

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.R. 1044
Apr 28, 2020
HOUSE PRINCIPAL CLERK

H

D

HOUSE SIMPLE RESOLUTION DRHR10749-MC-212K

Sponsors: Representative Lewis.

Referred to:

1 A HOUSE RESOLUTION AMENDING THE 2019 HOUSE PERMANENT RULES OF THE
2 2019 GENERAL ASSEMBLY DURING EMERGENCIES.

3 Whereas, the World Health Organization declared the coronavirus disease 2019
4 (COVID-19) a global pandemic; and

5 Whereas, the President of the United States declared the ongoing COVID-19 outbreak
6 the basis for an emergency declaration for all states pursuant to the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act; and

8 Whereas, the Governor of North Carolina has issued a number of executive orders for
9 the State declaring a State of Emergency to address the COVID-19 public health emergency,
10 prohibiting mass gatherings, requiring citizens to stay at home and practice social distancing
11 when in public spaces, limiting operations of certain businesses, broadening unemployment
12 insurance benefits, improving access to child care, and facilitating critical motor vehicle
13 operations; and

14 Whereas, the number of COVID-19 cases in the State continues to rise with
15 documented community spread; Now, therefore,

16 Be it resolved by the House of Representatives:

17 **SECTION 1.** As a result of the public health dangers resulting from the COVID-19
18 pandemic, the following shall apply to the 2019 House Permanent Rules:

19 (1) **RULE 1 shall read as follows: "RULE 1. Convening Hour.** – The House shall
20 convene each legislative day at the hour fixed by the House. In the event the
21 House adjourns on the preceding legislative day without having fixed an hour
22 for reconvening, the House shall convene on the next legislative day at 10:00
23 A.M."

24 (2) **RULE 2 shall read as follows: "RULE 2. Opening the Session.** – The
25 Sergeant-at-Arms or the Principal Clerk shall clear the House 10 minutes
26 before the convening hour. At the convening hour on each legislative day, the
27 Speaker or the Speaker's designee shall call the members to order."

28 (3) **RULE 3(b) shall read as follows: "(b)** Should the point of a quorum be
29 raised, the Clerk shall open an electronic roll call of the House and enter as
30 present a member responding by vote. The time allowed for the response shall
31 be the greater of 40 minutes, unless without objection, the Chair directs
32 otherwise, and the time at which the sixty-first vote is recorded. In the absence
33 of a quorum comprised of members responding to the call, the House may
34 only stand in recess or adjourn."

35 (3a) **RULE 4(b) shall read as follows: "(b)** Immediately following the call to
36 order the Speaker shall call for the Journal report by the Chair of the Standing
37 Committee on Rules, Calendar, and Operations of the House, or by a



