

HOUSE RULES

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*** Rule exists in Senate but does not exist in House

HOUSE RULES

EMPLOYEES

2-1

2-2

The hiring and dismissal of employees shall be the responsibility of the committee on printing and supplies.

2-3

No honorary page shall be appointed unless he is at least ten years of age and unless the member sponsoring such page makes arrangements with the chief clerk at least two calendar days prior to the day in which it is desired to have the honorary page serve in the house. No honorary page shall be appointed to serve two or more consecutive days, and no more than sixteen honorary pages shall be appointed to serve in one calendar day.

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PARTY LEADERS

3-1

HOUSE RULES

PRESIDING OFFICER DUTIES

- 4-1 The speaker shall preserve order and decorum in the house, galleries, lobby and rooms connected therewith. In the case of disturbance or disorderly conduct in the galleries or lobby, he may order them cleared or cause the removal of disorderly persons.
- 4-2 The speaker shall have the power to issue a writ for the arrest of any person who contumaciously fails or refuses to appear before the house or any committees thereof after having been subpoenaed to do so by any order of the house. The speaker shall sign all processes ordered issued by the house.
- 4-3 The speaker shall decide all questions of procedure and order, subject to an appeal to the house. When such an appeal is made, no member shall speak more than once and not longer than fifteen minutes, and the decision of the speaker shall prevail unless reversed by a majority vote of the members present.
- 4-4 The speaker shall sign all bills, resolutions and memorials and certify the passage of all bills that may be passed over the governor's veto, giving the date of their passage.
- 4-5 The speaker may call any member to the chair to act as speaker, but no such designation shall exceed one day without the consent of the house.
- 4-6 The speaker shall have all other powers and privileges which are possessed by the speaker of the house of representatives of the present United States congress.

HOUSE RULES

CHIEF CLERK

5-1 At the close of any legislative session, all committee chairmen shall return to the chief clerk all bills, resolutions, memorials, communications and petitions in their possession which have been referred to them and which have not been disposed of in their regular order.

5-2 ***

5-3 The chief clerk shall:

(a) attend every session and call the roll when ordered to do so by the speaker;

(b) read or cause to be read all bills, amendments, memorials, resolutions and papers ordered to be read by the speaker;

(c) prepare and furnish each member with a copy of the daily calendar which shall include all bills for third reading and other matters to be considered by the house;

(d) see that all bills and other papers shall be presented to the house in the order in which they are reported or stand upon the calendar, unless otherwise directed by the house;

(e) keep a correct journal of the proceedings of the house, in which shall be recorded in full all messages from the governor to the house or the legislature during the present session, all titles of bills, resolutions and memorials introduced or submitted for the consideration of the house;

(f) superintend all copying and work to be done for the house;

(g) notify the house of the action by the senate on all matters originating in the house and requiring action on the part of the house;

(h) during the session, present to the governor and enter upon the journal such bills and other matters that originated in the house and were passed by both houses and require the governor's consideration; transmit all bills, joint resolutions and joint memorials which have been passed by the house to the senate, but before doing so, the chief clerk shall certify thereon the facts of their passage and the date thereof and the votes by which they passed;

(i) under the direction of the speaker, have control and care during the session of all rooms, passages and parts of the capitol set apart for the use of the house of representatives;

(continued)

HOUSE RULES

CHIEF CLERK (cont'd)

5-3
(cont'd)

(j) direct, assign and reassign all employees of the house to their respective duties, except the assistant sergeants-at-arms, and report to the house all incompetent employees with his recommendation for removal, and such report shall be acted upon forthwith;

(k) by Friday of each week, publish or mimeograph for distribution to each member of the legislature and to the public, a schedule for the succeeding week of all house committee hearings, as reported by the committee chairmen, showing by number and short title the bill to be heard, the committee which will conduct the hearing and the time, date and place of hearing;

(l) prepare a list showing the status of legislation either on the speaker's table or in committee at the time of final adjournment, which list shall be included in the journal, and deliver all such documents to the secretary of state to be filed by him as a permanent record; and

(m) permit no papers or records belonging to the house to be taken out of his custody other than by the regular course of business.

(n)

HOUSE RULES

SERGEANT-AT-ARMS

- 6-1 The sergeant-at-arms, except when absent in the discharge of his 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.
- 6-2 The sergeant-at-arms shall execute the orders of the speaker and of the house, together with all processes issued by authority thereof, as directed to him by the chief clerk or by the speaker.
- 6-3 ***
- 6-4 ***
- 6-5 The sergeant-at-arms shall, at least one hour previous to the opening of each session, place all bills, resolutions, memorials and other documents to be acted upon by the house on the desks of members of the house.
- 6-6 Whenever a message arrives from the governor or the senate, the sergeant-at-arms shall receive the message and announce its arrival to the speaker.
- 6-7 The sergeant-at-arms shall assign or reassign all assistant sergeants-at-arms and direct them in their duties.

HOUSE RULES

DUTIES AND RIGHTS OF MEMBERS

- 7-1 Every member of the house shall be present on the floor of the house during each session, unless prevented by sickness or excused by the speaker in writing. The excuse shall be filed with the chief clerk.
- 7-2 A quorum of the house is a majority of the members elected and qualified thereof. When a lesser number than a quorum of the house convenes at any authorized session, those present may send the sergeant-at-arms for the absent members and may compel their attendance. During any session of the house, the members present may take such action as they deem necessary to secure the presence of the absentees and, in addition to suspension for a certain period, may inflict censure or penalty as they think just on those who do not send a sufficient excuse for their absence.
- 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 refuses to respond or vote, it is the duty of the speaker, either upon his 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 be counted as present for the purpose of constituting a quorum. [1/22/80]
- 7-4 When a quorum is present and any member is absent, a call of the house shall be ordered by the speaker upon an affirmative vote of seven or more of the members present; excepting that a call of the house shall not be ordered on a motion to adjourn, motion to take a recess, after the voting on any question has begun, or after the speaker recognizes any person authorized to close debate on any bill, resolution or memorial.
- 7-4-1 A motion for the call of the house shall be decided without debate or amendment.
- 7-5 Every member of the house shall vote on each question or motion coming up before the house when requested to do so by the speaker, unless excused by a majority vote of those members present.

