

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE RESOLUTION 823

Rules & Operation of the Senate Com. Sub. Adopted W/Amendments 1, 3 4/19/93

Sponsors:

Referred to:

April 12, 1993

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 SENATE FOR THE REGULAR SESSIONS OF THE 1993 GENERAL
3 ASSEMBLY OF NORTH CAROLINA.

4 Be it resolved by the Senate:

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

7 "PERMANENT RULES OF
8 THE REGULAR SESSIONS OF THE SENATE
9 1993 GENERAL ASSEMBLY OF NORTH CAROLINA

- 10 I. Order of Business, Rules 1-7
- 11 II. Conduct of Debate, Rules 8-17
- 12 III. Motions, Rules 18-24
- 13 IV. Voting, Rules 25-30
- 14 V. Committees, Rules 31-37
- 15 VI. Handling Bills, Rules 38-59.1
- 16 VII. Legislative Officers and Employees, Rules 60-65
- 17 VIII. General Rules, Rules 66-77.

18 I. ORDER OF BUSINESS

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

22 RULE 2. Convening hour.—The Presiding Officer shall take the Chair at the
23 hour fixed by the Senate upon adjournment on the preceding legislative day, and shall
24 call the members to order. In case the Senate adjourned on the preceding legislative day
25 without having fixed the hour of reconvening, the Senate shall reconvene on the next

1 legislative day at 1:30 p.m., except that if the next legislative day is Monday, time for
2 convening shall be 8:00 p.m.

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

5 **RULE 4. Convening in absence of President.**—In the absence of the
6 President, the President Pro Tempore shall reconvene the Senate and preside, and during
7 such time shall be vested with all powers of the President except that of casting a vote in
8 case of tie when he has already voted on the question as a Senator. In the event of the
9 absence of the President and President Pro Tempore at any time fixed for the
10 reconvening of the Senate, the Deputy President Pro Tempore of the Senate, the
11 Principal Clerk of the Senate, or in his or her absence also, the Chairman of the Senate
12 Committee on Rules and Operation of the Senate, shall call the Senate to order and
13 designate some member to act as Presiding Officer.

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

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

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

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

- 27 (1) Reports of standing committees.
- 28 (2) Reports of select committees.
- 29 (3) Introduction of bills, petitions, and resolutions.
- 30 (4) Messages from the House of Representatives.
- 31 (5) Unfinished business of preceding day.
- 32 (6) Special orders.
- 33 (7) General orders:
 - 34 (a) Local bills in numerical order, Senate bills first
 - 35 (i) Third reading roll call and electronic voting system votes
 - 36 (ii) Second reading roll call and electronic voting system votes
 - 37 (iii) Second reading **viva voce**
 - 38 (iv) Third reading **viva voce**
 - 39 (b) Public bills in numerical order, Senate bills first
 - 40 (i) Third reading roll call and electronic voting system votes
 - 41 (ii) Second reading roll call and electronic voting system votes
 - 42 (iii) Second reading **viva voce**
 - 43 (iv) Third reading **viva voce**

44 II. CONDUCT OF DEBATE

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

5 **RULE 9. Substitution for Presiding Officer.**—The Presiding Officer shall
6 have the right to call on any member of the Senate to perform the duties of the Chair,
7 but substitution shall not extend beyond one day.

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

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

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

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

29 **RULE 12. Obtaining recognition.**—(a) When any Senator is about to speak in
30 debate or deliver any matter to the Senate, he shall rise from his seat and respectfully
31 address the Presiding Officer. No member shall speak further until recognized by the
32 Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two
33 or more members rise at the same time, the Presiding Officer shall name the member to
34 speak.

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

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

- 40 1. A request that the member speaking yield for a question,
- 41 2. A point of order, or
- 42 3. A parliamentary inquiry.

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

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

1 be in order which does not identify the bill by its number and short title. Except as
2 otherwise specifically provided in these rules, no second is required.

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

- 6 (1) To adjourn.
- 7 (2) To lay on the table.
- 8 (3) For the previous question.
- 9 (4) To postpone indefinitely.
- 10 (5) To postpone to a certain day.
- 11 (6) To commit to a standing committee.
- 12 (7) To commit to a select committee.
- 13 (8) To amend.

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

17 **RULE 21. Motions to postpone to certain day and to commit.**—The
18 respective motions to postpone to a certain day, or to commit to a standing or select
19 committee, shall preclude debate on the main question.

