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Resolutions, Bills, and Acts

Names and Explanations of Legislative Measures

A **Resolution** affects only the action of the legislative body (Senate or House) and the members of the body in which it is introduced.

It requires only one reading and adoption, and is not submitted to the other legislative body.

A **Concurrent Resolution** affects the action of the entire General Assembly and the members thereof; does not carry an appropriation; does not have the force of law, as an act or joint resolution does, but records the sense of the Senate and House concurrently.

It requires only one reading and one adoption or concurrence by each body.

A **Joint Resolution** has the same force of law as an act, but is a *temporary* measure, dying when its subject matter is completed. It requires the same treatment as a bill does in its passage through both Senate and House, but its title after passage is not changed to that of an act; and when used to propose an amendment to the Constitution it does not require the approval of the Governor.

A **Bill** is the term applied to a measure introduced in either body (Senate or House) and is designed to become a permanent law (or an "act").

It must be read and adopted three times on three separate days in each body. Once the required readings have occurred, the title is changed to that of an act.

An **Act** is the term applied to a bill that has passed both the Senate and House, been ratified by the presiding officer of each body, and signed by the Governor or passed over his veto. It is a *permanent* measure, having the force of law until repealed.

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Necessary Vote on Action by Senate

Absentees

To send for when less than a quorum shall convene, requires a *majority of those present* (Rule 3B).

Amendment on Third Reading

To receive same requires three-fifths (3/5) of those present and voting (Rule 26B).

Bill for Special Charter

Concurrent resolution to allow introduction thereof, requires a "two-thirds (2/3) vote of each house" that is, *two-thirds of those voting*, a quorum being present (Const., Art. IX, Sec. 2).

Constitution

To pass measure submitting amendment thereto to the electors, requires "two-thirds (2/3) of the members elected"—31 *ayes* (Const., Art. XVI, Sec. 1). Amendment to be entered on Journal with *yeas* and *nays* taken thereon.

To pass bill ratifying same at *next session after approval at a general election*, requires "a majority of each branch" by *ayes* and *nays* (Const., Art. XVI, Sec. 1) that is, *a majority of those voting* a quorum being present (Const., Art. XVI, Sec. 1).

Constitutional Convention

To pass measure submitting calling of same to the electors, requires "two-thirds of the members elected to each branch"—that is 31 votes (Const., Art. XVI, Sec. 3).

Election of Standing Committees

For members, voting *viva voce*, Chairman shall be the senior member of the majority party (Rule 19(E)).

Expulsion of a Member

Requires "the concurrence of two-thirds (2/3)" (Const., Art. III, Sec. 12) of those voting.

Fixing Debate and Time

For voting on any question, except third reading, requires vote of twenty-four (24) members (Rule 15A).

For voting on the question of third reading, requires three-fifths (3/5) present and voting but not more than twenty-six (26).

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Free Conference Committee

Requires "the approval of two-thirds vote of the entire membership of the Senate and House separately taken." (Rule 50).

Impeachment

Conviction of officers, requires 31 votes (Art. XV, Sec. 2)—"two-thirds (2/3) of all the *members elected*".

Order of Business

Varied by vote of two-thirds (2/3) of Senators present, reverted to by a vote of two-thirds (2/3) of Senators present (Rule 32).

Recalling Bills from Committees

To recall bill or resolution (except Appropriation Bill), from committee after expiration of five statewide legislative days, requires majority vote. Before expiration of five (5) days, requires three-fourths (3/4) vote of Senators present (Rule 22).

Rules

To amend, rescind, or suspend, *after one (1) day's previous notice* is given, requires "a two-thirds vote of the membership of the Senate" (Rule 43).

To *suspend* (only) *without giving notice*, requires unanimous consent (Rule 43).

Special Orders

Made without debate by two-thirds (2/3) vote of Senators present (Rule 33).

Time of Daily Meeting

To change same of the following day, requires *majority of members present* (Rule 1).

Veto by the Governor

To pass a bill (or item or Section therein) over same, requires "two-thirds (2/3) of each house" (Const., Art. IV, Sec. 21).

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Rules of The Senate of South Carolina

Adopted December 4, 2024

RULE 1.

Time of Daily Meeting

A.

The Senate, on the first day of each annual session, shall convene at 12 o'clock noon. Thereafter, the Senate shall meet each legislative day at 12 o'clock noon every Tuesday, 1 o'clock p.m. every Wednesday, 11 o'clock a.m. every Thursday for statewide matters, and on Friday for local matters and uncontested matters which have previously received unanimous consent to be taken up unless otherwise ordered by the Senate. A motion to change the time of daily meeting may be made at any time when a quorum of the Senate is present or not present and must be voted on after no more than five (5) minutes of debate, two and a half (2½) for and two and a half (2½) against. The Senate shall stand adjourned Saturday through Monday unless otherwise ordered by a majority vote of the members present in statewide session.

B.

At various times as he or she deems necessary during the session, the President, or his designee, is authorized to make a motion to provide for the convening of the Senate in statewide session for the exclusive purpose of the introduction and referral of bills, receipt of communications and committee reports, and the reading and passage of local legislation to which all members of an affected delegation have given their consent for the bill to be taken up, and to adjourn immediately thereafter. Any such motion shall provide the specific dates during which the motion shall apply and shall provide that the Senate must convene at 11:00 a.m. and adjourn not later than 12:30 p.m. on each such day, and such motion must be made at least two (2) days prior to the beginning of the period for which it applies.

C.

The President, when, in his opinion, it is impractical or dangerous to hold a regularly scheduled session(s) of the Senate, may declare the body adjourned to some other time or may convene the Senate under the provisions of Rule 1B.

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Such actions are to be taken only in times of great emergency including, but not limited to, natural disasters, severe weather, and acts of God.

RULE 2.

Quorum

A majority of the total number of Senators qualified shall constitute a quorum.

If at any time during the daily session of the Senate it is ascertained that there is not a quorum present, no business shall be in order except a call of the Senate, an order to send for absentees (as provided for in Rule 3B), a motion to recede for a fixed period of time or to a time certain, or a motion to adjourn. Each of the foregoing motions shall be of equal standing and none shall have priority over the others.

RULE 3.

Attendance, Duties, and Obligations of Senators

A.

Any member or officer of the Senate who shall absent himself or herself from the service of the Senate, without leave of the Senate first obtained, shall forfeit his or her subsistence while so absent. The Clerk shall maintain a record of those members present on each statewide legislative day.

B.

Notwithstanding the provisions of Rule 14 or any other Rule of the Senate, at any time during a session when the presence of absent members is required, the Senate, by majority vote of those present and voting, shall authorize the Sergeant-at-Arms to send for the absent members. In case a less number than a quorum of the Senate shall convene, the members present are hereby authorized to send the Sergeant-at-Arms or any person or persons by them authorized for any or all absent members, as the majority of such members present shall agree. This Rule shall apply to the first convention of the Senate each year at the legal time of meeting and to each day of the session after the hour to which the Senate stood adjourned has arrived. When provisions of this Rule are invoked, then the outer doors of the antechamber shall be secured and any member within the confines of the chamber

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shall be counted for the purpose of determining a quorum. A motion to invoke or repeal Rule 3B may be made at any time when a quorum of the Senate is present or not present and must be voted on after no more than five (5) minutes of debate, two and a half (2½) for and two and a half (2½) against.

RULE 4.

A.

Majority Party and Minority Party

Prior to the commencement of the session, the members of the Senate in each party shall select a leader of their respective party. The leader of each respective party shall serve as either the Majority Leader or Minority Leader of the Senate. A Senator selected as Majority Leader or Minority Leader may not serve as President.

For purposes of these Rules, the majority party shall be the party at the opening of the session who has at least fifty (50) percent of the vote in the Senate plus one. In the event that the membership of the Senate is equally divided, the party affiliation of the President will decide the majority party. The majority party shall be determined at the opening of the session and shall remain the majority party for the duration of these Rules.

Except for meetings to elect the Majority Leader or Minority Leader or to take any other formal action, meetings of party caucuses are exempt from the Freedom of Information Act.

B.

Seating

During the opening session after the election of Senators or, in the case of a special election, at a session designated by the President, the President shall pick his seat in the Chamber first. The Majority Leader and then the Minority Leader shall pick seats in the Chamber on opposite sides. The reading clerk shall then call the roll of the Senate by seniority and each member shall then select a seat in the Chamber. The front two rows on the side of the Chamber selected by the Majority Leader are reserved for the majority party members; the front two rows on the side of the Chamber selected by the Minority Leader are reserved for the minority party members.

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RULE 5.

Journal of the Senate

The Journal of the Senate shall be prepared and printed daily by the Clerk. Any Senator shall have the right to demand the reading of that portion of the Journal of the previous day containing an error or omission and to move to correct any such errors or omissions after debate of no more than five (5) minutes for and five (5) minutes against. The Clerk must annually compile and publish a permanent Journal of the proceedings of the Senate.

RULE 6.

Which Senator Entitled to Floor

A.

When a Senator desires to speak, he or she shall rise from his or her seat and address the President and may not proceed until he or she is recognized. When two or more Senators rise from their seats to speak at the same time, the Senator who first addresses the President, as determined by the President, shall have the floor and the President shall so announce it.

B.

When a Senator raises a question of order, as provided for in Rule 7, the President shall stop all other debate and allow the Senator raising the question to explain the point of order subject only to a superior question of order.

C.

Every Senator, when speaking, shall address the President, standing in his or her place and, when finished, shall take his or her seat. Senators, when addressing the Senate, may stand at their desk or may go to the podium in the center aisle.

Except as otherwise provided in the Rules of the Senate, no Senator may interrupt the Senator who has been granted the floor without his or her consent. To obtain consent, he or she shall first address the President. If a member wishes to present a question to the Senator who has been granted the floor, he or she shall address the President and gain recognition. Once recognized, the member shall ask the President, **"Does the Senator yield for a question?"** The President shall inquire of the member granted the floor **"Does the**

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Senator yield?" If the Senator who holds the floor agrees to yield, the President shall so instruct the Senator who wishes to present the question.

RULE 7.

A.
Question of Order
Appeal from President's Decision

If a Senator in speaking, or otherwise, violates the Rules of the Senate, the presiding officer shall, or any member may, by raising a point of order, call him to order; and when a member is called to order by the President or under a point of order, he or she shall sit down and may not proceed without leave of the Senate, unless the President takes the point of order under advisement. The President may call for the Sense of the Senate on any question of order. Every question of order must be decided by the President, without debate, and Senators shall have the right to appeal the decisions of the President to the full Senate. When the decision of the President is appealed, the next most senior Senator shall preside during the pendency of the appeal and the Senate's debate and action on the motion to appeal. The question before the Senate shall be **"Shall the ruling of the President be overridden?"**, and after not more than thirty (30) minutes, fifteen (15) minutes for and fifteen (15) minutes against, of debate it shall be decided by a majority vote of the membership.