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- 7-6 A member who desires to be excused from voting may, after the roll call is requested but before the roll call is commenced, make a brief statement, not occupying more than three minutes, explaining his reasons for desiring to be excused. The question of excusing him shall be decided without debate.
[1/22/80]
- 7-7 No member upon a roll call vote shall be allowed to explain his vote during roll call; however, at the conclusion of the roll call, a member shall be allowed one minute to explain his vote.
- 7-8 A member rising to debate, to present a petition or other paper, to give notice, to make a motion or to report shall address the speaker and shall not proceed further until recognized by him.
- 7-9 No member shall speak more than once in any one day at the same stage of the bill, except for explanation, without permission of the speaker so long as any member who has not debated the matter desires to speak.
- 7-10 No member shall be interrupted when speaking nor shall any motion be in order until such member has concluded, and no question shall be asked him except those propounded through the speaker and with the consent of the member.
- 7-11 The author of a bill, motion, resolution or memorial has the right to close the debate.
- 7-12 During a session, a member shall not speak to another member or read a newspaper while the journal or other matters are being read. A member shall not walk across the chamber when the speaker is putting a question. No member shall walk between a member who is speaking and the chair. No member shall otherwise interrupt the business of the house.
- 7-13 When a member is called to order, he shall take his seat until the speaker has determined whether he is in order or not; and if decided to be out of order, he 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.
- 7-14 All debates, discussions or statements regarding all matters pending before the house must be made from the floor of the house.

DUTIES AND RIGHTS OF MEMBERS (cont'd)

HOUSE RULES

ORDER OF BUSINESS

- 8-1 The speaker shall take the chair each day at the hour to which the house shall have adjourned and shall call the house to order, after which he shall direct the roll of the members to be called, and if there be a quorum present, he shall call up the business of the day as follows:

Order of Business

- (1) prayer;
- (2) pledge of allegiance;
- (3) reading of the journal;
- (4) introduction of legislation:
 - (a) bills;
 - (b) joint resolutions;
 - (c) resolutions;
 - (d) joint memorials; and
 - (e) memorials;
- (5) reports of committees:
 - (a) standing; and
 - (b) special;
- (6) third reading of legislation;
- (7) business on speaker's table;
- (8) reading of messages and petitions; and
- (9) announcements and miscellaneous business. [8/7/75]

- 8-1-1 When the journal has been read, the speaker shall afford the members of the house an opportunity to suggest corrections, after which the journal shall be subject to approval by the house.

HOUSE RULES

ORDER OF BUSINESS (cont'd)

- 8-1-2 The reading of the journal may be dispensed with by a majority vote of the members of the house present.
- 8-2 Notwithstanding the order of business, the following shall be received at any time they are offered, and their consideration shall always be in order, and when such consideration is in progress, no motion not germane to the reports shall be entertained until the report is disposed of:
- (a) messages from the governor of the state;
 - (b) messages from the senate;
 - (c) communications and reports from state officers;
 - (d) reports from the committee on voters and elections;
 - (e) reports from the printing and supplies committee;
 - (f) reports from the enrolling and engrossing committee;
 - (g) reports from the rules and order of business committee; and
 - (h) executive communications.
- 8-3 A proposition requesting information from the governor or any office of the state is in order at any time, unless otherwise determined by a majority of the members, and when adopted, the chief clerk shall cause the request to be forwarded immediately to the governor or other state officer.
- 8-4 The house shall have a consent calendar as follows:
- (a) If a committee determines that a bill it recommends to pass, without amendment or substitution, is of a routine nature or otherwise of a nature which likely will not be opposed, it may, in its report, recommend that the bill be placed on the consent calendar. If such a report is adopted, the bill will be placed on the consent calendar. The recommendation that the bill be placed on the consent calendar may be divided from the question of adopting the committee report.

(continued)

HOUSE RULES

ORDER OF BUSINESS (cont'd)

8-4 (cont'd) (b) The consent calendar shall consist of all bills so placed upon it. Bills on such calendars shall be taken up for third reading and final passage in the order listed on that calendar each day of the legislative session immediately prior to that order of business known as "reports of committees". No more than five minutes shall be allotted for explanation of the bill, and no more than an aggregate of five minutes shall be allotted to each side for debate prior to final passage of each bill on the consent calendar.

(c) If any five members object from the floor, during any session, to the consideration of a bill on the consent calendar at any time before the question of its final passage is put to the house, the bill shall, without further action, be removed from the consent calendar and assigned a place upon the regular calendar of the house as it would have been in the normal course of legislative procedure.

8-5 All questions relating to the priority of business shall be determined by a vote of the house without debate.

8-6 The concurrence in senate amendments to house bills shall be taken up and considered by the house under that order of business, "reading of messages and petitions". Except during the sixtieth legislative day of an odd-year session and during the thirtieth legislative day of an even-year session, the house shall not consider or take any action for or against such concurrence to senate amendments to house bills until the amendments have been printed.

8-7 When the reading of a paper other than bills, resolutions and petitions is called for, and the reading is objected to by any member, the question shall be determined by a vote of the house without debate.

8-8 ***

HOUSE RULES

COMMITTEES

9-1 The speaker shall appoint all committees created by the house except those where the members are designated in the motion creating them, and all appointments shall be announced in open session and made a matter of record in the journal.

9-1-1 ***

9-1-2 The speaker shall designate the chairmen when the committee is appointed.

9-1-3 ***

9-1-4 ***

9-1-5 ***

9-1-6 ***

9-2 The following shall be the standing committees of the house:

(Substantive)

- (a) appropriations and finance;
- (b) agriculture and water resources;
- (c) business and industry;
- (d) education;
- (e) judiciary;
- (f) labor and human resources;
- (g) energy and natural resources;
- (h) voters and elections;
- (i) consumer and public affairs;
- (j) transportation and public works;
- (k) taxation and revenue;

(continued)

HOUSE RULES

COMMITTEES (cont'd)

9-2
(cont'd)

(l) health and government affairs;

(Procedural)

(m) enrolling and engrossing;

(n) printing and supplies; and

(o) rules and order of business. [1/16/07]

9-2-1

The house rules and order of business committee is designated as the house committee to which the speaker shall refer all matters relating to the ethical conduct of house members which arise during a regular or special session of the legislature, including matters which may give rise to constitutional discipline under Article 4, Section 11 of the constitution of New Mexico. With respect to such matters, the committee shall proceed under House Rules 9-13 et seq.