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

23 **RULE 23. Motion for previous question.**—The previous question shall be as
24 follows: "Shall the main question be now put?" and until it is decided shall preclude all
25 amendments and debate. If this question is decided in the affirmative, the "main
26 question" shall be on the passage of the bill, resolution, or other matter under
27 consideration; but when amendments are pending, the question shall be taken upon such
28 amendments in their inverse order, without further debate or amendment. No one shall
29 move the previous question except the chairman of the committee submitting the report
30 on the bill or other matter under consideration, or the member introducing the bill or
31 other matter under consideration, or the member in charge of the measure, who shall be
32 designated by the chairman of the committee reporting the same to the Senate at the
33 time the bill or other matter under consideration is reported to the Senate or taken up for
34 consideration.

35 **RULE 24. Motion to reconsider.**—(a) When a question has been once put
36 and decided, any Senator who voted in the majority may move to reconsider the vote
37 thereof. No motion for the reconsideration of any vote shall be in order after the bill,
38 resolution, or other matter upon which the vote was taken has gone out of the possession
39 of the Senate. No motion for reconsideration shall be in order unless made on the same
40 day or in the next following legislative day on which the vote took place. When the
41 next legislative day has by motion of the Senate been restricted as to matters which may
42 be considered, a motion to reconsider shall be in order on the next succeeding day upon
43 which regular business is conducted. No question shall be reconsidered more than once.

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

5 IV. VOTING

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

- 9 (1) All questions on which the Constitution of North Carolina requires that
10 the ayes and noes be taken and recorded on the Journal;
- 11 (2) All questions on which a call for the ayes and noes under Rule 26(b)
12 has been sustained; and
- 13 (3) Second and third readings of bills proposing amendment of the
14 Constitution of North Carolina.

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

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

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

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

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

38 (f) One copy of the machine print-out of the vote record shall be filed in the
39 office of the Principal Clerk, and one copy shall be filed in the Legislative Library
40 where it shall be open to public inspection.

41 (g) When the Presiding Officer ascertains that the electronic voting system is
42 inoperative before a vote is taken or while a vote is being taken on the electronic
43 system, he shall announce that fact to the Senate and any partial electronic system
44 voting record shall be voided. In such a case, if the Constitution of North Carolina or

1 the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of
2 the Senate, and the ayes and noes shall be taken manually and shall be recorded on the
3 Journal. All other votes shall be taken as prescribed in Senate Rule 26. If, after a vote
4 is taken on the electronic system, it is discovered that a malfunction caused an error in
5 the electronic system print-out, the Presiding Officer shall direct the Reading Clerk and
6 the Principal Clerk to verify and correct the print-out record and so advise the Senate.

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

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

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

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

40 **RULE 27. Pairs.**— (a) If a Senator is paired with another Senator on a
41 question, the Senator shall announce the pair as follows: "Mr. President, I desire to
42 announce a pair. If Senator _____ were present, he would vote _____; I would vote
43 _____ (the opposite)." The Senator shall send forward at that time a written statement of
44 the pair on a form provided by the Principal Clerk and neither member of the pair shall

1 vote on the question. A pair shall be announced before the vote is taken **viva voce**, or if
2 the electronic voting system is used, before the machine is unlocked. The Clerk shall
3 record the pair on the Journal when the Constitution or Rules of the Senate require a call
4 of the roll and shall record on the electronic system print-out all pairs announced.

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

6 **RULE 28. Dividing question.**—If any question contains several distinct
7 propositions, it shall be divided by the Presiding Officer, at the request of any Senator,
8 provided each subdivision, if left to itself, forms a substantive proposition.

9 **RULE 29. Duty to vote; excuses.**—(a) Every Senator who is within the Senate
10 Chamber when the question is stated by the Presiding Officer shall vote thereon unless
11 he is excused by the Senate.

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

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

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

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

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

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

32 **RULE 30. Explanation of vote.**—Any Senator may explain his vote on any
33 bill by obtaining permission of the Presiding Officer after the final vote is taken. No
34 more than three minutes shall be consumed in such explanation.

