

NEW MEXICO LEGISLATURE



**SENATE
RULES**

FEBRUARY 1, 2017

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SENATE
RULES

AND JOINT RULES

FEBRUARY 1, 2017

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SENATE RULES

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OFFICERS

- 1-1 The lieutenant governor shall be the president of the senate but shall vote only when the senate is equally divided.
- 1-2 The other officers of the senate shall be:
- (a) a president pro tempore;
 - (b) one chaplain;
 - (c) one chief clerk;
 - (d) three assistant chief clerks; and
 - (e) one sergeant-at-arms. [1/17/89]
- 1-3 All such officers shall serve at the pleasure of the senate.
[1/16/07]
- 1-4 *** (rule exists in house but not in senate)
- 1-5 No officer or employee of the senate shall solicit subscriptions for any purpose from any other officer or employee thereof, nor from any senator; nor shall any person be permitted to sell or offer for sale any article, nor to solicit or receive subscriptions or contributions for any purpose on the floor or in the lobby of the senate.

EMPLOYEES

- 2-1 The employees of the senate shall be such clerical help and employees as deemed necessary by the senate; compensation of these employees shall be fixed by the senate at the beginning of each session. All such employees shall serve at the pleasure of the senate.
- 2-2 *** (rule exists in house but not in senate)
- 2-3 *** (rule exists in house but not in senate)

PARTY LEADERS

- 3-1 The floor leaders and whips shall be those persons duly elected by the respective party caucuses of the two political parties having the most members in the senate and so certified to the senate. All such party leaders shall serve at the pleasure of their respective party caucuses. [1/15/85]

PRESIDING OFFICER DUTIES

- 4-1 The president shall preserve order and decorum in the senate, galleries, lobby and rooms connected therewith. In the case of disturbance or disorderly conduct in the galleries or lobby, he may order them cleared or cause the removal of disorderly persons.
- 4-2 The president shall sign all process directed to the sergeant-at-arms of the senate and issued by order of the senate or by his own motion in the performance of his duties prescribed by law or rule.
- 4-3 The president shall decide all questions of procedure and order, subject to an appeal to the senate. On every appeal, he shall have the right, in his place, to assign his reasons for his decisions.
- 4-4 *** (rule exists in house but not in senate)
- 4-5 The president pro tempore when acting as president, or any member of the senate while acting as presiding officer of the senate, shall be invested with all the powers and duties conferred by these rules upon the president. Whenever the president is not in the chair, the president pro tempore or some member designated by the president pro tempore, or elected by the senate, shall preside.
- 4-6 *** (rule exists in house but not in senate)

CHIEF CLERK

- 5-1 The chief clerk is the official custodian of all bills, documents, papers, writings and all other records of the senate and shall be entitled to the possession thereof. He shall not allow any record or paper or document of any kind to be taken from his desk or out of his custody by any person, except the chairman or vice chairman of the committee to which it has been referred. He shall require a written receipt from such chairman or vice chairman for a bill, paper or record and upon the return of such instrument or record receipted for, the return shall be noted upon a receipt record book. At the close of any legislative session, all committee chairmen shall return to the chief clerk all bills, resolutions, memorials, communications and petitions in their possession which have been referred to them and which have not been disposed of in their regular order.
- 5-2 The chief clerk shall deliver any bill or paper to be printed to the printer designated by the legislature and all bills ordered enrolled and engrossed to the judiciary committee, taking a receipt therefor.
- 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;

(continued)

CHIEF CLERK (cont.)

5-3 (cont.)

- (e) keep a correct journal of the proceedings of the senate, recording in full the messages from the governor other than his 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 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;

(continued)

CHIEF CLERK (cont.)

5-3 (cont.)

(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) *** (rule exists in house but not in senate); and

(n) do and perform any other duty required by these rules or ordered by the senate. [1/20/98]

SERGEANT-AT-ARMS

- 6-1 The sergeant-at-arms, except when absent in the discharge of his duties, shall be in constant attendance upon the session of the senate; and, under the direction of the president, aid in enforcing order on the floor of the senate, in lobbies and galleries and in the rooms adjoining the senate chamber, and also see that no person remains on the floor unless entitled to the privileges of the same.
- 6-2 The sergeant-at-arms shall execute the commands of the senate, together with all such process issued by the authority thereof, as directed to him by the president.
- 6-3 The sergeant-at-arms may arrest for contempt all persons immediately outside the chambers or in the galleries found engaged in loud conversation or otherwise creating a disturbance.
- 6-4 The actual expenses of the sergeant-at-arms for every arrest, for each day's custody and releasement, and the traveling expenses for himself and special messenger going and returning, shall be paid and no other fees shall be paid him beyond his per diem.
- 6-5 The sergeant-at-arms shall, at least one hour previous to the opening of the session, place copies of all bills, resolutions, memorials and other documents to be acted upon on the desks of senators.
- 6-6 Whenever a message from the governor or the house of representatives arrives, it is the duty of the sergeant-at-arms to receive the message, announcing its arrival to the presiding officer.
- 6-7 The sergeant-at-arms shall assign or reassign all assistant sergeants-at-arms and doorkeepers and direct them in their duties.

