

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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

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HOUSE SIMPLE RESOLUTION DRHR10749-MC-212K

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Sponsors: Representative Lewis.

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Referred to:

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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.