

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE RESOLUTION DRSR55000-LB-17 (1/15)

Sponsors: Senators Rand, Carrington, and Metcalf.

Referred to:

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 SENATE FOR THE REGULAR SESSIONS OF THE 2003 GENERAL
3 ASSEMBLY.

4 Be it resolved by the Senate:

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

**PERMANENT RULES OF
THE REGULAR SESSIONS OF THE SENATE
2001 GENERAL ASSEMBLY OF NORTH CAROLINA**

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

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
21 of 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
26 legislative day at 2:00 P.M., except that if the next legislative day is Monday, time for
27 convening shall be 7:00 P.M.

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

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

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

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

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

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

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

2. Second reading roll call and electronic voting system votes.
3. Second reading viva voce.
4. Third reading viva voce.

II. CONDUCT OF DEBATE

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

RULE 9. (Reserved for future use).

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

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

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

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

RULE 12. Obtaining recognition. – (a) When any Senator is about to speak in debate or deliver any matter to the Senate, that Senator shall rise and respectfully address the Presiding Officer. No member shall speak further until recognized by the Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two or more members rise at the same time, the Presiding Officer shall name the member to speak.

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

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

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

4 (2) A point of order; or

5 (3) A parliamentary inquiry.

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

8 RULE 13. (Reserved for future use).

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

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

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

24 RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

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

7 (i) The operation of:

8 a. Wireless communication devices,

9 b. Pagers, or

10 c. Laptop or notebook computers

11 by Senators on the floor is prohibited while the Senate is in session. The operation by
12 any other person of wireless communication devices which may be disruptive on the
13 floor or in the gallery is prohibited while the Senate is in session.

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

17 III. MOTIONS

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

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

27 (1) To adjourn.

28 (2) To lay on the table.

29 (3) For the previous question.

30 (4) To postpone indefinitely.

31 (5) To postpone to a certain day.

32 (6) To commit to a standing committee.

33 (7) To commit to a select committee.

34 (8) To amend.

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

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

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

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

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

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

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

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

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

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

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

27 (f) One copy of the machine printout of the vote record shall be filed in
28 the office of the Principal Clerk, and one copy shall be filed in the Legislative Library
29 where it shall be open to public inspection.

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

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

44 (1) To lay on the table.

- 1 (2) For the previous question.
- 2 (3) To postpone indefinitely.
- 3 (4) To postpone to a day certain.
- 4 (5) To refer to a committee.
- 5 (6) To reconsider.
- 6 (7) To adopt.
- 7 (8) To concur.
- 8 (9) To take from the table.
- 9 (10) Miscellaneous.

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

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

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

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

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

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

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

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

4 (c) If the question is divided and any part thereof fails, then the bill or
5 resolution and any pending amendments shall be removed from the calendar and
6 rereferred to the committee from which the bill or resolution was reported.

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

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

12 (b) A Senator who is a member of a committee shall, upon request, be
13 excused from deliberations and voting on the bill while it is before the committee. The
14 Senator must make the request to the chair of the committee when the bill is first taken
15 up for consideration and before any motion or vote on the bill or any amendment to the
16 bill. The Senator making the request for excuse in committee must renew that request
17 for 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
19 matter. The Senator may make a brief statement of the reasons for the motion which
20 question shall be taken without debate on the motion.

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

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

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

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

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

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

38 V. COMMITTEES

39 **RULE 31. Appointment of committees.** – The President Pro Tempore of the
40 Senate shall have the exclusive right and authority to appoint the membership of all
41 committees, regular and select, and to appoint committee chairs and vice-chairs and to
42 establish select committees, but this does not exclude the right of the Senate by
43 resolution to establish select committees. Upon the recommendation of the Committee
44 on Rules and Operations of the Senate, the Senate may alter the name, number, and

1 composition of the standing committees by a majority vote of the Senators present and
2 voting.