B.
Introduction of Visitors and Guests

When a member wishes to introduce a visitor, guest, or family member, he or she shall first gain recognition from the President and shall limit his or her introduction and associated remarks to not more than two minutes. If a Resolution is presented during the introduction, it may be read by title only.

If a visitor or guest in the Chamber or in the gallery engages in a demonstration of approval or disapproval or creates a disturbance which affects the decorum of the Senate, the Clerk and Sergeant-at-Arms shall take those measures necessary to enforce order.

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C.
Decorum in the Senate

The presiding officer shall maintain proper decorum in the Senate at all times. Members of the Senate are prohibited from eliciting responses of any kind from visitors in the Senate gallery.

The use of cellular phones is prohibited in the Senate Chamber. Other silent electronic devices may be used only in a manner as not to be disruptive to the Senate. This rule shall be enforced in a manner prescribed by the Operations and Management Committee.

RULE 8.
May Speak Twice in One Debate

No Senator shall speak more than twice in any one debate, on the same day, without leave of the Senate.

Any Senator, who absents himself or herself for three (3) hours or more from the Senate Chamber after due notice that Rule 3(B) has been invoked, or is not present for two quorum roll calls which are called more than two hours apart, forfeits his or her right to speak for more than one hour on any matter pertaining to the Bill being debated on that legislative day, unless granted leave by the Senate to speak for a longer period, or unless such member obtains a leave of absence from the Senate either before or after invocation of the Rule.

RULE 9.
Endorsement of Papers

No Senator shall present any Bill, amendment, or other paper without having first affixed his or her name to such Bill, amendment, or other paper. A member who is granted leave to place material on the desks of other members, and who is not the author of or who has not signed the material, shall affix his or her name to a copy of the material and forward that copy to the Clerk prior to distribution of the material. No notice shall be required of a member of his or her intention to introduce a Bill or Resolution. Any member may introduce Bills or Resolutions, which shall be received by the Senate staff whether or not the Senate is in session. A member may co-sponsor any Bill or Resolution with the permission of the primary sponsor. After introduction, a member may, with

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permission of the primary sponsor, co-sponsor any Bill or Resolution that is in the possession of the Senate by notifying the Clerk. Bills and Resolutions so received shall be periodically referred by the President of the Senate to the appropriate committee or committees which may then consider them at such times as the committee meets.

Any matter acted upon favorably by any committee may be reported out by the committee when the Senate reconvenes and need not thereafter be sent to any committee but shall then be ready, upon compliance with other Rules of the Senate, for second reading consideration.

The Clerk of the Senate shall establish procedures to notify the Senate membership on a monthly basis of Bills and Resolutions introduced during periods when the Journal is not printed.

All Bills received prior to the first day of the convening or reconvening of the General Assembly shall receive first reading, *en banc*, on the first day of the session.

RULE 10.

Committee Reports, How Made

Reports must be separately made on each Bill or Resolution and shall be signed by the Chairman or such Senator as the Chairman may designate.

No Bill or Joint Resolution may be polled out of a Standing Committee until all of the committee members present are notified and polled and a majority of the entire membership of the committee votes in favor of polling the legislation out. The poll results must be certified by the Committee Chairman who must certify that each member of the committee was notified and given an opportunity to vote, and a written copy of the results must be given to the Clerk to be published in the Journal.

Notwithstanding the provisions of Rule 33 and unless otherwise ordered by the Senate, when the annual General Appropriation Bill or a Capital Reserve Fund Resolution or any reapportionment bill or any Resolution affecting the sine die adjournment date is received by the Senate to be placed on the calendar, it shall be placed in a position under the masthead of the calendar as the first order of business to be taken up each day immediately following the conclusion of the call of the Uncontested Local Calendar.

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RULE 11.

Writing and Withdrawal of Motions

When a motion is made, with the exception of motions made under Rule 14, if requested by any member, it must be reduced to writing, delivered at the desk, and read before the same is voted up or down; provided, however, that the request to have a motion reduced to writing shall not cause the mover of such motion to lose the floor. Any motion may be withdrawn by the mover at any time prior to being put before the body. No motion may be made concerning a matter which has gone out of the possession of the Senate except a motion to recall, and if the same should prevail, the Clerk shall send an appropriate message requesting a return of the matter, which, when returned, shall be placed in the box.

RULE 12.

Motion to Reconsider

No motion for the reconsideration of any vote shall be in order unless the matter is in the possession of the Senate, nor shall any motion to reconsider be in order unless made within the next two statewide legislative days of the actual session of the Senate thereafter and by a Senator voting with the prevailing side. Except for procedural motions, a motion to reconsider may be made immediately after the act or motion to which it applies has occurred, during the motion period, during the time between the call of orders of business after the introduction and reference of new Bills and Resolutions, or during the time the Bill or Resolution is being debated.

RULE 13.

Points of Personal Privilege and Expressions of Personal Interest

Any member may rise to a point of personal privilege provided that a point of personal privilege shall be defined as questions affecting the rights, reputation, and conduct of members of the body in their representative capacity.

A point of personal privilege must relate to persons as members of the body or relate to charges against the character of a member, which charges, if true, would affect the rights of membership.

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A member rising to a point of personal privilege must confine his or her remarks to those matters which concern the member personally and has only the right to defend himself or herself and no other persons, and such remarks shall in all cases be limited to not more than one (1) hour.

All other remarks made by a member shall be regarded as an expression of personal interest. A member may only be recognized for an expression of personal interest prior to the call of the Uncontested Calendar or after completion of the Special Orders, and such remarks shall in all cases be limited to not more than five (5) minutes.

RULE 14.

Privileged Motions

When a question is under debate, no motion shall be entertained, unless otherwise provided for in the Rules, but

1. To adjourn
2. To adjourn to a date and time certain
3. To recede for a fixed period of time or to a time certain
4. To appeal a decision of the Chair
5. To go into Executive Session
6. To take up order of the day
7. To continue
8. To lay on the table
9. To adjourn debate to a certain day or to adjourn debate
10. To carry over
11. To strike out the enacting clause
12. To commit or recommit
13. To reconsider
14. To amend

which several motions may only be made by the Senator having the floor and shall have precedence in the order in which they are above arranged, and the first ten (10) of which shall be determined without debate. A motion to lay an amendment on the table being agreed to shall not have the effect of disposing of the main question.

Provided, however, when a Bill or any other matter is under debate, a motion to carry over may be made by the Senator having the floor, with such Senator retaining the floor on that Bill or any other matter upon an affirmative vote of

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twenty-six (26) members of the Senate. Provided, that when a Bill or any other matter is under debate and a motion to carry over is made pursuant to a majority vote of the Rules Committee for a carry over motion, the Senator having the floor shall retain the floor on that Bill or other matter upon a majority vote of those members present and voting. The Rules Committee vote requirement can be fulfilled either at a duly called meeting of the Rules Committee or the Committee may be polled in accordance with Rule 10.

No motion to carry over, either by the Senator who has the floor or by the Rules Committee as provided herein, shall be in order for any Bill in the status of Interrupted Debate for less than one legislative day. The failure of a motion to carry over by an individual Senator or by the Rules Committee shall not cause the member who has the floor to lose the floor.

When a motion to adjourn debate is passed, the Bill to which it applies is subject to consideration on the next legislative day that the Senate reaches that order of business. When a motion to adjourn debate to a date certain is passed, the Bill to which it applies is not subject to consideration until the date so specified, if the Senate reaches that order of business. If the Senate does not reach that order of business, the Bill remains in adjourned debate status.

A motion to ratify acts may be made by the President, or his designee, at any time and must receive a majority vote of the membership of the Senate.

Whenever a member who has been recognized and properly holds the floor makes a motion relating to any business, matter, or other question before the Senate, such motion shall require a majority vote of those present and voting unless otherwise provided. If a request is made to repeat or restate any such motion, it shall only be repeated or restated by the member originally making the motion.

No member may make any dilatory motion, including placing amendments on the desk, or take any other action or use any parliamentary tactic for the purpose of delaying or obstructing business.

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RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on any Bill, Resolution, or other matter which has been under debate for two (2) hours on the current legislative day may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting.

However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for sine die adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote, a time when no further amendments may be placed on the desk, the limitations on amendments sponsored by each Senator, and/or the limitations on consideration and debate of each amendment and the main question. Any Senator may request a call of the Senate prior to the vote being ordered.

When the time arrives, the Senate shall proceed to a consideration (seriatim) of the amendments and the main question as provided by the motion adopted under the provisions of the rule.

When a motion is adopted under the provisions of this rule, no further amendments may be received unless provided by the motion, except that the Majority Leader and the Minority Leader may each offer one additional amendment and the Clerk may authorize an amendment necessary to correct some technical error or omission or to conform the language of an amendment to a previous action of the Senate.

Any question to which the Senate has agreed to fix a date or time certain shall become the unfinished business of the Senate and shall be considered on each subsequent legislative day immediately after the call of the Uncontested Local Calendar.

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B.

Notwithstanding the provisions of Rule 14 or any other Rule of the Senate, when any Reapportionment Bill has been under debate for two statewide legislative days, the President shall immediately recognize any Senator for the purpose of a motion to bring the debate to a close. Upon being made, the President shall at once state the motion and submit to the Senate by a yea and no vote the question:

"Is it the Sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, then said measure pending before the Senate, or unfinished business, shall be the unfinished business of the Senate to the exclusion of all other business until disposed of.

Thereafter, no Senator shall be entitled to speak in all, more than one (1) hour on the measure, pending before the Senate, or the unfinished business, the amendments thereto, and the motions affecting the same, and it shall be the duty of the presiding officer to keep the time of each Senator who speaks. After no more than forty-six (46) hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without further debate on any question, to vote on the final disposition thereof to the exclusion of all other matters.

C.

Except for any Reapportionment Bill and notwithstanding the provisions of Rule 14, the President or his or her designee, shall have the right to make a motion to establish a schedule for a future date and time for the vote on any Bill or Resolution, which is in the status of Interrupted Debate, Adjourned Debate, or Special Order. The motion shall also establish the time when no further amendments may be placed on the desk and the limitations on consideration and debate of amendments and the main questions. Any such motion shall not be subject to amendment or debate and must be adopted by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting. After which the Bill or Resolution

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shall be the business of the Senate on the date and time set, to the exclusion of all other matters.