DUTIES AND RIGHTS OF MEMBERS

- 7-1 Every senator shall be present within the senate chamber during the sessions of the senate, unless duly excused or necessarily prevented. Senators prevented from being present in the senate chamber shall notify their respective floor leaders of their whereabouts. [1/19/99]
- 7-2 A quorum of the senate is a majority of the members elected 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.
- 7-3 If at any time during the session of the senate a question is raised by any senator as to the presence of a quorum, the presiding officer shall forthwith direct the clerk to call the roll, and shall announce the result, and such proceedings shall be without debate. No senator shall interrupt another senator who is speaking, except to raise the question of a lack of quorum. The question as to the presence of a quorum shall not be raised more often than once in every hour unless the lack of quorum is disclosed upon a roll call. Any senator who is in the senate chamber and who refuses to make response to a roll call shall be required by the presiding officer, upon the presiding officer's own motion or upon the request of any senator, to respond to the roll call. If the senator fails to respond to the roll call when so requested, the fact of such request and refusal shall be entered in the journal, and the senator shall be counted as present for the purpose of constituting a quorum.

(continued)

DUTIES AND RIGHTS OF MEMBERS (cont.)

- 7-4 When a quorum is present, and any member is absent, a call of the senate shall be ordered by those present upon an affirmative vote of seven or more of the members present; except that a call of the senate shall not be ordered on a motion to adjourn, motion to take a recess, after the voting on any question has begun or after the president recognizes any person for the closing of debate on any bill, resolution or memorial. The motion for the call of the senate shall specify the issue or issues as to which the call shall apply. Other business of the senate may be transacted pending the completion of the call of the senate. When all the senators covered by the call of the senate are present, the next order of business shall be the issue or issues specified in the motion for the call of the senate; provided if any one of those members originally voting for the call is not present to make the call complete, the member's absence shall be considered officially excused and the call considered complete. The call of the senate is automatically dissolved when the issue or issues covered in the motion for the call of the senate have been disposed of. The call of the senate can also be dissolved if all those present originally voting for the call of the senate approve the dissolution. A senator who is officially excused for the day on which a call of the senate is made is also excused from the call of the senate. [1/19/93]
- 7-4-1 A motion for the call of the senate shall be decided without debate.
- 7-5 Every senator shall vote on each question stated from the chair, unless he has a direct personal or pecuniary interest in the event of such question. If any senator refuses to vote, unless he is excused by the senate or unless he has such interest, his refusal shall be deemed a contempt of the senate.
- 7-6 A senator desiring to be excused from voting may, when his name is called, make a brief statement, not occupying over five minutes, explaining his reasons for desiring to be excused. The question of excusing him shall be taken without debate.

(continued)

DUTIES AND RIGHTS OF MEMBERS (cont.)

- 7-7 A senator desiring to explain his vote upon a bill may make a brief statement at the conclusion of the roll call not occupying over three minutes. If a senator wishes to make such a statement at the conclusion of the roll call, he may reserve that right at the time of casting his vote. [1/19/93]
- 7-8 A senator rising to debate, to present a petition or other papers, 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.
- 7-9 No senator shall speak more than twice in any one debate on the same day and at the same stage of the bill without leave. A senator who has once spoken shall not again be entitled to the floor (except for explanation) so long as any senator who has not spoken desires to speak. If a question be pending at adjournment, and be considered on the succeeding day, no member who shall have spoken twice thereon on the preceding day shall be permitted to speak thereon without consent of the majority of the members present.
- 7-10 No senator shall be interrupted when speaking, and no question shall be asked him except through the presiding officer.
- 7-11 The author of a bill, motion, resolution or memorial has the privilege of closing the debate. [3/14/89]
- 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.

(continued)

DUTIES AND RIGHTS OF MEMBERS (cont.)