Matters relating to the ethical conduct of house members which arise during the interim shall be dealt with by the legislative council and the interim legislative ethics committee. [3/17/93]

9-3

No member shall be appointed to more than two substantive committees. No member appointed to the appropriations and finance committee shall also be appointed as chairman of any other substantive committee. No member appointed to the chairmanship or vice chairmanship of any substantive committee shall also be appointed as chairman or vice chairman of any other substantive committee. This rule shall not be construed to prohibit temporary designations by a chairman of members of his committee to preside in his stead.

9-4

Once appointed, committee members shall not be removed except by a two-thirds vote of the house.

9-5

The rules and orders of the house shall govern the parliamentary procedures of the house special and standing committees.

9-5-1

No committee hearing shall be held without a quorum being present. A quorum is a majority of the appointed committee members. A committee cannot legally transact business and shall not proceed to the consideration of business in the absence of a quorum, except the enrolling and engrossing committee.

9-5-2

Neither pairings nor voting by proxy will be permitted in committee.

HOUSE RULES

COMMITTEES (cont'd)

- 9-5-3 When a voice vote is taken on any question in the committee and such vote is uncertain, any committee member may demand a roll call vote, and such roll call shall be ordered by the chairman.
- 9-5-4 The chairman and each member of the committee present, unless excused by a majority vote of the committee, shall vote on all votes taken on any question before the committee; provided, however, on matters brought before the house rules and order of business committee relating to ethical conduct, a member may seek to disqualify himself on the grounds that the member cannot render a fair and impartial decision on the particular ethical questions brought before the committee. In any such case, disqualification must be approved by a majority vote of the remaining members of the committee, and a substitute member from the same political party shall be designated by the speaker as a member during the deliberations on that particular allegation of unethical conduct. [3/1/91]
- 9-5-5 The vote on amendments adopted by the committee shall be shown in its final report if a roll call vote was taken on the amendments. The vote on the final report of the committee on each bill, memorial or resolution referred to it shall be taken by yeas and nays and entered upon the records of the committee and shall be shown upon the report of the committee for such bill, memorial or resolution. [3/7/79]
- 9-5-6 All deliberations, hearings, decisions and other official business of committees shall be conducted in meetings open to the public, 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. [3/1/91]
- 9-5-7 Photography, video or audio recording or transmission of committee proceedings may, upon request, be allowed with the permission of the chair. [2/3/09]
- 9-5-8 *TEMPORARY PROVISION: During any session of the forty-ninth legislature, the legislative council service is authorized, in consultation with the speaker, majority floor leader, minority floor leader and appropriate committee chairs, to produce live audio streams of committee proceedings. Any such live audio stream shall be accessible through the legislature's web site in a manner befitting the house of representatives, including an appropriate user interface, and shall begin as soon as practicable after the chair has called the meeting to order and shall terminate as soon as practicable after the committee has recessed or adjourned or upon order of the chair. Any such live audio stream shall carry a notice to the effect that the stream is being produced for the benefit of the public and any political use is prohibited. [2/3/09]*

COMMITTEES (cont'd)

HOUSE RULES

- (cont'd) similar committee of the senate upon arrival of the committee members and the proper senate committee; and
- (g) in the absence of the sponsor of a measure, be prepared, or designate a committee member to be prepared, to explain the bill to the house. [2/3/09]
- 9-11 Committee chairmen shall schedule each house bill, house resolution or house memorial to be heard in the committee in the order in which it is referred to the committee unless the sponsor agrees to a postponement to a day certain or unless Rule 9-10(e) is invoked or the schedule of the committee suggests that bills governing the same or similar subject matter should be heard together, in which case the chairman shall group the bills for hearing in that manner. The prime sponsor of a house bill may demand in writing that his bill be heard for the first time prior to a hearing and action on a bill referred to the committee on a later date, and the committee shall hear the bill if such demand is made. Rule 9-10(e) or the provisions of this rule providing for grouping of bills shall not preempt such demand. [3/7/79]
- 9-12 The report on the final vote of the committee on each bill, resolution or memorial shall be reported to the house no later than the second calendar day in which the house is in session after the day on which the final vote was taken by the committee. [3/7/79]
- 9-13 Statement of Findings and Purpose. In addition to its inherent power as a legislative body, the New Mexico house of representatives has the constitutional authority under the New Mexico constitution, Article IV, Section 11 to discipline members who are guilty of contempt or disorderly conduct in the presence of the house, or to expel members. While the constitution does not specify the grounds for expulsion, these may include conduct that impugns the integrity of the house, reflects adversely on the house or otherwise undermines public confidence in the institution of the house.
- Although that constitutional power may, under some circumstances, be exercised summarily by the house, the adoption of these rules represents the sentiment of the house that disciplinary action should ordinarily be imposed only after full investigation and the opportunity for a hearing.
- These rules are designed not for punitive purposes, but rather to create mechanisms that will allow the house to uphold the integrity of the house and to ensure that public trust in the institution of the house is not undermined. The

(continued)

COMMITTEES (cont'd)

- 9-13 rules seek to allow the house to balance the various interests involved--including