RULE 16.

Vote by Ayes and Nays
Senators Present Must Vote

Except as otherwise provided, the decision of the Senate on any question other than unanimous consent shall be taken by all members voting *viva voce* or electronically when a roll call is required and if an electronic voting system is available. Votes on the following matters shall be taken by roll call, and the names of the Senators voting shall be recorded in the Journal:

(1) Second reading of Joint Resolutions proposing amendments to the South Carolina Constitution and third reading of such Joint Resolutions that are substantively amended on third reading;

(2) The question on any act returned from the Governor with his or her objections;

(3) Second reading of Bills and Resolutions having the force and effect of law and third reading of such Bills and Resolutions that are substantively amended on third reading. During the call of the Uncontested Calendar, after the first recorded vote, the name of each Senator present will be recorded in like manner, unless there is a request by five (5) Senators to call the roll;

(4) Adoption of reports of conference committees and free conference committees and the granting of free conference powers;

(5) The question on concurrence or the adoption of a substantive amendment proposed to Bills or Resolutions returned from the House of Representatives; and

(6) Any vote on the main question of an amendment for which there is a request for a roll call by three (3) Senators and the vote on any other motion for which there is a request for a roll call by five (5) Senators.

Prior to third reading of the annual General Appropriations Bill, each section of Part IA with the corresponding provisos must be considered individually and receive a roll call vote.

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Upon a call of the Senate and unless a division is ordered, the Senators present shall vote alphabetically, unless voting electronically, when a roll call is required and every Senator present must give his or her vote as aye, no, or abstain unless excused by the Senate.

No Senator who is absent when the vote is taken and the result announced by the President shall be allowed to vote without leave of the Senate. A Senator who is absent from a vote may not be recorded as voting on that matter.

RULE 17.

A.

President of the Senate

At a session designated in accordance with Article III, Section 37 of the South Carolina Constitution, the Senate shall elect from among the members thereof a President to preside over the Senate and to perform other duties as provided by law and these Rules. The President shall serve for the quadrennium concurring with the term of the Senators.

In accordance with Article III, Section 18 of the South Carolina Constitution, the President must ratify all acts that are appropriately presented.

The President may name a Senator to act as President in order to preside in a temporary capacity for a period not to exceed beyond adjournment of that legislative day and who, if the President is unable, may ratify acts on behalf of the Senate.

The President may authorize or retain counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a Senate committee, a Senator, or a Senate officer or employee.

In accordance with Article III, Section 12 of the South Carolina Constitution, any reference to the President *Pro Tempore* of the Senate in the Code of Laws shall be considered to mean the President of the Senate.

B.

Parliamentarian of the Senate

The Clerk shall serve as Parliamentarian of the Senate to provide expert, nonpartisan advice and assistance to the President and other Senators on questions relating to the

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meaning and application of the Senate's rules, precedents, and practices. The Clerk may appoint an Assistant Parliamentarian as required upon approval of the Operations and Management Committee.

RULE 18.

A Question May Be Divided

If a question in debate contains several points, any Senator may move to have the same divided and shall state how the division is to be made. Such motion shall be decided by a majority of the Senators present and voting after not more than five (5) minutes of debate. On a motion to strike out and insert, it shall not be in order to move for a division of the question, but a rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out, nor shall the rejection of a motion to simply strike out prevent a subsequent motion to strike out and insert.

RULE 19.

A.

Standing Committees of the Senate

The Standing Committees of the Senate shall be as follows and shall have jurisdiction over legislation, appointments, and other matters which fall within the title or titles of the Code of Laws as are herein below enumerated for each of the Committees:

Agriculture and Natural Resources—Titles 4 (county fairs), 39 (agricultural and food products), 44 (environmental services), 46, 47, 48 (land resources, soil and water conservation, mining, oil and gas, and wetlands), and 49

Banking and Insurance—Titles 21 (trust companies), 29, 34, 35, 36, 37, and 38

Corrections and Penology—Titles 2 (community corrections), 24, and 63 (DJJ & Juv. Parole Bd.)

Education—Titles 2 (higher education), 51, 59, and 60

Ethics

Family and Veterans' Services—Titles 1 (state emblems and observances), 5 (cemeteries), 25, 26, 27 (cemeteries),

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39 (blind persons), 43, 45, 52, 53, and 63 (children's services, childcare)

Finance—Titles 1 (Administration, SFAA), 2 (bonding authority, taxation, finances), 3, 4 through 6 (bonding authority, taxation, finances), 8 (employment standards, retirement, deferred compensation), 9, 10, 11, and 12, Constitution (bonding authority, taxation, finances)

Fish, Game and Forestry—Titles 48 (forestry and fire protection), 49, 50, and 51

Judiciary—Constitution, Titles 1, 2, 4, 5 through 8, 14 through 23, 27, 28, 30, 32, 33 (electric cooperatives), 42, 44 (drug related offenses), 56 (criminal offenses), 58, 61, 62, and 63 (family court, legal issues)

Labor, Commerce and Industry—Titles 1, (occupational licensing, building codes), 4 through 6 (building, construction, planning, fire codes), 13, 23 (firefighting), 31, 33, 39 (business matters, chemicals, industrial products), 40 and 41

Legislative Oversight

Medical Affairs—Titles 39 (drug products), 40 (health care professionals), 43, 44, and 48 (pollution control, waste management, water and sewer)

Rules—Senate Rules, Joint Rules

Transportation—Titles 5 (streets, sidewalks, parking), 54, 55, 56, 57, and 58 (Regional Transportation Authorities and railroads)

Matters shall be referred to the appropriate standing committee with jurisdiction over the primary subject matter addressed by the Bill or Resolution. If there is any objection to the referral of any bill or resolution to any Standing Committee, the Rules Committee shall hear the same, resolve the issue, and report to the Senate within one (1) legislative day its decision, which decision may be overruled by a vote of twenty-nine (29) Senators.

The several committees shall have such powers and duties as provided for in these rules. It shall not be in order for any committee to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) that contains any significant matter not within the jurisdiction of the committee proposing such amendment.

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B.
Committee Composition

The membership of the above listed committees shall be as follows: The Committees on Judiciary and Finance shall each have twenty-three (23) members. All other standing Committees, except the Committee on Ethics and the Committee on Legislative Oversight, shall have seventeen (17) members.

The Committee on Ethics shall be composed of ten (10) members. Of the ten (10) members selecting a seat, five (5) shall be members of the majority party and five (5) shall be members of the minority party. The Committee on Legislative Oversight shall be composed of thirteen (13) members. Of the thirteen (13) members selecting a seat, in addition to the President who must select a seat, six (6) shall be members of the majority party, and six (6) shall be members of the minority party.

The total membership of each Standing Committee shall be composed of members of the two major political party caucuses in proportion to the number of Senators of each of such political party caucuses as nearly as possible and ensuring that the majority party as defined in these Rules contains a majority of the membership within each Standing Committee. For purposes of determining committee composition, percentages shall be rounded as follows: percentages of .49 or below shall be rounded down and percentages of .50 and above shall be rounded up.

Membership on the Judiciary Committee excludes membership on the Finance Committee and vice versa.

Committee seniority shall be determined by tenure within the committee rather than tenure within the Senate. When members with seniority transfer to a new committee, their seniority will be counted ahead of newly-elected Senators.

Where two or more Standing Committees are combined, initial membership on such committee shall be based on tenure within the Senate.

C.
Special Committees

In addition to the above listed Standing Committees, there shall be two (2) Special Committees to be known as the Committee on Interstate Cooperation, which shall be composed of

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five (5) members, and the Operations and Management Committee, which shall be composed of nine (9) members. The chairman of the special committees shall be the President of the Senate or in his or her absence the next most senior Senator of the majority party serving thereon.

D.
Committee Selections

Members of the Senate shall make their committee selections at the commencement of the session following the election of Senators or in the case of a special election, at such session designated for that purpose by the President. In the case of a special election, the President must call a session for the purpose of committee selections within three (3) statewide days after a Senator elected in a special election has taken the oath of office.

Members of the Senate may not select more than five (5) Standing Committees. The Committee on Ethics, the Committee on Interstate Cooperation, and the Committee on Legislative Oversight are not included in this limitation.

For the members to make their Standing Committee selections, the Clerk of the Senate (or if the Clerk has not been elected, the Clerk of the Senate during the preceding General Assembly or an assistant clerk) shall prepare a roll of the Senate listing the members in the order of length of continuous service, beginning with the longest continuous service. Where two or more members have equal continuous service, they shall be listed in alphabetical order. The Clerk of the Senate shall also prepare a list of each Standing Committee and the number of seats available to members of each party. The Clerk of the Senate shall then call the roll twice in order of continuous service. Each member, upon his or her name being called during the first call of the roll, shall select four (4) unfilled Standing Committees on which he or she wishes to serve (and shall also select at this same time a seat on any or all of the Ethics, Legislative Oversight, and Interstate Cooperation Committees so long as a vacancy exists). Each member must select either the Finance or Judiciary Committee during the first call of the roll.

When the prescribed number of seats provided for a particular party within a Standing Committee has been filled, the

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President shall announce that the seats available for either the majority or minority party are filled. When the roll is called for the second time, it shall be called in reverse order of continuous service and each member upon his or her name being called, may select one additional unfilled Standing Committee on which he or she wishes to serve.

In the event any member is unable to be present for selection of Standing Committees, that member may authorize in writing any member of the Senate to make selections in his or her behalf. This procedure shall be followed on the first day of the session following the election of Senators and at any other session where a newly elected member(s) is seated and the President has made the designation within the timeframe hereinabove provided. Any Senator who served on a Standing Committee in the session immediately past shall have the right to select such committee, regardless of the Senator's seniority in the Senate, unless the Senator shall elect to be removed from such committee by the choices made by the member during the first round of selection of committees or unless the number of seats available to his respective party have already been filled.

Except as otherwise provided herein, in the selection by members of a seat on a Senate Standing Committee, the seniority system from the previous session shall be retained so as to become a part of these rules.

E.
Chairmen of the Standing Committees

In the selection of the chairman of the Standing Committees, the senior member of the committee from the majority party, in terms of seniority within the committee, shall be the chairman of the Standing Committee. However, the President shall be the Chairman of the Committee on Legislative Oversight and must not be the chairman of any other Standing Committee. The chairman of the Standing Committee shall serve for the quadrennium concurring with the term of the Senators adopting these Rules. If a vacancy occurs in the chairmanship of a Standing Committee, then the next most senior member of the majority party shall become chairman of the committee for the remainder of the original term. However, a Senator shall serve as chairman of only one of the

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Standing Committees but may chair a Standing Committee and a Special Committee concurrently.

