The following has special meaning:
green underline denotes added text
~~red-struck-out text denotes deleted text~~

Powered by State Net

2021 NM HR 1	**Author:** Ely **Version:** Adopted **Version Date:** 01/25/2021

HOUSE RESOLUTION 1

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Daymon Ely

A RESOLUTION

AMENDING THE HOUSE RULES FOR THE CONDUCT OF THE FIRST SESSION OF THE FIFTY-FIFTH LEGISLATURE TO ALLOW REMOTE PARTICIPATION OF MEMBERS AND TO PROVIDE FOR PROCEDURES TO CONDUCT PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES DURING THE CURRENT PUBLIC HEALTH EMERGENCY.

WHEREAS, on March 11, 2020, because of the spread of the health emergency exists in New Mexico under the Public Health Emergency Response Act and invoked the governor's authority under the All Hazard Emergency Management Act; and

WHEREAS, the governor has renewed the declaration of a public health emergency due to the continued spread of coronavirus disease 2019 in New Mexico, with more than one hundred forty-one thousand documented cases and over one thousand three hundred deaths attributed to the coronavirus disease 2019 pandemic through December 2020; and

WHEREAS, numerous orders have been issued by the department of health to limit the spread of coronavirus disease 2019 within the state, including limitations on gatherings of more than five persons and recommendations on social distancing; and

WHEREAS, there is a continuing threat of community spread of the virus; and

WHEREAS, Article 4, Sections 1 and 5 of the constitution of New Mexico require the legislature to convene at the seat of government on the third Tuesday of January; and

WHEREAS, Article 4, Section 11 of the constitution of New Mexico provides that each house may determine the rules of its procedures; and

WHEREAS, allowing for the functional presence and full participation of members by simultaneous remote electronic means during a public health crisis, such as the current coronavirus disease 2019 pandemic, will help limit the risks to public health and safety inherent in the gathering of a large number of people from across the state in the state capitol; and

WHEREAS, Article 4, Section 12 of the constitution of New Mexico requires that all sessions of the legislature be public, and the senate and house of representatives have provided public access via webcasting of all legislative proceedings and have provided for public participation and comment via electronic means for committee hearings; and

WHEREAS, the house of representatives recognizes that the following rules may only be used during declared public health emergencies where health and safety require that extraordinary measures be employed to prevent the spread of disease; and

WHEREAS, all three branches of government have implemented changes during the coronavirus disease 2019 pandemic to safely carry out their constitutional and statutory duties and provide services to the residents of the state via remote electronic means; and

WHEREAS, House Rule 24-1 provides that the rules of the house of representatives may be amended by a two-thirds' vote of all the members of the house or by a majority vote of the members of the house upon the recommendation of the house rules and order of business committee;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the following new house rules, effective only for the first session of the fifty-fifth legislature, be adopted to read:

"4-1-1 The speaker shall ensure that all members, staff and employees who are physically present in the house, galleries, lobby, house committee rooms and rooms connected therewith follow proper social distancing and shall ensure that they are provided with appropriate personal protective equipment."; and

"7-1-1 A member shall be considered to be present and in attendance for the purposes of establishing a quorum, doing business or voting if the member is participating by simultaneous, remote, electronic or telephonic means as confirmed by the speaker, or chair in the case of a standing committee."; and

"7-1-2 For the purpose of being considered present, the speaker, majority floor leader and minority floor leader may be physically present in the chambers during any regular or limited floor session, and the members of the appropriations and finance committee may be physically present at regularly scheduled hearings; provided that proper social distancing

"7-4-2 measures and appropriate safety protocols are in place."; and Completion of a call of the house shall be verified by the chief clerk via a roll call vote."; and

"7-8-1 Points of order should be raised by either the majority or minority floor leader, majority or minority whip or house parliamentarian. Members wishing to raise a point of order shall contact their respective caucuses' leadership or the house parliamentarian or minority leader's designee, who shall raise such points when recognized."; and

"7-12-2 In order to preserve decorum, the presiding officer may require the use of personal electronic headsets by members."; and