HOUSE RULES

- (cont'd) the particular needs of the house, fairness to an accused member and regard for potential criminal prosecutions and the criminal justice system. [3/17/93]
- 9-13-1 The house rules and order of business committee is authorized to issue advisory opinions and letters on matters relating to ethical conduct. Any question relating to the interpretation and enforcement of ethical principles as applied to the house of representatives may be submitted in writing by a representative, describing a real or hypothetical situation and requesting an advisory opinion establishing an appropriate standard of ethical conduct for that situation.
- The committee shall issue an opinion regarding each inquiry or explain in writing why no opinion will be issued. Committee opinions shall be prospective only. No opinion shall identify the requesting legislator without the legislator's consent. A representative may rely upon an advisory opinion of the committee or, in the interim, of the interim legislative ethics committee and any representative acting in good-faith reliance upon an advisory opinion shall be immune from sanctions for conduct covered by the opinion. [3/17/93]
- 9-13-2 With the exception of charges of contempt and disorderly behavior which take place in the presence of the house, and therefore may be punished summarily, any charge seeking the disciplining of a house member shall be in writing, under oath or affirmation, signed by a member of the house, and filed with the chairman of the house rules and order of business committee. The complaint shall state with reasonable particularity the relevant facts upon which the charge is based.
- Members of the public may also file a formal complaint with the chairman of the house rules and order of business committee or the speaker of the house who shall forward the complaint to the chairman of the house rules and order of business committee. The complaint shall be in writing, under oath or affirmation and signed by the complainant. The complaint shall state with reasonable particularity the relevant facts upon which the charge is based.
- A representative against whom a complaint is filed shall immediately be given a copy of the complaint. In the alternative, the speaker, after consultation with the majority and minority floor leaders, may refer any matter which might require discipline to the attention of the chairman of the house rules and order of business committee. Notice of the referral shall be given to the member who may be charged.

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COMMITTEES (cont'd)

- 9-13-2 The complaint process shall be held confidential through the initial

HOUSE RULES

- (cont'd) investigation phase unless waived in writing by the representative being charged. Breach of confidentiality by a complainant may result in dismissal of the complaint or the assessment of costs. In addition, any breach of confidentiality by members or staff may result in disciplinary action. [3/17/93]
- 9-13-3 Upon receipt of a written charge, or a referral from the speaker, the chairman shall notify the speaker and the majority and minority floor leaders, who shall select from the rules and order of business committee an equal number of members from each party to serve as a subcommittee to investigate the allegations contained in the charge or referral.
- The chairman of the house rules and order of business committee shall chair the subcommittee but shall only vote in the case of a tie. [3/17/93]
- 9-13-4 The subcommittee shall conduct a confidential investigation. If the subcommittee finds probable cause to believe that the charge is warranted, it shall recommend that the full committee initiate a formal hearing. If the subcommittee finds no probable cause to believe the charge is warranted, it shall recommend that the full committee dismiss the charge.
- Dismissal by the full committee shall be communicated to the complainant and the member charged.
- The committee is authorized to award attorneys' fees to the member against whom a complaint under these rules is filed by another member if the committee determines that the complaint filed against the member was frivolous. If such an award is made, the fees shall be paid by the member who filed the frivolous complaint. Further, such a determination will be grounds for a complaint being filed alleging ethics violations of house rules.
- The committee may assess costs against any complainant if the committee determines that the complaint filed against the member was frivolous.
- Special legal counsel may be authorized by the full committee to advise and assist the subcommittee. [3/17/93]
- 9-13-5 A formal hearing is initiated by the issuance of a written finding of probable cause by the full committee and the service of a copy of that document on the member being charged. The written finding of probable cause shall become the formal charging document.

(continued)

COMMITTEES (cont'd)

- 9-13-5 (cont'd) A member or members of the subcommittee or special legal counsel to the subcommittee shall become the charging party, and present the case against the

HOUSE RULES

member being charged. If a member, rather than special legal counsel, becomes the charging party who prosecutes the case, any such member shall be excused from deciding the case.

The committee shall hear the matter. Good cause excusal of a member from investigating, hearing or voting in committee on a matter may be granted only by a majority vote of the committee.

If the charge involves conduct that is the subject of a pending criminal proceeding in which the charged party is a defendant, the committee shall determine whether the public interest is best served by suspending the disciplinary proceedings pending resolution of the criminal charges, or whether portions of the formal proceedings shall be kept confidential.

At the formal hearing all parties shall have an opportunity to:

- (1) be heard;
- (2) subpoena witnesses and require the production of relevant evidence; and
- (3) have the right to cross-examination.

The member being charged may be represented by counsel at the member's own expense.

At the time a formal hearing is scheduled, the committee shall establish and notify the parties of the preliminary schedule and procedures for making opening and closing statements and for the presentation of evidence. The committee shall not be bound by the rules of evidence applicable in the courts of New Mexico.

The procedures shall include notice that all testimony will be taken under oath, and that the hearings shall be open to the public, except that the committee may designate specific information or portions of the hearing to be confidential in order to protect the integrity of an ongoing investigation or prosecution, or to preserve the privacy of third parties, or for any other lawful purpose.

All testimony at the formal hearing shall be recorded. The recorded testimony together with all other evidence shall be compiled in a record of the formal hearing.

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COMMITTEES (cont'd)

9-13-5
(cont'd)

A violation of the committee's confidentiality provisions shall be grounds for a complaint being filed alleging ethics violations of house rules.

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Special legal counsel may be authorized to advise and assist the committee.
[3/17/93]

- 9-13-6 If the committee determines that the member being charged has not committed an offense that justifies the imposition of sanctions, it shall dismiss the complaint.

If the committee determines that the member has committed an offense that justifies the imposition of sanctions, then it shall make such a recommendation, including the severity of the sanction, in its report to the house. In addition to the report, the record of the formal hearing shall be made available to all members of the house under terms and conditions as the committee may determine. [3/17/93]

- 9-13-6.1 A reprimand is normally appropriate for a single, relatively minor act of unethical conduct or disorderly behavior in the presence of the house.

Censure is normally the appropriate sanction for more serious or repeated acts of unethical conduct, contempt or serious disorderly behavior in the presence of the house, although repeated or aggravated violations may merit expulsion. A representative who is censured shall not serve in any leadership position and shall not serve as the chairman or co-chairman of any standing or interim legislative committee for the remainder of that representative's pending term in office.

The extraordinary power of expulsion generally should be reserved for very serious breaches of legal or ethical responsibilities of members that directly relate to their duties as house members, and that impugn the integrity of the house, reflect adversely on the house, or otherwise undermine public trust in the institution of the house.

