admitted
37 to the floor of the Senate for the 15 minutes after adjournment of the Senate. When the Senate
38 is not in daily session, the President Pro Tempore shall determine the privileges of the floor.

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

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

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

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

1 the President Pro Tempore shall provide regulations for the operation of the representatives of
2 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 the time
5 absent without leave.

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

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

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

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

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

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

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

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

44 (b) Except as otherwise provided herein, the Senate, upon three-fifths vote of
45 the membership of the Senate present and voting, may temporarily suspend any of these rules.

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