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SENATE RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2020

INTRODUCED BY

DISCUSSION DRAFT

A RESOLUTION

AMENDING, ENACTING AND SUSPENDING CERTAIN SENATE RULES FOR THE
REMAINDER OF THE FIFTY-FOURTH LEGISLATURE TO ALLOW REMOTE
PARTICIPATION OF MEMBERS AND PROVIDE PROCEDURES TO CONDUCT
PROCEEDINGS OF THE SENATE DURING A PUBLIC HEALTH EMERGENCY.

WHEREAS, Senate Rule 24-1 provides that the rules of the
senate may be amended by a two-thirds' majority vote of the
members of the senate or by a majority vote of the members of
the senate upon the recommendation of the rules committee;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
OF NEW MEXICO that the following new senate rules, effective
for the remainder of the fifty-fourth legislature, be adopted
to read:

"4-1-1 The president shall ensure that all members, staff
and employees who are physically present in the

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1 senate, galleries, lobby, senate committee rooms and
2 rooms connected therewith follow proper social
3 distancing, including by limiting the number of
4 persons physically present, and are provided with
5 appropriate personal protection equipment during a
6 declared public health emergency. The presiding
7 officer shall ensure that each member wear a mask
8 that covers the mouth and nose while on the floor or
9 in committee."; and

10 "7-1-1 A senator shall be considered to be present and in
11 attendance for the purposes of establishing a
12 quorum, doing business or voting if the member is
13 physically present or participating by simultaneous,
14 remote, electronic means from the senator's capitol
15 office as confirmed by the presiding officer of the
16 senate, or chair in the case of a standing
17 committee. Senators are strongly encouraged to
18 remain in their respective offices when not on the
19 floor, in committee or in caucus and to remain in
20 the capitol or advise their respective whip if they
21 must leave for any reason."; and

22 "7-5-1 A senator who is participating from the senator's
23 capitol office may vote by video conference
24 connection to the senate chamber, entering the
25 senate chamber and casting the senator's vote from

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1 the well of the senate in front of the chief clerk
2 or entering the doorway of the senate chamber and
3 casting the senator's vote for the chief clerk to
4 hear and record."; and

5 "7-8-1 A senator who is participating from the senator's
6 capitol office during a session and wishes to be
7 recognized shall contact the senator's respective
8 floor leader or whip, who shall then request the
9 president to add that member's name to the list of
10 senators desiring to be recognized. A senator who
11 is participating from the senator's capitol office
12 may debate by video conference connection to the
13 senate chamber, entering the senate chamber and
14 debating from the well of the senate or entering the
15 doorway of the senate chamber and debating with a
16 microphone from the doorway."; and

17 "7-13-1 A senator who is participating from the senator's
18 capitol office by simultaneous, remote, electronic
19 means and is called to order is not permitted to
20 resume speaking until the president has determined
21 whether he or she is in order or not; and if decided
22 to be out of order, he or she shall not proceed
23 without the permission of the senate."; and

24 "11-9-2 Electronic signatures may be used by sponsors to
25 sign bills, resolutions or memorials or amendments

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1 thereto."; and
2 "11-21-1 Committee reports on a bill, resolution or memorial
3 may be digitally signed and electronically
4 transmitted from the committee to the chief clerk.";
5 and

6 BE IT FURTHER RESOLVED that the following senate rules be
7 amended, effective for the remainder of the fifty-fourth
8 legislature, to read:

9 "7-1 Every senator shall be considered present within the
10 senate chamber, either through physical presence or
11 from the senator's capitol office by simultaneous,
12 remote, electronic means, during the sessions of the
13 senate, unless duly excused or necessarily
14 prevented. Senators prevented from being present in
15 the senate chamber shall notify their respective
16 floor leaders of their whereabouts."; and

17 "7-2 A quorum of the senate is a majority of the members
18 elected [~~and~~], qualified and present. In case a
19 less number than a quorum of the senate shall
20 convene, those present are authorized to send the
21 sergeant at arms for the absent senators. In all
22 cases of absence of senators during the sessions of
23 the senate, the senators present may take such
24 measures as they deem necessary to secure the
25 presence of the absentees and, in addition to

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1 suspension for a given period, may inflict such
2 censure or penalty as they may deem just on those
3 who may not render sufficient excuse for their
4 absence."; and

5 "7-3 If at any time during the session of the senate a
6 question is raised by any senator as to the presence
7 of a quorum, the presiding officer shall forthwith
8 direct the clerk to call the roll, and shall
9 announce the result, and such proceedings shall be
10 without debate. No senator shall interrupt another
11 senator who is speaking, except to raise the
12 question of a lack of quorum. The question as to
13 the presence of a quorum shall not be raised more
14 often than once in every hour unless the lack of
15 quorum is disclosed upon a roll call. Any senator
16 who is [~~in the senate chamber~~] present and who
17 refuses to make response to a roll call shall be
18 required by the presiding officer, upon the
19 presiding officer's own motion or upon the request
20 of any senator, to respond to the roll call. If the
21 senator fails to respond to the roll call when so
22 requested, the fact of such request and refusal
23 shall be entered in the journal, and the senator
24 shall not be counted as present for the purpose of
25 constituting a quorum."; and

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"9-5-6 Committee meetings shall be governed by the following:

(a) All meetings of a quorum of members of any committee or policy-making 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 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

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1 presiding officer of a standing committee.
2 (e) Public participation shall be limited to
3 webcasts of committee meetings and public
4 comment submitted via email to the committee or
5 other electronic means. The committee chair,
6 in consultation with the chief clerk or the
7 committee secretary, shall control and manage
8 public comment and expert testimony."; and

9 "11-24-1 The question on the final passage of every bill,
10 resolution and memorial shall be taken by [~~yeas and~~
11 ~~nays~~] roll call vote, which shall be entered upon
12 the journal and, within one day of taking the
13 question, be publicly available on the legislature's
14 internet [~~web site~~] website, effective January 15,
15 2008."; and

16 BE IT FURTHER RESOLVED that Senate Rules 23-3 and 23-4-1
17 be suspended, effective for the remainder of the fifty-fourth
18 legislature.

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