In addition to the foregoing sanctions, the house may impose such other sanctions as it deems appropriate under the circumstances of the particular case.
[3/17/93]

- 9-13-7 Sanctions shall be imposed by an affirmative vote of a majority of the elected and appointed members of the house of representatives except that expulsion of a member requires an affirmative vote of two-thirds of the elected and appointed members of the house of representatives. In the event of expulsion, the house shall forthwith declare the seat vacant. [3/17/93]

HOUSE RULES

COMMITTEE OF THE WHOLE

- 10-1 When the house resolves itself into a committee of the whole, the speaker shall designate some member as chairman thereof, and the clerk of the house shall be the clerk of the committee of the whole.
- 10-2 The rules of the house shall be observed in the committee of the whole so far as they may be applicable, but debate shall not be limited and yeas and nays shall not be taken when voting on a question; but a division of the members may be demanded and be had by a rising vote. Whenever the committee of the whole is investigating any charges against any of the members of the house, the rules of the house shall be observed.
- 10-3 Legislation considered by the committee of the whole shall be read by sections or parts, and each section or part shall be adopted or rejected before proceeding with the reading. All amendments to the legislation agreed to by the committee shall be noted on a separate sheet of paper by the clerk and made a part of the report of the house.
- 10-4 A motion that the committee of the whole rise and report progress is always in order except when a member has the floor or when a vote on any matter is being taken.
- 10-5 ***

HOUSE RULES

BILLS

- 11-1 No law shall be passed except by bill, and no bill shall be so altered or amended on its passage so as to change its original purpose.
- 11-2 No bill except bills to provide for the public peace, health and safety and the codification or revision of the laws shall become a law unless it has been printed and read three different times; not more than two of which readings shall be on the same day and the third of which shall be in full.
- 11-3 The enacting clause of all bills shall be: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO".
- 11-4 The subject of every bill shall be clearly expressed in its title, and no bill embracing more than one subject shall be passed, except general appropriation bills and bills for the codification or revision of the laws. General appropriation bills shall embrace nothing but appropriations for the expense of the executive, legislative and judiciary departments, interest, sinking fund, payment of the public debt, public schools and other expenses required by existing laws. All other appropriations shall be made by separate bills.
- 11-5 No law shall be revised or amended, or the provisions thereof extended, by reference to its title only; but each section thereof as revised, amended or extended shall be set out in full, and each section being amended shall be contained in a separate section of the amending bill.
- 11-6 If any bill makes an appropriation or carries an emergency clause, the fact shall be stated in the title. Examples:

MAKING AN APPROPRIATION

DECLARING AN EMERGENCY.

- 11-7 Bills shall be divided, where divisions and subdivisions are necessary, into sections, subsections, paragraphs and subparagraphs. Subparagraphs may contain items. These divisions shall be designated, and the first line of each indented, in the following manner:

Section 1.

A. (Subsection)

(1) (Paragraph)

(a) (Subparagraph), containing

1) (Items).

(continued)

HOUSE RULES

BILLS (cont'd)

- 11-7
(cont'd) A section is the only division which carries the word designating its rank.
- 11-8 The statutory citation, in any bill amending or repealing any existing statute, shall refer first to the section of the official compilation, if compiled, and then to the original session law in parentheses. If the original session law has been amended, this fact should be stated.
- 11-9 Every bill, resolution and memorial shall be introduced by a member in his place or by a committee, including an interim committee, or message from the senate. [1/30/89]
- 11-9-1 Every bill, resolution and memorial introduced at the request of an executive agency shall be so designated in a manner as provided by the legislative council service. [1/30/89]
- 11-10 Every bill when introduced, and every amendment thereafter made to such bill, amending existing law by the addition and deletion of language must have all new matter underscored and must have all material intended to be deleted set forth in brackets, but the enrolling and engrossing committee shall delete all bracketed material and shall omit the brackets and underscoring from the enrolled and engrossed bill. In a printed bill, such new matter shall be similarly set out or set out in italics or bold-face type. When a printed bill is amended by eliminating new matter from such bill, the same shall be omitted in the reprint of the original. It is the duty of each committee to cause any bill referred to the committee, and not complying with this rule, to be immediately corrected so as to comply with the same and reprinted if the committee feels that such reprinting would be helpful to the understanding of the bill.
- 11-11 Each bill when prefiled or introduced shall be accompanied by two copies thereof. [1/21/97]
- 11-12 Each bill when prefiled or introduced shall be sent to the chief clerk to be taken up in the order in which it was prefiled or introduced. All prefiled bills shall be introduced in the order of their assigned number and prior to all other bills. [1/30/89]
- 11-12-1 A member may prefile legislation by depositing it with the chief clerk during regular business hours between December 15 and the Friday before a regular session begins. The chief clerk shall number prefiled legislation in the order in which it is received; provided that the first prefiled bill shall be numbered as House Bill 10 or a higher number as the speaker of the house may determine,

(continued)

BILLS (cont'd)

HOUSE RULES

- 11-12-1 (cont'd) reserving the initial bill numbers for the bill authorizing current expenses of the legislature, the general appropriation bill and such other bills as the speaker determines is appropriate. Prefiled legislation shall be publicly available. Prefiled legislation shall be introduced and referred to committee on the first day of the regular session. [2/09/08]
- 11-13 Upon introduction, each bill, resolution and memorial shall be read the first and second time by its title.
- 11-14 At the time of second reading, or any time thereafter, if the bill originated in the house, the speaker should refer it to a standing committee; but if it was received from the senate, the bill shall be referred to the appropriate committee. No bill or joint resolution shall be amended or referred to a committee, except for the committee referrals made pursuant to prefiling, until it has been read twice by title. [1/30/89]
- 11-14-1 ***
- 11-14-2 All bills carrying appropriations or requiring expenditures of public money, when reported favorably by any other committee to which they have been referred, or which shall be considered for passage by the house shall be referred by the speaker as a regular order to the committee on appropriations and finance before being placed on third reading.
- 11-15 Following second reading, unless already printed and distributed pursuant to prefiling, the speaker shall order the bill printed in English and a printed copy supplied to each member. [1/30/89]
- 11-16 ***
- 11-17 [Identical bill substitution rule deleted 1/17/89 by floor action.]
- 11-18 When considering the report of a committee on a bill, resolution or memorial, a motion to commit or recommit shall be in order, and any bill may be again committed at any time before its passage at the pleasure of the house.
- 11-18-1 No bill, resolution or memorial shall be recalled after its reference to a committee except upon a majority vote of all members elected to the house.
- 11-19 ***

