

PROPOSED SENATE RULE CHANGES

5-3

The chief clerk shall:

- (a) attend every session, call the roll and make a record of the senators present, absent or excused as provided by rule;
- (b) read or cause to be read all bills, amendments, memorials, resolutions and papers ordered to be read by the senate or the presiding officer;
- (c) prepare and furnish each member with a copy of the daily calendar which shall include all bills upon the general order, and all bills upon the third reading and such other matters as may be required by these rules;
- (d) see that all bills and general or special orders shall be acted upon by the senate in the order in which they were reported or stand upon the calendar, unless otherwise ordered by a majority vote of those senators present;
- (e) keep a correct journal of the proceedings of the senate, recording in full the messages from the governor other than the governor's annual message to the joint session and recording in full titles of bills, resolutions and memorials;
- (f) superintend all copying and work to be done for the senate;
- (g) notify the house of representatives of the action by the senate on all matters originating in the house and requiring action on the part of the senate;
- (h) during the session, present to the governor and enter upon the journal those bills which have originated in the senate and been passed by both houses and, subject to the rules of the senate, transmit to the house of representatives all bills, joint resolutions and joint memorials which have passed the senate; provided that before doing so the chief clerk shall certify at the bottom thereof the fact and date of passage and the vote by which it passed;
- (i) during the session, have control of the rooms, passages and parts of the capitol set apart for the use of the senate;
- (j) assign, reassign or transfer all attaches and employees of the senate to their respective duties, with the exception of the sergeant at arms, assistant sergeant at arms and doorkeepers;

- (k) post online daily [~~on a bulletin board provided for such purposes a sheet~~] showing, by number, the bills pending before each standing committee and, by Friday of each week, publish for distribution to each member of the legislature and to the public, a schedule for the succeeding week of all senate committee hearings, showing by number and short title the bills to be heard, the name of the committee conducting the hearing and the time, date and place of hearing;
- (l) prepare a list showing the status of legislation either on the president's table or in committee at the time of final adjournment, which list shall be included in the journal;
- (m) ***; and
- (n) do and perform any other duty required by these rules or ordered by the senate.

6-5 The sergeant-at-arms shall, at least one hour previous to the opening of the session, [~~place~~] distribute copies of all bills, resolutions, memorials and other documents to be acted upon [~~on the desks of~~] to all senators.

7-2 A quorum of the senate is a majority of the members [~~elected~~ sworn and qualified. In case a less number than a quorum of the senate shall convene, those present are authorized to send the sergeant at arms for the absent senators. In all cases of absence of senators during the sessions of the senate, the senators present may take such measures as they deem necessary to secure the presence of the absentees and, in addition to suspension for a given period, may inflict such censure or penalty as they may deem just on those who may not render sufficient excuse for their absence.

7-6 A senator desiring to be excused from voting may, when called upon and before voting commences, make a brief statement, not occupying over five minutes, explaining the senator's reasons for desiring to be excused. The question of excusal shall be taken without debate.

7-8 A senator rising to debate, to present a [petition or other papers] bill, resolution, memorial or amendment, to give a notice, to make a motion or to report shall address the president and shall not proceed further until recognized by the chair. A senator rising to present a bill, resolution, memorial or amendment shall remain standing while addressing the president, but may sit while another member is recognized.

7-11 The [author] sponsor of a bill, motion, resolution or memorial has the privilege of closing the debate.

7-12 [A senator shall not speak to another senator, otherwise interrupt the business of the senate, or read any newspaper while the journals or public papers are being read.] No senator shall walk out of the chamber [or across the chamber] when the president is putting a question. No senator shall walk between a senator who is speaking and the chair.

7-13 When a senator is called to order, that senator shall take the regularly assigned seat until the president has determined whether that senator is in order or not, and if decided to be out of order, that senator shall not proceed without the permission of the [senate] president. Every question of order shall be decided by the president, subject to an appeal to the senate by any senator. No second appeal shall be determined until the original appeal is decided. [If a senator is called to order for words spoken, the words excepted to shall be immediately taken down in writing.]

7-16 No [member of the New Mexico senate] senator may be barred from any meeting or executive session of any standing committee of the senate.

7-17 [No senator shall solicit personal campaign contributions or allow any other senator or senate employee to solicit campaign contributions on the senator's behalf during any regular or special session.]

8-4

The senate 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.

(b) The consent calendar shall consist of all bills so placed upon it. Bills on such calendar shall be taken up for third reading and final passage in the order listed on that calendar 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 the debate prior to final passage of each bill on the consent calendar. If debate exceeds these time limits, the bill shall, without further action, be removed from the consent calendar and assigned a place upon the regular calendar of the senate.

(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 senate, the bill shall, without further action, be removed from the consent calendar and assigned a place upon the regular calendar of the senate ~~[as it would have been in the normal course of legislative procedure]~~.