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

5 Agriculture/Environment/Natural Resources

6 Appropriations/Base Budget

7 Appropriations on Department of Transportation

8 Appropriations on Education/Higher Education

9 Appropriations on General Government

10 Appropriations on Health and Human Services

11 Appropriations on Information Technology

12 Appropriations on Justice and Public Safety

13 Appropriations on Natural and Economic Resources

14 Children & Human Resources

15 Commerce

16 Education/Higher Education

17 Finance

18 Health Care

19 Information Technology

20 Insurance and Consumer Protection

21 Judiciary I

22 Judiciary II

23 Rural Development

24 State and Local Government

25 Pensions & Retirement and Aging

26 Rules and Operations of the Senate

27 Transportation

28 Ways & Means.

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

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

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

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

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

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

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

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

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

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

13 **RULE 36. Standing committee and standing subcommittee meetings.** –
14 No committee or subcommittee shall hold a secret meeting. All meetings of committees
15 and subcommittees shall be open to the public, except as provided in G.S.
16 143-318.14A(e). In no event shall final action be taken by any committee or
17 subcommittee except in open session.

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

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

26 VI. HANDLING BILLS

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

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

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

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

41 **RULE 40. Introduction of bills.** – (a) Every bill filed for introduction shall
42 contain on the outside cover the title of the document and the name of the Senator or
43 Senators presenting it. Bills shall be delivered by the primary sponsor of the document,
44 or by that member's legislative assistant with the prescribed authorization form signed

1 by the primary sponsor and by that member's legislative assistant to the Office of the
2 Senate Principal Clerk, who shall receive them during regular session according to the
3 following schedule:

4 Monday until 30 minutes after adjournment; and

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

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

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

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

14 (a) All local bills and resolutions must be filed for introduction not later than
15 Wednesday, March 12, 2003, provided that any such measure submitted to the Bill
16 Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed
17 for introduction in the Senate before 3:00 P.M. on Wednesday, March 19, 2003, shall be
18 treated as if it had been filed for introduction under this rule.

19 (b) All public bills and resolutions, except those honoring the memory of
20 deceased persons or adjourning the General Assembly, must be filed for introduction
21 not later than March 26, 2003, provided that any such measure submitted to the Bill
22 Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed
23 for introduction in the Senate before 3:00 P.M. on Wednesday, April 2, 2003, shall be
24 treated as if it had been filed for introduction under this rule.

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

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

31 **RULE 41. Crossover bill deadline. –** In order to be eligible for consideration
32 by the Senate during the 2003 or 2004 Regular Sessions of the 2003 General Assembly,
33 all House bills other than those required to be referred to the Committee on Finance or
34 the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions
35 must be received and read on the floor of the Senate as a message from the House no
36 later than April 24, 2003, provided that a message from the House received by the next
37 legislative day stating that a bill has passed its third reading and is being engrossed shall
38 comply with the requirements of this rule and provided that the House accepts Senate
39 bills ordered engrossed on the next legislative day.

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

1 Upon the agreement of a chair of any two of the following committees:
2 Appropriations/Base Budget, Finance, and Ways and Means, any bill which is reported
3 favorably from the Committee on Appropriations/Base Budget or the Committee on
4 Finance shall be rereferred by the Presiding Officer to the Committee on Ways and
5 Means for consideration. Bills referred to the Committee on Appropriations/Base
6 Budget pursuant to Rule 43 may be referred by the Chair of the Committee on
7 Appropriations/Base Budget to the Appropriations Committee on the Department of
8 Transportation, the Appropriations Committee on Education, the Appropriations
9 Committee on General Government, the Appropriations Committee on Health and
10 Human Resources, the Appropriations Committee on Information Technology, the
11 Appropriations Committee on Justice and Public Safety, or the Appropriations
12 Committee on Natural and Economic Resources for a report back to the Committee on
13 Appropriations/Base Budget.

