

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Jan 14, 2015
S.R. 1
PRINCIPAL CLERK

S

D

SENATE RESOLUTION DRSR15009-MM-7B (12/05)

Sponsors: Senator Apodaca (Primary Sponsor).

Referred to:

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE
2 FOR THE REGULAR SESSION OF THE 2015 GENERAL ASSEMBLY.

3 Be it resolved by the Senate:

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

6 **PERMANENT RULES OF**
7 **THE REGULAR SESSIONS OF THE SENATE**
8 **2015 GENERAL ASSEMBLY OF NORTH CAROLINA**

- 9 I. Order of Business, Rules 1-7
10 II. Conduct of Debate, Rules 8-17
11 III. Motions, Rules 18-24.1
12 IV. Voting, Rules 25-30
13 V. Committees, Rules 31-37.2
14 VI. Handling Bills, Rules 38-59.2
15 VII. Legislative Officers and Employees, Rules 60-65
16 VIII. General Rules, Rules 66-77.

17 **I. ORDER OF BUSINESS**

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

21 **RULE 1.1. Emergencies.** – In the event of a disaster, natural or otherwise, that
22 precludes the General Assembly from meeting in the Legislative Building, the members will be
23 notified by the President Pro Tempore where and when the Senate will convene.

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

30 (b) At the hour fixed by the Senate upon adjournment on the preceding
31 legislative day, or at the hour to which the Senate has previously recessed on that same
32 legislative day, and upon direction from the President Pro Tempore of the Senate or the
33 Chairman of the Committee on Rules and Operations of the Senate, the Principal Clerk of the
34 Senate may convene the Senate for the purpose of announcing to the Chamber that the Senate
35 stands in recess until a later, specified hour.

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



* D R S R 1 5 0 0 9 - M M - 7 B *

1 **RULE 4. Convening and presiding in absence of President.** – In the absence of
2 the President, the President Pro Tempore or a Senator designated by the President Pro Tempore
3 shall convene or reconvene the Senate and preside, and during such time shall be vested with
4 all powers of the President of the Senate except that of casting a vote in case of a tie when the
5 President Pro Tempore or the designated Presiding Officer has already voted on the question as
6 a Senator. In the event of the absence of the President and President Pro Tempore at any time
7 fixed for the reconvening of the Senate, the Senate shall be called to order by a member
8 designated by the President Pro Tempore, or if no member is designated, by the Deputy
9 President Pro Tempore of the Senate. If no member has been designated and the Deputy
10 President Pro Tempore is also absent, the Senate shall be called to order by the Chair of the
11 Committee on Rules and Operations of the Senate, who shall designate some member to act as
12 Presiding Officer. The Principal Clerk of the Senate may convene the Senate for the purpose of
13 notifying the Chamber that the Senate stands in recess pursuant to Rule 2(b) of these Rules.

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 the
18 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 and
21 approved, unless the President Pro Tempore or, in the President Pro Tempore's absence, the
22 Deputy President Pro Tempore of the Senate or some member of the Senate by motion
23 sustained by a majority of the members present, has the reading thereof dispensed with and the
24 same approved as written.

25 **RULE 7. Order of business.** – After approval of the Journal, the order of business
26 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) Veto messages from the Governor.
- 32 (6) Unfinished business of preceding day.
- 33 (7) Special orders.
- 34 (8) General orders:
 - 35 a. Local bills in numerical order, Senate bills first:
 - 36 1. Third reading roll call and electronic voting system votes.
 - 37 2. Second reading roll call and electronic voting system votes.
 - 38 3. Second reading viva voce.
 - 39 4. Third reading viva voce.
 - 40 b. Public bills in numerical order, Senate bills first:
 - 41 1. Third reading roll call and electronic voting system votes.
 - 42 2. Second reading roll call and electronic voting system votes.
 - 43 3. Second reading viva voce.
 - 44 4. Third reading viva voce.

45 **II. CONDUCT OF DEBATE**

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

50 **RULE 9.** (Reserved for future use).

1 **RULE 10. Points of order.** – (a) The Presiding Officer shall preserve order and
2 decorum and proceed with the business of the Senate according to the rules adopted. The
3 Presiding Officer shall decide all questions of order, subject to an appeal to the Chairman of the
4 Committee on Rules and Operations of the Senate, whose decision may be appealed to the
5 Senate by any member, on which appeal no member shall speak more than once unless by
6 leave of the Senate. A two-thirds vote of the membership of the Senate present and voting is
7 necessary to sustain any appeal from the ruling of the Chairman of the Committee on Rules and
8 Operations of the Senate.