"7-13-1 A member who is present and is called to order is not permitted to resume speaking until the speaker has determined whether the member is in order; and if decided to be out of order, the member shall not proceed without the permission of the house."; and

"7-19 Members, staff and guests shall wear face masks covering the mouth and nose at all times in the capitol except when in private offices. Failure to do so constitutes a violation of these rules and is subject to investigation by the rules and order of business committee, pursuant to House Rules 9-13-1 through 9-13-7."; and

"8-9 The speaker may convene a limited floor session consisting only of the following orders of business:

(1) reading of messages from the governor, the senate and the enrolling and engrossing committee;

(2) introduction of legislation;

(3) reading of recommendations on legislation made by standing committees; provided that:

(a) legislation that has passed a committee may be scheduled for a hearing by the next committee to which it was referred upon conclusion of the limited session announcing the previous committee's recommendation;

(b) reports of committee recommendations will be available on the legislature's website as soon as is practicable; and

(c) recommendations made by standing committees shall be adopted by a vote of the house at subsequent floor sessions as described in House Rules 8-1 and 11-18 through 11-20; and

(4) announcement of upcoming standing committee meetings."; and

"8-9-1 During limited floor sessions, the speaker, the majority floor leader and the minority floor leader or the leader's designee shall be present in the chamber and will be permitted use of the chamber microphones. All other members wishing to participate in limited floor sessions must do so via simultaneous, remote, electronic or telephonic means."; and

"8-9-2 Only motions to change orders of business and to adjourn the limited floor session shall be in order during a limited floor session. No other motions shall be taken by the speaker."; and

"11-9-2 Electronic signatures may be used by sponsors to sign bills, resolutions or memorials and amendments."; and

"11-21-2 Committee reports on a bill, resolution or memorial may be signed electronically and transmitted from the committee to the chief clerk."; and

"23-3-1 Accommodations for the press will be made in accordance with public health guidelines as outlined by the legislative council service."; and

"23-8-2 If at any time during standing committee hearings or floor sessions, the live audio or video stream of those sessions ceases to function, upon notice of the outage, the presiding officer shall immediately recess, subject to the call of the presiding officer, until the stream is able to resume."; and

"23-8-3 The live video stream shall prominently feature the member or witness addressing the chamber or committee."; and

"26-3 Members shall not disclose confidential information, including security planning information, obtained by virtue of the member's position."; and

BE IT FURTHER RESOLVED that the following house rules, effective only for the first session of the fifty-fifth legislature immediately upon adoption, be amended to read:

"6-1 The sergeant-at-arms or the sergeant-at-arms' designee, except when absent in the discharge of ~~his~~ the sergeant-at-arms' duties, shall be in ~~constant~~ attendance upon the sessions of house and enforce order on the floor of the house and in the lobbies, galleries and passages and rooms connected therewith and see that no person remains on the floor of the house unless entitled to privileges thereof."; and

"7-1 Every member of the house shall ~~be present on the floor of the house~~ maintain the member's presence by being physically present in the house chamber or by simultaneous, remote, electronic or telephonic means, during each session, unless prevented by sickness or

excused by the speaker in writing. The excuse shall be filed with the chief clerk."; and

"7-3 If at any time during the session of the house a question is raised by any member as to the presence of a quorum, the speaker shall forthwith direct a roll call and shall announce the result, and such proceedings shall not be interrupted by any other member raising the question of a lack of quorum. The question as to the presence of a quorum shall not be raised more often than once every hour, unless the lack of a quorum is disclosed upon a roll call of yeas and nays. Whenever, upon a roll call, any member who is ~~upon the floor of the house~~ present refuses to respond or vote, it is the duty of the speaker, either upon ~~his~~ the speaker's own motion or upon the suggestion of any member, to request that member to respond or vote. If the member fails to respond or vote when so requested, the fact of such request and refusal shall be entered in the journal and such member shall not be counted as present for the purpose of constituting a quorum."; and