- 7-13 When a senator is called to order, he shall take his seat until the president has determined whether he is in order or not; and if decided to be out of order, he shall not proceed without the permission of the senate. 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.
- 7-14 *** (rule exists in house but not in senate)
- 7-15 An appeal from the decision of the president shall be sustained by a vote of the majority of the members present.
- 7-16 No member of the New Mexico senate 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 his behalf during any regular or special session. [1/21/92]
- 7-18 *** (rule exists in house but not in senate)

ORDER OF BUSINESS

- 8-1 The president shall take the chair at the hour to which the senate shall have adjourned, and a quorum being present, the order of business shall be as follows:

Order of Business

- (1) prayer;
- (2) reading of the journal;
- (3) introduction of legislation:
 - (a) bills;
 - (b) joint resolutions;
 - (c) resolutions;
 - (d) joint memorials; and
 - (e) memorials;
- (4) reports of committees;
- (5) third reading of legislation; and
- (6) announcements and miscellaneous business.

8-1-1 *** (rule exists in house but not in senate)

8-1-2 *** (rule exists in house but not in senate)

(continued)

ORDER OF BUSINESS (cont.)

8-2 Notwithstanding the order of business, the following shall be received at any time:

- (1) messages from the governor;
- (2) messages from the house of representatives;
- (3) communications and reports from state officers;
- (4) reports from the judiciary committee concerning enrolling and engrossing or revision of the journal;
- (5) reports from the committees' committee; and
- (6) reports from the rules committee concerning rules changes or executive communications.

8-3 A proposition requesting information from the governor of the state is in order at any time, unless otherwise determined by a majority of the senate members present, and when adopted, the chief clerk shall cause the request to be forwarded immediately to the governor.

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.

(continued)

ORDER OF BUSINESS (cont.)

8-4 (cont.)

(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.

(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.

[1/19/93]

- 8-5 All questions relating to the priority of business shall be decided without debate.
- 8-6 Consideration of amendments by the house of representatives to senate bills and resolutions is in order at any time when no question is pending.
- 8-7 When the reading of a paper is called for, except petitions, and the reading is objected to by any senator, it shall be determined by a vote of the senate without debate.

(continued)

ORDER OF BUSINESS (cont.)

- 8-8 Any matter may be made the special order for any particular time or day by consent of a majority of the senators elected. Whenever any bill or other matter is made a special order for a particular day, and consideration of the bill is not completed on that day, it shall, unless otherwise ordered, retain its place on the calendar as a special order in the order of business in which it was considered. When a special order is under consideration, it shall take precedence over any other special order. A subsequent special order may be taken up immediately after the previous special order has been disposed of.

COMMITTEES

- 9-1 There shall be a 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 chairman of the committees' committee shall be the president pro tempore. The vice chairman shall be selected by the members of the committees' committee. [1/16/07]
- 9-1-1 The committees' committee shall assign membership on the standing committees of the senate and such assignment shall be on the basis of the member's preference wherever possible.
- 9-1-2 In appointing the standing committees, the committees' committee shall designate the chairman, vice chairman and the ranking member, who shall be a member of the committee who is not a member of the chairman's political party and who does not hold a leadership position. In designating the ranking member, the committees' committee shall consider each member's seniority in the senate and length of continuous service on the committee and the preference of each member's respective leader. No member designated to serve as the chairman or vice chairman of a standing committee shall serve in either position on any other committee. [2/21/05]
- 9-1-3 All appointments to standing committees are subject to the approval of the senate.

(continued)

COMMITTEES (cont.)

- 9-1-4 Seniority of the members of the senate shall prevail at all times in committee assignments, and chairmen of committees shall be appointed by request of the senior members. All committeemen 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. [1/17/89]
- 9-1-5 The committees' committee shall contract for and supervise the printing and purchase of supplies as required for the use of the senate.
- 9-1-6 The committees' committee is designated as the committee to which all bills will be automatically referred during a thirty-day session to determine whether the bill comes within the purview of the session and whether the legislature can, under the constitution, take action on it. The referral provided for in this rule shall not be considered a committee referral within the two-committee limitation set out in Rule 11-14. [1/16/90]
- 9-2 The following shall be the standing committees of the senate:
- (a) conservation;
 - (b) corporations and transportation;
 - (c) education;
 - (d) finance;
 - (e) judiciary;
 - (f) public affairs;
 - (g) rules; and
 - (h) Indian and cultural affairs. [1/22/01]

(continued)

COMMITTEES (cont.)

- 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.
[3/13/09]
- 9-3 All members shall serve on two standing committees, except that members of the finance committee shall not serve on any other committee and provided service on the committees' committee, 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.
[1/22/01; 3/13/09]
- 9-4 No member shall be allowed, after standing committee assignments have been approved by the senate, to resign from a committee unless he has arranged to serve on another standing committee by trading assignment with another member of his own political party and after approval has been given by the committees' committee. Such transfers must be approved by the senate.
- 9-5 *** (rule exists in house but not in senate)
- 9-5-2 *** (rule exists in house but not in senate)

(continued)

COMMITTEES (cont.)

