

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**Simple  
Resolution  
Adopted**

**SENATE RESOLUTION 1  
Adopted and Engrossed 1/26/11**

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Sponsors: Senator Apodaca.

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Referred to: Calendar 1-26-11.

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January 26, 2011

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE  
2 FOR THE REGULAR SESSION OF THE 2011 GENERAL ASSEMBLY.

3 Be it resolved by the Senate:

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

**PERMANENT RULES OF  
THE REGULAR SESSIONS OF THE SENATE  
2011 GENERAL ASSEMBLY OF NORTH CAROLINA**

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9 I. Order of Business, Rules 1-7  
10 II. Conduct of Debate, Rules 8-17  
11 III. Motions, Rules 18-24  
12 IV. Voting, Rules 25-30  
13 V. Committees, Rules 31-37.2  
14 VI. Handling Bills, Rules 38-59.2  
15 VII. Legislative Officers and Employees, Rules 60-65  
16 VIII. General Rules, Rules 66-77.

**I. ORDER OF BUSINESS**

17  
18 **RULE 1. Rules controlling the Senate of North Carolina and its committees.** –  
19 The following rules shall govern and control all actions and procedures of the Senate and its  
20 committees.

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

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

29 **RULE 4. Convening and presiding in absence of President.** – In the absence of  
30 the President, the President Pro Tempore or a Senator designated by the President Pro Tempore  
31 shall convene or reconvene the Senate and preside, and during such time shall be vested with  
32 all powers of the President of the Senate except that of casting a vote in case of a tie when the  
33 President Pro Tempore or the designated Presiding Officer has already voted on the question as  
34 a Senator. In the event of the absence of the President and President Pro Tempore at any time  
35 fixed for the reconvening of the Senate, the Senate shall be called to order by a member  
36 designated by the President Pro Tempore, or if no member is designated, by the Deputy



1 President Pro Tempore of the Senate. If no member has been designated and the Deputy  
2 President Pro Tempore is also absent, the Senate shall be called to order by the Chair of the  
3 Committee on Rules and Operations of the Senate who shall designate some member to act as  
4 Presiding Officer.

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

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

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

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

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

## 36 II. CONDUCT OF DEBATE

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

41 **RULE 9. Parliamentarian to be appointed by the President Pro Tempore.** – The  
42 President Pro Tempore shall appoint from among the members of the Senate a Parliamentarian.  
43 In the absence of the Parliamentarian, the Chair of the Committee on Rules and Operations of  
44 the Senate shall act as Parliamentarian.

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

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

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

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

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

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

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

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

29 (2) A point of order; or

30 (3) A parliamentary inquiry.

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

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

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

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

39 **RULE 15. Questions of personal privilege; explanation of vote.** – (a) Upon  
40 recognition by the Presiding Officer for that purpose, any Senator may speak to a question of  
41 personal privilege for a time not exceeding three minutes. Personal privilege may not be used to  
42 explain a vote, debate a bill, or in any way disrupt the regular business of the Senate. Personal  
43 privilege shall not be used to solicit support or sponsors for any bill. The Presiding Officer shall  
44 determine if the question raised is one of privilege and shall, without the point of order being  
45 raised, enforce this rule, subject to an appeal to the Parliamentarian, whose decision may be  
46 appealed to the Senate by any Senator, on which appeal no member shall speak more than once  
47 unless by leave of the Senate. A two-thirds vote of the membership of the Senate present and  
48 voting is necessary to sustain any appeal from the ruling of the Parliamentarian.

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

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

3 RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

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

27 (i) The operation of:

28 a. Vocal wireless communication devices,

29 b. Pagers, or

30 c. Any other electronic devices whose sound cannot be muted,

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

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

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

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

### 40 III. MOTIONS

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

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

51 (1) To adjourn.

- 1 (2) To resolve into the Committee of the Whole Senate.
- 2 (3) To lay on the table.
- 3 (4) For the previous question.
- 4 (5) To postpone indefinitely.
- 5 (6) To postpone to a certain day.
- 6 (7) To re-refer to a standing committee.
- 7 (8) To refer to a select committee.
- 8 (9) To amend.