Should any Senator, during his term of office, cease to be a member of the political party of which he was a member at the time of his election, he shall not be deemed, thereby, to have forfeited all committee memberships to which he may have been elected and shall not waive all seniority within each of the committees of which he or she was member if a majority of the caucus to which the member switches consents to that Senator retaining his seniority within the committees to which he was a member at the time of his switch. No Senator elected as a chairman of a Standing Committee at the opening of a session shall lose that chairmanship even if a Senator switches parties and because of that switch becomes the senior member of the majority party on that committee.

A Resolution introduced by the President and the Majority Leader to remove the chairman of a Standing Committee shall be referred to the Rules Committee; and when such Resolution is received by the Senate to be placed on the calendar, it shall be placed in the masthead position and after not more than four (4) hours of debate, two (2) hours for and two (2) hours against, it shall be decided by a majority of the members present and voting.

Each committee chairman shall have necessary staff to oversee the operation of the committee and its staff appointed by the committee chairman and such committee counsel, staff assistants, and pages as the chair of the committee may deem necessary. The number of positions and salaries of personnel selected pursuant to this provision shall be subject to the approval of the Operations and Management Committee.

The chair of any committee may appoint subcommittees to consider a particular bill or resolution or to consider matters relative to a portion of work of the committee. Such subcommittees shall make recommendations to the committee. The chair of the full committee shall name the chairman of the subcommittee who need not be the senior member appointed to the subcommittee. The total membership of a subcommittee shall be composed of members of the two major political parties if practicable. The chair of the full committee shall be an ex officio member of all subcommittees and entitled to vote but shall not be counted as a member for purposes of a quorum.

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F.
Operations and Management Committee

The Operations and Management Committee shall be composed of the President, the Chairman of the Finance Committee, the Chairman of the Judiciary Committee, the Majority Leader, the Minority Leader, and four (4) members selected by the President, of whom two (2) must be members of the minority party. If the Majority Leader also is the Chairman of the Finance Committee or the Judiciary Committee, then the next most senior member of the majority party on the committee shall serve.

The Operations and Management Committee, through the Clerk of the Senate and subject to the Committee's approval, shall oversee the day-to-day operation of the Senate including the allocation of office space between members. The Sergeant-at-Arms shall appoint such number of employees as Deputy Sergeant-at-Arms, subject to the approval of the Operations and Management Committee, as are necessary for the proper transaction of the business of the Senate.

Each Senator, who is not a committee chairman, shall hire such number of pages and other employees as is necessary for the proper transaction of their legislative business. The Operations and Management Committee shall determine the number and salary ranges for these positions. All staffing decisions, including the hiring and firing of all staff, unless otherwise provided herein, shall be the sole responsibility of the affected Senator who must ensure that his or her employees follow the policies and procedures of the Operations and Management Committee, which shall be enforced by the Operations and Management Committee. However, if an employee works for more than one Senator, then the decision to hire and fire must be made by both of the affected Senators. If an agreement cannot be reached regarding the hiring and firing of an employee who works for more than one Senator, then the Operations and Management Committee shall arbitrate the dispute and render a decision, which decision shall be final.

The Operations and Management Committee shall also oversee the Office of Senate Research which shall provide assistance as requested by Senate members and committees

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of the Senate. The Operations and Management Committee shall appoint a majority and minority research director and such other research counsel and staff assistants as is necessary for the proper transaction of its business.

G.
Committees of Conference and Free Conference

Committees of conference and free conference between the two Houses shall be comprised of three (3) members. The President shall select two (2) members, and the chairman of the committee with jurisdiction over the Bill that is the subject of the request for appointment of conference committee shall select one (1) member. The President shall designate a member to convene the initial meeting of the committee until the chairman of the committee of conference or free conference is chosen by a majority of the appointed conferees.

H.
Committee Meetings

The following schedule shall be the regular meeting times for Standing Committees when the General Assembly is in session. Any additional or special meeting may be called only by individual committee chairmen subject to the provisions of the Freedom of Information Act.

Every Tuesday
3:00 p.m.—Finance and Judiciary
1st and 3rd Wednesday
10:00 a.m.—Fish, Game and Forestry
11:00 a.m.—Transportation
2nd and 4th Wednesday
9:00 a.m.—Family and Veterans' Services
10:00 a.m.—Education
11:00 a.m.—Banking and Insurance, Legislative Oversight
1st and 3rd Thursday
9:00 a.m.—Corrections and Penology, Legislative Oversight
10:00 a.m.—Medical Affairs
2nd and 4th Thursday
9:00 a.m.—Labor, Commerce and Industry
10:00 a.m.—Agriculture and Natural Resources

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The Rules Committee, Ethics Committee, and Interstate Cooperation Committee shall meet at the call of the chair. Provided, however, that nothing herein shall prohibit the Chairman of a Standing Committee from canceling a committee meeting. No committee, except the Rules Committee, shall hold a meeting while the Senate is in session without first being granted leave by the Senate.

The above listed dates refer to calendar weeks as opposed to session weeks. The date, time, and place of any called meetings shall be reported to the Clerk of the Senate, who shall post such information in the lobby of the Gressette Senate Office Building. Notice of regular scheduled meetings, as well as called meetings, shall be posted in accordance with the South Carolina Freedom of Information Act.

Each Standing Committee is responsible for keeping minutes of all meetings of the full committee. The vote total on any matter before the committee shall be recorded in the minutes and a roll call vote must be recorded upon request of five (5) Senators.

RULE 20.

Priority of Business Not Debatable

All questions relating to the priority of business to be acted upon shall be settled without debate.

RULE 21.

Bills May Be Recommitted

After commitment and report of a Bill to the Senate, or at any time before its passage, it may be recommitted by a motion to recommit, which can only be made when the matter is under debate or by unanimous consent or when the Senate is in the Motion Period. Such question shall be decided after not more than ten (10) minutes of debate. At any time, the President, or his designee, may move to recommit a Bill that has been on the calendar for a minimum of nine (9) legislative days.

RULE 22.

All Bills Referred to Committees, and to Provide for Recalling Bills from Committees

All Bills or Joint Resolutions when first read shall be referred to the appropriate committees. After the expiration of five (5) legislative days from the date of reference, any Bill,

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or Joint or Concurrent Resolution, except the General Appropriation Bill, may be recalled from any committee by a majority vote of the Senators present and voting; before the expiration of five (5) days from the date of reference, any Bill, or Joint or Concurrent Resolution may be recalled from committee by the vote of three-fourths (3/4) of the Senators present and voting.

All Concurrent Resolutions which invite persons to address the General Assembly in joint session shall be submitted to the President and shall only be voted on by the Senate after they have been approved by a majority of the members of the Operations & Management Committee.

The Clerk is authorized to endorse Resolutions expressing congratulatory messages or sympathy without a reading.

RULE 23.

Printing

All Bills and Resolutions when placed on the Calendar shall be printed and made available to the Senators.

RULE 24.

A.

Clauses in Bill Must Be Germane

No clause shall be inserted in a Bill or Resolution unless the same is germane to the Bill or Resolution. In order to be germane, an amendment must be a natural and logical change or expansion directly related to the specific subject of the Bill or Resolution, as defined in the Bill or Resolution, and must not raise any new or independent matter different from the specific subject of the Bill or Resolution. Any perfecting amendment must be germane to both the amendment to be perfected and the underlying Bill or Resolution and must not offer a new proposition or substantially alter the main amendment.

Matter which is germane to the subject of the General Appropriation Bill and any Supplemental Appropriation Bill shall be defined as those things which reasonably, specifically, and inherently directly relate to the raising or spending of revenue for or in the fiscal year for which the bill applies and do not temporarily or permanently add, amend, or repeal a portion of the general permanent laws of South Carolina. Nothing

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in this paragraph prohibits the temporary suspension of any permanent law.

The provisions of this rule must be strictly construed.

B.
Vote Requirement for General Permanent Laws Included in Reports of Conference Committees on Appropriation Bills

Any part, section, or division of a General or Supplemental Appropriation Bill that reasonably, specifically, and inherently directly relates to the raising and spending of revenue for or in the fiscal year to which the bill applies or any future years, and which amends, adds, or repeals a portion of the general permanent laws of South Carolina that is not otherwise prohibited by the South Carolina Code of Laws may only be included in any conference report or concurred in as a House amendment by a vote of three-fifths (3/5) of the Senators present and voting.

RULE 25.
Bill by Committee

No Bill or Resolution shall be introduced in the name of a committee except with the approval of two-thirds (2/3) of the members thereof at a duly called meeting of the committee; and the chairman of the committee shall certify thereon that this rule has been complied with. However, Joint Resolutions to approve regulations shall require a majority of the members present and voting.

RULE 26.
A.
Second Reading of Bills, Recommittal and Amendments on Third Reading

After a bill has been called for second reading, the President shall recognize the Bill's primary sponsor and/or the committee or subcommittee chairman with jurisdiction over the bill for brief explanatory comments on the bill. These explanatory comments shall not be counted for the purposes of the time limits specified in Rule 15A. Upon conclusion of the explanatory comments, the Senate immediately shall begin consideration of any amendments on the desk.

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The final question upon the second reading of every Bill, Resolution, Constitutional Amendment (or motion originating in the Senate), and requiring three readings prior to being passed, shall be, **"Shall it pass and be ordered to a third reading?"**

B.
Amendments on Third Reading

No amendment shall be received on third reading of a Bill or Resolution, unless three-fifths (3/5) of the Senators present and voting give leave for the amendment to be received. The primary sponsor of an amendment offered on third reading may be recognized for up to three (3) minutes to explain the amendment prior to the vote required under this provision being taken. Any amendment offered pursuant to this provision must be in conformance with Rule 24.

C.
Amendments on Third Reading Debatable

Whenever an amendment is received, pursuant to Rule 26B, on a third reading of any Bill, Resolution, or amendment, the same shall be debatable.

D.
Motion to Commit Always in Order

It shall at all times be in order before the final passage of any such Bill, Resolution, Constitutional Amendment, or motion, to move its commitment. Any such motion shall be decided after no more than ten (10) minutes debate, five (5) minutes for and five (5) minutes against. Should such commitment take place and amendment be reported by the Committee, the said Bill, Resolution, Constitutional Amendment, or motion shall be again considered and read a second time.