35 V. COMMITTEES

36 **RULE 31. Appointment of committees.**—(a) The President Pro Tempore of
37 the Senate shall have the exclusive right and authority to appoint the majority party's
38 membership of all committees, regular and select, and to appoint committee chairmen
39 and vice-chairmen and to establish select committees, but this does not exclude the right
40 of the Senate by resolution to establish select committees. The minority leader shall
41 have the exclusive right and authority to appoint all minority party's members of said
42 committees and appoint the ranking minority member. Upon the recommendation of
43 the committee on Rules and Operation of the Senate, the Senate may authorize by

1 majority vote of the Senators present and voting a change in the number of standing
2 committees.

3 (b) The President Pro Tempore and Minority Leader shall designate their party's
4 members to all standing committees at the beginning of the session.

5 **RULE 32. List of standing/select committees.**—(a) The standing committees
6 shall be:

7 Agriculture, Marine Resources, and Wildlife
8 Appropriations
9 Appropriations on Department of Transportation
10 Appropriations on Education
11 Appropriations on General Government
12 Appropriations on Human Resources
13 Appropriations on Justice and Public Safety
14 Appropriations on Natural and Economic Resources
15 Banks and Thrift Institutions
16 Capital Expenditures and Improvements
17 Children and Human Resources
18 Subcommittee on Veteran and Military Affairs and Senior Citizens
19 Constitution and Election Laws
20 Economic Development/Travel and Tourism
21 Education/Higher Education
22 Environment and Natural Resources
23 Finance
24 Insurance
25 Judiciary I
26 Judiciary II
27 Local Government and Regional Affairs
28 Manufacturing and Labor
29 Pensions and Retirement
30 Public Utilities
31 Rules and Operation of the Senate
32 State Personnel and State Government
33 Transportation
34 Ways and Means.

35 (b) A select committee shall be:
36 Government Performance Audit Committee.

37 **RULE 33. Notice of committee meetings.**—(a) Public notice of all
38 committee meetings shall be given in the Senate. The required notice may be waived as
39 to any meeting by the attendance at that meeting of all of the members of the
40 committee, or by personal waiver.

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

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

3 **RULE 34. Membership of committees; quorum.**—(a) Membership on standing
4 committees shall consist of not more than 20 nor less than 5 Senators, including the
5 chairman and vice-chairmen and ranking minority member; provided that the
6 Appropriations Committee and Finance Committee shall not be limited as to
7 membership. The President Pro Tempore shall have the exclusive right and authority to
8 determine the number of members of each committee. Except as agreed upon by the
9 President Pro Tempore and the Minority Leader, membership of each standing
10 committee shall, with respect to each political party, be in the same proportion to the
11 nearest whole person as the proportion of membership by political party in the entire
12 Senate. No Senator shall hold membership on more than 12 standing committees unless
13 the committee on Rules and Operation of the Senate provides otherwise.

14 A quorum of the Appropriations, Ways and Means, and Finance Committees shall
15 consist of a majority of the committee. A quorum of any other committee shall consist
16 of either the chairman and 5 members or a majority of the committee, whichever is
17 fewer.

18 (b) The President Pro Tempore may attend each committee as if he were a
19 member but shall have no vote.

20 **RULE 35. Roll call vote in committee.**—No roll call vote may be taken in
21 any committee. The committee chairman may vote in committee.

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

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

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

35 VI. HANDLING BILLS

36 **RULE 38. Application of rules.**—All provisions of these rules applying to
37 bills shall apply also to resolutions, memorials and petitions.

38 **RULE 39. Form and copies of bills.**—(a) Unless variation is authorized by the
39 Committee on Rules and Operation of the Senate, bills submitted for introduction shall
40 be in a computer-typed form prepared by the Legislative Services Office. When a bill
41 which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill
42 to be retyped in the prescribed form, and the retyped copy shall become the official
43 copy of the bill for all purposes. The original bill shall then be returned to the

1 introducer of the bill and shall not become a part of the records or documents of the
2 Senate.

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

6 **RULE 39.1. Public and local bills; availability of copies of bills.**—A public
7 bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15
8 counties. No public bill and, upon objection by a member, no local bill may be
9 considered unless copies of the bill have been made available to the entire membership
10 of the Senate.