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

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

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

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

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

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

- 30 (1) The chair of the committee submitting the report on the bill or other matter  
31 under consideration;
- 32 (2) The member introducing the bill or other matter under consideration;
- 33 (3) The member in charge of the measure, who shall be designated by the chair  
34 of the committee reporting the same to the Senate at the time the bill or other  
35 matter under consideration is reported to the Senate or taken up for  
36 consideration;
- 37 (4) The Chair of the Committee on Rules and Operations of the Senate; or
- 38 (5) The President Pro Tempore.

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

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

50 (c) If a bill has gone out of the possession of the Senate and a motion to  
51 reconsider under these rules is passed, the bill shall not be enrolled unless it again passes third

1 reading. The Principal Clerk shall notify the House of Representatives and the Enrolling Clerk  
2 of any action under this subsection.

#### 3 IV. VOTING

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

- 7 (1) All questions on which the Constitution of North Carolina requires that the  
8 ayes and noes be taken and recorded on the Journal;
- 9 (2) All questions on which a call for the ayes and noes under Rule 26(b) has  
10 been sustained;
- 11 (3) Second and third readings of bills proposing amendment of the Constitution  
12 of North Carolina; and
- 13 (4) The vote on approval of a bill that was vetoed by the Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and before any motion or vote on the bill or any amendment to the bill. The Senator making the  
2 request for excuse in committee must renew that request for excuse on the floor of the Senate  
3 as set forth in this rule.

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

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

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

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

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

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

20 RULE 30. (Reserved for future use).

#### 21 V. COMMITTEES

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

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

30 Agriculture/Environment/Natural Resources

31 Appropriations/Base Budget

32 Appropriations on Department of Transportation

33 Appropriations on Education/Higher Education

34 Appropriations on General Government and Information Technology

35 Appropriations on Health and Human Services

36 Appropriations on Justice and Public Safety

37 Appropriations on Natural and Economic Resources

38 Commerce

39 Committee of the Whole Senate

40 Education/Higher Education

41 Finance

42 Health Care

43 Insurance

44 Judiciary I

45 Judiciary II

46 Mental Health & Youth Services

47 State and Local Government

48 Pensions & Retirement and Aging

49 Redistricting

50 Rules and Operations of the Senate

51 Transportation



1 Ways & Means

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

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

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

10 **RULE 34. Membership of committees; quorum.** – (a) Other than the Committee  
11 on Ways and Means, membership on standing committees shall consist of no fewer than five  
12 Senators, including the chairs and vice-chairs and ranking minority members.

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

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

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

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

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

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

36 **RULE 37. Committee of the Whole Senate.** – Notwithstanding the provisions of  
37 Rules 33, 34, and 35, the Senate may resolve into the Committee of the Whole Senate by  
38 motion. When such a motion is seconded, the President shall put the question without debate:  
39 "Shall the Senate resolve itself into the Committee of the Whole Senate for consideration of  
40 \_\_\_\_\_?", stating the matter or matters identified by the Chair of the Committee on Rules  
41 and Operations of the Senate to be considered. Only the President Pro Tempore, the Deputy  
42 President Pro Tempore, or the Chair of the Committee on Rules and Operations of the Senate  
43 may move to resolve into the Committee of the Whole Senate. The Committee of the Whole  
44 Senate shall convene in the Senate Chambers and shall utilize electronic voting. Unless  
45 otherwise stated, the Rules and Operations of the Senate apply to the Committee of the Whole  
46 Senate and the Principal Clerk of the Senate shall be the Committee Assistant, but shall not  
47 record committee activity on the Journal. The Chair shall be the President Pro Tempore of the  
48 Senate or his designee.

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

1           **RULE 37.2. Committee Substitutes; Report of the Committee of the Whole**  
 2 **Senate; Adjournment.** – (a) The committee of the Whole Senate shall not consider committee  
 3 substitutes.

