**GENERAL ASSEMBLY OF NORTH CAROLINA**
**SESSION 2019**

**H**

**Simple Resolution Adopted**

# HOUSE RESOLUTION 1044
**Adopted 4/28/20**

Sponsors: Representative Lewis.
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Calendar 4/28/2020

April 28, 2020

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

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

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

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

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

Be it resolved by the House of Representatives:

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

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

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

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

(3a) RULE 4(b) shall read as follows: "(b) Immediately following the call to order the Speaker shall call for the Journal report by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, or by a Representative designated by the Chair, as to whether the proceedings of the previous day have been correctly recorded. Without objection, the Speaker shall cause the Journal to stand approved."

(4) RULE 7(a) shall read as follows: "RULE 7. **Obtaining Floor.** – (a) No member on the floor shall proceed until recognized by the Speaker for a purpose. When any member on the floor desires recognition for any purpose, the member shall rise and respectfully address the Speaker. When any member who has designated a Leader to cast the member's vote desires to propound a question, the member shall submit the question to the Majority or Minority Leader to have the question brought forward, and the Leader or the Leader's designee, shall rise, shall respectfully address the Speaker, and upon being recognized, shall identify the member desiring to propound the question and state the question propounded."

(5) RULE 8.1 shall read as follows: "RULE 8.1. **Points of Personal Privilege; Representative Statements; Explanation of Vote.** – Upon recognition by the Speaker for that purpose, any member may speak to a point of personal privilege for a time not exceeding three minutes. The Speaker shall determine if the question raised is one of personal privilege and shall, without the point of order being raised, enforce this rule. A member may reserve some or all of that time to explain to the House a "Representative Statement"; provided, however, that the reading of the Representative Statement shall only occur following session. Upon motion supported by a majority present and voting, that statement may be spread upon the Journal. Neither personal privilege nor a Representative Statement may be used to explain a vote, debate a bill, or in any way disrupt the regular business of the House, nor shall such opportunities be used to solicit support or sponsors for any bill. The format of a Representative Statement shall be prescribed by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, but in any case shall speak only in the voice of the member submitting it."

(6) RULE 12(i) shall read as follows: "(i) The use of a mobile device or cellular phone for the purpose of making or receiving a phone call shall not be permitted in the House Chamber while the House is in session. During a vote the Majority Leader and the Minority Leader may use electronic technology, including a mobile device or cellular phone, to communicate in real time with members who have filed a voting designation pursuant to Rule 22.1, provided such use does not otherwise disrupt the decorum of the chamber."

(7) RULE 12 shall be amended to have the following additional subdivision: "(k) As deemed necessary by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the chamber may be used by committees for committee purposes."

(8) RULE 13(a) shall read as follows: "RULE 13. **Motions Generally.** – (a) A motion that is complex, complicated, or otherwise not easily understood shall be reduced to writing at the request of the Speaker or any member. No motion relating to a bill shall be in order that does not identify the bill by its number and short title. No motion may be made, nor business presented, by a member who has filed a voting designation pursuant to Rule 22.1 affirming the member

will not be present in the House during the time the designation is in effect and has not been revoked."

(9) RULE 15(a) shall read as follows: "RULE 15. **Motion to Adjourn.** – (a) A motion to adjourn shall be put to the vote of the House without being seconded."

(10) RULE 15.1 shall read as follows: "RULE 15.1. **Motion to Adjourn or Stand in Recess; Standard Stipulations.** – A motion to adjourn or stand in recess subject to the standard stipulations shall constitute a motion to adjourn or stand in recess subject to the ratification of bills, messages from the Senate, committee reports, conference reports, referral and re-referral of bills and resolutions, appointment of conferees, introduction of bills and resolutions, committee appointments, the reading of Representative Statements, and the receiving of petitions, memorials, or papers addressed to the House.

(11) RULE 20(c) shall read as follows: "(c) When the electronic voting system is used, 40 minutes shall be allowed for voting on the question before the House unless, without objection, the Chair shall direct otherwise. The Chair may direct a procedure whereby members vote at designated times within the time allowed for voting. Once the system is locked, the vote shall be recorded and printed."

(12) The Rules are amended by adding a new rule to read: "RULE 22.1. **Designated Voting.** – A member who is not present may designate either the Majority or the Minority Leader to cast the member's vote if all the following requirements are met:

(a) The member has filed a voting designation stating the member will not be present in the House and identifying either the Majority or Minority Leader as the member's voting designee. If the designated Leader has an excused absence from the House, the designated Leader may appoint another member to cast all votes designated to that Leader. Any designation or appointment under this subdivision shall be on a form made available from and filed with the Principal Clerk, shall include a commencement and expiration date, and may be revoked in writing, electronic or otherwise, at any time.

(b) At least 61 members have voted in the House Chamber when the question is put, after which the Speaker shall call upon the Majority and Minority Leaders to cast the votes of members who have made a designation pursuant to this Rule.