E.
Fiscal Estimate Required Prior to Second Reading

Any Bill or Resolution affecting the expenditure of money by the State shall, prior to receiving second reading, have attached to it in writing such comment of the State Revenue and Fiscal Affairs Office as may appear appropriate regarding its effect on the finances of the State.

Any Bill or Resolution affecting the expenditure of money by any county, municipality, school district, or special purpose

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district within the State shall, prior to receiving second reading, have attached to it in writing a statement by the committee chairman that the passage of such Bill or Resolution may affect the revenue of counties, municipalities, school districts, or special purpose districts.

Failure to comply with the provisions of this rule does not limit debate on such a Bill or Resolution prior to the question of second reading.

The provisions of this section shall not apply where the exact amount of money to be spent or expended is clearly set out in the Bill or Resolution.

F.
Earmarks Report Required

The General Appropriations Bill, any Supplemental Appropriations Bill, any Joint Resolution appropriating revenues from the state's reserve funds, any bond bill, or any revenue-raising measure as described in Section 11-11-440 shall, prior to receiving a second reading, have attached to it a statement from the Chairman of the Committee on Finance identifying each funding request included in the bill or resolution made by a Senator for an appropriation for a specific program or project not originating with a written agency budget request or not included in an appropriations act from the prior fiscal year. The statement shall include the requesting Senator's name, an explanation of the project or program, and the amount appropriated.

The Conference Report for the General Appropriations Bill, any Supplemental Appropriations Bill, any Joint Resolution appropriating revenues from the state's reserve funds, any bond bill, or any revenue-raising measure as described in Section 11-11-440 shall, prior to consideration by the Senate, have attached to it a statement from the Chairman of the Committee on Finance identifying each funding request contained in the conference report for an appropriation for a specific program or project not originating with a written agency budget request or not included in an appropriations act from the prior fiscal year. The statement shall identify whether the funding request originated in the Senate or in the House of Representatives and, to the extent practicable, an explanation of the project or program and the amount appropriated.

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RULE 27.

Presentation of Papers

Senators, when presenting petitions, memorials, or reports, or introducing Bills or Resolutions, may make a brief statement, not exceeding three (3) minutes, on the subject matter of such report, Bill, or Resolution, or send it to the President, at which point it shall be read by the Reading Clerk, unless otherwise ordered.

RULE 28.

Message to the House

All messages to the House of Representatives shall be sent by the Clerk, as required by the actions of the Senate.

RULE 29.

The Clerk Charged with Printing

The Clerk shall be charged with the duty of having executed, in a proper and accurate manner, the printing ordered by the Senate or provided in the Rules; provided, however, that notwithstanding any other rule to the contrary, any Resolution which expresses sympathy, congratulations, or commendation shall be printed in the Senate Journal by title only unless a member requests that the full text of the Resolution be printed in the Journal.

RULE 30.

All Papers to Be Delivered to Clerk at Close of Session

At the close of every bi-annual session, the members of the Senate shall be required to hand in to the Clerk all petitions not reported on, and all papers in any way appertaining to the legislative business of the Senate, that the same may be regularly filed in his or her office.

RULE 31.

Executive Sessions

When considering confidential or executive business, the Senate shall be cleared of all persons except the President, the Senators, the Clerk of the Senate, the Reading Clerk, the Assistant Clerk designated by the Clerk of the Senate, the Assistant Parliamentarian designated by the Clerk of the Senate, the Sergeant-at-Arms of the Senate, and such Deputy

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Sergeants-at-Arms required to ensure the security of the Executive Session.

All appointments made by the Governor and delivered to the Senate shall be referred to such committee of the Senate in accordance with the provisions of Rule 19 which are applicable to the reference of Bills. Such appointment shall be considered at the next meeting of such committee or such other time as the committee may determine. No report may be made on an appointment unless and until the committee has held a screening hearing and given the appointee an opportunity to appear before the committee. A screening hearing, or any portion of a screening hearing, may be held in Executive Session only if allowed pursuant to applicable provisions of law and upon the vote of two-thirds (2/3) of the members of the committee. Any information or material provided to or developed by the committee in an Executive Session and any communications between a Committee Chairman and the appointing authority must be held confidential and only reported to the full Senate in Executive Session. If a committee fails to make a report on an appointment to the full Senate within two (2) weeks after a screening hearing, then the Senate may recall the appointment in Executive Session. Executive Sessions must be held on committee reports on appointments pursuant to applicable provisions of law unless the Senate agrees to take up any such report in open session.

Before going into Executive Session, the Senate shall vote in open session on the question of whether to go into Executive Session and the reason therefore. When a motion to go into Executive Session is agreed to, the President shall announce publicly the purpose or purposes of the Executive Session as specified by the member making the motion. No final action may be taken by the Senate in the Executive Session on appointments. For the purpose of this Rule, "final action" means a decision by the Senate that constitutes a dispositive act regarding the consideration of an appointment. No vote may be taken on a final action in Executive Session, and the confirmation of appointments must be voted on in open session.

When the Senate is in Executive Session, any member may make a motion to bring the debate to a close in the Executive Session or to rise from the Executive Session, and such motions

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must be decided without debate by a majority of the Senators present and voting. When the Senate rises from an Executive Session and the report of an Executive Session is received by the Senate, the final question on every appointment shall be: **"Will the Senate advise and consent to this appointment?"** Confirmation of statewide appointments shall be by roll call vote unless otherwise agreed to by unanimous consent.

A Senator who will abstain from the confirmation vote on any appointment also must abstain from the debate and any procedural vote regarding that appointment, including during the committee screening hearing.

Messages containing appointments may be published in the Journal when received as other messages, and the fact that an appointment has been made or that it has been confirmed or rejected shall not be regarded as a secret. When considering appointments in Executive Session, all information communicated, or remarks made by a Senator concerning the character or qualifications of the person appointed and any action or failure to act on any appointment(s) required to be kept confidential by applicable provisions of law shall be kept secret.

Other messages from the Governor pertaining to confidential matters shall be subject to such secrecy or publication as the Senate, in each instance, may order.

Any Member or Officer of the Senate who violates the secrecy provisions of this rule shall be subject to the provisions of Rule 44 of the Senate and Article 5 of Chapter 13 of Title 8 of the Code of Laws.

RULE 32.

A.

Order of Business

1. Call to Order by the President
2. Prayer by the Chaplain
3. Pledge of Allegiance
4. Receipt of Communications
5. Introduction and reference of new Bills and Resolutions
6. Call of the Uncontested Local Third Reading Calendar
7. Call of the Uncontested Local Second Reading Calendar
8. Call of the Uncontested Statewide Third Reading Calendar

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9. Call of the Uncontested Statewide Second Reading Calendar
10. Motion Period
11. Acts returned by the Governor
12. Reports of Committees of Conference and Free Conference
13. Bills and Resolutions returned from the House of Representatives
14. Interrupted Debate
15. Adjourned Debate
16. Special Order
17. Call of the Contested Statewide Third Reading Calendar
18. Call of the Contested Statewide Second Reading Calendar
19. Call of the Contested Local Calendar

The order of business above provided for may be varied by vote of two-thirds (2/3) of the Senators present and voting and any order or business already completed may be reverted to in any legislative day by the vote of two-thirds (2/3) of the Senators present and voting. A motion to vary the order of the day shall be in order, prior to, or at the completion of, any orders enumerated above or during the motion period and any such motion shall be decided without debate.

For the order of business designated as Interrupted Debate, there shall not be more than one (1) Bill at any one time, provided, however, that this limitation shall not apply to the General Appropriation Bill. For the order of business designated as Adjourned Debate, there shall not be more than two (2) Bills at any one time. For the order of business designated as Special Order, there shall not be more than three (3) Bills on second reading and three (3) Bills on third reading at any one time. Provided that of the Special Order slots, one (1) shall be reserved exclusively for Bills that are the subject of motions authorized by the Rules Committee and made by the Chairman of the Rules Committee or his or her designee, and provided only one (1) bill may be in this status on any reading at any one time. The Bill occupying the slot reserved for the Rules Committee shall have a unique notation to call such status to the Senate's attention.

When a Bill or Resolution is returned from the House of Representatives or an Act or Joint Resolution is returned by

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the Governor with his or her objections, the message shall be read and the matter placed on the Calendar for consideration the next legislative day. However, in the final two (2) weeks before the date set for sine die adjournment, this requirement may be waived upon a motion adopted at the time the message is read, in which case the matter will be considered when the Senate reaches that order of business. Such motion shall be decided without debate.

B.
Contested Calendar

On any legislative day, a Senator may move no more than five (5) Bills or Resolutions from the Uncontested Statewide Calendar to the Contested Statewide Calendar, and each such Bill or Resolution shall have a notation on the Senate Calendar stating the name of the Senator who contests the Bill or Resolution.

During the motion period, a motion may be made by the Chairman of the Rules Committee to call any Bill or Resolution, which has been on the calendar for a minimum of six (6) statewide legislative days, from the Contested Calendar. Except for explanatory remarks, such motions shall be determined without debate and by a majority of the Senators present and voting. If agreed to, the Bill or Resolution shall be considered in the ordinary course of business after Special Orders.

However, in the final two (2) weeks before sine die adjournment, a Bill or Resolution that is on the calendar may be called from the Contested Calendar by the Rules Committee upon majority vote of the committee and shall be considered in the ordinary course of business after Special Orders.

C.
Bills and Resolutions Returned from the House of Representatives

If a Bill or Resolution is returned from the House of Representatives with amendments that add subject matter that is not germane to the Bill as passed by the Senate pursuant to Rule 24 or that is substantially similar to a bill on the Senate Calendar or in a standing committee of the Senate or a subcommittee thereof, the President may, upon recommendation of the chairman of the Standing Committee with jurisdiction over the bill, refer the matter to the Standing Committee with

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jurisdiction over the bill, after which the Bill or Resolution may be reported to the full Senate to be considered when the Senate next reaches that order of business. All bills returned from the House of Representatives shall be subject to debate as provided for Bills on third reading in Rule 15A. The referral required under this provision may be waived by three-fifths (3/5) of the Senators present and voting upon motion of any Senator at the time of referral and the debate on any such motion is limited to no more than twenty (20) minutes, ten (10) minutes for and ten (10) minutes against.

D.

Reports of Committees of Conference and Free Conference, Sine Die Resolutions

Notwithstanding the provisions of Rule 32A, during the final three (3) statewide legislative days prior to the date set for sine die adjournment, reports of committees of conference and free conference and Sine Die Resolutions shall be in order at any time except when a question of order has been raised, when the Senate is voting on any matter, while ascertaining a quorum, or when a Senator who has been recognized prior thereto makes a motion to adjourn.