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

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

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

## 12           **VI. HANDLING BILLS**

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

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

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

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

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

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

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

33           **RULE 40. Introduction of bills.** – (a) Every bill filed for introduction shall contain  
 34 on the outside cover the title of the document and the name of the Senator or Senators  
 35 presenting it. No more than three Senators may be listed as primary sponsors. Bills shall be  
 36 delivered by the primary sponsor of the document, or by that member's legislative assistant,  
 37 with the prescribed authorization form signed by the primary sponsor and by that member's  
 38 legislative assistant to the Office of the Senate Principal Clerk, who shall receive them during  
 39 regular session according to the following schedule:

40           Monday until 30 minutes after adjournment; and

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

42 All bills shall be numbered by the Office of the Principal Clerk when filed and shall be  
 43 considered introduced when presented to the Senate on the next following legislative day for  
 44 the first reading. When a bill is presented with more than one primary sponsor, the Chair of the  
 45 Committee on Rules and Operations of the Senate shall designate, as bill manager, one of the  
 46 primary sponsors. The Principal Clerk with prior approval from, and at the direction of, the  
 47 Chairman of the Committee on Rules and Operations of the Senate, may authorize Senators to  
 48 cosponsor legislation electronically.

49           (b) All memorializing, celebration, commendation, and commemoration  
 50 resolutions shall be excluded from introduction and consideration in the Senate.  
 51 Notwithstanding this, a member may introduce a Senate memorializing, celebration,

1 commendation, or commemoration resolution after presenting the draft to the Chairman of the  
2 Committee on Rules and Operations of the Senate and receiving the approval of that Chairman,  
3 except that the Chairman may refer the request to the full committee for approval. The approval  
4 of the Chairman or committee shall be indicated on the bill jacket. Such Senate resolution shall  
5 upon its introduction be placed at the end of that day's calendar for consideration, and the  
6 question shall be decided without debate.

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

9 **RULE 40.1. Deadlines on filing for introduction of bills and resolutions.** – (a)  
10 All local bills and resolutions must be filed for introduction not later than Tuesday, March 1,  
11 2011, provided that any such measure submitted to the Bill Drafting Division of the Legislative  
12 Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00  
13 P.M. on Wednesday, March 9, 2011, shall be treated as if it had been filed for introduction  
14 under this rule.

15 (b) All public bills and resolutions, except those adjourning the General  
16 Assembly, must be filed for introduction not later than Friday, March 11, 2011, provided that  
17 any such measure submitted to the Bill Drafting Division of the Legislative Services Office by  
18 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday,  
19 March 23, 2011, shall be treated as if it had been filed for introduction under this rule.

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

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

24 **RULE 41. Crossover bill deadline.** – In order to be eligible for consideration by the  
25 Senate during the 2011 or 2012 Regular Sessions of the 2011 General Assembly, all House  
26 bills other than those required to be referred to the Committee on Finance or the Committee on  
27 Appropriations/Base Budget by Rule 42 or adjournment resolutions must be received and read  
28 on the floor of the Senate as a message from the House no later than Thursday, May 12, 2011,  
29 provided that a message from the House received by the next legislative day stating that a bill  
30 has passed its third reading and is being engrossed shall comply with the requirements of this  
31 rule and provided that the House accepts Senate bills ordered engrossed on the next legislative  
32 day.

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

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

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

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

49 **RULE 42.1. Fiscal notes.** – (a) A Chair of the Appropriations/Base Budget  
50 Committee, or of the Finance Committee, or of the Committee on Rules and Operations of the  
51 Senate, upon the floor of the Senate, may request that a fiscal analysis be made of a bill,

1 resolution, or an amendment to a bill or resolution which is in the possession of the Senate and  
2 that a fiscal note be attached to the measure, when in the opinion of that Chair the fiscal effects  
3 of that measure are not apparent from the language of the measure. No bill, resolution, or  
4 amendment for which a fiscal note has been requested may be considered for passage prior to  
5 the fiscal note's being attached to it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 Upon receipt of the request, the Legislative Committee on New Licensing Boards  
34 shall prepare and return the assessment report as soon as possible but not later than 60 days  
35 from the date of receipt of the request, reserving the right to extend this time to 90 days. A  
36 supplementary report shall be prepared and submitted to the requesting Senator not later than  
37 30 days after the receipt of the request.