- 1 Representative designated by the Chair, as to whether the proceedings of the
2 previous day have been correctly recorded. Without objection, the Speaker
3 shall cause the Journal to stand approved."
- 4 (4) RULE 7(a) shall read as follows: "RULE 7. **Obtaining Floor.** – (a) No
5 member on the floor shall proceed until recognized by the Speaker for a
6 purpose. When any member on the floor desires recognition for any purpose,
7 the member shall rise and respectfully address the Speaker. When any member
8 who has designated a Leader to cast the member's vote desires to propound a
9 question, the member shall submit the question to the Majority or Minority
10 Leader to have the question brought forward, and the Leader or the Leader's
11 designee, shall rise, shall respectfully address the Speaker, and upon being
12 recognized, shall identify the member desiring to propound the question and
13 state the question propounded."
- 14 (5) RULE 8.1 shall read as follows: "RULE 8.1. **Points of Personal Privilege;**
15 **Representative Statements; Explanation of Vote.** – Upon recognition by
16 the Speaker for that purpose, any member may speak to a point of personal
17 privilege for a time not exceeding three minutes. The Speaker shall determine
18 if the question raised is one of personal privilege and shall, without the point
19 of order being raised, enforce this rule. A member may reserve some or all of
20 that time to explain to the House a "Representative Statement"; provided,
21 however, that the reading of the Representative Statement shall only occur
22 following session. Upon motion supported by a majority present and voting,
23 that statement may be spread upon the Journal. Neither personal privilege nor
24 a Representative Statement may be used to explain a vote, debate a bill, or in
25 any way disrupt the regular business of the House, nor shall such opportunities
26 be used to solicit support or sponsors for any bill. The format of a
27 Representative Statement shall be prescribed by the Chair of the Standing
28 Committee on Rules, Calendar, and Operations of the House, but in any case
29 shall speak only in the voice of the member submitting it."
- 30 (6) RULE 12(i) shall read as follows: "(i) The use of a mobile device or
31 cellular phone for the purpose of making or receiving a phone call shall not
32 be permitted in the House Chamber while the House is in session. During a
33 vote the Majority Leader and the Minority Leader may use electronic
34 technology, including a mobile device or cellular phone, to communicate in
35 real time with members who have filed a voting designation pursuant to Rule
36 22.1, provided such use does not otherwise disrupt the decorum of the
37 chamber."
- 38 (7) RULE 12 shall be amended to have the following additional subdivision: "(k)
39 As deemed necessary by the Chair of the Standing Committee on Rules,
40 Calendar, and Operations of the House, the chamber may be used by
41 committees for committee purposes."
- 42 (8) RULE 13(a) shall read as follows: "RULE 13. **Motions Generally.** – (a) A
43 motion that is complex, complicated, or otherwise not easily understood shall
44 be reduced to writing at the request of the Speaker or any member. No motion
45 relating to a bill shall be in order that does not identify the bill by its number
46 and short title. No motion may be made, nor business presented, by a member
47 who has filed a voting designation pursuant to Rule 22.1 affirming the member
48 will not be present in the House during the time the designation is in effect
49 and has not been revoked."

- 1 (9) RULE 15(a) shall read as follows: "RULE 15. **Motion to Adjourn.** – (a) A
2 motion to adjourn shall be put to the vote of the House without being
3 seconded."
- 4 (10) RULE 15.1 shall read as follows: "RULE 15.1. **Motion to Adjourn or Stand**
5 **in Recess; Standard Stipulations.** – A motion to adjourn or stand in recess
6 subject to the standard stipulations shall constitute a motion to adjourn or
7 stand in recess subject to the ratification of bills, messages from the Senate,
8 committee reports, conference reports, referral and re-referral of bills and
9 resolutions, appointment of conferees, introduction of bills and resolutions,
10 committee appointments, the reading of Representative Statements, and the
11 receiving of petitions, memorials, or papers addressed to the House.
- 12 (11) RULE 20(c) shall read as follows: "(c) When the electronic voting system
13 is used, 40 minutes shall be allowed for voting on the question before the
14 House unless, without objection, the Chair shall direct otherwise. The Chair
15 may direct a procedure whereby members vote at designated times within the
16 time allowed for voting. Once the system is locked, the vote shall be recorded
17 and printed."
- 18 (12) The Rules are amended by adding a new rule to read: "RULE 22.1.
19 **Designated Voting.** – A member who is not present may designate either the
20 Majority or the Minority Leader to cast the member's vote if all the following
21 requirements are met:
- 22 (a) The member has filed a voting designation stating the member will not
23 be present in the House and identifying either the Majority or Minority
24 Leader as the member's voting designee. If the designated Leader has
25 an excused absence from the House, the designated Leader may
26 appoint another member to cast all votes designated to that Leader.
27 Any designation or appointment under this subdivision shall be on a
28 form made available from and filed with the Principal Clerk, shall
29 include a commencement and expiration date, and may be revoked in
30 writing, electronic or otherwise, at any time.
- 31 (b) At least 61 members have voted in the House Chamber when the
32 question is put, after which the Speaker shall call upon the Majority
33 and Minority Leaders to cast the votes of members who have made a
34 designation pursuant to this Rule.
- 35 (c) At least three hours have elapsed from the time the bill to be voted on
36 was placed on the calendar."
- 37 (13) RULE 22(b) shall read as follows: "(b) Except as provided in Rule 22.1, no
38 member may vote unless the member is in the Chamber when the question is
39 put. This subsection of this rule cannot be suspended."
- 40 (14) RULE 26(f) shall read as follows: "(f) The chair or acting chair, designated
41 by the chair or by the Speaker, and five other members of the standing
42 committee or permanent subcommittee, or a majority of the standing
43 committee or permanent subcommittee, whichever is fewer, shall constitute a
44 quorum of that standing committee or permanent subcommittee. A quorum of
45 less than a majority of all the members must include at least one member of
46 the minority party. For purposes of determining a quorum, the Chair of the
47 Standing Committee on Rules, Calendar, and Operations of the House; the
48 Speaker Pro Tempore; the Majority Leader; and the Deputy Majority Leader,
49 when serving only as ex officio members under subsection (e) of this rule,
50 shall be counted among the membership of the committee or subcommittee
51 only when present or participating remotely pursuant to Rule 28(a). A