RULE 33.

Motion Period and Special Orders

A.

During the motion period, any motion pertaining to the business of the Senate may be made. When a motion is made to set a Bill for Special Order, time shall be given to one (1) proponent and one (1) opponent to speak on the motion. Such remarks shall be limited in the discretion of the presiding officer, provided that no Bill may be taken up during the motion period for the purpose of debating the merits of the Bill or for the purpose of giving the Bill a reading. Procedural motions shall be decided without debate, provided that procedural motions that present a main question, such as a motion to recall, are subject to not more than ten (10) minutes of debate, five (5) minutes for and five (5) minutes against. The motion period shall not exceed thirty (30) minutes unless extended by a majority of Senators present and voting.

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At any time, the President, after consultation with the Majority Leader and Minority Leader, may make any motion pertaining to the business of the Senate, and such motion shall be adopted upon approval of three-fourths (3/4) of the membership of the Senate.

B.

During the motion period, all motions to set a Bill or Resolution for Special Order on a subsequent legislative day shall be in order irrespective of whether the Bill or Resolution was given a reading on the legislative day the motion is made. Said motions shall be considered in the priority established by the recognition of the Senators making said motions. Each such motion shall relate to a separate Bill or Resolution. Except for explanatory remarks authorized in subsection A, such motions shall be determined without debate and by two-thirds (2/3) of the Senators present and voting, provided that, when authorized in writing by a majority of the members of the Rules Committee and delivered to the desk, a motion to set a bill for Special Order shall require a vote of a majority of the members present and voting. At no time may the Special Order calendar have more than one (1) Bill that is set for Special Order by a motion authorized by the Rules Committee. During the motion period, no Bill or Resolution can be made a Special Order ahead of Bills or Resolutions that have already been placed in the status of Adjourned Debate.

If a Bill is set for Special Order on a date and/or time certain, such Bill is not subject to consideration at the specified date and/or time unless the Senate reaches that order of business or unless by unanimous consent the Senate has agreed that consideration of the Bill will be to the exclusion of all other matters pending before the Senate at such time.

If a Bill or Resolution is set for Special Order for second reading and subsequently receives such reading, the Bill or Resolution shall remain on Special Order unless otherwise agreed to by three-fifths (3/5) of the Senators present and voting. If debate is interrupted on a Bill or Resolution on Special Order, the Bill or Resolution shall be considered after the call of the uncontested local calendar.

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RULE 34.

Calendar of Continued Bills

When a Bill or other matter is under debate, a Senator may move to continue it as provided for in Rule 14, to the second, or any special session of the same General Assembly, and if the Senate agrees thereto, the matter shall be continued only to the next regular session unless otherwise specified in the motion. However, if a Bill or other matter has been under extended debate on three (3) consecutive legislative days or has been under debate for five (5) hours on any one (1) legislative day, then any Senator may move to continue the matter to the second, or any special session of the same General Assembly.

The Clerk of the Senate shall make up a Calendar of all matters so continued, placing the same thereon in the order in which they have been continued. At the ensuing session, the continued matters shall be taken up and considered in the same stage in which they were when so continued. Matters ordered to be placed in the General Orders at the said ensuing session shall be placed there in turn and have priority according to the last order for consideration made upon them, and the Calendar shall be proceeded in as hereinbefore provided.

RULE 35.

Admission to the Floor of Senate
Granting the Privilege of the Floor

A.

No person shall be admitted to the floor of the Senate to that area behind the rail while the Senate is in session or in recess during a session, except as follows: immediate family members of a Senator; members of the House of Representatives and their Clerk and Sergeant-at-Arms; former members of the Senate and House of Representatives unless such former member is a lobbyist registered pursuant to the provisions of Chapter 17 of Title 2 of the Code of Laws, a candidate or acting on behalf of a candidate for an office elected by the General Assembly or confirmed or elected by either the House or Senate, or a member of the governing body or employee of any state agency or department; the Governor and one member of his or her staff; Constitutional Officers; Justices of the

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Supreme Court; President and Vice-President of the United States; members of Congress; Governors of States and Territories; and such Senate staff, Senators' staff, and no more than one member of the staff of each Senate Caucus, as the President of the Senate or any Member or Officer of the Senate may see fit to invite to a seat behind the rail. Members of the House of Representatives and former Members of the General Assembly, not subject to the foregoing limitations, shall be allowed on the floor of the Senate inside the rail. Members of a Senator's immediate family shall be allowed inside the rail only for the purposes of introductions.

Not less than two (2) hours prior to the daily convening of the Senate and while the Senate is in session or in recess during a session, no person, except those hereinabove enumerated, shall be allowed beyond the outer doors of the Senate antechamber. Persons not hereinabove enumerated may be admitted only to the antechamber when accompanying a Senator, but any such person is required to leave immediately upon conclusion of their business.

The Senate Cloakroom is reserved for the exclusive use of the Members of the Senate and their guests.

B.

Any member who wishes to have the privilege of the area of the floor behind the rail granted to a guest shall make such request, in writing, to the President not less than two weeks prior to the date for which the request is made. The President is authorized to grant access to the area behind the rail for a limited period of time and with such conditions and limitations as he deems appropriate. If the number of guests involved exceeds more than half of the maximum seating capacity in the area behind the rail, then the President shall direct that these guests be seated in the balcony. No exceptions to this Rule may be made.

Guests who are granted the privilege of the chamber behind the rail may not approach the podium unless the written request so specifies and the President approves the request. A motion to grant the privilege of the floor within the rail may only be made by the President or his designee.

Any request to grant the privilege of the floor to address the body from the podium must be made in writing to the

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President two weeks prior to the date for which the request is made. Upon his approval, a Senate Resolution to that effect must be adopted by majority vote of the entire membership.

C.

The use of the Senate Chamber is restricted to statewide sessions of the Senate or such other meetings of the Senate or its committees as the Senate may, by Resolution, authorize. The use of the Senate Chamber for meetings by outside groups or individuals is limited to normal business hours on Monday through Friday and is prohibited unless authorized by a vote of the Senate. Incidental use or visitation by individuals or group tours may be authorized by the Clerk of the Senate.

RULE 36.

Places Assigned to Reporters

Reporters of public journals, upon application to the Clerk of the Senate, shall be assigned such places for the execution of their duties as shall not interfere with the convenience of the Senate. Any reporter for whom such application is made shall, in addition to the assigned places, be allowed free access to the Senate antechamber during the time the Senate convenes and adjourns each legislative day. Reporters of the public journals shall be allowed in the area behind the rail in specific locations as designated by the Clerk of the Senate with the approval of the Operations and Management Committee and are strictly prohibited from conducting interviews whether or not initiated by a member of the media or a member of the Senate. Still photographers, upon application to the Clerk of the Senate, shall be granted access to the floor, behind the rail, for the exclusive purpose of taking photographs and, upon completion of their assignment, shall retire from the floor.

RULE 37.

Bills Shall Receive Three Readings—Resolutions and Committee Reports to Lie on Table One Day

Every Bill shall receive three (3) different readings, on three (3) different days prior to its being passed, and the President shall give notice of each, whether it be the first, second, or third reading. All Resolutions to which the approval and signature of the Governor may be requisite, or which may

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grant money out of the contingent or any other fund, shall be treated in all respects, as to introduction and form of proceedings on them in the Senate, as Bills. All other Resolutions and reports of standing, special, conference, and free conference committees shall lie on the table one statewide legislative day for consideration, provided, however, that during the six (6) statewide legislative days preceding the date set for sine die adjournment the one (1) day requirement as to a specific Resolution or report of a committee may be suspended by a vote of three-fifths (3/5) of the Senators present and voting. The provisions of this Rule do not apply to amendments to sine die Resolutions that have been previously approved by the Senate.

First and Third Readings by Title

The first and third readings of each Bill shall be by its title only, provided that on each second reading the Bill shall be read in full on the motion of any Senator, which shall be decided without debate.

RULE 38.

Precedence of Motion to Refer

A motion to refer to a Standing Committee shall take precedence over a motion to refer to a Special Committee.

RULE 39.

Printed Bills to Be on Desk One Day Before Second Reading

No Bill or Joint Resolution shall receive a second reading unless printed and made available to the members at least one (1) day previous to such reading.

RULE 40.

Title to Bills to Amend or Repeal Acts

Every Bill or Joint Resolution that shall propose the amendment or repeal of any section, chapter, or title of the General Statutes, or of any Act of Assembly or Joint Resolution, shall in its title express the subject matter of such section, chapter, title, Act or Joint Resolution so sought to be amended or repealed. Every Bill or Joint Resolution proposing to amend any section or sections of any chapter of the General Statutes, or of any Act or Joint Resolution, shall give the

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full text of the said Section or Sections, as it or they would read with such amendment or amendments inserted therein. No Bill or Joint Resolution may include a provision designating that the Act or Joint Resolution may be referred to, cited as, or the like by reference to a person's or animal's given name or nickname.

RULE 41.

Broadcasts by Television and Radio

Broadcast media shall be allowed in the area behind the rail in specific locations as designated by the Clerk of the Senate with the approval of the Operations and Management Committee and are strictly prohibited from conducting interviews, whether initiated by a member of the media or a member of the Senate.

The Operations and Management Committee shall have full authority to regulate, supervise and fix times of broadcasts of the proceedings of the Senate by radio or television.

RULE 42.

Jefferson's Manual to Govern Other Cases

In all cases not embraced by the foregoing Rules, the Senate shall be governed by such rules as are laid down in the 1801 version of Jefferson's Manual of Parliamentary Practice.

RULE 43.

Suspending and Amending Rules

Any rule of the Senate or severable portion of a rule of the Senate may be suspended by unanimous consent of the Senate. Without unanimous consent one (1) day's previous notice shall be given of a motion to suspend any of the rules or severable portion thereof. A motion to suspend shall require a vote of two-thirds (2/3) of the membership of the Senate.

Any permanent amendment, rescission, or repeal of any of the Senate rules shall require a two-thirds (2/3) vote of the total membership of the Senate. However, from the convening of each two-year session through the second Thursday of such session, any permanent amendment, rescission, or repeal of any of the Senate rules may be made by adoption, by a vote of three-fifths (3/5) of the membership, of a Senate Resolution that has been referred to and has received a favorable report from the Rules Committee.