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

47 **RULE 42.3A. Proposed increases in incarceration.** – (a) Every bill, amendment,  
48 and resolution proposing any change in the law that could cause a net increase in the length of  
49 time for which persons are incarcerated or the number of persons incarcerated, whether by  
50 increasing penalties for violating existing laws, by criminalizing behavior, or by any other  
51 means, shall have attached to it at the time of its consideration by the Senate a fiscal note

1 prepared by the Fiscal Research Division. The fiscal note shall be prepared in consultation with  
2 the Sentencing Policy and Advisory Commission and shall identify and estimate, for the first  
3 five fiscal years the proposed change would be in effect, all costs of the proposed net increase  
4 in incarceration, including capital outlay costs if the legislation would require increased cell  
5 space. If, after careful investigation, the Fiscal Research Division determines that no dollar  
6 estimate is possible, the note shall contain a statement to that effect, setting forth the reasons  
7 why no dollar estimate can be given. No comment or opinion shall be included in the fiscal  
8 note with regard to the merits of the measure for which the note is prepared. However,  
9 technical and mechanical defects may be noted.

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

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

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

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

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

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

- 38 (1) Alters expenditures or salaries;
- 39 (2) Changes the scope or character of a program which must be reduced,  
40 increased, or changed because of an increase or decrease of funds  
41 appropriated for the program or because of changes in federal law or  
42 regulation; or
- 43 (3) Modifies any function of State government which necessitates a transfer of  
44 funds from one department to another;

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

1           RULE 42.5. **Appropriations/Base Budget Committee meetings.** – The  
2 Appropriations/Base Budget Co-chairs may in their exclusive discretion direct that the  
3 Appropriations/Base Budget Committee or its subcommittees or both may consider the budget  
4 and the budget plan including all appropriations in separate meetings from the House of  
5 Representatives and may do all things set forth in said statute separately from the House of  
6 Representatives.

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

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

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

26           RULE 45. **Reports of committees.** – Every Senator presenting a report of a  
27 committee shall endorse the report with the name of the committee. The report of the  
28 committee shall show that a quorum of the committee was present and a majority of those  
29 present voted in favor of the report. Every report of the committee upon a bill or resolution  
30 shall stand upon the general orders with the bill or resolution. No committee shall report a bill  
31 or resolution without prejudice.

32           RULE 45.1. **Action on amendment or committee substitute.** – If any committee  
33 recommends adoption of an amendment or committee substitute of a bill or resolution, the  
34 amendment or committee substitute shall be considered adopted upon the reading of the  
35 committee report and shall be engrossed. Unless a committee substitute of a bill or resolution  
36 being considered by a committee is distributed to members of that committee no later than the  
37 day prior to the committee meeting, the committee substitute shall be carried over to the next  
38 day unless a majority of the members of that committee present and voting vote to take up the  
39 measure at that time. The bill or resolution, as amended, or its adopted committee substitute  
40 shall be placed on the calendar for the next legislative day or re-referred if the bill or resolution  
41 was serially referred. The committee substitute's original bill or resolution shall lie on the table.

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

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

48           RULE 47. **Recall of bill from committee and discharge petition.** – (a)  
49 Notwithstanding anything to the contrary, only the President Pro Tempore, the Chair of the  
50 Committee on Rules and Operations of the Senate, or the chair of a committee to which a bill

1 or other matter is assigned may, with the consent of a majority of the membership of the Senate  
2 present and voting, recall the measure to be referred to another committee or the floor.

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

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

19 **RULE 48. Calendar; order to be followed.** – The Presiding Officer and the  
20 Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in  
21 which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The  
22 published calendar shall include all bills reported favorably from committees, or placed on the  
23 calendar on motion, and shall include the bill number and short title of each bill on the  
24 calendar.

