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HOUSE RESOLUTION 1  
**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2021**

INTRODUCED BY  
Daymon Ely

A RESOLUTION  
AMENDING THE HOUSE RULES TO ALLOW FOR THE CONDUCT OF THE SECOND  
SPECIAL SESSION AND SECOND REGULAR SESSION OF THE FIFTY-FIFTH  
LEGISLATURE AND ONGOING OPERATIONS OF THE HOUSE OF  
REPRESENTATIVES.

WHEREAS, since March 2020, coronavirus disease 2019 and  
its associated variants have continued to spread, with more  
than three hundred six thousand documented cases and more than  
five thousand two hundred deaths attributed to the coronavirus  
disease 2019 pandemic in New Mexico through November 2021; and

WHEREAS, in late November 2021, the latest variant,  
omicron, was designated a "variant of concern" by the world  
health organization, in part because its combination of  
mutations could allow for faster spread; and

WHEREAS, those who come into close contact with an  
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1 individual testing positive for coronavirus disease 2019 may be  
2 required to quarantine for up to fourteen days, which could  
3 constitute a significant portion of the second special and  
4 second regular sessions of the fifty-fifth legislature; and

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

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

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

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

24 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
25 REPRESENTATIVES OF THE STATE OF NEW MEXICO that a new House

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1 Rule 7-4-3, effective immediately upon adoption, be adopted to  
2 read:

3 "7-4-3 No call of the house shall be ordered on a bill that  
4 districts or redistricts an elected office,  
5 introduced during a special or extraordinary session  
6 called in the calendar year in which the state  
7 received the results of a federal decennial  
8 census."; and

9 BE IT FURTHER RESOLVED that the following new house rules,  
10 effective immediately upon adoption, only for the second  
11 special and second regular sessions of the fifty-fifth  
12 legislature, be adopted to read:

13 "4-1-1 The speaker shall ensure that all members, staff and  
14 employees who are physically present in the house,  
15 galleries, lobby, house committee rooms and rooms  
16 connected therewith follow proper social distancing  
17 requirements and wear face masks covering the mouth  
18 and nose at all times, except when in private  
19 offices."; and

20 "23-8-2 If at any time during standing committee hearings or  
21 floor sessions, the live audio and video stream of  
22 those sessions ceases to function, upon notice of  
23 the outage, the presiding officer shall immediately  
24 recess, subject to the call of the presiding  
25 officer, until the stream is able to resume."; and

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1 BE IT FURTHER RESOLVED that the following house rules,  
2 effective immediately upon adoption, only for the second  
3 special and second regular sessions of the fifty-fifth  
4 legislature, be amended to read:

5 "7-1 Every member of the house shall be present on the  
6 floor of the house, unless prevented by sickness or  
7 excused by the speaker in writing. The excuse shall  
8 be filed with the chief clerk. A member who has  
9 tested positive for coronavirus disease 2019 in the  
10 past fourteen days, or is under a mandatory  
11 quarantine or self-isolation order, may also be  
12 permitted, subject to available technology, to  
13 maintain his or her presence in the house chamber  
14 and committees by simultaneous, remote, electronic  
15 or telephonic means. Remote participation for a  
16 coronavirus disease 2019 diagnosis shall be subject  
17 to approval by the speaker."; and

18 "7-3 If at any time during the session of the house a  
19 question is raised by any member as to the presence  
20 of a quorum, the speaker shall forthwith direct a  
21 roll call and shall announce the result, and such  
22 proceedings shall not be interrupted by any other  
23 member raising the question of a lack of quorum.  
24 The question as to the presence of a quorum shall  
25 not be raised more often than once every hour,

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unless the lack of a quorum is disclosed upon a roll call of yeas and nays. Whenever, upon a roll call, any member who is ~~[upon the floor of the house]~~ present refuses to respond or vote, it is the duty of the speaker, either upon ~~[his]~~ the speaker's own motion or upon the suggestion of any member, to request that member to respond or vote. If the member fails to respond or vote when so requested, the fact of such request and refusal shall be entered in the journal and such member shall not be counted as present for the purpose of constituting a quorum."; and

"9-7 If the ~~[chairman]~~ chair is absent or not physically present at any meeting, the second member named in such committee shall act as ~~[chairman]~~ chair at the meeting.".