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The Clerk of the Senate shall have these rules recorded in a permanent book which shall be kept at all times in the Senate Chamber. All permanent changes in the rules after they have been adopted shall be recorded in a Permanent Rule Book and certified by the Clerk of the Senate. These rules shall remain in full force and effect until the conclusion of the terms for Senators or until the Rules are amended, suspended, or repealed by a vote of two-thirds (2/3) of the membership of the Senate prior thereto.

Rule 44.
Ethics Committee Duties
A.

In the Senate there shall be a Committee on Ethics consisting of ten (10) members. The Ethics Committee has the following powers and duties:

(1) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of Chapter 13, Title 8, which may include, but is not limited to, an audit of filed reports and applicable campaign bank statements, and the prompt notification of the person to file the necessary notices and reports to satisfy these requirements;

(2) receive complaints filed by individuals and, upon a majority vote of the total membership of the committee, file complaints when alleged violations are identified;

(3) refer a complaint to the State Ethics Commission for an investigation pursuant to Section 8-13-540 upon the filing of a complaint alleging a violation by a Senate member or staff, or a member or staff of a legislative caucus committee, or a Senate candidate, for a violation of Chapter 13, Title 8 or Chapter 17, Title 2, other than a violation of a rule of the appropriate house; and

(4) receive, investigate, and hear a complaint that alleges a possible violation of a breach of a privilege or a rule governing a Senate member or staff or legislative caucus committee, or Senate candidate, and enforce the appropriate provisions of the Senate's No Harassment Policy as approved by the Operations & Management Committee.

(a) Regarding the complaints received by the Ethics Committee, a complaint may not be accepted by the Ethics

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Committee concerning a Senate member or candidate during the fifty-day period before an election in which the member or candidate is a candidate. During this fifty-day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten (10) days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of Chapter 13, Title 8 by a candidate during this fifty-day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of Chapter 13, Title 8. The court must award reasonable attorney's fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

(i) petition is being presented for an improper purpose, such as harassment or to cause delay;

(ii) claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(iii) allegations and other factual contentions do not have evidentiary support or if, specifically so identified, are not likely to have evidentiary support after reasonable opportunity for further investigation or discovery.

Action on a complaint filed against a Senate member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the Ethics Committee at least thirty days before the election must be postponed until after the election;

(5) obtain information, investigate technical violation complaints, and hear complaints as provided in Section 8-13-540 with respect to any complaint filed pursuant to Chapter 13, Title 8 or Chapter 17, Title 2 and to that end may compel by subpoena issued by a majority vote of the committee the attendance and testimony of witnesses and the production of pertinent books and papers;

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(6) administer or recommend sanctions appropriate to a particular Senate member or staff, or candidate for Senate, pursuant to Section 8-13-540, including the recovery of the value of anything transferred or received in breach of the ethical standards, or dismiss the charges;

(7) act as an advisory body to the Senate and to individual Senate members or candidates on questions pertaining to the disclosure and filing requirements of Senate members or candidates, and may issue, upon request from a Senate member or staff, or legislative caucus committee, or Senate candidate, and publish advisory opinions on the requirements of Chapter 13, Title 8 and Chapter 17, Title 2;

(8) levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, pursuant to Title 2 or Title 8. The fee must be used to reimburse the Ethics Committee for costs associated with the investigation and hearing of a violation as provided in Section 8-13-130. These fees and costs are in addition to any fines as otherwise provided by law; and

(9) recommend any rule or statutory change relating to ethics as the committee deems appropriate.

B.

All papers, documents, complaints, charges, requests for advisory opinions, and any other material filed with or received by the committee shall be strictly confidential prior to a finding of probable cause or a waiver of confidentiality by the respondent. No persons involved with a complaint, including complainant, respondent, counsel, counsel's secretaries, committee members and staff, and investigators, shall mention the existence of any such proceeding nor disclose any information pertaining thereto, unless otherwise permitted by the Rules. Disclosure of confidential information must be punished in a manner provided by the Ethics, Government Accountability, and Campaign Reform Act. If the Senate Ethics Committee finds that a person has violated the provisions of this item, it must report its findings to the Attorney General.

C.

Formal Advisory Opinions

(1) The Ethics Committee may issue a formal advisory opinion based on real or hypothetical sets of circumstances.

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In considering and formulating an advisory opinion, the Ethics Committee shall consider its previous opinions and the relevant opinions of the House Ethics Committee, as well as relevant opinions issued by the commission, in an attempt to create uniformity among the bodies. A formal advisory opinion issued by the Ethics Committee is binding on the committee, until amended or revoked, in any subsequent charges concerning the person who requested the formal opinion and any other person who acted in reliance upon it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. A formal advisory opinion must be in writing and is considered rendered when approved by a majority of the Ethics Committee members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the committee, by majority vote of the total membership of the committee, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.

(2) The Ethics Committee only may issue formal advisory opinions for Senate members, staff, and legislative caucus committees for which it has proper jurisdiction to make findings of fact and impose penalties upon pursuant to Chapter 13, Title 8.

(3) The Ethics Committee must consider whether a person relied in good faith upon a formal advisory opinion or written informal staff opinion when considering a finding of misconduct.

Rule 44.1.

Ethics Committee Procedures

A.

Complaint

(A)(1) A complaint alleging a member of the Senate, legislative caucus committees, candidates for the Senate, or staff of the Senate or legislative caucus committee has committed a violation of Chapter 13, Title 8 or Chapter 17, Title 2 must be a verified complaint in writing and state the name of the person alleged to have committed the violation and the particulars of the violation.

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(2) When a complaint is filed with or by the Ethics Committee alleging a violation of Chapter 13, Title 8 or Chapter 17, Title 2, a copy must be sent to the person alleged to have committed the violation and to the State Ethics Commission, hereinafter referred to as "the commission" within thirty days from the date the complaint was filed, for an investigation. However, if the complaint only alleges a violation of a rule of the Senate, the Ethics Committee must forward a copy of the complaint to the person alleged to have committed the violation, and the Ethics Committee shall investigate and make a determination for a complaint.

(3) Upon completing its investigation, the commission must provide a report to the Ethics Committee with a recommendation as to whether there is probable cause to believe a violation of Chapter 13, Title 8 or of Chapter 17, Title 2 has occurred. A recommendation of probable cause requires an affirmative vote by six or more members of the commission. The report must include a copy of all relevant reports, evidence, and testimony considered by the commission.

(B)(1) All investigations, inquiries, hearings, and accompanying documents are confidential and only may be released pursuant to Section 8-13-540.

(2)(a) Upon a recommendation of probable cause by the commission for a violation, other than a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the commission's recommendation of probable cause.

(b) If the Ethics Committee requests further investigation after receipt of the commission's report, documents only may be released if the commission's second report to the committee recommends a finding of probable cause.

(C)(1) Upon receipt of the commission's report, the Ethics Committee may concur or nonconcur with the commission's recommendation, or, within forty-five days from the committee's receipt of the report, may request the commission to continue the investigation in order to review information previously received or to consider additional matters not considered by the commission.

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(2) If, after reviewing the commission's recommendation and relevant evidence, the Ethics Committee determines that there is not competent and substantial evidence a violation of Chapter 13, Title 8 or of Chapter 17, Title 2 has occurred, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant. The notice of dismissal must be made public if the commission made a recommendation that probable cause existed.

(3) If, after reviewing the commission's recommendation and relevant evidence, the Ethics Committee determines that the respondent has committed only a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the provisions of the appropriate section apply.

(4) If, after reviewing the commission's recommendation and relevant evidence, the Ethics Committee determines that there is competent and substantial evidence that a violation of Chapter 13, Title 8 or of Chapter 17, Title 2 has occurred, except for a technical violation of Section 8-13-1170 or 8-13-1372, the committee shall, as appropriate:

(a) render an advisory opinion to the respondent and require the respondent's compliance within a reasonable time; or

(b) convene a formal public hearing on the matter.

The Ethics Committee may obtain its own information, or request additional investigation by the State Ethics Commission, if it needs additional information to make a determination as to whether or not competent and substantial evidence of a violation exists. An advisory opinion to the respondent pursuant to subitem (a) must be made public.

(5) If the Ethics Committee convenes a formal public hearing:

(a) the investigator or attorney handling the investigation for the State Ethics Commission shall present the evidence related to the complaint to the Ethics Committee;

(b) it is the duty of the investigator or attorney to further investigate the subject of the complaint and any related matters under the jurisdiction and at the direction of the Ethics Committee, to request assistance from appropriate state agencies as needed, to request authorization from the

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committee for funds for the hiring of auditors, investigators, or other assistance as necessary, to prepare subpoenas, and to present evidence to the committee at any public hearing. The Ethics Committee shall maintain the authority to approve subpoenas, authorize expenditures, dismiss complaints, schedule hearings, grant continuances, and as otherwise provided for by the Senate Rules;

(c) the respondent must be allowed to examine and make copies of all evidence in the Ethics Committee's possession relating to the charges. At the hearing, the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses;

(d) all hearings must be open to the public.

(6)(a) After the formal public hearing, the Ethics Committee shall determine its findings of fact and issue its final order.

(b) If the Ethics Committee, based on competent and substantial evidence, finds the respondent has not violated Chapter 13, Title 8 or Chapter 17, Title 2, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant.

(c) If the Ethics Committee, based on competent and substantial evidence, finds the respondent has violated Chapter 13, Title 8 or Chapter 17, Title 2, the committee shall:

(i) administer a public reprimand;

(ii) determine that a technical violation as provided for in Section 8-13-1170 or 8-13-1372 has occurred;

(iii) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;

(iv) require the forfeiture of gifts, receipts, or profits, or the value of each, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(v) recommend expulsion of the member;

(vi) provide a copy of the complaint and accompanying materials to the Attorney General if the committee finds that there is probable cause to believe the respondent

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wilfully violated a section of Chapter 13, Title 8 or Chapter 17, Title 2 that imposes a criminal penalty; or

(vii) require a combination of subitems (i) through (vi) as necessary and appropriate.

(d) The Ethics Committee shall report its findings in writing to the President of the Senate. The report must be accompanied by an order of punishment or dismissal and supported and signed by a majority of the Ethics Committee members.

(e) Upon the issuance of the final order, the following documents become public record: exhibits introduced at the hearing, the committee's findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. In addition, any documents in the commission's report that substantiate the commission's recommendation of probable cause that would constitute a public document and are not exempt from disclosure under the Freedom of Information Act or other state or federal law also shall become public record. These documents must be redacted, as appropriate, in compliance with state or federal law.

(D) If, after conducting a formal public hearing, the Ethics Committee finds the respondent has violated Chapter 13, Title 8 or Chapter 17, Title 2, the respondent has ten days from the date of receiving the committee's order of punishment to appeal the action to the full Senate.