11 **RULE 40. Introduction of bills.**—(a) Every bill filed for introduction shall contain
12 on the outside cover the title of the document and the name of the Senator or Senators
13 presenting it. Bills shall be delivered by the primary sponsor of the document or with
14 the prescribed authorization form signed by the primary sponsor to the office of the
15 Senate Principal Clerk who shall receive them during regular session according to the
16 following schedule:

17 Monday until 8:30 o'clock p.m.;

18 Tuesday, Wednesday, and Thursday until
19 3:00 o'clock p.m.;

20 Friday until 2:00 o'clock p.m.

21 All bills shall be numbered by the Office of the Principal Clerk when filed and shall be
22 considered introduced when presented to the Senate on the next following legislative
23 day for the first reading and reference to committee.

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

28 **RULE 41. Crossover bill deadline.**—In order to be eligible for
29 consideration by the Senate during the first Regular Session, all House Bills other than
30 those required to be referred to the Committee on Finance by Rule 42, appropriations
31 bills or adjournment resolutions must be received and read on the floor of the Senate as
32 a message from the House no later than May 13 of the first Regular Session; provided
33 that a message from the House received by the next legislative day stating that a bill has
34 passed its third reading and is being engrossed shall comply with the requirements of
35 this rule and provided that the House has a similar rule.

36 **RULE 41.1. Relationship between Ways and Means Committee and other**
37 **committees dealing with money matters; relationship between these other committees**
38 **dealing with money matters.**—In those instances specified herein, the Committee on
39 Ways and Means shall have responsibility for final consideration of bills dealing with
40 money matters before the bills are considered on the floor of the Senate. Upon the
41 agreement of a chairman of any two of the following committees: Appropriations,
42 Capital Expenditures and Improvements, Finance, and Ways and Means, any bill which
43 is reported favorably from the Committee on Appropriations, the Committee on Capital
44 Expenditures, or the Committee on Finance shall be re-referred by the Presiding Officer

1 to the Committee on Ways and Means for consideration. Bills referred to the
2 Committee on Appropriations pursuant to Rule 43 may be referred by the Chairman of
3 the Committee on Appropriations to the Appropriations Committee on the Department
4 of Transportation, the Appropriations Committee on Education, the Appropriations
5 Committee on General Government, the Appropriations Committee on Human
6 Resources, the Appropriations Committee on Justice and Public Safety, or the
7 Appropriations Committee on Natural and Economic Resources for a report back to the
8 Committee on Appropriations.

9 **RULE 42. Reference of appropriation, capital expenditure, and finance bills.—**

10 (a) All bills introduced in the Senate providing for appropriations from the State,
11 or any subdivision thereof, except as provided for in subsection (b) of this rule, shall,
12 before being considered by the Senate, be referred to the Committee on Appropriations,
13 and bills referred to other committees carrying any such provisions shall be reported to
14 the Senate as being bills to be referred to the Appropriations Committee before proper
15 action may be taken by the Senate.

16 (b) All bills providing for:

17 (1) The acquisition or disposition of any interest in real property owned or
18 to be acquired by the State, or the financing of that acquisition or
19 disposition; or

20 (2) The construction, management, renovation, repair, or use of any
21 building or facility owned by or to be acquired by the State, or the
22 financing of that construction, renovation, repair, or use

23 shall, before being considered for passage by the Senate, be referred to the Committee
24 on Capital Expenditures and Improvements. Bills containing these provisions that have
25 been referred to other committees shall be reported to the Senate as bills to be referred
26 to the Committee on Capital Expenditures and Improvements before being considered
27 for passage by the Senate.

28 (c) All bills introduced in the Senate providing for bond issues, imposing or
29 raising fees or other revenues payable to the State, its agencies, its licensing boards, or
30 any of its subdivisions, levying taxes, or in any manner affecting the taxing power of the
31 State or any subdivision thereof, shall, before being considered by the Senate, be
32 referred to the Committee on Finance, and bills referred to other committees carrying
33 any such provisions shall be reported to the Senate as being bills to be referred to the
34 Finance Committee before proper action may be taken by the Senate.

35 (d) This rule shall not apply to bills imposing civil penalties, criminal fines,
36 forfeitures, or penalties for infractions.

37 **RULE 42.1. Fiscal notes.—**(a) A chairman or vice-chairman of the Appropriations
38 Committee, of the Capital Expenditures and Improvements Committee, or of the
39 Finance Committee, or of the Rules and Operations of The Senate Committee, or of the
40 Ways and Means Committee, upon the floor of the Senate, may request that a fiscal
41 analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in
42 the possession of the Senate and that a fiscal note be attached to the measure, when in
43 the opinion of that chairman or vice-chairman the fiscal effects of that measure are not
44 apparent from the language of the measure. No bill for which a fiscal note has been

1 requested may be considered for passage prior to the fiscal note being attached to the
2 bill.