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

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

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

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

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

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

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

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

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

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

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

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

28 shall have attached to it at the time of its consideration by any committee a brief
29 explanatory statement or note which shall include a reliable estimate of the financial and
30 actuarial effect of the proposed change. The actuarial note shall be attached to the jacket
31 of each proposed bill or resolution which is reported favorably by any committee and
32 shall be clearly designated as an actuarial note. Upon its introduction, a bill or resolution
33 described in subdivision (a)(1) of this rule shall be referred to the Committee on
34 Pensions and Retirement and Aging.

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

41 (c) The sponsor of the bill or resolution shall also present a copy of the
42 measure to the chief administrative officer of the system affected by the measure. The
43 chief administrative officer shall have an actuarial note prepared by the system's actuary
44 on the measure and shall transmit the note to the sponsor of the measure not later than

1 two weeks after the request is received. The actuarial note shall be attached to the jacket
2 of the measure.

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

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

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

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

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

42 (b) Municipal Incorporations. Every legislative proposal introduced in the
43 Senate, or received in the Senate from the House, proposing the incorporation of a
44 municipality shall have attached to the jacket of the original bill at the time of its

1 consideration on second or third readings by the Senate or by any committee of the
2 Senate prior to a favorable report, a recommendation from the Joint Legislative
3 Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of
4 the General Statutes. The recommendation of the Joint Legislative Commission on
5 Municipal Incorporations shall be made in accordance with the provisions and criteria
6 set forth in Article 20 of Chapter 120 of the General Statutes and shall include the
7 findings required to be made by G.S. 120-166 through G.S. 120-170.

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

23 (b) The sponsor of each bill, amendment, or resolution to which this
24 subsection applies shall present a copy of the bill, amendment, or resolution with the
25 request for a fiscal note to the Fiscal Research Division. Upon receipt of the request and
26 the copy of the bill, amendment, or resolution, the Fiscal Research Division shall
27 prepare the fiscal note as promptly as possible. The Fiscal Research Division shall
28 prepare the fiscal note and transmit it to the sponsor within two weeks after the request
29 is made, unless the sponsor agrees to an extension of time.

30 (c) This fiscal note shall be attached to the original of each proposed bill,
31 amendment, or resolution that is reported favorably by any committee, but shall be
32 separate from the bill, amendment, or resolution and shall be clearly designated as a
33 fiscal note. A fiscal note attached to a bill, amendment, or resolution pursuant to this
34 subsection is not a part of the bill, amendment, or resolution and is not an expression of
35 legislative intent proposed by the bill, amendment, or resolution.

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

43 **RULE 42.4. Content of appropriations bills.** – (a) No provision changing
44 existing law shall be contained in any of the following bills: (i) the Current Operations

1 Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill
2 generally revising appropriations for the second fiscal year of a biennium.

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

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

8 (1) Alters expenditures or salaries;

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

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

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

21 **RULE 42.5. Appropriations/Base Budget Committee meetings.** –
22 Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence
23 thereof, the Appropriations/Base Budget Cochairs may in their exclusive discretion
24 direct that the Appropriations/Base Budget Committee or its subcommittees or both
25 may consider the budget and the budget plan including all appropriations in separate
26 meetings from the House of Representatives and may do all things set forth in said
27 statute separately from the House of Representatives.

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

40 Bills may be referred to more than one committee serially, i.e. "S.B.
41 _____ is referred to the Committee on Finance and upon a favorable report referred
42 to the Appropriations/Base Budget Committee."

43 **RULE 44. Bills to receive three readings.** – Every bill shall receive three
44 readings before being passed, and the Presiding Officer shall give notice at each reading

1 whether it be the first, second, or third. The Reading Clerk shall announce the referral as
2 set forth in Rule 43. No bill shall be amended upon the floor of the Senate, except under
3 Rule 45.1, until it has been twice read. Senate simple resolutions shall not require three
4 readings.