- 1 committee member who is participating remotely under Rule 28(a) shall be
2 counted as present for quorum purposes."
- 3 (15) **RULE 28(a)** shall read as follows: "**RULE 28. Standing Committee and**
4 **Permanent Subcommittee Meetings.** – (a) Standing committees and
5 permanent subcommittees of standing committees shall be furnished with
6 suitable meeting places pursuant to a schedule established by the Chair of the
7 Standing Committee on Rules, Calendar, and Operations of the House. Select
8 committees shall be furnished with suitable meeting places as their needs
9 require by the Chair of the Standing Committee on Rules, Calendar, and
10 Operations of the House. Committees may conduct meetings with members
11 participating remotely provided all the following requirements are met:
12 (a) Each member is able to communicate, in real time, with all other
13 members by (i) in-person communication, (ii) remote communication
14 using devices or programs that transmit audio or audio and video, or
15 (iii) both.
16 (b) All documents considered by the committee are provided to members.
17 (c) The committee otherwise complies with G.S. 143-318.13(a)."
- 18 (16) **RULE 30** shall read as follows: "**RULE 30. Committee of the Whole House.**
19 – A Committee of the Whole House shall not be formed."
- 20 (17) **RULE 31(a)** shall read as follows: "**RULE 31. Introduction of Bills and**
21 **Resolutions.** – (a) All bills and resolutions shall be introduced only by
22 submitting the same to the Principal Clerk's office using the member's
23 electronic dashboard. The bill or resolution must be submitted by 3:00 P.M.,
24 or 30 minutes after adjournment of a session later than 3:00 P.M., in order to
25 be read a first time on that legislative day."
- 26 (18) Notwithstanding RULES 32 and 41, a resolution or bill may be placed on the
27 calendar without being referred by the Speaker to a committee and on the same
28 legislative day of its introduction or receipt from the Senate; provided,
29 however, no vote may be taken on such bill until at least three hours have
30 elapsed from the time it is placed on the calendar and the time the question is
31 put.
- 32 (19) RULE 32(e) is repealed.
- 33 (20) **RULE 34(b)** shall read as follows: "(b) A bill may be filed for introduction
34 without the signature of each member whose name appears on the preprinted
35 bill jacket as a primary sponsor if each such member has approved being
36 included as a primary sponsor using the member's electronic dashboard."
- 37 (21) Notwithstanding RULE 36(b), a bill reported favorably by a committee or
38 received for concurrence may be placed on the favorable calendar on the same
39 day it is reported. The Speaker shall provide notice as soon as practicable to
40 the Majority and the Minority Leader if the Speaker anticipates a bill will be
41 placed on the favorable calendar the same day it is reported.
- 42 (22) Notwithstanding RULE 36.1A, a proposed committee substitute does not have
43 to be distributed electronically to committee members on the preceding
44 calendar day in order to be considered by the committee.
- 45 (23) **RULE 39(a)** shall read as follows: "**RULE 39. Discharge Petition.** – (a) A
46 motion to discharge a committee from consideration of a bill may be filed with
47 the Principal Clerk by a primary sponsor of that measure if accompanied by a
48 petition asking that the committee be discharged from further consideration of
49 the bill. No motion may be filed until 10 legislative days after the bill has been
50 referred to the committee. No petition may be filed until notice has been given
51 on the floor of the House that the petition is to be filed and the primary sponsor

