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SENATE RESOLUTION 1

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

INTRODUCED BY

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This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

A RESOLUTION

ENACTING AND SUSPENDING CERTAIN SENATE RULES TO ALLOW FOR REMOTE PARTICIPATION OF MEMBERS IN THE LEGISLATIVE PROCESS AND ALLOW FOR PUBLIC PARTICIPATION AND SAFETY DURING A DECLARED PUBLIC HEALTH EMERGENCY.

WHEREAS, on March 11, 2020, because of the spread of coronavirus disease 2019, the governor declared that a public 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 cases documented 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 and 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 the current coronavirus disease 2019 pandemic in 2021 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, any staff and members of the media that will be working in the state capitol will be required to be tested for coronavirus disease 2019 on a weekly basis, and senators will be strongly encouraged to do so in order to better ensure the safety of staff and members that may be present 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 has provided public access via webcasting of all legislative proceedings and has provided for public participation and comment via electronic means for committee hearings; and

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

WHEREAS, all three branches of government have implemented changes throughout 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, Senate Rule 24-1 provides that the rules of the senate may be amended by a two-thirds' majority vote of the members of the senate or by a majority vote of the members of the senate upon the recommendation of the rules committee;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the following new senate rules, effective for any sessions of the fifty-fifth legislature held in 2021 during the pendency of the coronavirus disease 2019 public health emergencies, be adopted to read:

"4-1-1 The presiding officer shall ensure that all members, staff, employees and guests who are physically present in the senate chambers follow proper social distancing, including by limiting the number of persons physically present, ensuring that those persons wear a mask that covers the mouth and nose, and not consume food in the senate chambers."; and

"6-1-1 The sergeant at arms shall ensure that all members, staff, employees and guests who are physically present in the senate gallery, senate committee rooms, rooms connected therewith, the senate lounge and the senate hallways shall follow proper social distancing, including by limiting the number of persons physically present and ensuring that those persons wear a mask that covers the mouth and nose and not consume food in those areas."; and

"7-1-1 A senator shall be considered to be present and in attendance for the purposes of establishing a quorum, doing business or voting during a floor session or a call of the senate if the member is physically present or participating by simultaneous, remote electronic means from within the capitol and is visually present as confirmed by the presiding officer of the senate. For purposes of a call, members who are present must vote on the legislation that is the subject of the call."; and

"7-1-2 A senator shall be considered to be present and in attendance for the purposes of establishing a quorum, doing business or voting during standing committee meetings only if the member, as confirmed by the committee chair, is participating by simultaneous, remote electronic means and is visually present, or if participating by telephone is confirmed to be present by voice, whether the member is within the capitol or not."; and

"7-1-3 A senator who has tested positive for coronavirus disease 2019 within ten days before or during a session or who has actual knowledge of a person who has tested positive for coronavirus disease 2019 with whom the senator has been in personal contact close contact, as defined by the New Mexico department of health, during that time shall inform the senator's respective floor leader or whip. The For floor sessions, the senator shall either be excused or shall self-isolate outside the capitol in the city of Santa Fe and participate by simultaneous, remote electronic means and be visually present or, if participating by telephone, confirm the senator's presence by voice. A senator who is self-isolating shall continue in self-isolation until advised by a medical professional that self-isolation is no longer necessary."; and

"7-8-1 A senator who is participating by simultaneous, remote electronic means during a floor session and wishes to be recognized shall contact the presiding officer, who shall then add that member's name to the list of senators desiring to be recognized."; and

"7-19 Members of the senate, staff, employees and guests shall wear face masks covering the mouth and nose when physically present in the senate, galleries, lobby, senate committee rooms and rooms connected therewith. Failure to do so shall constitute a violation of these rules, and violators are subject to disciplinary action and removal from the chamber or committee room. A senator removed from the senate chamber or committee room may participate remotely from the member's office."; and

"9-5-9 Meetings conducted by simultaneous, remote electronic means shall be staffed by one or more hosts to facilitate and allow participation by the committee, expert witnesses and members of the public. The chair may determine the duration of public comment allowed. Each standing committee may also accept public comment by email."; and

"9-6-1 Notice of and the agendas for all standing committee meetings conducted by simultaneous, remote electronic means shall be posted at least twenty-four hours in advance of the meetings; provided that during the final two weeks of a session, notice and agendas shall be posted as soon as practicable in advance of the meeting."; and

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

"11-21-1 Committee reports on a bill, resolution or memorial may be digitally signed and electronically transmitted from the committee to the chief clerk."; and

"23-3-1 and 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 video stream from the state capitol 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

BE IT FURTHER RESOLVED that Senate Rules 23-3 and 23-4-1 be suspended, effective for the remainder of the coronavirus disease 2019 public health emergency.

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