(E) No Ethics Committee member may take part in consideration of any matter in which they are the respondent, complainant, witness, or otherwise involved. Should an Ethics Committee member be unable to take part in consideration of any matter due to a recusal, a disability, or any other reason, the most senior member of the same party as the member who is unable to participate will temporarily fill his seat on the Ethics Committee.

(F) The Ethics Committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

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(G) It is unlawful for anyone who is the subject of a pending investigation or open complaint to contact or attempt to contact, either directly or indirectly, a member of the commission or the Ethics Committee to influence or attempt to influence the outcome of a pending investigation or open complaint.

Action may not be taken on a complaint filed more than four years after the violation is alleged to have occurred unless the person alleged to have committed the violation, by fraud or other device, prevents discovery of the violation.

B.
Subsequent Actions by the Senate

Upon receipt of a recommendation of expulsion or an appeal from an order of the Ethics Committee, the President shall call the Senate into open session at a time to be determined at his discretion to consider the action of the Ethics Committee. The Senate shall either sustain or overrule the Ethics Committee's action or order other action consistent with these Rules as otherwise permitted by statute. Upon consideration of an Ethics Committee report by the Senate, whether in executive or open session, the results of the consideration are a matter of public record.

No member may vote on the question of his or her expulsion from the Senate.

Failure to fully comply with a final ethics order is a separate violation that may be considered by the Ethics Committee.

C.
Penalty for Failure to File Statements or Reports as Required

If the Senate Ethics Committee finds the respondent has failed to file or was late in filing a required statement of economic interest or campaign disclosure report, the Senate Ethics Committee must order the respondent to pay a fine according to the provisions in Section 8-13-1510.

D.
Technical Violations

The Senate Ethics Committee may, in its discretion, determine that errors or omissions on statements of economic interests and campaign disclosure reports are inadvertent

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and unintentional and not an effort to violate a requirement of Chapter 13, Title 8 and may be handled as technical violations not subject to the provisions of Chapter 13, Title 8 pertaining to ethical violations. The Senate Ethics Committee may assess a penalty for technical violations not exceeding fifty dollars.

E.
Receipt of Documents

In conjunction with the proceedings specified in Rule 44.2, the President and the Senate Ethics Committee on behalf of the entire Senate, may receive:

(1) certified copies of any indictment or information for a felony or offense against the election laws filed or returned against any member of the Senate;

(2) certified copies of any plea of guilty or nolo contendere to the felony entered by any member of the Senate;

(3) certified copies of any conviction of a member for the felony; and

(4) certified copies of any opinion, order, or judgment of any court, state or federal, trial or appellate, relating to any of the aforementioned matters.

Rule 44.2.
Rules Governing Actions Taken Against a Member

(a) If an indictment, information on a felony, or a warrant for the offenses provided in Sections 7-13-1920, 7-25-20, 7-25-50, 7-25-60, 7-25-110, 7-25-120, and 7-25-150 of the Code of Laws is filed, returned, or issued against a member of the Senate, the member indicted, charged, or informed against may request the President to excuse the member, without pay, from all privileges of membership of the Senate and the President shall comply with the request.

If the indictment, charge, or information is either nol prossed or dismissed, or if the member is found not guilty of the offense or offenses charged or of lesser included offenses, the member may immediately return to active Senate duties and shall be paid all back pay and be restored to all other benefits and privileges retroactive to the date the member was excused.

(b) A member who enters a plea of guilty or nolo contendere to any offense listed in subsection (a) must be

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suspended by the President immediately, without a hearing and without pay, from all privileges of membership of the Senate through the remainder of that member's term. In addition, the Senate Ethics Committee shall recommend expulsion of such member to the Senate and the Senate shall vote on the expulsion of such member in accordance with Section 12 of Article III of the Constitution of this State.

(c) A member convicted of any offense listed in subsection (a) must be suspended by the President immediately, without a hearing and without pay, from all privileges of membership of the Senate pending final appellate action or the end of that member's term, whichever occurs first. If no appeal is taken by the member convicted, or if his or her appeal is denied, or if the final appellate decision is to sustain the conviction and the member's resignation is not forthcoming, the Senate Ethics Committee shall recommend expulsion of such member to the Senate, and the Senate shall vote on the member's expulsion in accordance with Section 12 of Article III of the Constitution of this State.

If the final appellate decision is to vacate the conviction and there is a retrial or rehearing, the member is subject to the provisions of subsection (a). If the final appellate decision is to vacate the conviction and no charges for any offense listed in subsection (a) remain against the member, the member is entitled to restitution of back pay and restoration of all other benefits and privileges of membership of the Senate retroactive to the date of suspension.

(d) The action provided for in subsections (a), (b), and (c) of this rule is in addition to other action authorized pursuant to Article III, Section 12 of the Constitution or other Senate Rule. Pursuant to the Constitution and except as provided herein, a member may not be disciplined, suspended, or expelled without a vote of the Senate.

If the final appellate decision is to vacate the conviction and there is a retrial or rehearing, the member is subject to the provisions of subsection (a). If the final appellate decision is to vacate the conviction and no charges for any offense listed in subsection (a) remain against the member, the member is entitled to restitution of back pay and restoration of all other benefits and privileges of membership of the Senate retroactive to the date of suspension.

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(e) The action provided for in subsections (a), (b), and (c) of this rule is in addition to other action authorized pursuant to Article III, Section 12 of the Constitution or other Senate Rule. Pursuant to the Constitution and except as provided herein, a member may not be disciplined, suspended, or expelled without a vote of the Senate.

RULE 45.

Selection of Senate Members for Committee to Consider Qualifications of Candidates for Offices Filled by Election by the General Assembly

Whenever an election in Joint Assembly is to be held by the General Assembly to fill offices which require election by the General Assembly, the President of the Senate shall notify the chairman of the Standing Committee of the Senate which would be most concerned with the office or offices to be filled by the election, which chairman shall thereupon appoint four (4) Senators from his or her committee to serve on the Joint Senate-House Committee to consider qualifications of candidates to be elected. The total membership of such a committee shall be composed of members of the two major political parties in proportion to the number of Senators of each of such political parties as nearly as practicable. All appointments to such joint committees shall be recorded in the Senate Journal.

RULE 46.

Recorded Floor Proceedings

The Clerk may record the following proceedings on the floor of the Senate:

(1) Congratulatory remarks;

(2) Speeches;

(3) Points of Order and Rulings of the Chair regarding such points and such other proceedings as the Clerk determines necessary.

RULE 47.

[RESERVED]

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RULE 48.

Invitations

All invitations which are extended to the entire membership of the Senate or any committee of the Senate must be sent to the President for consideration. The Senate may not accept any invitations to attend functions (social or otherwise) which are to be held at a club or organization which does not admit as members persons of all races, religions, colors, sexes, or national origins. The President or any committee of the Senate has the duty of determining whether or not the function is to be held at a club or organization which does not admit as members persons of all races, religions, colors, sexes, or national origins. Individual Senators may attend functions at any club without being censored or prejudiced in any manner.

The President must ensure that persons or organizations who extend invitations to the Senate have fully complied with the provisions of Act 248 of 1991 (The Ethics, Government Accountability, and Campaign Reform Act of 1991, as amended) and must make copies of any such procedure available upon request.

RULE 49.

Condemnatory Resolution

No Resolution of a condemnatory nature shall be considered by the Senate unless it has been sent to the appropriate committee at least twenty-four (24) hours prior to such consideration.

RULE 50.

Vote Requirements

The question of granting of free conference powers and the question of adoption of a free conference report shall require an affirmative vote of two-thirds (2/3) of the membership of the Senate.

On the question of an Act returned from the Governor with his or her objections, the presiding officer shall submit the following question to the Senate:

"Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

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And if that question shall be decided in the affirmative by two-thirds (2/3) of the Senators present and voting, then the Governor's veto is overridden.

RULE 51.

Local Matters

A.

The Clerk of the Senate shall prepare a list for each county of the State the percentage of the population of that county that a Senator represents. For general bills with local application, a Senator's vote shall be weighted based upon the percentage of the population of the county that the Senator represents. The provisions of Rule 16 do not apply to local matters.

B.

No general bill with local application shall be introduced unless personally signed by a Senator representing the county. No general bill with local application may be moved from the Local Uncontested Calendar to the Local Contested Calendar unless approved by a vote of three-fifths (3/5) of the Senators who represent the county as determined by their weighted voting percentages.

C.

When a general bill of local application is on the Uncontested Calendar, no further debate shall be allowed on the bill after no more than thirty (30) minutes of debate, fifteen (15) minutes for and fifteen (15) minutes against.

D.

For purposes of this Rule, when a general bill of local application affects consolidation of school districts or municipalities within a county, then that bill cannot be moved from the Local Uncontested Calendar to the Local Contested Calendar unless approved by a vote of three-fifths (3/5) of the Senators of at least one (1) of the affected school districts or municipalities. Upon motion, the Clerk of the Senate shall prepare a list for each affected school district or municipality the percentage of the population of that school district or municipality that a Senator represents.

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E.

Unless all of the affected Senators of a county have agreed to an alternative method, candidates for gubernatorial appointment to local offices shall be considered for confirmation as described below:

Once received by the Senate, local appointments shall be referred to the appropriate county senatorial delegation. The delegation then may report the appointment to the Senate for consideration (1) if the Senators whose combined weighted vote is sixty-five (65) percent or more favor such report or (2) if seventy-five (75) percent of the members of the delegation favor such report.

RULE 52.

Personal Attacks on Senators Not Permitted; Executive Session

A.

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

B.

If any Senator, in speaking or otherwise, in the opinion of the President transgresses this Rule the President shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall immediately take his seat, and may not proceed without leave of the Senate, which if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

C.

Any Senator directed by the President to take his seat, and any Senator requesting the President to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate but only after the Senate has proceeded to Executive Session.

RULE 53.

Seventy-Two Hour Budget Review

Except for explanatory remarks by the chairman and subcommittee chairmen of the Senate Finance Committee, the

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Senate may not consider the General Appropriation Bill, any Supplemental Appropriation Bill, any Joint Resolution appropriating revenues from the state's reserve funds, any bond bill, or any revenue raising measure as described in Section 11-11-440 until the Bill or Joint Resolution and any Committee Report on the Bill or Joint Resolution have been made publicly available in a conspicuous location on the General Assembly's website for seventy-two (72) hours.

The time periods provided above may be waived by agreement of two-thirds ($^2/_3$) of the Senators present and voting.

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