- 9-5-3 When a voice vote is taken on any question in the committee and such vote is uncertain, any committee member may request a roll call vote, and such roll call shall be ordered by the chairman and the record of all such roll call votes that constitute a committee's final action on a question and the record of all such roll call votes on written amendments that are proposed but not adopted shall be publicly accessible after the legislative session through the New Mexico legislature's internet web site for a period of no less than two years effective January 18, 2000. [1/18/00]
- 9-5-4 *** (rule exists in house but not in senate)
- 9-5-5 The vote on amendments adopted by a committee, if adopted on a roll call vote, shall be reflected on its final report. The vote on the final report of the committee on each bill, memorial or resolution referred to it shall be taken by yeas and nays, reflected and entered by name upon the report of the committee for such bill, memorial or resolution. [adopted 3/8/95; effective 1/96]
- 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.

(continued)

COMMITTEES (cont.)

9-5-6 (cont.)

(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. [1/21/92]

9-5-7 In addition to the transmissions provided for in Senate Rule 9-5-8, photography, video or audio recording or transmission of committee proceedings may, upon request, be allowed with the permission of the chair and ranking member. [1/15/13]

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. [1/17/17]

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 chairman.

(continued)

COMMITTEES (cont.)

- 9-7 In the absence of or refusal to serve by any chairman of any standing committee as determined by a majority of the committee, the vice chairman shall have and assume all the duties and prerogatives of the chairman.
- 9-8 The rules committee may sit at any time for the purpose of considering rule changes 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. [1/16/90]
- 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 election, the recommendations shall be further referred to the standing rules committee unless this rule is suspended by a two-thirds vote of the senate. [2/13/97]
- 9-9 The chairman of the judiciary committee or some member of the committee designated by him shall:
- (a) examine and correct bills referred to him for the purpose of avoiding repetition and for insuring accuracy in the text. He 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
 - (b) revise and correct the journal.

(continued)

COMMITTEES (cont.)

- 9-9-1 The judiciary committee shall examine all bills, resolutions and memorials which are required to be enrolled and engrossed before they go out of the possession of the senate and report when it finds each to be correctly enrolled and engrossed.
- 9-10 *** (rule exists in house but not in senate)
- 9-11 *** (rule exists in house but not in senate)
- 9-12 *** (rule exists in house but not in senate)
- 9-13 *** (rule exists in house but not in senate)
- 9-13-1 There shall be a committee known as the senate ethics committee, which shall be composed of the president pro tempore, the majority floor leader, the majority whip, the minority floor leader, the minority whip, the majority caucus chairman, the minority caucus chairman and one member of the senate minority party appointed by the senate minority floor leader. The senate ethics committee is designated as the committee to which all matters pertaining to ethics shall be referred. The president pro tempore shall chair the senate ethics committee.

The senate ethics committee may adopt its own rules of procedure as necessary or appropriate to exercise its powers and carry out its duties. The ethics committee may meet during any session of the legislature as it deems appropriate.

A member of the senate ethics committee shall be ineligible to participate in any matter relating directly to that member's conduct. In any such case, a substitute member to the committee shall be appointed from the same political party by the president pro tempore of the senate. A member may seek to be disqualified from any matter brought before the senate ethics committee on the grounds that the member cannot render a fair

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COMMITTEES (cont.)

9-13-1 (cont.)

and impartial decision. Disqualification must be approved by a majority vote of the remaining members of the committee. In any such case, a substitute member to the committee shall be appointed from the same political party as provided in this section. If the president pro tempore of the senate is ineligible to participate or is disqualified from participating in any matter brought before the senate ethics committee, a substitute member from the same political party shall be appointed by the senate majority floor leader. [1/21/92]

9-13-2

The senate ethics committee is authorized to issue advisory opinions on matters relating to ethical conduct. Any question relating to the interpretation and enforcement of ethical principles as applied to the senate may be submitted in writing by a senator, describing a real or hypothetical situation and requesting an advisory opinion establishing an appropriate standard of ethical conduct for that situation. If, during the interim, a senator has a question relating to the interpretation and enforcement of ethical principles, the senator shall submit the question in writing to the president pro tempore requesting an advisory opinion. The president pro tempore shall review the request with the majority floor leader and the minority floor leader. The committee, or in the interim, the president pro tempore and the majority and minority floor leaders, shall issue an opinion regarding each inquiry or explain in writing why no opinion will be issued. Their opinions shall be prospective only. No opinion shall identify the requesting legislator without the legislator's consent. A senator may rely upon an advisory opinion of the committee or in the interim, the president pro tempore and the majority and minority floor leaders, and any senator acting in good-faith reliance upon an advisory opinion shall be immune from sanctions imposed by the senate. [1/21/92]

(continued)

COMMITTEES (cont.)