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

12 **RULE 45.1. Action on amendment or committee substitute.** – If any
13 committee recommends adoption of an amendment or committee substitute of a bill or
14 resolution, the amendment or committee substitute shall be considered adopted upon the
15 reading of the committee report and shall be engrossed. The bill or resolution, as
16 amended, or its adopted committee substitute shall be placed on the calendar for the
17 next legislative day or rereferred if the bill or resolution was serially referred. The
18 committee substitute's original bill or resolution shall lie on the table.

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

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

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

34 **RULE 47. Recall of bill from committee and discharge petition.** – (a)
35 Notwithstanding anything to the contrary, only the President Pro Tempore, the Chair of
36 the Committee on Rules and Operations of the Senate, or the chair of a committee to
37 which a bill or other matter is assigned may, with the consent of a majority of the
38 membership of the Senate present and voting, recall the measure to be referred to
39 another committee or the floor.

40 (b) A motion to discharge a committee from consideration of a bill or
41 resolution may be filed with the Principal Clerk if accompanied by a petition signed by
42 three-fifths of the members of the Senate asking that the committee be discharged from
43 further consideration of the bill or resolution. No petition may be circulated for
44 signatures until 10 legislative days after the bill has been referred to the committee. No

1 petition may be circulated for signature until notice has been given on the floor of the
2 Senate that the petition is to be circulated. If such a motion accompanied by a valid
3 petition is filed, the Principal Clerk shall place that motion on the calendar for the next
4 legislative day as a special order of business. If the motion is adopted by a majority of
5 the Senate, then the committee to which the bill or resolution has been referred is
6 discharged from further consideration of the bill or resolution, and that bill or resolution
7 is placed on the calendar for the next legislative day as a special order of business. If the
8 committee had, prior to discharge, adopted any amendment or committee substitute for
9 the bill, it shall be in order to offer that amendment or substitute on the floor as if it
10 were a committee amendment or substitute. The Principal Clerk shall provide a form for
11 discharge petitions.

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

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

19 **RULE 49.** (Reserved).

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

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

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

39 **RULE 53. Effect of defeated measure.** – (a) After a bill has been tabled, or
40 has failed to pass on any of its readings, the contents of such bill or the principal
41 provisions of its subject matter shall not be embodied in any other measure. After an
42 amendment has been tabled or defeated on the Senate floor, the contents of such
43 amendment or the principal provisions of its subject matter shall not be embodied in any
44 other measure. If a substitute amendment is adopted on the floor, the contents of the

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

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

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

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

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

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

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

32 (b) The Chair of the Rules and Operations Committee of the Senate may,
33 or upon motion supported by a majority of the Senate present and voting shall, refer the
34 bill to an appropriate committee for consideration of the amendment or committee
35 substitute.

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

- 40 (1) Report the bill with the recommendation either that the Senate do
41 concur or that the Senate do not concur; and
- 42 (2) Advise the Presiding Officer as to whether or not the amendment or
43 committee substitute is a material amendment under Article II, Section
44 23, of the State's Constitution.

1 (d) If the amendment or committee substitute for a bill is not a material
2 amendment, the question before the Senate shall be concurrence. In the event there is
3 more than one House amendment, the question shall be concurrence in all the House
4 amendments and the question may not be divided, notwithstanding Rule 28. The
5 question which shall be put before the Senate by the Presiding Officer shall be: "Does
6 the Senate concur in the House amendments (committee substitute) to S.B. ___?"

