

1 A RESOLUTION

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

7
8 WHEREAS, on March 11, 2020, because of the spread of the
9 coronavirus disease 2019, the governor declared that a public
10 health emergency exists in New Mexico under the Public Health
11 Emergency Response Act and invoked the governor's authority
12 under the All Hazard Emergency Management Act; and

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

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

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

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

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

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

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

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

25 WHEREAS, all three branches of government have

1 implemented changes during the coronavirus disease 2019
2 pandemic to safely carry out their constitutional and
3 statutory duties and provide services to the residents of the
4 state via remote electronic means; and

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

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

14 "4-1-1 The speaker shall ensure that all members, staff
15 and employees who are physically present in the
16 house, galleries, lobby, house committee rooms and
17 rooms connected therewith follow proper social
18 distancing and shall ensure that they are provided
19 with appropriate personal protective equipment.";
20 and

21 "7-1-1 A member shall be considered to be present and in
22 attendance for the purposes of establishing a
23 quorum, doing business or voting if the member is
24 participating by simultaneous, remote, electronic
25 or telephonic means as confirmed by the speaker, or

1 chair in the case of a standing committee."; and
2 "7-1-2 For the purpose of being considered present, the
3 speaker, majority floor leader and minority floor
4 leader may be physically present in the chambers
5 during any regular or limited floor session, and
6 the members of the appropriations and finance
7 committee may be physically present at regularly
8 scheduled hearings; provided that proper social
9 distancing measures and appropriate safety
10 protocols are in place."; and

11 "7-4-2 Completion of a call of the house shall be verified
12 by the chief clerk via a roll call vote."; and

13 "7-8-1 Points of order should be raised by either the
14 majority or minority floor leader, majority or
15 minority whip or house parliamentarian. Members
16 wishing to raise a point of order shall contact
17 their respective caucuses' leadership or the house
18 parliamentarian or minority leader's designee, who
19 shall raise such points when recognized."; and

20 "7-12-2 In order to preserve decorum, the presiding officer
21 may require the use of personal electronic headsets
22 by members."; and

23 "7-13-1 A member who is present and is called to order is
24 not permitted to resume speaking until the speaker
25 has determined whether the member is in order; and

1 if decided to be out of order, the member shall not
2 proceed without the permission of the house."; and
3 "7-19 Members, staff and guests shall wear face masks
4 covering the mouth and nose at all times in the
5 capitol except when in private offices. Failure to
6 do so constitutes a violation of these rules and is
7 subject to investigation by the rules and order of
8 business committee, pursuant to House Rules 9-13-1
9 through 9-13-7."; and

10 "8-9 The speaker may convene a limited floor session
11 consisting only of the following orders of
12 business:

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

16 (2) introduction of legislation;

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

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

25 (b) reports of committee

1 recommendations will be available on the
2 legislature's website as soon as is practicable;
3 and

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

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

10 "8-9-1 During limited floor sessions, the speaker, the
11 majority floor leader and the minority floor leader
12 or the leader's designee shall be present in the
13 chamber and will be permitted use of the chamber
14 microphones. All other members wishing to
15 participate in limited floor sessions must do so
16 via simultaneous, remote, electronic or telephonic
17 means."; and

18 "8-9-2 Only motions to change orders of business and to
19 adjourn the limited floor session shall be in order
20 during a limited floor session. No other motions
21 shall be taken by the speaker."; and

22 "11-9-2 Electronic signatures may be used by sponsors to
23 sign bills, resolutions or memorials and
24 amendments."; and

25 "11-21-2 Committee reports on a bill, resolution or memorial HR 1/a
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1 may be signed electronically and transmitted from
2 the committee to the chief clerk."; and

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

6 "23-8-2 If at any time during standing committee hearings
7 or floor sessions, the live audio or video stream
8 of those sessions ceases to function, upon notice
9 of the outage, the presiding officer shall
10 immediately recess, subject to the call of the
11 presiding officer, until the stream is able to
12 resume."; and

13 "23-8-3 The live video stream shall prominently feature the
14 member or witness addressing the chamber or
15 committee."; and

16 "26-3 Members shall not disclose confidential
17 information, including security planning
18 information, obtained by virtue of the member's
19 position."; and

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

23 "6-1 The sergeant-at-arms or the sergeant-at-arms'
24 designee, except when absent in the discharge of
25 the sergeant-at-arms' duties, shall be in