BILLS (cont'd)

HOUSE RULES

BILLS (cont'd)

- 11-22-3 Bills, resolutions and memorials after they have been read the third time shall be placed on their passage and be then subject to debate, amendment, substitution and all motions germane to their disposal.
- 11-22-4 Every bill and joint resolution reported for passage by any committee, except the reports of the committee of the whole house, which has been amended in an extended or complex manner by the committee, when ordered by the speaker, shall be reprinted or mimeographed as amended and the printed copies placed on the desks of members before the third reading shall be ordered.
- 11-23 Floor amendments shall be prepared for submission with an original and two copies. If time does not allow submission in the required number, then as soon as possible the chief clerk shall have the amendment prepared in the required form, submit the original amendment and the typed copy to the member submitting the amendment for his approval and signature and attach it to the bill or other document, in the place of the amendment as submitted. The chief clerk shall keep the amendment as submitted for the inspection of the enrolling and engrossing committee. [1/21/97]
- 11-23-1 Substitutes may be offered at any time when a bill or resolution is open to amendment and, when adopted, shall take the place of the original bill or resolution and shall be open to amendment.
- 11-24 If on taking the question of final passage a quorum is not present or if a larger number of votes is required than a majority and there is not that number of members present, the bill shall retain its place on the calendar and be again taken up for consideration.
- 11-24-1 The vote on the passage of a bill shall be taken by yeas and nays, which shall be entered in the journal.
- 11-24-2 The bill on final passage shall be declared lost unless it receives the number of votes required by the constitution.
- 11-24-3 ***
- 11-24-4 If on the final passage of a bill carrying an emergency clause, the bill receives a favorable vote of a simple majority but not of two-thirds of the members present, the action shall constitute an automatic deletion of the emergency clause and reference to it in the title. Pursuant to this rule, the chief clerk shall attach a statement to the bill describing the words and lines so deleted.

BILLS (cont'd)

HOUSE RULES

- 11-24-5 When any bill or resolution requiring a concurrence of more than a majority of the members is under consideration, such increased majority shall not be required except on the question of its final passage.
- 11-25 Immediately after the passage by the legislature of any bill, resolution or memorial originating in the house, or any substitute for legislation which substitute originated in the house, it shall be enrolled and engrossed and read publicly in the house and thereupon shall be signed by the speaker in open session, and the fact of such reading and signing shall be entered in the journal. Every interlineation or erasure in a signed bill shall be certified thereon in express terms by the speaker of the house of representatives, quoting the words interlined or erased, and the fact of the making of any such interlineation or erasure shall be publicly announced in the house by the speaker and entered in the journal.
- 11-26 No bill shall be introduced at any regular session of the legislature subsequent to the thirtieth legislative day, except the following:
- (1) the general appropriation bill;
 - (2) bills to provide for the current expenses of the government; and
 - (3) bills that have been referred to the legislature by the governor by special message specifically setting forth the emergency or necessity requiring such legislation; provided, however, that the general appropriation bill shall be received before the fiftieth legislative day.
- 11-27 One capital outlay expenditures bill will be introduced and one general obligation bond bill may be introduced in the house. The bills will be referred to the house taxation and revenue committee. Except as provided in this rule, any other request by a house member to appropriate money for capital outlay projects shall be submitted as a capital outlay request prepared by the legislative council service. Signed and numbered capital outlay requests shall be read into the journal and referred to the house taxation and revenue committee for consideration for inclusion in a capital outlay expenditures bill or a general obligation bond bill. A capital outlay request may be made by bill if there is broad legislative interest in both houses in the matter or if referral to several committees is desirable. All such bills must be referred to the rules and order of business committee for a determination that the bill meets such criteria. Capital outlay requests will be treated as amendments, but shall be subject to the limitations for the introduction of bills in Section 2-6-1 NMSA 1978 and Joint Rule 10-1. [1/16/01]

HOUSE RULES

PRECEDENCE OF MOTIONS

- 12-1 When a question is before the house, only the following motions shall be received, and such motions shall have precedence in the following order:
- (a) adjournment and recess;
 - (b) question of privilege of house and members;
 - (c) for call of the house;
 - (d) to lay on the table;
 - (e) for the previous question;
 - (f) to postpone indefinitely;
 - (g) to postpone to a certain day;
 - (h) to commit to a standing committee
 - (i) to commit to a select committee;
 - (j) to commit to the committee of the whole; and
 - (k) to amend or substitute.
- 12-2 A motion to strike out the enacting clause is not a valid motion in the house.
- 12-3 A question of privilege shall have precedence over all other questions except a motion to fix the time to which the house shall adjourn, to adjourn and to take a recess. Questions of privilege shall be:
- First: Those affecting the rights of the house, collectively, its safety, dignity and the integrity of the proceedings; and
 - Second: Those rights, reputation and conduct of members, individually, in their official capacity only.

HOUSE RULES

PROCEDURE RELATING TO MOTIONS

- 13-1 All motions shall be reduced to writing, if desired by the speaker or any member, and delivered to the chief clerk and read before the same shall be debated or voted upon.
- 13-2 Any motion may be withdrawn by the member making the same at any time before an amendment has been adopted or a decision has been reached.
- 13-3 No motion or proposition, or any subject different than that under consideration, shall be admitted under the pretext of amendment.
- 13-4 A motion to strike out being lost shall not preclude amendment or a motion to strike out and insert.

HOUSE RULES

MOTION TO ADJOURN OR RECESS

- 14-1 A motion to adjourn, except for a fixed time, shall be decided without debate or amendment.
- 14-2 A motion to adjourn or take a recess shall always be in order except when a member has the floor, when a message from the governor or senate is being received or when a motion or proposition has been stated to be voted upon or during the ratification of a vote.
- 14-3 After a motion to adjourn has been made and declared lost, it shall not be repeated until some business has intervened.
- 14-4 A motion to adjourn when no time is fixed shall mean an adjournment to the next calendar day at 10:00 a.m.
- 14-5 If a motion to adjourn or to take recess prevails, the measure under consideration at the time shall be the pending question when the house again convenes and shall be taken up at the point where it was at the time of such adjournment or when recess was taken.