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

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

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

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

43 **RULE 53. Effect of defeated measure.** – (a) After a bill has been tabled, or has  
44 failed to pass on any of its readings, the contents of such bill or the principal provisions of its  
45 subject matter shall not be embodied in any other measure. After an amendment has been  
46 tabled or defeated on the Senate floor, the contents of such amendment or the principal  
47 provisions of its subject matter shall not be embodied in any other measure. If a substitute  
48 amendment is adopted on the floor, the contents of the previously pending amendment which  
49 are not contained in the substitute shall be considered to have been defeated. Upon the point of  
50 order being raised and sustained by the Presiding Officer, such measure shall be laid upon the  
51 table and shall not be taken therefrom except by a vote of two-thirds of the membership of the



1 Senate present and voting: Provided, no local bill shall be held by the Presiding Officer as  
2 embodying the provisions of, or being identical with, any statewide measure which has been  
3 laid upon the table or failed to pass any of its readings.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **RULE 57. Conference committee.** – The President Pro Tempore of the Senate, or  
4 in the President Pro Tempore's absence, the Deputy President Pro Tempore, upon motion, shall  
5 appoint a conference committee when the Senate fails to concur in amendments or committee  
6 substitutes put by the House to a bill originating in the Senate, or when the House of  
7 Representatives fails to concur in amendments or committee substitutes put by the Senate to a  
8 bill originating in the House. Senate conferees shall include the primary sponsor of the bill. In  
9 considering the bill committed to the conferees, only such matters as are germane to the bill  
10 shall be considered by the conferees, and the conference report shall deal only with such  
11 matters. The matters referred to the conference committee by the conference committee chairs  
12 shall go to and be considered by the conferees appointed by the Senate and the House of  
13 Representatives. While the bill is in conference committee, the Senate's position shall be  
14 determined by a majority of the Senate conferees. Upon agreement by the Senate and House of  
15 Representatives, a conference report shall be drafted reflecting the matters considered and  
16 agreed upon by the conferees. The conference report shall not be amended.

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

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

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

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

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

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

## 37 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

38 **RULE 60. Pages.** – (a) The President Pro Tempore of the Senate shall appoint  
39 pages. The President Pro Tempore, or such person as the President Pro Tempore may  
40 designate, shall supervise the pages and assign to them their duties. Each page shall be at least  
41 15 years of age or be in the ninth grade at the time of service.

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

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

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

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

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

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

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

13 (c) The selection of committee assistants, legislative assistants, research  
14 assistants, and office assistants shall be the prerogative of the individual member. Such  
15 committee assistants, office assistants, research assistants, and legislative assistants shall file  
16 initial applications for employment with the Director of Legislative Assistants and shall receive  
17 compensation as prescribed by the Legislative Services Commission. The employment period  
18 of committee assistants, legislative assistants, research assistants, and office assistants shall  
19 comply with the period as established by the Legislative Services Commission unless  
20 employment for an extended period is approved by the President Pro Tempore. The committee  
21 assistants, legislative assistants, research assistants, and office assistants shall adhere to such  
22 uniform regulations and other conditions of employment (including retention) under the  
23 direction of the Director of Senate Legislative Assistants as the Committee on Rules and  
24 Operations of the Senate shall adopt.

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

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

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

### 34 **VIII. GENERAL RULES**

35 **RULE 66. President to sign papers.** – All addresses and all warrants and  
36 subpoenas issued by order of the Senate, shall be signed by the President, the President Pro  
37 Tempore, or the Deputy President Pro Tempore. All acts and resolutions shall be signed by the  
38 President, the President Pro Tempore, the Deputy President Pro Tempore, or by a Senator  
39 designated by the President Pro Tempore to act as Presiding Officer.

40 **RULE 67. Admission to the floor of the Senate.** – No person except members of  
41 the Senate, members of the House of Representatives, staff of the General Assembly; staff of  
42 the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts;  
43 the Governor and members of the Council of State; former members of the General Assembly;  
44 and persons particularly invited and extended the privileges of the floor by the Presiding  
45 Officer shall be admitted to the floor of the Senate during its session. Notwithstanding any  
46 other provision of these rules, no registered lobbyist shall be admitted to the floor of the Senate  
47 or Senate Chamber while the Senate is in session. When the Senate is not in daily session, the  
48 President Pro Tempore shall determine the privileges of the floor.

49 **RULE 67A. Restricted admission to the floor of the Senate prior to the daily**  
50 **session.** – No person, except members of the Senate, members of the House of Representatives,  
51 staff of the General Assembly; the staff of the Lieutenant Governor; Judges of the Supreme

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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