9-13-3 To initiate any action on alleged misconduct, any member of the senate may file a written, sworn complaint. The complaint shall set forth, with specificity, the facts alleged to constitute unethical conduct. A complaint shall be filed with the chairman of the senate ethics committee during a session. Upon receipt of the complaint, the chairman shall notify the majority and minority floor leaders. The majority and minority floor leaders shall select from the senate ethics committee an equal number of members from each party to serve as a subcommittee to investigate the allegations of unethical conduct and to determine if probable cause exists to believe that a violation of law or the ethics rules has occurred. The chairman of the senate ethics committee shall chair the subcommittee. The subcommittee shall submit a written report of its findings of fact, together with its determination of probable cause regarding the alleged unethical conduct to the full committee. The committee shall then hold such hearings as it deems necessary, and the hearings shall be quasi-judicial in nature, subject to applicable rules of procedure and evidence as determined by the committee. Legal counsel may be authorized to advise the committee and subcommittee. The committee, however, shall take no action on matter at issue in a pending criminal proceeding in which a senator is a defendant until either the criminal proceeding is dismissed or a decision no longer subject to appeal has been issued.

A senator against whom a complaint is filed shall immediately be given a copy of the complaint. A senator whose conduct is under inquiry shall be accorded due process, including the right to a hearing and the right to subject all of the witnesses to cross-examination. The burden of proof shall be set by clear and convincing evidence. The full committee shall after notice and hearing make recommendations regarding the alleged unethical conduct to the senate. The committee is authorized to award attorneys' fees to the senator against whom a complaint for unethical conduct is filed if the committee determines that the

(continued)

COMMITTEES (cont.)

9-13-3 (cont.)

complaint filed against the senator was frivolous. If such an award is made, the fees shall be paid by the senator who filed the frivolous complaint. Further, such a determination will be grounds for a recommendation to the full senate that the complainant be subjected to the same disciplinary action as provided under Senate Rules 9-13-4 and 9-13-5. The senate may take whatever action it deems appropriate upon the recommendation of the committee.

A senator against whom no complaint has been filed, but whose conduct is being questioned by a member of the senate, may request and shall be afforded a hearing for the purpose of presenting exculpatory evidence or testimony. If the request is made to the president pro tempore in the interim, the hearing shall be convened no later than the first full week of the next session. [1/21/92]

9-13-4 After an investigation has been completed, the complaint shall be dismissed or the committee shall recommend that:

- (a) a letter of reprimand be issued;
- (b) the senator be censured; or
- (c) the senator be expelled.

A letter of reprimand requires a majority vote of those present.

A vote of censure requires a majority vote of those elected. A senator may be expelled by a two-third vote of the elected members of the senate. [1/21/92]

(continued)

COMMITTEES (cont.)

9-13-5 A reprimand is appropriate for violations of Senate Rule 26-1. A censure is appropriate for repeated or flagrant violations of Senate Rule 26-1. A senator who is censured shall not serve in any leadership position and shall not serve as the chairman or co-chairman of any standing or interim legislative committee for the remainder of that senator's pending term in office.
[1/21/92]

9-13-6 A. The committee and subcommittee shall maintain the following rules of confidentiality unless the senator against whom the complaint is filed waives these rules in writing:

(1) the committee and subcommittee and its staff shall not disclose any information relating to the investigation of a complaint, including the identity of the complainant and respondent, until after the subcommittee has made its determination of probable cause and report to the full committee, except that the committee or subcommittee may release information at any time if the release has been agreed to by the respondent;

(2) the identity of the complainant shall be released to the respondent immediately upon request; and

(3) no member of the committee or subcommittee or staff member of, or person under contract to, the committee may knowingly disclose any confidential information acquired in the course of official duties except the committee is authorized to disclose any information made public pursuant to the public hearing process.

B. The complainant may not disclose that a complaint has been filed, nor may he disclose any contents thereof during the initial probable cause proceedings unless such release is agreed to by the respondent.

(continued)

COMMITTEES (cont.)

9-13-6 (cont.)

C. A violation of the confidentiality provisions set out in this rule shall be grounds for a complaint being filed pursuant to the provisions of Senate Rule 9-13-3. [1/21/92]

9-13-6.1 *** (rule exists in house but not in senate)

9-13-7 *** (rule exists in house but not in senate)