HOUSE RULES

MOTION TO LAY ON TABLE

- 15-1 A motion to lay on the table shall be decided without debate or amendment.
- 15-2 A motion to lay on the table after being decided shall not again be allowed at the same stage of the proceedings.
- 15-3 The motion to lay on the table shall only have the effect of disposing of the matter temporarily and may be taken from the table at any time by order of the house.
- 15-4 When a proposed amendment or a proposed order is laid on the table, the original question of the proposition pending shall not be held to accompany the proposed amendment or order so laid on the table.
- 15-5 The motion to lay on the table will never be used to suppress debate.

HOUSE RULES

MOTION TO POSTPONE

- 16-1 A motion to postpone, until it is decided, shall preclude all debate of the main question.
- 16-2 A motion to postpone to a certain day or to postpone indefinitely, after being decided, shall not again be allowed at the same stage of the proceedings.
- 16-3 A motion to postpone indefinitely a bill, resolution or memorial shall be considered equivalent to rejection of the bill, resolution or memorial.

HOUSE RULES

MOTION TO COMMIT OR REFER TO A COMMITTEE

- 17-1 A motion to commit or refer to a committee, until it is decided, shall preclude all debate of the main question.
- 17-2 A motion to refer to the same committee, after being decided, shall not again be allowed at the same stage of the proceedings.

HOUSE RULES

MOTION FOR THE PREVIOUS QUESTION

- 18-1 If it is desired to close debate and bring the house at once to vote on the pending question, the proper course is to move for the previous question on the motion upon which it is desired to close debate. A two-thirds vote is necessary to adopt the motion for the previous question.

HOUSE RULES

MOTION TO RECONSIDER

- 19-1 When a motion, other than a motion to adjourn, is made and carried, it shall be in order for any member voting with the majority to move for the reconsideration thereof on the same or the next succeeding legislative day on which the house shall be in session, and such motion shall take precedence over all other questions except to adjourn or to take a recess. A motion for reconsideration being put and lost shall not be renewed nor shall any subject or vote be a second time reconsidered without unanimous consent. When a bill or joint resolution is recalled from the governor or senate, a motion to reconsider the vote by which it was passed may be made when it is received or during the next legislative day thereafter the house is in session.
- 19-2 When any vote is tied upon any bill or measure, any member may move to reconsider the vote upon the same or the next succeeding legislative day that the house is in session.

HOUSE RULES

MOTION TO CLOSE DEBATE

- 20-1 When any bill, resolution or motion shall have been under consideration for three hours, it shall be in order for any member to move to close debate, and the speaker shall recognize the member who wishes to make such motion.
- 20-2 The motion to close debate shall not be amendable or debatable and shall be immediately put.
- 20-3 If the motion to close debate receives an affirmative vote of a majority of the members present, the pending measure shall take precedence over all other business. The vote shall thereupon be taken upon such bill, motion or resolution, with such amendments as may be pending at the time of such debate.
- 20-4 After a motion to close debate has been made by any member, no other motion shall be in order until such motion has been voted upon by the house.
- 20-5 After the house has adopted the motion to close debate, no motion shall be in order but one motion to adjourn and a motion to recommit.
- 20-6 The motion to close debate may be ordered upon a single motion, a series of motions allowable under the rules, or may be made to embrace all authorized motions or amendments and include the bill, resolution or motion to its passage or rejection.
- 20-7 All incidental questions or orders, or motions pending at the time such a motion is made to close debate, whether the same be an appeal or otherwise, shall be decided without debate.

HOUSE RULES

VOTING

- 21-1 Upon a call of the house taken by oral yeas and nays or on taking the oral yeas and nays on any question, the names of the members shall be called alphabetically. [1/22/80]
- 21-2 Pairing or voting by proxy will not be permitted. If any member finds it necessary or is compelled to be absent from any session of the house and his absence or nonattendance has been excused, the absent member may arrange to express his preference on a particular question by designating in writing how he would have voted if he had been present. Each preference shall be announced by the chief clerk at an appropriate time after the roll call on the question and shall be published at an appropriate place in the journal. No additional preferences on any question shall be filed after the roll call on the particular question. [1/22/80]
- 21-3 When the vote taken on any question by voice is uncertain, any member may demand a roll call, but such roll call shall not be entered upon the journal except when demanded by one-fifth of the members of the house.
- 21-4 When a blank is to be filled and different sums or times shall be proposed, the question shall be first taken on the highest sum or the longest time.
- 21-5 If the question in debate contains several propositions, a member may have the same divided; provided, the division called for embodies a distinct principle or statement of fact.
- 21-6 ***
- 21-7 Roll call votes in the house may be taken by means of an electronic voting machine. [1/22/80]
- 21-8 The majority and minority floor leaders and whips shall receive a copy of every printed roll call vote taken on the electronic voting machine. Any member, upon request to the speaker, shall be entitled to receive a copy of a printed roll call of the vote taken on the electronic voting machine. In no case, however, shall the declaration of the vote by the speaker be delayed by a request for a copy of the printed roll call. [1/22/80]

HOUSE RULES

PETITIONS AND PAPERS

- 22-1 Petitions, memorials to the house and other papers of a similar nature shall not be considered on the day of their presentation, except when the house shall so direct, but shall lie on the table to be taken up in the order in which they were presented.
- 22-2 Each bill or other document introduced or presented to the house shall be endorsed with a brief statement of the subject of its contents and the name of the member introducing or presenting it. Each report of a committee shall be endorsed with the name of the committee and the number of the bill or other document of which it is the report.