"7-8 A member other than the speaker or majority or minority floor leader, rising to debate, to present a petition or other paper, to give notice, to make a motion or to report ~~shall address the speaker~~ shall do so by the electronic or telephonic means the presiding officer has directed members to use so that the proceedings of the body are not interrupted and shall not proceed until recognized by ~~him~~ the presiding officer."; and

"7-13 When a member is called to order, ~~he~~ the member shall ~~take his seat~~ refrain from speaking until the speaker has determined whether ~~he~~ the member is in order or not; and if decided to be out of order, ~~he~~ the member shall not proceed without the permission of the house. Every question of order shall be decided by the speaker, subject to an appeal to the house. No second appeal shall be determined until the original appeal has been decided. If a member is called to order for words spoken, the words excepted to shall be immediately taken down in writing."; and

"9-5-6 All deliberations, hearings, decisions and other official business of committees shall be conducted in meetings open to the public; provided that public participation shall be limited to webcasts of committee meetings and public testimony submitted to a committee electronically at the discretion of the chair, including via simultaneous, remote, electronic or telephonic means, except for deliberations and hearings relating to allegations of unethical conduct brought before the house rules and order of business committee or subcommittee, unless a public hearing is requested by the representative against whom the allegation is made."; and

"23-2 Only persons who are members of the legislature or officers and employees of the legislature having official duties directly connected with the business of the house shall be admitted to the floor, rostrum, lounges and hallways. ~~Exceptions to this rule shall be:~~

~~(a) the governor and representatives of his office on official business and carrying written accreditation from the governor; and~~

~~(b) former members of the legislature, provided they carry written accreditation of status from the chief clerk, and special guests of the house, and provided such former members and guests are seated, with the speaker's consent, only on the speaker's rostrum.~~"; and

"23-8 The use and control of all electronic and public address equipment installed in the house chamber shall be under the exclusive control of the speaker, and shall only be in use by the speaker, majority and minority floor leaders, chief clerk and clerk's staff during limited floor sessions as described in House Rule 8-9. Unauthorized use by any member or person shall be cause for disciplinary action by the house."; and

"23-8-1 A live audio and video stream of the house floor proceedings shall be accessible through the legislature's website in a manner befitting the house of representatives, including an appropriate user interface, subject to the following:

(a) the stream shall begin as soon as practicable after the speaker has announced a quorum is present and shall terminate as soon as practicable after a motion to recess or adjourn has carried, or upon the order of the speaker;

(b) during the prayer, the pledge of allegiance, reading of the journal, introduction of legislation, reports of committees, introduction of guests, messages from the governor, the senate or other state officers and announcements and miscellaneous business, the live video image shall be of ~~the entire chamber or~~ the rostrum from the perspective of the rear of the chamber except as provided in Paragraph (d) of this rule;

(c) during third reading of legislation, the live video image shall be of the member who has been recognized and is speaking, of the members who are debating the question or of the entire chamber from the perspective of the rear of the chamber;

(d) during any order of business when the debate is substantial, the live video image shall be as if the house of representatives were on third reading of legislation;

(e) at no time shall the live video image be of the gallery or of any material on a member's desk, computer monitor or similar device such that the material can be read or viewed except as would otherwise be possible with an unaided eye;

(f) no later than the beginning of the first session of the fifty-third legislature and subject to the financial capability of the house, the stream shall be publicly available through the legislature's website for five years following the adjournment of the relevant session;

(g) the provisions of this rule shall apply when the house of representatives is meeting in the committee of the whole or in joint session with the senate and when any standing committee of the house of representatives is meeting in the chamber; and effect that the stream is being produced for the

(h) the stream shall carry a notice to the benefit of the public and any political use is prohibited and that the stream is not an official record of the house's proceedings."; and

BE IT FURTHER RESOLVED that House ~~Rules~~ Rule 7-14 ~~and 11-20-1~~, Subsection (b) of House Rule 23-2 and House Rules 23-3 through 23-4-1 be suspended, effective only for the first session of the fifty-fifth legislature.

Copyright © 2021 State Net