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HOUSE RESOLUTION 2

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

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A RESOLUTION

AMENDING HOUSE RULE 7-15 TO MAKE TECHNICAL CORRECTIONS TO THE
MANNER IN WHICH AN APPEAL FROM THE DECISION OF THE SPEAKER OF
THE HOUSE IS DECIDED.

WHEREAS, the rules of the house of representatives may be
amended by a two-thirds' vote of all the members of the house
or by a majority vote of the members of the house upon the
recommendation of the rules and order of business committee;
and

WHEREAS, House Rules 4-3 and 7-15 directly conflict as to
how an appeal from the decision of the chair is decided on a
tie vote, with House Rule 4-3 stating that a tie vote upholds
the decision of the chair because a majority vote is required
to overturn it, and House Rule 7-15 stating that a tie vote
overturns the decision of the chair because a majority vote is

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1 required to uphold the decision; and

2 WHEREAS, this conflict has existed since at least the
3 1950s; and

4 WHEREAS, *Mason's Manual of Legislative Procedure*, at
5 Section 234-1, states that a tie vote has the effect of
6 upholding the decision of the chair as stated in House Rule
7 4-3; and

8 WHEREAS, the house of representatives desires to preserve
9 some elements of House Rule 7-15 rather than simply repeal it;

10 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
11 REPRESENTATIVES OF THE STATE OF NEW MEXICO that House Rule 7-15
12 be amended to read:

13 "7-15 Upon an appeal from the decision of the speaker, the
14 question, which may be debated subject to the
15 limitation in House Rule 4-3, shall be put as
16 follows: "Shall the decision of the chair be
17 sustained?", and if a majority of the members
18 present vote in the [~~affirmative, the decision shall~~
19 ~~stand~~] negative, the decision shall be reversed.".