

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2017**

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**Simple  
Resolution  
Adopted**

**SENATE RESOLUTION 1**  
**Adopted 1/11/17**

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Sponsors: Senator Rabon (Primary Sponsor).

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Referred to: Calendar 1/11/2017

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January 11, 2017

1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR  
2 THE REGULAR SESSION OF THE 2017 GENERAL ASSEMBLY.

3 Be it resolved by the Senate:

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

**PERMANENT RULES OF  
THE REGULAR SESSIONS OF THE SENATE  
2017 GENERAL ASSEMBLY OF NORTH CAROLINA**

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9 I. Order of Business, Rules 1-7  
10 II. Conduct of Debate, Rules 8-17  
11 III. Motions, Rules 18-24.1  
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.

**I. ORDER OF BUSINESS**

17  
18 **RULE 1. Rules controlling the Senate of North Carolina and its committees.** – The  
19 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 hour  
25 fixed by the Senate upon adjournment on the preceding legislative day and shall call the members  
26 to order. In case the Senate adjourned on the preceding legislative day without having fixed the  
27 hour of reconvening, the Senate shall reconvene on the next legislative day at 2:00 P.M., except  
28 that if the next legislative day is Monday, the time for reconvening shall be 7:00 P.M.

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

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



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

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

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

24           **RULE 7. Order of business.** – After approval of the Journal, the order of business  
25 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 votes.
    - 36           2. Second reading roll call and electronic voting system votes.
    - 37           3. Second reading viva voce.
    - 38           4. Third reading viva voce.
  - 39           b. Public bills in numerical order, Senate bills first:
    - 40           1. Third reading roll call and electronic voting system votes.
    - 41           2. Second reading roll call and electronic voting system votes.
    - 42           3. Second reading viva voce.
    - 43           4. Third reading viva voce.

## 44           **II. CONDUCT OF DEBATE**

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

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

50           **RULE 10. Points of order.** – (a) The Presiding Officer shall preserve order and  
51 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 Chairman of the Committee on Rules and Operations of the Senate, whose decision may be appealed 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 Chairman of the Committee on Rules and Operations of the Senate.

(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 Chairman of the Committee on Rules and Operations of the Senate, whose decision may be appealed 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 preserved by the Principal Clerk, so that the Presiding Officer, Chairman of the Committee on Rules and Operations of the Senate, 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, giving priority to the President Pro Tempore, the Deputy President Pro Tempore, or the Chair of the Committee on Rules and Operations of the Senate.

(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.

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

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

(2) A point of order; or

(3) A parliamentary inquiry.

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

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

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

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

**RULE 15. Questions of personal privilege; explanation of vote.** – (a) Upon recognition by the Presiding Officer for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes, and may use some or all of that time to explain to the Senate a "Senatorial Statement of Personal Privilege." Upon motion supported by a majority present and voting, that statement may be spread upon the Journal. Neither personal privilege nor a Senatorial Statement of Personal Privilege may be used to explain a vote, debate a bill, or in any way disrupt the regular business of the Senate, nor shall such opportunities be used

1 to solicit support or sponsors for any bill. The format of Senatorial Statements of Personal  
2 Privilege shall be prescribed by the Chairman of the Committee on Rules and Operations of the  
3 Senate, but in any case shall speak only in the voice of the Senator submitting it. The Presiding  
4 Officer shall determine if the question raised is one of privilege and shall, without the point of  
5 order being raised, enforce this rule, subject to an appeal to the Chairman of the Committee on  
6 Rules and Operations of the Senate whose decision may be appealed to the Senate by any Senator,  
7 on which appeal no member shall speak more than once unless by leave of the Senate. A  
8 two-thirds vote of the membership of the Senate present and voting is necessary to sustain any  
9 appeal from the ruling of the Chairman of the Committee on Rules and Operations of the Senate.