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

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

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

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

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

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

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

38 (2) A point of order; or

39 (3) A parliamentary inquiry.

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

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

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

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

48 **RULE 15. Questions of personal privilege; explanation of vote.** – (a) Upon
49 recognition by the Presiding Officer for that purpose, any Senator may speak to a question of
50 personal privilege for a time not exceeding three minutes, and may use some or all of that time
51 to explain to the Senate a "Senatorial Statement of Personal Privilege." Upon motion supported

1 by a majority present and voting, that statement may be spread upon the Journal. Neither
2 personal privilege nor a Senatorial Statement of Personal Privilege may be used to explain a
3 vote, debate a bill, or in any way disrupt the regular business of the Senate, nor shall such
4 opportunities be used to solicit support or sponsors for any bill. The format of Senatorial
5 Statements of Personal Privilege shall be prescribed by the Chairman of the Committee on
6 Rules and Operations of the Senate, but in any case shall speak only in the voice of the Senator
7 submitting it. The Presiding Officer shall determine if the question raised is one of privilege
8 and shall, without the point of order being raised, enforce this rule, subject to an appeal to the
9 Chairman of the Committee on Rules and Operations of the Senate whose decision may be
10 appealed to the Senate by any Senator, on which appeal no member shall speak more than once
11 unless by leave of the Senate. A two-thirds vote of the membership of the Senate present and
12 voting is necessary to sustain any appeal from the ruling of the Chairman of the Committee on
13 Rules and Operations of the Senate.

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

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

19 RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

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

43 (i) The operation of:

44 a. Vocal wireless communication devices, or

45 b. Any other electronic devices whose sound cannot be muted,

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

47 (j) No member of the Senate shall place any item on another Senator's Chamber
48 desk or in another Senator's office unless the item conspicuously displays the name of the
49 Senator placing the item.

50 (k) No person other than the member, the member's legislative assistant, or the
51 Principal Clerk's office or staff under the direction of the Principal Clerk, shall place any matter

1 on the member's Chamber desk, then only materials relevant to the business of the Senate, or as
2 allowed under subsection (j) of this section.

- 3 (1) Neither food nor beverage shall be permitted in the galleries.

4 III. MOTIONS

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

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

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

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

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

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

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

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

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

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

1 (5) The President Pro Tempore.

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

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

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

17 RULE 24.1. **Motion to adjourn or stand in recess; standard stipulations.** – A
18 motion to adjourn or stand in recess subject to the standard stipulations shall constitute a
19 motion to adjourn or stand in recess subject to the introduction of bills, referral and re-referral
20 of bills, the reading of Senatorial Statements, and messages from the Governor.

21 IV. VOTING

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

- 25 (1) All questions on which the Constitution of North Carolina requires that the
26 ayes and noes be taken and recorded on the Journal;
27 (2) All questions on which a call for the ayes and noes under Rule 26(b) has
28 been sustained;
29 (3) Second and third readings of bills proposing amendment of the Constitution
30 of North Carolina; and
31 (4) The vote on approval of a bill that was vetoed by the Governor.

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

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

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

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

49 (e) When the electronic voting system is used, the Presiding Officer shall state
50 the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed
51 vote 'no'; _____ seconds will be allowed for voting on this question; the Clerk will record the

1 vote." After the machine locks and records the vote, the Presiding Officer shall announce the
2 vote and declare the result, and no member may vote thereafter.

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

6 (g) When the Presiding Officer ascertains that the electronic voting system is
7 inoperative before a vote is taken or while a vote is being taken on the electronic system, the
8 Presiding Officer shall announce that fact to the Senate, and any partial electronic system
9 voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules
10 of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and
11 the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes
12 shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the electronic system,
13 it is discovered that a malfunction caused an error in the electronic system printout, the
14 Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct
15 the printout record and so advise the Senate.

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

- 19 (1) To lay on the table.
- 20 (2) To resolve into the Committee of the Whole Senate.
- 21 (3) For the previous question.
- 22 (4) To postpone indefinitely.
- 23 (5) To postpone to a day certain.
- 24 (6) To refer to a committee.
- 25 (7) To reconsider.
- 26 (8) To adopt.
- 27 (9) To concur.
- 28 (10) To take from the table.
- 29 (11) Miscellaneous.