9-1 There shall be [a] an administrative committee known as the "committees' committee", which shall be composed of the president pro tempore, the majority floor leader, the majority whip, the minority floor leader, the minority whip and five members of the majority party and one member of the minority party appointed by the president pro tempore, by and with the consent of the senate; provided if a vacancy is created on the committees' committee for any reason, the president pro tempore or the appropriate caucus if the vacancy is that of a party leader, may fill the vacancy. The chair of the committees' committee shall be the president pro tempore. The vice chair shall be [selected by the members of the committees' committee] the majority floor leader. The committees' committee may meet at any time during a session or in the interim at the discretion of the chair.

9-1-2 In appointing the standing committees, the committees' committee shall designate the chair, vice chair and the ranking member who shall be a member of the committee and who does not hold a leadership position in [either caucus or] the chamber. The ranking member of a standing committee shall not be of the same political party as the chair. In designating the chair, vice chair or ranking member, the committees' committee shall consider the preference of each member's respective leader. No member designated to serve as the chair of a standing committee shall serve as chair on any other committee; provided that no vice chair of the senate finance committee may [be chair of another committee or] hold a leadership position in either caucus or the chamber.

9-1-4 Seniority of the members of the senate shall prevail at all times in committee assignments [and chairs of committees shall be appointed by request of the senior members]. All committee members shall be placed on committee by rank of seniority.

Should a vacancy occur, the next ranking member of the senate shall have priority on the requested committee. Seniority shall be governed by continuous service in the New Mexico senate. This rule can only be repealed or suspended by a three-fourths vote of the elected senate.

9-2-1 [The "senate streaming oversight committee", consisting of four members appointed by the committees' committee, is created. The two political parties having the greatest membership in the senate shall be equally represented on the committee. The committee shall monitor and review aspects of the production of the live audio and video streams of the senate floor and committee proceedings to ensure that the streams are produced and operated in an apolitical manner befitting the senate.]

9-3 All members shall serve on two standing committees, except that members of the finance committee shall not serve on any other standing committee and provided service on the committees' committee or the senate ethics committee [or the senate streaming oversight committee] shall not be counted as service on a standing committee; provided, a member may be temporarily assigned or reassigned by the committees' committee to serve on a third committee as a replacement for any member on that third committee who will be, or has been, excused by the senate from attending sessions for any period in excess of ten days.

9-4 [No member shall be allowed, after standing committee assignments have been approved by the senate, to resign from a committee unless the member has arranged to serve on another standing committee by trading assignment with another member of the same political party and after approval has been given by the committees' committee. Such transfers must be approved by the senate.]

9-5-6 Committee meetings shall be governed by the following:
(a) All meetings of a quorum of members of any committee or

policymaking body of the senate held for the purpose of discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such committee are declared to be public meetings open to the public at all times except for initial probable cause deliberations and hearings relating to allegations of unethical conduct brought before the senate ethics committee, unless [it] an open meeting is requested by the senator against whom the allegation is made.

(b) The provisions of Subsection (a) of this rule shall not apply to matters relating to personnel, or matters adjudicatory in nature, or to any bill, resolution or other legislative matter not yet presented to either house of the legislature.

(c) Meetings of a committee on general appropriations bills may be closed by a majority vote of the committee.

(d) For the purposes of Rule 9-5-6, "meeting" means a gathering of the members called by the presiding officer of a standing committee.

9-5-8 Live audio and video streams of senate standing committee proceedings shall be accessible through the legislature's website in a manner befitting the senate, including an appropriate user interface. A stream 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. The streams shall be publicly available through the legislature's website for five years following adjournment of the relevant session, subject to the financial capability of the senate. ~~[A 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 and that the stream is not an official record of the senate's proceedings.~~

9-6 Each standing committee shall hold regular meetings at a permanent time assigned by the committees' committee ~~[twice each week]~~ and may hold such other meetings for the transaction of business before the committee as are announced in open

session by the chair.

9-8 The rules committee may sit at any time for the purpose of considering rule changes, confirmations or executive communications. Consideration of such reports shall always be in order. Debate on the adoption of such reports shall not exceed one hour; one-half hour for and one-half hour against; and no other motion is in order until the vote of the senate is had thereon.

9-8-1 After the recommendations of the rules committee that met in the interim have been submitted to the senate, they may be further referred to the standing senate rules committee before any action is taken by the senate; provided that during the session immediately following [an] a general election at which members of the senate are elected, the recommendations shall be further referred to the standing rules committee unless this rule is suspended by a two-thirds vote of the senate.

9-9 The chair of the judiciary committee or some member of the committee designated by the chair shall: examine and correct bills for the purpose of avoiding repetition and for [insuring] ensuring accuracy in the text. The chair or chair's designee shall report, upon request, whether the object sought to be accomplished can be secured without a special act under existing laws or by the enactment of a general law; and revise and correct the journal.