COMMITTEE OF THE WHOLE

- 10-1 When the senate resolves itself into the committee of the whole, the president pro tempore, or a senator designated by him or the senate, shall preside.
- 10-2 The rules of the senate shall be observed in the committee of the whole, so far as they may be applicable, except limiting the number of times of speaking, that yeas and nays shall not be taken and that only three minutes shall be allowed to any member for the purpose of explaining his vote. When the committee of the whole is engaged in the investigation of any charges against any of its members, the rules of the senate shall apply.
- 10-3 Bills committed to the committee of the whole shall be read by sections in that committee. The bill shall be read by the clerk and debated by clauses or parts, leaving the preamble to be considered last. The body of the bill shall not be defaced or interlined, but all amendments noting the page and lines shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee and so reported back to the senate. The report shall state whether or not the bill has been amended in the committee of the whole. The committee of the whole may strike out the enacting clause of a bill and report that fact to the senate. If that report is agreed to by the senate, it shall be deemed a rejection of the bill.
- 10-4 A motion that the committee of the whole rise and report progress on any bill shall always be decided without debate.
- 10-5 The matters referred to the committee of the whole senate constitute the general orders, and the business of the general orders shall be governed by the purposes indicated in the motion, viz:

When the president pro tempore, or the chairman named by him or by the senate, has taken the chair, the clerk shall announce the title of each bill, with the printed number, or other matter, and it shall be reached in its order when it may be considered immediately; and so on until the general order calendar is exhausted, or a motion is carried that the committee rise.

BILLS

- 11-1 No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.
- 11-2 No bill except bills to provide for the public peace, health and safety, and the codification or revision of the laws, shall become a law unless it has been printed, and read three different times in each house, not more than two of which readings shall be on the same day, and the third of which shall be in full.
- 11-3 The enacting clause of all bills shall be: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO".
- 11-4 The subject of every bill shall be clearly expressed in its title, and no bill embracing more than one subject shall be passed, except general appropriation bills and bills for the codification or revision of the laws. General appropriation bills shall embrace nothing but appropriations for the expense of the executive, legislative and judicial departments, interest, sinking fund, payment of the public debt, public schools and other expenses required by existing laws. All other appropriations shall be made by separate bills.
- 11-5 No law shall be revised or amended, or the provisions thereof, extended, by reference to its title only; but each section thereof as revised, amended or extended shall be set out in full, and each section so set out in a separate section of the amending act.
- 11-6 If any bill makes an appropriation or carries an emergency clause, the fact shall be stated in the title. Examples:

MAKING AN APPROPRIATION

DECLARING AN EMERGENCY.

(continued)

BILLS (cont.)

- 11-7 Bills shall be divided, where divisions and subdivisions are necessary, into sections, subsections, paragraphs and subparagraphs. Subparagraphs may contain items. These divisions shall be designated and the first line of each indented in the following manner:

Section 1.

A. (Subsection)

(1) (Paragraph)

(a) (Subparagraph), containing 1) (Items).

A section is the only division which carries the word designating its rank.

- 11-8 The statutory citation, in any bill amending or repealing any existing statute, shall refer first to the section of the official compilation, if compiled, and then to the original session law in parentheses. If the original session law has been amended, this fact should be stated.
- 11-9 Every bill shall be introduced by a senator in his place, 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.
- 11-9-1 Every bill, resolution or memorial introduced in the senate by a senator shall be endorsed by the senator sponsoring the bill, resolution or memorial and by each senator co-sponsoring the bill, resolution or memorial. [1/28/99]

(continued)

BILLS (cont.)

- 11-10 Every bill when introduced, and every amendment thereafter made to such bill, amending existing law by the addition and deletion of language, must have all new matter underscored, and must have all materials intended to be deleted set forth in brackets, but the judiciary committee shall delete all bracketed material and shall omit the brackets and underscoring from the enrolled and engrossed bill. In a printed bill, such new matter shall be similarly set out or set out in italics or boldface type. When a printed bill is amended by eliminating new matter from such bill, the same shall be omitted in the reprint of the original. It is the duty of each committee to cause any bill referred to the committee and not complying with this rule to be immediately corrected so as to comply with the same and reprinted if the committee feels that such printing would be helpful to the understanding of the bill.
- 11-11 Each bill, resolution and memorial when prefiled or introduced shall be accompanied by one copy thereof. [2/12/06]
- 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. [2/12/06]
- 11-12-1 A senator may prefile legislation by depositing it with the chief clerk during regular business hours between December 15 and the Friday before a regular session begins. The chief clerk shall log and number prefiled legislation in the order in which it is received. Prefiled legislation shall be publicly available. Prefiled legislation shall be introduced and referred to committee on the first day of the regular session. [1/16/07]
- 11-13 Upon introduction, each bill, resolution and memorial shall be read the first and second time by its title, unless reading in full is demanded by any senator. The president shall make announcement of each such reading of the bill. No bill shall be amended or committed until it has been read twice.

(continued)

BILLS (cont.)