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

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

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

1 Appropriations on Department of Transportation
2 Appropriations on Education/Higher Education
3 Appropriations on General Government and Information Technology
4 Appropriations on Health and Human Services
5 Appropriations on Justice and Public Safety
6 Appropriations on Natural and Economic Resources
7 Commerce
8 Committee of the Whole Senate
9 Education/Higher Education
10 Finance
11 Health Care
12 Insurance
13 Judiciary I
14 Judiciary II
15 State and Local Government
16 Pensions & Retirement and Aging
17 Program Evaluation
18 Redistricting
19 Rules and Operations of the Senate
20 Transportation
21 Ways & Means
22 Workforce and Economic Development

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

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

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

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

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

38 A quorum of the Appropriations/Base Budget, Ways and Means, and Finance
39 Committees shall consist of a majority of the committee. A quorum of any other committee
40 shall consist of either the chair and five members or a majority of the committee, whichever is
41 fewer.

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

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

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

50 **RULE 36.1. Committee minutes to Legislative Library.** – The chair of a
51 committee shall ensure that minutes, in a format and medium approved by the Chairman of the

1 Committee on Rules and Operations of the Senate, are compiled for each of the committee's
2 meetings. The minutes shall indicate the number of members present and the actions taken by
3 the committee at the meeting. Not later than 30 days after the adjournment of each session of
4 the General Assembly, the chair shall deliver the minutes to the Legislative Library. The
5 President Pro Tempore of the Senate may grant a reasonable extension of time for filing said
6 minutes upon application of the committee chair.

7 **RULE 37. Committee of the Whole Senate.** – Notwithstanding the provisions of
8 Rules 33, 34, and 35, the Senate may resolve into the Committee of the Whole Senate by
9 motion. When such a motion is seconded, the President shall put the question without debate:
10 "Shall the Senate resolve itself into the Committee of the Whole Senate for consideration of
11 _____?", stating the matter or matters identified by the Chair of the Committee on Rules
12 and Operations of the Senate to be considered. Only the President Pro Tempore, the Deputy
13 President Pro Tempore, or the Chair of the Committee on Rules and Operations of the Senate
14 may move to resolve into the Committee of the Whole Senate. The Committee of the Whole
15 Senate shall convene in the Senate Chambers and shall utilize electronic voting. Unless
16 otherwise stated, the Rules and Operations of the Senate apply to the Committee of the Whole
17 Senate and the Principal Clerk of the Senate shall be the Committee Assistant, but shall not
18 record committee activity on the Journal. The Chair shall be the President Pro Tempore of the
19 Senate or his designee.

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

23 **RULE 37.2. Committee Substitutes; Report of the Committee of the Whole**
24 **Senate; Adjournment.** – (a) The committee of the Whole Senate shall not consider committee
25 substitutes.

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

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

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

34 VI. HANDLING BILLS

35 **RULE 38. Application of rules.** – All provisions of these rules applying to bills,
36 including, but not limited to, provisions governing the introduction, eligibility, and filing of
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 Operations of the Senate, bills submitted for introduction shall be in a
40 computer-generated form prepared by the Legislative Services Office and approved by the
41 Committee on Rules and Operations of the Senate.

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

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

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

- 1 (1) The North Carolina Constitution prescribes that the bill as filed must be a
2 public bill because of its subject matter.
- 3 (2) The bill became a public bill because counties were added, but the bill
4 relates to the subject matter contained in the original bill.

5 **RULE 40. Introduction of bills.** – (a) Pursuant to G.S. 120-11.1, on January 14,
6 2015, a simple resolution to establish the Senate Permanent Rules, and a joint resolution to
7 adjourn to January 28, 2015, may be filed. No other bills are eligible to be filed on January 14,
8 2015.

9 Every bill filed for introduction shall contain on the Senate e-jacket the title of the
10 document and the name of the Senator or Senators sponsoring it. No more than three Senators
11 may be listed as primary sponsors. The Senate e-jacket shall be delivered by the primary
12 sponsor of the document, or by that member's legislative assistant, with the prescribed
13 authorization form signed by the primary sponsor and by that member's legislative assistant, to
14 the Office of the Senate Principal Clerk, who shall receive them during regular session
15 according to the following schedule:

16 Monday until 30 minutes after adjournment; and

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

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

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

27 (b) All memorializing, celebration, commendation, and commemoration
28 resolutions shall be excluded from introduction and consideration in the Senate.
29 Notwithstanding this, a member may file a Senate memorializing, celebration, commendation,
30 or commemoration simple resolution after presenting the draft to the Chairman of the
31 Committee on Rules and Operations of the Senate and receiving the approval of that Chairman,
32 except that the Chairman may refer the request to the full committee for approval. The approval
33 of the Chairman or committee shall be indicated on the Senate e-jacket. Senators should utilize
34 a "Senatorial Statement of Personal Privilege," as provided in Rule 15, as the preferred
35 alternative to Senate simple resolutions that memorialize, celebrate, commend, and
36 commemorate, other than for those relating to deceased former members of the General
37 Assembly.