(c) At least three hours have elapsed from the time the bill to be voted on was placed on the calendar."

(13) RULE 22(b) shall read as follows: "(b) Except as provided in Rule 22.1, no member may vote unless the member is in the Chamber when the question is put. This subsection of this rule cannot be suspended."

(14) RULE 26(f) shall read as follows: "(f) The chair or acting chair, designated by the chair or by the Speaker, and five other members of the standing committee or permanent subcommittee, or a majority of the standing committee or permanent subcommittee, whichever is fewer, shall constitute a quorum of that standing committee or permanent subcommittee. A quorum of less than a majority of all the members must include at least one member of the minority party. For purposes of determining a quorum, the Chair of the Standing Committee on Rules, Calendar, and Operations of the House; the Speaker Pro Tempore; the Majority Leader; and the Deputy Majority Leader, when serving only as ex officio members under subsection (e) of this rule,

shall be counted among the membership of the committee or subcommittee only when present or participating remotely pursuant to Rule 28(a). A committee member who is participating remotely under Rule 28(a) shall be counted as present for quorum purposes."

(15) RULE 28(a) shall read as follows: "RULE 28. **Standing Committee and Permanent Subcommittee Meetings.** – (a) Standing committees and permanent subcommittees of standing committees shall be furnished with suitable meeting places pursuant to a schedule established by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Select committees shall be furnished with suitable meeting places as their needs require by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House. Committees may conduct meetings with members participating remotely provided all the following requirements are met:

(a) Each member is able to communicate, in real time, with all other members by (i) in-person communication, (ii) remote communication using devices or programs that transmit audio or audio and video, or (iii) both.

(b) All documents considered by the committee are provided to members.

(c) The committee otherwise complies with G.S. 143-318.13(a)."

(16) RULE 30 shall read as follows: "RULE 30. **Committee of the Whole House.** – A Committee of the Whole House shall not be formed."

(17) RULE 31(a) shall read as follows: "RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced only by submitting the same to the Principal Clerk's office using the member's electronic dashboard. The bill or resolution must be submitted by 3:00 P.M., or 30 minutes after adjournment of a session later than 3:00 P.M., in order to be read a first time on that legislative day."

(18) Notwithstanding RULES 32 and 41, a resolution or bill may be placed on the calendar without being referred by the Speaker to a committee and on the same legislative day of its introduction or receipt from the Senate; provided, however, no vote may be taken on such bill until at least three hours have elapsed from the time it is placed on the calendar and the time the question is put.

(19) RULE 32(e) is repealed.

(20) RULE 34(b) shall read as follows: "(b) A bill may be filed for introduction without the signature of each member whose name appears on the preprinted bill jacket as a primary sponsor if each such member has approved being included as a primary sponsor using the member's electronic dashboard."

(21) Notwithstanding RULE 36(b), a bill reported favorably by a committee or received for concurrence may be placed on the favorable calendar on the same day it is reported. The Speaker shall provide notice as soon as practicable to the Majority and the Minority Leader if the Speaker anticipates a bill will be placed on the favorable calendar the same day it is reported.

(22) Notwithstanding RULE 36.1A, a proposed committee substitute does not have to be distributed electronically to committee members on the preceding calendar day in order to be considered by the committee.

(23) RULE 39(a) shall read as follows: "RULE 39. **Discharge Petition.** – (a) A motion to discharge a committee from consideration of a bill may be filed with the Principal Clerk by a primary sponsor of that measure if accompanied by a petition asking that the committee be discharged from further consideration of the bill. No motion may be filed until 10 legislative days after the bill has been

referred to the committee. No petition may be filed until notice has been given on the floor of the House that the petition is to be filed and the primary sponsor giving notice has obtained a fiscal note from the Fiscal Research Division on the bill, which note shall be attached to the petition. Members may submit the petition or submit their name to be added to a petition by submitting an electronic mail indicating such submission with the office of the Principal Clerk, and when the signatures of 61 members appear on the petition, the Principal Clerk shall place that motion on the calendar for the next legislative day as a special order of business. Members may withdraw their names at any time until 61 names appear. If the motion is adopted by the House, then the committee to which the bill or resolution has been referred is discharged from further consideration of the bill, and that bill is placed on the calendar for the next legislative day as a special order of business. The Principal Clerk shall provide a form for discharge petitions."

(24) Notwithstanding RULE 41:

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

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

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

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

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

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

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

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

(c) If the House is in session on the day the objection is filed, the Principal Clerk shall read the objection into the record that day. If the objection is filed on a day when the House is not in session, the Principal Clerk shall read it into the record on the next legislative day following the submission of the objection.

**SECTION 2.** This resolution is effective upon adoption and expires on the earlier of an objection submitted pursuant to Rule 61.3 of this resolution or May 31, 2020.