- 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. [1/17/89]
- 11-14-1 All bills, resolutions and memorials received from the house of representatives, after they have been read a first and second time, shall be referred to such committee as may be designated by the senate.
- 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, 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.
- 11-16 Each bill, memorial and resolution shall retain its original printed number during all stages of its progress.
- 11-17 [Identical bill substitution rule deleted 1/17/89 by floor action.]

(continued)

BILLS (cont.)

- 11-18 After the committee to which a bill has been referred has reported the bill back to the senate, or at any time before its approval by the senate, the bill may be recommitted to a committee at the pleasure of the senate.
- 11-18-1 *** (rule exists in house but not in senate)
- 11-19 Every report of a committee upon a bill, which is not considered at the time of making the report or is not laid upon the table by vote of the senate, shall stand upon the calendar with the bill and be entered upon the journal.
- 11-19-1 *** (rule exists in house but not in senate)
- 11-20 When a bill, resolution or memorial is reported by a committee, the question before the senate shall be: "Shall the report be adopted?".
- 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.
- 11-20-2 If the committee report is favorable and the senate does not adopt the committee report, the bill, resolution or memorial is deemed lost.
- 11-20-3 If the committee report is unfavorable and the senate adopts the committee report, the bill, resolution or memorial is deemed lost.
- 11-20-4 If the committee report is unfavorable and the senate does not adopt the committee report, the bill, resolution or memorial shall be placed on the calendar, or if the bill, resolution or memorial has received another committee referral, it shall be referred to such other committee.

(continued)

BILLS (cont.)

- 11-21 Committee reports on a bill, resolution or memorial shall be prepared in an original and five copies, the original to be attached to the bill, resolution or memorial, and the other copies to go to the chief clerk of the senate for distribution.
- 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.
- 11-22-1 All bills whether reported in by a committee or ordered placed upon the calendar by vote of the senate and on order of third reading shall be placed on the daily printed calendar in their regular order.
- 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.
- 11-22-3 When a bill is taken up on third reading, the merits of the bill may be debated and a motion to commit or recommit, or to amend, or to lay on the table, or to postpone to a future date shall be in order.
- 11-22-4 *** (rule exists in house but not in senate)

(continued)

BILLS (cont.)

- 11-23 Floor amendments shall be prepared for submission with an original and five copies. If time does not allow submission in the required number, then, as soon as possible, the chief clerk shall have the amendment prepared in the required form, submit the original amendment and the typed copy to the member submitting the amendment for his approval and signature, and attach it to the bill or other document, in the place of the amendment submitted. The chief clerk shall keep the amendment submitted for the inspection of the judiciary committee.
- 11-23-1 Floor substitutes may be offered at any time when a bill or resolution is open to amendment previous to being enrolled or engrossed; and when adopted, shall take the place of the original bill or resolution and shall be open to amendment. [1/17/89]
- 11-24 If on taking the question on final passage on the bill, it shall appear that a constitutional quorum is not present, or if the bill requires an extraordinary majority of all the senators elected to pass it, and it appears that such number is not present, the bill shall retain its place on the calendar and be again taken up in its regular order.
- 11-24-1 The question on the final passage of every bill, resolution and memorial shall be taken by yeas and nays, which shall be entered upon the journal and, within one day of taking the question, be publicly available on the legislature's internet web site, effective January 15, 2008. [3/14/07]
- 11-24-2 Except in cases provided for in Rule 11-24, the bill on final passage shall be declared lost unless it receives the number of votes required by the constitution to pass it.
- 11-24-3 The question on the final passage on the bill shall be taken immediately after the third reading and without debate.

(continued)

BILLS (cont.)

- 11-24-4 If on the final passage of a bill carrying an emergency clause the bill receives a favorable vote of a simple majority but not of the required two-thirds of the members present, the action shall constitute an automatic deletion of the emergency clause and reference to it in the title. Pursuant to this rule, the chief clerk shall attach a statement to the bill describing the words and lines so deleted.
- 11-24-5 When any legislation requiring the concurrence of an extraordinary majority of the senators is under consideration, such concurrence shall not be requisite except on the question of final passage.
- 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.
- 11-26 Time limitation on the introduction of bills at any session of the legislature shall be as established by law.
- 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

(continued)

BILLS (cont.)

11-27 (cont.)

bill; provided, capital outlay requests may be referred also to the senate Indian 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. [1/22/01]

PRECEDENCE OF MOTIONS

- 12-1 When a question is before the senate, only the following motions shall be received and such motion shall have precedence in the following order:
- (a) for an adjournment or recess;
 - (b) for a call of the senate;
 - (c) to lay on the table;
 - (d) to postpone indefinitely;
 - (e) to postpone to a certain day;
 - (f) to commit to a standing committee;
 - (g) to commit to a select committee;
 - (h) to commit to a committee of the whole; and
 - (i) to amend.
- 12-2 A motion to strike out the enacting clause of a bill has precedence over a motion to amend, and if carried, shall be considered equivalent to rejection of the bill.
- 12-3 *** (rule exists in house but not in senate)

PROCEDURE RELATING TO MOTIONS

- 13-1 All motions shall be reduced to writing, if desired by the president or any senator, delivered to the chief clerk and read before the same shall be debated.
- 13-2 Any motion may be withdrawn at any time before decision or amendment.
- 13-3 No motion or proposition, or any subject different from that under consideration, shall be admitted under the pretext of amendment.
- 13-4 A motion to strike out being lost, shall not preclude amendment or a motion to strike out and insert.