38 (b1) Simple resolutions conforming to subsection (b) of this section and any
39 Senate or House joint resolutions shall be read for the first time in their regular order. Upon
40 such first reading the Chairman of the Committee on Rules and Operations of the Senate may
41 either refer the resolution to committee or place it at the end of the calendar for a Tuesday for
42 consideration and decision without debate. The foregoing requirement of Tuesday
43 consideration shall not apply to second reading of (i) resolutions specifically contemplated by
44 the North Carolina Constitution or statute; or (ii) resolutions that pertain to the internal
45 functioning of either or both houses of the General Assembly. This subsection does not apply to
46 third reading of any joint resolution.

47 (b2) Notwithstanding subsections (b) and (b1) of this section any resolution
48 memorializing, celebrating, commending, or commemorating a deceased person who served
49 previously in either the Senate or the House of Representatives shall be introduced on the next
50 legislative day after its filing and the Chairman of the Committee on Rules and Operations of
51 the Senate shall direct that the resolution be either (i) referred to the Committee on Rules and

1 Operations of the Senate for further consideration; or (ii) placed on the Senate's calendar for a
2 date certain. When a resolution introduced in accordance with this subsection is read for a
3 second time in the Senate, debate shall be allowed and, during the course of such debate, the
4 Presiding Officer shall order the Chamber secured by the Sergeant-at-Arms so as to prevent the
5 entry or exit of any person.

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

8 **RULE 40.1. Deadlines on filing for introduction of bills.** – (a) All local bills must
9 be filed for introduction not later than Tuesday, March 3, 2015, provided that any such measure
10 submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that
11 day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 11, 2015,
12 shall be treated as if it had been filed for introduction under this rule.

13 (b) All public bills, except those providing for action on gubernatorial
14 nominations or appointments or adjourning the General Assembly, must be filed for
15 introduction not later than Friday, March 13, 2015, provided that any such measure submitted
16 to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and
17 filed for introduction in the Senate before 3:00 P.M. on Thursday, March 26, 2015, shall be
18 treated as if it had been filed for introduction under this rule.

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

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

23 **RULE 41. Crossover bill deadline.** – In order to be eligible for consideration by the
24 Senate during the 2015 or 2016 Regular Sessions of the 2015 General Assembly, all House
25 bills other than (i) those required to be referred to the Committee on Finance or the Committee
26 on Appropriations/Base Budget by Rule 42, (ii) those establishing districts for Congress or
27 State or local entities, or (iii) adjournment resolutions must be received and read on the floor of
28 the Senate as a message from the House no later than Thursday, May 7, 2015, provided that a
29 message from the House received by the next legislative day stating that a bill has passed its
30 third reading and is being engrossed shall comply with the requirements of this rule and
31 provided that the House accepts Senate bills ordered engrossed on the next legislative day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 **RULE 47. Recall of bill from committee and discharge petition; re-calendaring**
50 **or referral of a bill to committee.** – (a) Notwithstanding anything to the contrary, only the
51 President Pro Tempore, the Chair of the Committee on Rules and Operations of the Senate, or

1 the chair of a committee to which a bill or other matter is assigned may, with the consent of a
2 majority of the membership of the Senate present and voting, recall the measure from its
3 assigned committee to be referred to another committee or the floor. Only the President Pro
4 Tempore or the Chair of the Committee on Rules and Operation of the Senate may, with the
5 consent of a majority present and voting, re-calendar a bill or resolution appearing on the
6 calendar or refer or re-refer it to committee.

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

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

23 **RULE 48. Calendar; order to be followed.** – The Presiding Officer and the
24 Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in
25 which they stand upon the calendar, unless otherwise ordered in accordance with Rule 47. The
26 published calendar shall include all bills reported favorably from committees, or placed on the
27 calendar on motion, and shall include the bill number and short title of each bill on the
28 calendar.

29 **RULE 49. Consideration of Gubernatorial Nominations or Appointments.** –
30 When received by the Principal Clerk, written notice of a gubernatorial nomination or
31 appointment that requires confirmation by the General Assembly or the Senate shall be read in
32 session and shall be referred by the Chairman of the Committee on Rules and Operations of the
33 Senate, or in his absence the President Pro Tempore of the Senate, to the appropriate Senate
34 committee. The Chairman of the Committee on Rules and Operations of the Senate may file an
35 appropriate resolution for consideration of the nomination or appointment. For statewide or
36 at-large nominations or appointments, the Principal Clerk shall transmit a copy of the notice of
37 nomination or appointment to the Senator or Senators representing the county in which the
38 nominee or appointee resides. For nominations or appointments of persons to represent a
39 particular district or region of the State, the Principal Clerk shall transmit a copy of the notice
40 of nomination or appointment to the Senator or Senators representing all or a portion of the
41 particular district or region to be represented. The chair of the Senate committee receiving
42 referral of any nomination or appointment shall determine the procedure by which the
43 committee shall consider that nomination or appointment and may make a report of its
44 recommendation to the Senate.