11-9 Every bill shall be introduced by a senator, or on the report of a committee, or by message from the house of representatives, which message shall be announced [at the door of the senate] by the presiding officer.

11-11 [Each bill, resolution and memorial when prefiled or introduced shall be accompanied by one copy thereof.]

11-12 [Each bill, resolution and memorial when prefiled or introduced shall be sent to the chief clerk's desk to be taken up in the order in which it was prefiled or introduced, unless the senate directs otherwise.]

11-14 At the time of second reading, or any time thereafter, each bill shall be referred by the senate to a standing committee, a select committee or the committee of the whole [provided, however, that upon every bill, resolution or memorial introduced by any senator, such senator shall endorse the name of the appropriate committee to which the bill, resolution or memorial should be referred. The endorsement shall be as follows: "Referred to the . . . Committee"]. Should objection be made to the reference, [so endorsed] the senate shall determine the committee to which such bill, resolution or memorial shall be referred. No bill shall be referred to more than two standing committees except upon two-thirds vote of the members present; provided, however, that a referral to the finance committee shall not be considered a committee referral within the two committee limitation.

11-14-2 [When any bill concerning any subject matter for which an appropriation is therein sought to be levied has been referred to the committee to which bills of such subject matter properly should be referred, such bill when reported in by such committee, unless the report is unfavorable to its passage] Any bill containing an appropriation shall automatically be referred to the finance committee for its consideration.

11-15 [Following second reading, the bill shall be printed in English and a printed copy supplied to each senator.]

11-20-1 If the committee report is favorable and the senate adopts the committee report, the bill, resolution or memorial shall be placed upon the calendar to be taken up on third reading [in its regular order] or, if the bill, resolution or memorial has received another committee referral, it shall be referred to the other committee.

11-22 The calendar of bills on the order of third reading shall consist of all bills which have been reported by a committee and which are not deemed lost by action of the senate pursuant to Rules 11-20-2 and 11-20-3. ~~[The calendar of third reading shall also consist of all bills which have been ordered placed on the calendar by a vote of the senate, and also all bills from the house of representatives which having passed the senate have been subsequently reconsidered upon recall from the governor and thereupon amended by the house.]~~"

11-22-2 ~~[No bill shall be read a third time out of its order, unless on a vote of a majority of all the senators present, and all resolutions which propose any amendment to the constitution or ratify any proposed amendment to the United States constitution shall be treated in the form of proceedings on them in the same manner as bills.]~~"

11-24-3 The question on the final passage on the bill shall be taken immediately and without debate after the third reading ~~[and without debate]~~ and the member moves passage of the bill.

11-25 Immediately after the passage in both houses of any bill, resolution or memorial which originated in the senate, or any substitute for legislation which ~~[substitute]~~ originated in the senate, it shall be enrolled and engrossed by the senate ~~[and thereupon read publicly in full]~~ and signed by the presiding officer of the senate in open session. The fact of such ~~[reading and]~~ signing shall be entered in the journal. Every interlineation or erasure shall be ~~[publicly announced in the senate by the presiding officer and]~~ entered in the journal.

11-27 One capital outlay expenditures bill will be introduced and one general obligation bond bill may be introduced in the senate. The bills will be referred to the senate finance committee. Except as provided in this rule, any other request by a senator 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 senate finance committee for consideration for inclusion in a capital outlay expenditures bill or a general obligation bond bill [provided, capital outlay requests may be referred also to the senate Indian, rural and cultural affairs committee for its consideration and recommendation]. 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 committees' 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.

19-1 Except as provided in Rule 15-2, when a motion has once been made and carried, in the negative or affirmative, it shall be in order for any member [or] voting in the majority to move for the reconsideration thereof on the same or the next succeeding calendar day during which the senate shall be in session, and such motion shall take precedence over all other questions, except a motion to adjourn or take a recess. No vote shall be reconsidered upon either of the following motions: to adjourn or to lay on the table. A motion to reconsider a bill recalled from the governor or house of representatives, for amendment, shall be made only when such bill is received by the senate on such recall."

23-3 Passes shall be issued by the chief clerk to duly accredited members of the press, radio and television, which allow them the privileges enumerated herein. ~~[At the chief clerk's rostrum, an area of four or five seats may be made available for the writing press.]~~ During the committee of the whole, television cameramen may be allowed on the floor to photograph the speaker. Television and still photographers may be allowed on the corners of the lieutenant governor's rostrum for purposes of photographing senators and senate activities. A sergeant-at-arms shall be ~~[posed]~~ posted to prohibit visitors from the two press boxes. Passes shall also be issued by the chief clerk at the request of and to be countersigned by the senator or the president for the period designated by the senator or the president to members of the senator's or president's family or special guests as evidence of the privileges granted under other rules passed by the senate granting such privileges.

23-5 ~~[The members of the senate and the presiding officer, including the lieutenant governor, shall not make any introduction of guests, with the exception of officials.]~~