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

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

15 RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

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

38 (i) The operation of:

39 a. Vocal wireless communication devices, or

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

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

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

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

### III. MOTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 17 **IV. VOTING**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Be in writing,

(2) Be submitted to the Principal Clerk at the time the motion is made, and  
(3) Clearly state how the question is to be divided.  
Upon a majority vote of the Senators present and voting, the motion shall be adopted.  
(b) If the motion to divide the question is adopted, then there shall be no further amendment or debate on any of the distinct propositions.  
(c) If the question is divided and any part thereof fails, then the bill or resolution and any pending amendments shall be removed from the calendar and re-referred to the committee from which the bill or resolution was reported.  
(d) Only one motion to divide the question shall be in order during consideration of a bill or resolution.

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

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

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

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

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

(f) A Senator may move that the excuse of that Senator from deliberations on a particular bill be withdrawn, which question shall be determined without debate. The Senator shall send forward to the Principal Clerk, on a form provided by the Clerk, the written request.

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

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

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

## **V. COMMITTEES**

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

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

Agriculture/Environment/Natural Resources

Appropriations/Base Budget

Appropriations on Department of Transportation

Appropriations on Education/Higher Education

Appropriations on General Government and Information Technology



1 Appropriations on Health and Human Services  
2 Appropriations on Justice and Public Safety  
3 Appropriations on Agriculture, Natural, and Economic Resources  
4 Appropriations on Pensions, Compensation, and Benefits  
5 Commerce and Insurance  
6 Committee of the Whole Senate  
7 Education/Higher Education  
8 Finance  
9 Health Care  
10 Judiciary  
11 Rules and Operations of the Senate  
12 State and Local Government  
13 Transportation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 23 VI. HANDLING BILLS

24 **RULE 38. Application of rules.** – All provisions of these rules applying to bills,  
25 including, but not limited to, provisions governing the introduction, eligibility, and filing of bills,  
26 shall apply also to resolutions, memorials, and petitions.

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

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

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

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

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

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

43 **RULE 40. Introduction of bills.** – (a) Pursuant to G.S. 120-11.1, on January 11, 2017,  
44 a simple resolution to establish the Senate Permanent Rules, and a joint resolution to adjourn to  
45 January 25, 2017, may be filed. No other bills are eligible to be filed on January 11, 2017.

46 Every bill filed for introduction shall contain on the Senate e-jacket the title of the  
47 document and the name of the Senator or Senators sponsoring it. No more than three Senators may  
48 be listed as primary sponsors. The Senate e-jacket shall be delivered by the primary sponsor of the  
49 document, or by that member's legislative assistant, with the prescribed authorization form signed  
50 by the primary sponsor and by that member's legislative assistant, to the Office of the Senate

Principal Clerk, who shall receive them during regular session according to the following schedule:

Monday until 30 minutes after adjournment; and

Any other day the Senate holds a session until 4:00 P.M.

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

When a bill is presented with more than one primary sponsor, the Chair of the Committee on Rules and Operations of the Senate shall designate, as bill manager, one of the primary sponsors. Senators may only cosponsor legislation electronically.

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

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

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

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

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

**RULE 40.1. Deadlines on filing for introduction of bills.** – (a) All local bills must be filed for introduction not later than Tuesday, March 7, 2017, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 4:00 P.M. on Wednesday, March 15, 2017, shall be treated as if it had been filed for introduction under this rule.

(b) All public bills, except those providing for action on gubernatorial nominations or appointments or adjourning the General Assembly, must be filed for introduction not later than Friday, March 17, 2017, provided that any such measure submitted to the Bill Drafting Division of

the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 4:00 P.M. on Thursday, March 30, 2017, shall be treated as if it had been filed for introduction under this rule.

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

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

**RULE 41. Crossover bill deadline.** – In order to be eligible for consideration by the Senate during the 2017 or 2018 Regular Session of the 2017 General Assembly, all House bills other than (i) those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget by Rule 42, (ii) those establishing districts for Congress or State or local entities, or (iii) adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than Thursday, April 27, 2017, provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day.

RULE 41.1. (Reserved for future use).