1 attendance upon the sessions of house and enforce
2 order on the floor of the house and in the lobbies,
3 galleries and passages and rooms connected
4 therewith and see that no person remains on the
5 floor of the house unless entitled to privileges
6 thereof."; and

7 "7-1 Every member of the house shall maintain the
8 member's presence by being physically present in
9 the house chamber or by simultaneous, remote,
10 electronic or telephonic means, during each
11 session, unless prevented by sickness or excused by
12 the speaker in writing. The excuse shall be filed
13 with the chief clerk."; and

14 "7-3 If at any time during the session of the house a
15 question is raised by any member as to the presence
16 of a quorum, the speaker shall forthwith direct a
17 roll call and shall announce the result, and such
18 proceedings shall not be interrupted by any other
19 member raising the question of a lack of quorum.
20 The question as to the presence of a quorum shall
21 not be raised more often than once every hour,
22 unless the lack of a quorum is disclosed upon a
23 roll call of yeas and nays. Whenever, upon a roll
24 call, any member who is present refuses to respond
25 or vote, it is the duty of the speaker, either upon

1 the speaker's own motion or upon the suggestion of
2 any member, to request that member to respond or
3 vote. If the member fails to respond or vote when
4 so requested, the fact of such request and refusal
5 shall be entered in the journal and such member
6 shall not be counted as present for the purpose of
7 constituting a quorum."; and

8 "7-8

A member other than the speaker or majority or
9 minority floor leader, rising to debate, to present
10 a petition or other paper, to give notice, to make
11 a motion or to report shall do so by the electronic
12 or telephonic means the presiding officer has
13 directed members to use so that the proceedings of
14 the body are not interrupted and shall not proceed
15 until recognized by the presiding officer."; and

16 "7-13

When a member is called to order, the member shall
17 refrain from speaking until the speaker has
18 determined whether the member is in order or not;
19 and if decided to be out of order, the member shall
20 not proceed without the permission of the house.
21 Every question of order shall be decided by the
22 speaker, subject to an appeal to the house. No
23 second appeal shall be determined until the
24 original appeal has been decided. If a member is
25 called to order for words spoken, the words

1 excepted to shall be immediately taken down in
2 writing."; and

3 "9-5-6 All deliberations, hearings, decisions and other
4 official business of committees shall be conducted
5 in meetings open to the public; provided that
6 public participation shall be limited to webcasts
7 of committee meetings and public testimony
8 submitted to a committee electronically at the
9 discretion of the chair, including via
10 simultaneous, remote, electronic or telephonic
11 means, except for deliberations and hearings
12 relating to allegations of unethical conduct
13 brought before the house rules and order of
14 business committee or subcommittee, unless a public
15 hearing is requested by the representative against
16 whom the allegation is made."; and

17 "23-2 Only persons who are members of the legislature or
18 officers and employees of the legislature having
19 official duties directly connected with the
20 business of the house shall be admitted to the
21 floor, rostrum, lounges and hallways."; and

22 "23-8 The use and control of all electronic and public
23 address equipment installed in the house chamber
24 shall be under the exclusive control of the
25 speaker, and shall only be in use by the speaker,

1 majority and minority floor leaders, chief clerk
2 and clerk's staff during limited floor sessions as
3 described in House Rule 8-9. Unauthorized use by
4 any member or person shall be cause for
5 disciplinary action by the house."; and

6 "23-8-1 A live audio and video stream of the house floor
7 proceedings shall be accessible through the
8 legislature's website in a manner befitting the
9 house of representatives, including an appropriate
10 user interface, subject to the following:

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

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

25 (c) during third reading of legislation,

1 the live video image shall be of the member who
2 has been recognized and is speaking, of the
3 members who are debating the question or of the
4 entire chamber from the perspective of the rear of
5 the chamber;

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

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

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

21 (g) the provisions of this rule shall apply
22 when the house of representatives is meeting in
23 the committee of the whole or in joint session
24 with the senate and when any standing committee of
25 the house of representatives is meeting in the

1 chamber; and

2 (h) the stream shall carry a notice to the
3 effect that the stream is being produced for the
4 benefit of the public and any political use is
5 prohibited and that the stream is not an official
6 record of the house's proceedings."; and

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

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