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

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

15 (d) A sponsor of a bill or amendment may deliver a copy of his bill or
16 amendment to the Fiscal Research Division for the preparation of a fiscal note. The
17 sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment
18 when he moves its adoption.

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

23 (f) Subsection (a) of this rule shall not apply to the current operations appropriations
24 bill or the capital improvements appropriations bill. This rule shall not apply to a bill or
25 amendment requiring an actuarial note under these rules.

26 **RULE 42.2. Actuarial notes.**—(a) Every bill or resolution proposing any change
27 in the law relative to any

- 28 1. State, municipal or other retirement system funded in whole or in part
29 out of public funds; or
- 30 2. Program of hospital, medical, disability or related benefits provided for
31 teachers and State employees, funded in whole or in part by State
32 funds,

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

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

1 transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research
2 Division shall be prepared and signed by an actuary.

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

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

16 (e) When any committee reports a measure to which an actuarial note is attached
17 at the time of committee consideration, with any amendment of such nature as would
18 substantially affect the cost to or the revenues of any retirement or pension system, the
19 chairman of the committee reporting the measure shall obtain from the Fiscal Research
20 Division an actuarial note of the fiscal and actuarial effect of the proposed amendment.
21 The actuarial note shall be attached to the jacket of the measure. An amendment to any
22 bill or resolution shall not be in order if the amendment affects the costs to or the
23 revenues of a State-administered retirement or pension system, unless the amendment is
24 accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the
25 actuarial effect of the amendment.

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

28 **RULE 42.3. Assessment reports.**—Every legislative proposal introduced in
29 the Senate proposing the establishment of an occupational or professional licensing
30 board or a study for the need to establish such a board shall have attached to the jacket
31 of the original bill at the time of its consideration on second or third readings by the
32 Senate or by any committee of the Senate prior to a favorable report, an assessment
33 report from the Legislative Committee on New Licensing Boards, pursuant to Article
34 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute
35 any part of the expression of legislative intent proposed by the formation of a licensing
36 board.

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

42 **RULE 42.3A. Proposed increases in incarceration.**—(a) Every bill and resolution
43 proposing any change in the law that could cause a net increase in the length of time for
44 which persons are incarcerated or the number of persons incarcerated, whether by

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

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

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

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

32 **RULE 42.3B. Local legislation affecting the State Highway System.**—A
33 local bill affecting the State Highway System shall be referred to the Committee on
34 Transportation.

35 **RULE 42.4. Content of appropriations bills.**—(a) No provision changing existing
36 law shall be contained in any of the following bills: (1) the Current Operations
37 Appropriations Bill; (2) the Capital Improvement Appropriations Bill; (3) any bill
38 generally revising appropriations for the second fiscal year of a biennium.

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

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

- 44 (1) Alters expenditures or salaries;

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

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

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

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

19 (b) Notwithstanding the provisions of G.S. 143-14, and pursuant to the last
20 sentence thereof, the Capital Expenditures and Improvements Chairman may in his or
21 her sole discretion direct that the Capital Expenditures and Improvements Committee or
22 its subcommittees or both may consider the budget and the budget plan including all
23 appropriations in separate meetings from the House of Representatives and may do all
24 things set forth in said Statute separately from the House of Representatives.

25 **RULE 43. First reading; reference to committee.**—All bills filed for
26 introduction and all House bills received in the office of the Principal Clerk not later
27 than one and one-half hours preceding the convening of the Senate, upon presentation to
28 the Senate, shall be read in regular order of business by their number and title which
29 shall constitute the first reading of the bill. Unless otherwise disposed of, the Reading
30 Clerk shall announce the referral of the bill which shall have been referred by the
31 Principal Clerk of the Senate under the supervision of the Chairman of the Committee
32 on Rules and Operation of the Senate or in his absence the Vice-Chairman of said
33 Committee. The Principal Clerk shall inform the Presiding Officer of the referral. The
34 title and referral shall be entered upon the Journal.