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

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

14 **RULE 57. Conference committee.** – The President Pro Tempore of the
15 Senate, or in the President Pro Tempore's absence the Deputy President Pro Tempore,
16 upon motion, shall appoint a conference committee when the Senate fails to concur in
17 amendments or committee substitutes put by the House to a bill originating in the
18 Senate, or when the House of Representatives fails to concur in amendments or
19 committee substitutes put by the Senate to a bill originating in the House. Senate
20 conferees shall include the primary sponsor of the bill. In considering the bill committed
21 to the conferees, only such matters as are germane to the bill shall be considered by the
22 conferees, and the conference report shall deal only with such matters. The matters
23 referred to the conference committee by the conference committee chairs shall go to and
24 be considered by the conferees appointed by the Senate and the House of
25 Representatives. While the bill is in conference committee, the Senate's position shall be
26 determined by a majority of the Senate conferees. Upon agreement by the Senate and
27 House of Representatives, a conference report shall be drafted reflecting the matters
28 considered and agreed upon by the conferees. The conference report shall not be
29 amended.

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

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

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

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

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

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

8 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

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

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

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

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

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

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

30 **RULE 63. Committee assistants and legislative assistants.** – (a) Each
31 committee shall have a committee assistant. The committee assistant to a committee
32 shall serve as legislative assistant to the chair of that committee.

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

35 (c) The selection of committee assistants, legislative assistants, and office
36 assistants shall be the prerogative of the individual member. Such committee assistants
37 and legislative assistants shall file initial applications for employment with the Director
38 of Legislative Assistants and shall receive compensation as prescribed by the
39 Legislative Services Commission. The employment period of committee assistants,
40 legislative assistants, and office assistants shall comply with the period as established by
41 the Legislative Services Commission unless employment for an extended period is
42 approved by the President Pro Tempore. The committee assistants, legislative assistants,
43 and office assistants shall adhere to such uniform regulations and other conditions of
44 employment (including retention) under the direction of the Director of Senate

1 Legislative Assistants as the Committee on Rules and Operations of the Senate shall
2 adopt.

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

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

9 **RULE 65. Deputy President Pro Tempore.** – The Senate shall elect a
10 Deputy President Pro Tempore. Upon the death, resignation, or removal from office of
11 the President Pro Tempore, the Senate shall elect one of its members to succeed to that
12 office.

13 **VIII. GENERAL RULES**

14 **RULE 66. President to sign papers.** – All acts, addresses, and resolutions,
15 and all warrants and subpoenas issued by order of the Senate, shall be signed by the
16 President or by the President Pro Tempore or Deputy President Pro Tempore presiding
17 in the President's absence.

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

28 **RULE 67A. Restricted admission to the floor of the Senate prior to the**
29 **daily session.** – No person, except members of the Senate, members of the House of
30 Representatives, staff of the General Assembly; the staff of the Lieutenant Governor;
31 Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and
32 members of the Council of State; former members of the General Assembly; and
33 persons particularly invited and extended the privileges of the floor by a member of the
34 Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate
35 within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any
36 other provision of this rule, no registered lobbyist shall be admitted to or remain on the
37 floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.

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

42 (b) The Presiding Officer, upon written request at intervals between
43 various orders of business, may extend courtesies to schools or other special large
44 groups visiting in the galleries while they are present, and the Presiding Officer shall, at

1 such times as deemed appropriate, express to those visitors in the galleries the pleasure
2 of the Senate for their presence.

3 **RULE 68. Privileges of the floor.** – Any group or individual other than
4 members of the Senate who desires to make remarks upon the floor of the Senate will
5 first obtain approval of the President Pro Tempore or, in the President Pro Tempore's
6 absence, the Deputy President Pro Tempore of the Senate.

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

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

14 **RULE 71. Placing material on Senators' desks or in Senators' offices.** –
15 Any person other than a member of the Senate or an employee of the General Assembly
16 desiring to place articles of any kind on or about desks in the Senate Chamber or in the
17 offices of the members of the Senate shall make written application to and obtain
18 written approval from the Principal Clerk.

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

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

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

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

42 **RULE 75. Public hearings, filing of written statements.** – Persons desiring
43 to appear and be heard at a public hearing are encouraged to file with the chair of the

1 committee a brief or a written statement of the remarks to be made at least 24 hours
2 before the time of the hearing.

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

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

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

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