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

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

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

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

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

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

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

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

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

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

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

(2) Program of hospital, medical, disability, or related benefits provided for teachers and State employees, funded in whole or in part by State funds, shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note that shall include a reliable estimate of the financial and actuarial effect of the proposed change, as provided in G.S. 120-114. The actuarial note shall be attached to the jacket of each proposed bill or resolution that is reported favorably by any committee and shall be clearly designated as an actuarial note. Upon its introduction, a bill or resolution described in subdivision (a)(1) of this rule shall be referred to the Appropriations Committee on Pensions, Compensation, and Benefits and such referral shall constitute compliance with G.S. 120-111.3.

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

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

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

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any system, the chair of the committee reporting the measure shall obtain from the Fiscal Research Division and the administrator of the affected system an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. A chair of the Appropriations/Base Budget Committee, or of the Finance Committee, or of the Committee on Rules and Operations of the Senate, upon the floor of the Senate, may request that an actuarial note be attached to a bill, resolution, or an amendment that affects the costs to or the revenues of a system described in this rule and that is in

1 the possession of the Senate, when in the opinion of that chair, the effect to the cost to or the  
2 revenues of a system described in this rule are not apparent from the language of the measure. No  
3 bill, resolution, or amendment for which an actuarial note has been requested may be considered  
4 for passage prior to the actuarial note from both the Fiscal Research Division and the administrator  
5 of the affected system being attached to it.

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

8 **RULE 42.3. Assessment reports.** – Municipal Incorporations. Every legislative  
9 proposal introduced in the Senate, or received in the Senate from the House, proposing the  
10 incorporation of a municipality shall have attached to the jacket of the original bill at the time of  
11 its consideration on second or third readings by the Senate or by any committee of the Senate prior  
12 to a favorable report, a recommendation from the Municipal Incorporations Subcommittee of the  
13 Joint Legislative Committee on Local Government established by Article 20 of Chapter 120 of the  
14 General Statutes. The recommendation of that Subcommittee shall be made in accordance with the  
15 provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall  
16 include the findings required to be made by G.S. 120-166 through G.S. 120-170.

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

30 (b) The sponsor of each bill, amendment, or resolution to which this subsection  
31 applies shall present a copy of the bill, amendment, or resolution with the request for a fiscal note  
32 to the Fiscal Research Division. Upon receipt of the request and the copy of the bill, amendment,  
33 or resolution, the Fiscal Research Division shall prepare the fiscal note as promptly as possible.  
34 The Fiscal Research Division shall prepare the fiscal note and transmit it to the sponsor within two  
35 weeks after the request is made, unless the sponsor agrees to an extension of time.

36 (c) This fiscal note shall be attached to the original of each proposed bill,  
37 amendment, or resolution that is reported favorably by any committee, but shall be separate from  
38 the bill, amendment, or resolution and shall be clearly designated as a fiscal note. A fiscal note  
39 attached to a bill, amendment, or resolution pursuant to this subsection is not a part of the bill,  
40 amendment, or resolution and is not an expression of legislative intent proposed by the bill,  
41 amendment, or resolution.

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

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

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

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

(1) Alters expenditures or salaries;

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

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

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

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

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

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

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

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

**RULE 45.1. Action on amendment or committee substitute.** – If any committee recommends adoption of an amendment or committee substitute of a bill or resolution, the amendment or committee substitute shall be considered adopted upon the reading of the committee report and shall be engrossed. Unless a committee substitute of a bill or resolution being considered by a committee is distributed to members of that committee no later than the day

1 prior to the committee meeting, the committee substitute shall be carried over to the next day  
2 unless a majority of the members of that committee present and voting vote to take up the measure  
3 at that time. The bill or resolution, as amended, or its adopted committee substitute shall be placed  
4 on the calendar for the next legislative day or re-referred if the bill or resolution was serially  
5 referred. The committee substitute's original bill or resolution shall lie on the table.

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

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

11 **RULE 47. Recall of bill from committee and discharge petition; re-calendaring or**  
12 **referral of a bill to committee.** – (a) Notwithstanding anything to the contrary, only the President  
13 Pro Tempore, the Chair of the Committee on Rules and Operations of the Senate, or the chair of a  
14 committee to which a bill or other matter is assigned may, with the consent of a majority of the  
15 membership of the Senate present and voting, recall the measure from its assigned committee to be  
16 referred to another committee or the floor. Only the President Pro Tempore or the Chair of the  
17 Committee on Rules and Operation of the Senate may, with the consent of a majority present and  
18 voting, re-calendar a bill or resolution appearing on the calendar or refer or re-refer it to  
19 committee.