35 Bills may be referred to more than one committee serially, i.e. "S.B. _____ is
36 referred to the Committee on Finance and upon a favorable report referred to the
37 Appropriations Committee."

38 **RULE 44. Bills to receive three readings.**—Every bill shall receive three
39 readings before being passed, and the Presiding Officer shall give notice at each reading
40 whether it be the first, second, or third. After the first reading, unless a motion is made
41 by some Senator, the Reading Clerk shall announce the referral as set forth in Rule 43.
42 No bill shall be amended upon the floor of the Senate until it has been twice read.
43 Senate simple resolutions shall not require three readings.

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

8 **RULE 45.1. Action on amendment before re-referral.**—If any committee
9 recommends adoption of an amendment or committee substitute of a bill which, under
10 the rules of the Senate is sequentially referred to another committee, the amendment or
11 committee substitute shall be considered and, if adopted, the amendment or substitute
12 engrossed before the bill is re-referred.

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

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

24 **RULE 47. Recall of bill from committee.**—(a) When a bill has been introduced
25 and referred to a committee, if after 10 days the committee has failed to report thereon,
26 then the introducer of the bill may, after three days' public notice given in the Senate
27 and delivered in writing to the chairman of the committee, on motion supported by a
28 vote of two-thirds of the membership of the Senate present and voting, recall the bill
29 from the committee to the floor of the Senate for consideration and such action thereon
30 as a majority of the Senators present may direct. This rule shall not be temporarily
31 suspended except upon one day's notice on the motion given in the Senate and delivered
32 in writing to the chairman of the committee and to sustain that motion two-thirds of the
33 membership of the Senate present and voting shall be required.

34 (b) Notwithstanding anything to the contrary, the chairman of a committee to
35 which a bill or other matter is assigned may, with the consent of two-thirds of the
36 membership of the Senate present and voting, recall the measure to be referred to
37 another committee.

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

1 RULE 49. (Reserved)

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

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

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

21 RULE 53. **Effect of defeated bill.**—(a) After a bill has been tabled, or has
22 failed to pass on any of its readings, the contents of such bill or the principal provisions
23 of its subject matter shall not be embodied in any other measure. Upon the point of
24 order being raised and sustained by the Presiding Officer, such measure shall be laid
25 upon the table, and shall not be taken therefrom except by a vote of two-thirds of the
26 membership of the Senate present and voting: Provided, no local bill shall be held by
27 the Presiding Officer as embodying the provisions, or being identical with any statewide
28 measure which has been laid upon the table or failed to pass any of its readings.

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

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

35 RULE 54.1. **Bill title.**—The title of each bill shall adequately and fairly reflect
36 its subject matter.

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

42 RULE 56. **Corrections of typographical errors in bills.**—The Enrolling
43 Clerk is authorized to make corrections of typographical errors in the text of bills at any
44 time prior to ratification. Before the correction is made, the Enrolling Clerk shall have

1 the approval of the Chairman of the Committee on Rules and Operation of the Senate
2 or, in his absence, the Vice-Chairman of said Committee.

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
5 amendment or a committee substitute for a bill originating in the Senate, and has
6 returned the bill to the Senate for concurrence in that amendment or committee
7 substitute, the Senate may not concur in that amendment or committee substitute until
8 the next legislative day following the day on which the Senate receives that measure.

9 (b) The Principal Clerk under the supervision of the Chairman of the Rules and
10 Operation Committee of the Senate may, and upon motion supported by a majority of
11 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,
15 Section 23, of the State's Constitution. If the measure is referred to committee, the
16 committee shall:

- 17 i. Report the bill with the recommendation either that the Senate concur
18 or that the Senate do not concur; and
- 19 ii. Advise the Presiding Officer as to whether or not the amendment or
20 committee substitute is a material amendment under Article II, Section
21 23, of the State's Constitution.

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

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

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

34 **RULE 57. Conference committee.**—Whenever the Senate fails to concur in
35 amendments or committee substitutes put by the House to a bill originating in the
36 Senate, or whenever the House of Representatives fails to concur in amendments or
37 committee substitutes put by the Senate to a bill originating in the House, a conference
38 committee shall be appointed by the President Pro Tempore of the Senate or in his
39 absence the Deputy President Pro Tempore, upon motion, and the bill under
40 consideration shall thereupon go to and be considered by the joint conferees on the part
41 of the Senate and House of Representatives. Senate conferees shall not be less than
42 three nor more than twelve and shall include the primary sponsor and the chairman of
43 each committee which considered the bill. In considering matters in difference between
44 the Senate and House committed to the conferees, only such matters as are in difference

1 between the two houses shall be considered by the conferees, and the conference report
2 shall deal only with such matters. In conference committee a majority of the Senate
3 conferees shall be the Senate's position on any matter in which a vote is taken. The
4 conference report shall not be amended.