1 giving notice has obtained a fiscal note from the Fiscal Research Division on
2 the bill, which note shall be attached to the petition. Members may submit the
3 petition or submit their name to be added to a petition by submitting an
4 electronic mail indicating such submission with the office of the Principal
5 Clerk, and when the signatures of 61 members appear on the petition, the
6 Principal Clerk shall place that motion on the calendar for the next legislative
7 day as a special order of business. Members may withdraw their names at any
8 time until 61 names appear. If the motion is adopted by the House, then the
9 committee to which the bill or resolution has been referred is discharged from
10 further consideration of the bill, and that bill is placed on the calendar for the
11 next legislative day as a special order of business. The Principal Clerk shall
12 provide a form for discharge petitions."

13 (24) Notwithstanding RULE 41:

14 (a) The first reading and reference to a standing committee of a House bill
15 shall occur on the legislative day of its introduction. The first reading
16 and reference to a standing committee of a Senate bill shall occur on
17 the legislative day of its receipt on messages from the Senate. The
18 Speaker shall give notice at each subsequent reading whether it is the
19 second or third reading.

20 (b) Except for a bill governed by Section 23 of Article II of the North
21 Carolina Constitution, a bill may be read more than once on the same
22 day.

23 (25) Notwithstanding RULE 44(d), a conference report may be placed on the
24 calendar for the legislative day on which the report is received. The Speaker
25 shall provide notice as soon as practicable to the Majority and the Minority
26 Leader if the Speaker anticipates a conference report will be placed on the
27 favorable calendar the same day the report is received.

28 (26) RULE 52 shall read as follows: "RULE 52. **Gallery.** – In order to minimize
29 public health dangers resulting from the COVID-19 pandemic, the galleries
30 shall be closed to the public. Members may be seated in designated areas of
31 the gallery instead of on the chamber floor in order to maintain social
32 distancing. Pursuant to Rule 51, other designated areas of the gallery shall be
33 used as an assigned place for admittance of reporters pursuant to Rule 51."

34 (27) Notwithstanding RULE 59, any member wishing to cosponsor a bill or
35 resolution that has been introduced may do so on the day during which the bill
36 or resolution was first read and referred, but only while the bill or resolution
37 is in the possession of the House.

38 (28) The Rules are amended by adding a new rule to read: "RULE 61.3. **Process**
39 **to Terminate.** – If either the Majority Leader or the Minority Leader submits
40 a written objection to the continued use of the modifications of the 2019 House
41 Permanent Rules contained in this Resolution, the modification shall expire at
42 midnight on the day the objection is submitted. The written objection may be
43 electronic. An objection must comply with all of the following in order to be
44 effective:

45 (a) It must be received by the Principal Clerk on either May 4, 2020, May
46 11, 2020, or May 18, 2020.

47 (b) A copy of the objection must be provided to the Speaker on the same
48 day the objection is submitted to the Principal Clerk.

49 (c) If the House is in session on the day the objection is filed, the Principal
50 Clerk shall read the objection into the record that day. If the objection
51 is filed on a day when the House is not in session, the Principal Clerk

1 shall read it into the record on the next legislative day following the
2 submission of the objection.
3 **SECTION 2.** This resolution is effective upon adoption and expires on the earlier of
4 an objection submitted pursuant to Rule 61.3 of this resolution or May 31, 2020.