20 (b) A motion to discharge a committee from consideration of a bill or resolution  
21 may be filed with the Principal Clerk if accompanied by a petition signed by two-thirds of the  
22 members of the Senate asking that the committee be discharged from further consideration of the  
23 bill or resolution. No petition may be circulated for signatures until 10 legislative days after the  
24 bill has been referred to the committee. No petition may be circulated for signature until notice has  
25 been given on the floor of the Senate that the petition is to be circulated. If such a motion  
26 accompanied by a valid petition is filed, the Principal Clerk shall place that motion on the calendar  
27 for the next legislative day as a special order of business. If the motion is adopted by two-thirds of  
28 the members of the Senate, then the committee to which the bill or resolution has been referred is  
29 discharged from further consideration of the bill or resolution, and that bill or resolution is placed  
30 on the calendar for the next legislative day as a special order of business. If the committee had,  
31 prior to discharge, adopted any amendment or committee substitute for the bill, it shall be in order  
32 to offer that amendment or substitute on the floor as if it were a committee amendment or  
33 substitute. The Principal Clerk shall provide a form for discharge petitions.

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

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

40 **RULE 49. Consideration of Gubernatorial Nominations or Appointments.** – When  
41 received by the Principal Clerk, written notice of a gubernatorial nomination or appointment that  
42 requires confirmation by the General Assembly or the Senate shall be read in session and shall be  
43 referred by the Chairman of the Committee on Rules and Operations of the Senate, or in his  
44 absence the President Pro Tempore of the Senate, to the appropriate Senate committee. The  
45 Chairman of the Committee on Rules and Operations of the Senate may file an appropriate  
46 resolution for consideration of the nomination or appointment. For statewide or at-large  
47 nominations or appointments, the Principal Clerk shall transmit a copy of the notice of nomination  
48 or appointment to the Senator or Senators representing the county in which the nominee or  
49 appointee resides. For nominations or appointments of persons to represent a particular district or  
50 region of the State, the Principal Clerk shall transmit a copy of the notice of nomination or  
51 appointment to the Senator or Senators representing all or a portion of the particular district or



1 region to be represented. The chair of the Senate committee receiving referral of any nomination  
2 or appointment shall determine the procedure by which the committee shall consider that  
3 nomination or appointment and may make a report of its recommendation to the Senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49           **RULE 57.1. Germaneness of amendment or committee substitute.** – (a) All floor  
50 amendments shall be germane to the subject matter of the measure under consideration. The

1 question of germaneness of the proposed floor amendment is in order at any time the measure is  
2 before the body prior to final action on its adoption.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 **RULE 63. Legislative assistants and other Senate staff.** – (a) Each member shall be  
43 assigned one legislative assistant position. Additional staff positions may be allocated to members  
44 in the discretion of the President Pro Tempore. The selection of the person to fill a staff position  
45 assigned or allocated to an individual member's office shall be his or her prerogative.

46 (b) Persons seeking an employment position in the office of an individual member  
47 shall file initial applications for employment with the Director of Legislative Assistants and shall  
48 receive compensation as prescribed by the Legislative Services Commission. Their period of  
49 employment shall comply with the period as established by the Legislative Services Commission  
50 unless employment for an extended period is approved by the President Pro Tempore. They shall  
51 adhere to such uniform regulations and other conditions of employment (including retention)

under the direction of the Director of Senate Legislative Assistants as the Committee on Rules and Operations of the Senate shall adopt.

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

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

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

## VIII. GENERAL RULES

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

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

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

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

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

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

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

**RULE 71. Placing material in Senators' offices.** – Any person other than a member of the Senate or an employee of the General Assembly desiring to place articles of any kind in the offices of the members of the Senate shall make written application to and obtain written approval

1 from the Principal Clerk. No items may be placed on members' desks except as permitted under  
2 Rule 17.

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

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

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

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

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

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

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

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

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