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

49 **RULE 51. Special orders.** – Any bill or other matter in consideration before the
50 Senate may be made a special order for a subsequent day or hour by a vote of the majority of
51 the Senators voting, and if action on the bill is not completed on that day, it shall be returned to

1 its place on the calendar, unless it is made a special order for another day; and when a special
2 order is under consideration it shall take precedence over any special order or subsequent order
3 for the day, but such subsequent order may be taken up immediately after the previous special
4 order has been disposed of.

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

11 **RULE 53. Effect of defeated measure.** – (a) After a bill has been tabled, or has
12 failed to pass on any of its readings, the contents of such bill or the principal provisions of its
13 subject matter shall not be embodied in any other measure. After an amendment has been
14 tabled or defeated on the Senate floor, the contents of such amendment or the principal
15 provisions of its subject matter shall not be embodied in any other measure. If a substitute
16 amendment is adopted on the floor, the contents of the previously pending amendment which
17 are not contained in the substitute shall be considered to have been defeated. Upon the point of
18 order being raised and sustained by the Presiding Officer, such measure shall be laid upon the
19 table and shall not be taken therefrom except by a vote of two-thirds of the membership of the
20 Senate present and voting: Provided, no local bill shall be held by the Presiding Officer as
21 embodying the provisions of, or being identical with, any statewide measure which has been
22 laid upon the table or failed to pass any of its readings.

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

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

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

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

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

42 **RULE 56.1. Amendments and committee substitutes adopted by the House to**
43 **bills originating in the Senate.** – (a) Whenever the House has adopted an amendment or a
44 committee substitute for a bill originating in the Senate, and has returned the bill to the Senate
45 for concurrence in that amendment or committee substitute, the Senate may not concur in that
46 amendment or committee substitute until the next legislative day following the day on which
47 the Senate receives that measure.

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

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

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

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

9 (d) If the amendment or committee substitute for a bill is not a material
10 amendment, the question before the Senate shall be concurrence. In the event there is more than
11 one House amendment, the question shall be concurrence in all the House amendments, and the
12 question may not be divided, notwithstanding Rule 28. The question that shall be put before the
13 Senate by the Presiding Officer shall be: "Does the Senate concur in the House amendments
14 (committee substitute) to S.B. _____?"

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

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

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

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

43 (b) In committee, the germaneness of amendments or committee substitutes
44 shall be determined by the chairman of the committee in which such amendments or committee
45 substitutes are offered.

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

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

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

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

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

12 **VII. LEGISLATIVE OFFICERS AND EMPLOYEES**

13 **RULE 60. Pages.** – (a) The President Pro Tempore of the Senate shall appoint
14 pages. The President Pro Tempore, or such person as the President Pro Tempore may
15 designate, shall supervise the pages and assign to them their duties. Each page shall be at least
16 15 years of age or be in the ninth grade at the time of service.

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

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

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

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

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

33 **RULE 63. Legislative assistants and other Senate staff.** –

34 (b) Each member shall be assigned one legislative assistant position. Additional
35 staff positions may be allocated to members in the discretion of the President Pro Tempore. The
36 selection of the person to fill a staff position assigned or allocated to an individual member's
37 office shall be his or her prerogative.

38 (c) Persons seeking an employment position in the office of an individual
39 member shall file initial applications for employment with the Director of Legislative
40 Assistants and shall receive compensation as prescribed by the Legislative Services
41 Commission. Their period of employment shall comply with the period as established by the
42 Legislative Services Commission unless employment for an extended period is approved by the
43 President Pro Tempore. They shall adhere to such uniform regulations and other conditions of
44 employment (including retention) under the direction of the Director of Senate Legislative
45 Assistants as the Committee on Rules and Operations of the Senate shall adopt.

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

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

1 (b) Not later than two weeks after the initial committee assignments become
2 final, the President Pro Tempore of the Senate is authorized to make assignments of committee
3 rooms and offices to designated committees, chairs, and members of the Senate. In making
4 such assignments of individual offices, the President Pro Tempore may give preferential
5 consideration to the respective members according to the length of service that each member
6 has rendered in the Senate.

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

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

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

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

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

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

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