HOUSE RULES

LEGISLATIVE SPACE AND EQUIPMENT

- 23-1 During any session of the house or during any recess during any session, no person other than a member of the house shall occupy the chair of a member.
- 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.
- 23-3 The chief clerk shall, under the direction of the speaker, provide suitable passes as credentials for access to the various areas under the control of the house. Subject to the control of the speaker, the following may be admitted to the house:
- (a) press and television photographers not to exceed four; and
 - (b) members of the daily writing press not to exceed four to be seated at the chief clerk's desk.
- 23-4 The chief clerk shall acquire suitable registers or journals to serve as the official guest books of the house. The books shall be placed in an appropriate place in the chamber and gallery and, upon authorization of the speaker, dignitaries visiting the house and official guests of the house shall be invited to sign the guest book. The guest book shall be maintained and displayed as an official archive of the legislature and of the state of New Mexico.
- 23-4-1 The sergeant-at-arms shall, at the direction of the speaker, mark off and reserve sufficient seating in the gallery for the families of members and another group of seating sufficient for former legislators and special guests of the house. Admission to this reserved area shall be by passes issued by the chief clerk and signed by a member.
- 23-5 No member shall make any introductions of persons seated in the gallery.

LEGISLATIVE SPACE AND EQUIPMENT (cont'd)

HOUSE RULES

- 23-6 No person engaged in presenting to the house or its committees any business or claims for legislation shall be permitted to engage in such business during the session of the house or be permitted on the floor of the house during its session. Any person transgressing this rule shall be removed from the floor during the remainder of the entire session. The speaker is charged with the enforcement of this rule, and in case he fails to enforce same, it may be invoked and enforced by a majority vote of the members present. This rule shall not be suspended except by a two-thirds vote of the members present.
- 23-7 ***
- 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 unauthorized use by any member or person shall be cause for disciplinary action by the house.
- 23-8-1 The legislative council service is authorized to produce a live audio stream of the house floor proceedings that is accessible through the legislature's web site in a manner befitting the house of representatives, including an appropriate user interface. 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. The stream shall carry a notice to the effect that the stream is being produced for the benefit of the public and any political use is prohibited. [2/3/09]
- 23-9 Only persons who are members of the legislature and their immediate families shall be permitted the privileges of the house lounges.
- 23-10 Smoking in the chamber or in the gallery while the house is in session shall be at the pleasure of the speaker.
- 23-11 The hall of the house, clerk's office and committee rooms shall be open every legislative day at 8:30 a.m. and remain open until 5:30 p.m. with all employees except those excused by the clerk in attendance and shall also be open during all the hours the house is in session.
- 23-12 The speaker shall admit duly accredited reporters of the public press, radio and television and assign them space in the house press rooms; but the house by a majority vote may exclude any reporter of the press, radio or television who abuses the privilege granted him, and no representative of a newspaper, radio or television station shall be entitled to the privileges of the house press rooms who is especially or pecuniarily interested in pending or contemplated legislation or who is employed for that purpose or who receives compensation for influencing legislation.

LEGISLATIVE SPACE AND EQUIPMENT (cont'd)

HOUSE RULES

23-13

The chairman of the rules committee, at the direction of the speaker, may enforce rules pertaining to all the space occupied by the house, with the exception of the chambers.

HOUSE RULES

RULES

24-1 These rules shall be in force from and after their adoption by the house and may be suspended by a two-thirds vote of the members present when such suspension is not inconsistent with constitutional provisions.

These rules may be amended at any time upon recommendation of the committee on rules and order of business by a majority vote of the members of the house and at all times upon a two-thirds vote of all the members of the house. House rule changes shall not be in effect until the following legislative day unless otherwise ordered by a two-thirds vote of the members present.

A motion to suspend the rules shall be made separately, and the purpose thereof shall be stated as a part of the motion, and no other matter shall be included therein.

24-2 The rules and parliamentary practice as set forth in Mason's Manual of Legislative Procedure shall govern the house in all cases not inconsistent with the standing rules and orders of the house.

HOUSE RULES

WITNESSES

25-1

HOUSE RULES

ETHICS

26-1

A. Members of the house of representatives shall conduct themselves in a manner that justifies the confidence placed in them by the people. The members shall not use their offices for private gain and shall at all times maintain the integrity and discharge ethically the high responsibilities of their legislative positions. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct of the members.

B. To avoid a potential conflict of interest:

(1) a member shall not accept anything of value that improperly influences an official act, decision or vote;

(2) a member shall attempt to ensure that his private employment does not impair his impartiality and independence of judgment in the exercise of official duties;

(3) a member shall not receive compensation or reimbursement not authorized by law for rendering services, advice or assistance as a legislator;

(4) a member shall not accept gifts, other than lawfully collected and reported campaign contributions, from persons affected by legislation or from persons who have an interest in a business affected by proposed legislation, where it is known or reasonably should be known that the purpose of the donor in making the gift is to influence the member in the performance of his official duties or vote or is intended as a reward for action on his part; and

(5) a member shall not accept or engage in employment if the member knows it is being afforded him with the intent to influence his conduct in the performance of his official duties.

C. To avoid undue influence, a member shall not:

(1) appear for, represent or assist another person in any matter before a state agency, unless without compensation and for the benefit of a constituent, except for members who are attorneys or other professional persons engaged in the conduct of their professions, and, in these instances, the member shall refrain from references to his legislative capacity, from communications on legislative stationery and from threats or implications relating to legislative actions; or

(continued)

ETHICS (cont'd)

HOUSE RULES

26-1
(cont'd)

(2) represent or assist another person in the sale of goods or services to the state or to a state agency, unless the transaction occurs pursuant to procedures set out in the Procurement Code or by public notice and competitive bidding where the Procurement Code does not apply.

D. To avoid the abuse of office, a member shall not:

(1) obtain, or have a direct financial interest in, contracts with the state or with a state agency for goods or services not procured through the state procurement process, through a procurement procedure established by a state agency or after public notice and competitive bidding;

(2) grant to, or obtain a special privilege or exemption for himself or another person, which privilege or exemption is not readily available to members of the general community or class to which the beneficiary belongs; or

(3) use or disclose confidential information obtained by virtue of his position for the benefit of himself or another. [3-1-91]

26-2

All members shall sign a code of ethics and attend a minimum of two hours of ethics continuing education and training biennially. [1/20/04]

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