5 **RULE 57.1. Germaneness of amendment.**—All amendments and
6 committee substitutes shall be germane to the original subject matter of the bill.

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

12 **RULE 59. Transmittal of bills to House.**—No bill shall be sent from the
13 Senate on the day of its passage except on the last day of the session, unless otherwise
14 ordered by a vote 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
17 before being sent to the House.

18 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

19 **RULE 60. Pages.**—(a) The President Pro Tempore of the Senate shall appoint
20 pages. The President Pro Tempore, or such person as he may designate, shall supervise
21 the pages and assign to them their duties. Each page shall be at least 14 years of age.

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

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

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

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

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

38 **RULE 63. Committee clerks and secretaries.**—(a) Each committee shall have a
39 clerk. The clerk to a committee shall serve as secretary to the chairman of that
40 committee.

41 (b) Each member shall be assigned a secretary, unless he or she has a committee
42 clerk to serve as his or her secretary.

43 (c) The selection of said clerk and/or secretary shall be the prerogative of the
44 individual member. Such clerks and secretaries shall file initial applications for

1 employment with the Supervisor of Clerks and shall receive compensation as prescribed
2 by the Legislative Services Commission. The employment period of clerks and
3 secretaries shall comply with the period as established by the Legislative Services
4 Commission unless employment for an extended period is approved by the President
5 Pro Tempore. The clerks and secretaries shall adhere to such uniform regulations and
6 other conditions of employment (including retention) under the direction of the
7 Supervisor of Clerks as the Committee on Rules and Operation of the Senate shall
8 adopt.

9 (d) The Supervisor of Clerks and any assistants shall be appointed by the
10 President Pro Tempore of the Senate.

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

15 **RULE 65. Deputy President Pro Tempore.**—The Senate shall elect a
16 Deputy President Pro Tempore. The Deputy President Pro Tempore shall become the
17 President Pro Tempore upon the death, resignation or removal from office of the
18 President Pro Tempore.

19 **VIII. GENERAL RULES**

20 **RULE 66. President to sign papers.**—All acts, addresses and resolutions,
21 and all warrants and subpoenas issued by order of the Senate shall be signed by the
22 President or by the President Pro Tempore presiding in his absence.

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

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

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

42 **RULE 68. Privileges of the floor.**—Any group or individual other than
43 members of the Senate who desires to make remarks upon the floor of the Senate will

1 first obtain approval of the President Pro Tempore or, in his absence, the Deputy
2 President Pro Tempore of the Senate.

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

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

10 **RULE 71. Placing material on Senators' desks.**—Any person other than a
11 member of the Senate desiring to place articles of any kind on or about desks in the
12 Senate Chamber or in the offices of the members of the Senate shall make written
13 application to, and obtain written approval from the Principal Clerk.

14 **RULE 72. Assignment of seats; offices.**—(a) The President Pro Tempore of
15 the Senate shall assign seats in the Senate Chamber to the members elected. In making
16 such assignments, each member elected to the immediate preceding session of the
17 Senate shall be entitled to the seat occupied by him or to his selection of any other seat
18 vacated. The President Pro Tempore, when assigning seats, shall give preferential
19 consideration to the respective members according to the length of service which each
20 member has rendered in the Senate. No incumbent appointed to fill an unexpired term
21 in the immediate preceding session shall retain the seat if requested by a Senator elected
22 to said session.

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

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

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

39 **RULE 75. Public hearings, filing of written statements.**—Persons desiring
40 to appear and be heard at a public hearing are encouraged to file with the chairman of
41 the committee a brief or a written statement of the remarks to be made at least 24 hours
42 before the time of the hearing.

1 RULE 76. **Voting in joint sessions.**—When any Senate Committee sits
2 jointly with the House Committee, the Senate Committee reserves the right to vote
3 separately from the House Committee.

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

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

12 Sec. 2. This resolution is effective upon adoption