MOTION TO ADJOURN OR RECESS

- 14-1 A motion to adjourn or recess shall be decided without debate; provided, however, that before any motion to adjourn or recess to a subsequent date is submitted to a vote, the presiding officer shall first inquire whether or not there are any announcements that any senator desires to make, and if any senator desires to make an announcement, he shall be permitted to do so before the motion to adjourn or recess is voted upon, but the senator shall not be permitted to debate any matter.
- 14-2 A motion to adjourn or to take a recess is always in order except after close of debate upon a pending motion or proposition and statement by the presiding officer of the motion or proposition to be voted upon and before such motion or proposition is voted upon, and the result has been declared by the presiding officer.
- 14-3 After a motion to adjourn has been made and declared lost, any other business, proposition or motion shall have preference before a second motion to adjourn can be recognized by the presiding officer.
- 14-4 *** (rule exists in house but not in senate)
- 14-5 *** (rule exists in house but not in senate)

MOTION TO LAY ON TABLE

- 15-1 A motion to lay on the table shall be decided without debate.
- 15-2 No motion to lay on the table being decided shall be again allowed on the same day at the same stage of the bill or proposition.
- 15-3 When a question is laid on the table indefinitely, action thereon cannot be taken during the remainder of the session at which the same is thus decided.
- 15-4 When a proposed amendment or proposed order is laid on the table, the original question or the proposition pending shall not be held to accompany the proposed amendment or order on the table.
- 15-5 *** (rule exists in house but not in senate)

MOTION TO POSTPONE

- 16-1 A motion to postpone, until it is decided, precludes all debate on the main question.
- 16-2 No motion to postpone to a certain day or indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition.
- 16-3 When a question is postponed indefinitely, action thereon cannot be taken during the remainder of the session at which the same is thus decided.

MOTION TO COMMIT OR REFER TO A COMMITTEE

- 17-1 A motion to commit or refer to a committee, until it is decided, shall preclude all debate on the main question.

- 17-2 No motion to refer to the same committee, being decided, shall be again allowed on the same day at the same stage of the bill or proposition.

MOTION FOR PREVIOUS QUESTION

- 18-1 The previous question shall be put in this form: "Shall the main question be now put?". It shall only be admitted when demanded by a majority of the members present, and until it is decided, shall preclude all amendment and further debate on the main question. On a previous question there shall be no debate.
[3/14/89]

MOTION TO RECONSIDER

- 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 of 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.
- 19-2 *** (rule exists in house but not in senate)

MOTION TO CLOSE DEBATE

- 20-1 When any bill, resolution, amendment or motion shall have been under consideration for two hours, it shall be in order for any senator to move to close the debate, and the president shall recognize the senator who wishes to make such motion.
[3/14/89; 1/19/93]
- 20-2 The motion to close debate shall not be amendable or debatable and shall be immediately put.
- 20-3 If the motion to close debate receives an affirmative vote of a majority of the senators present, the pending measure shall take precedence over all other business. The vote shall thereupon be taken upon such bill, motion or resolution, with such amendments as may be pending at the time of such motion, according to the rules of the senate, but without further debate; provided the majority and minority shall be allowed thirty minutes each. [3/14/89]
- 20-4 After a motion to close debate has been made by any senator, no other motion shall be in order until the motion to close debate has been voted upon by the senate.
- 20-5 After the senate has adopted the motion to close debate, no motion shall be in order but one motion to adjourn and a motion to commit. Should the motion to adjourn be carried, the measure under consideration shall be the pending question when the senate shall again convene and shall be taken up at the point where it was at the time of such adjournment.
- 20-6 The motion to close debate may be ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill, resolution or motion to its passage or rejection.

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MOTION TO CLOSE DEBATE (cont.)

- 20-7 All incidental questions of order, or motions pending at the time such motion is made to close debate, whether the same is an appeal or otherwise, shall be decided without debate. Provided, however, that debate upon contested election cases shall be limited to sixty minutes. Upon such question, no senator shall consume more than ten minutes in debate thereof, and no senator shall speak more than once.

VOTING

- 21-1 On taking the yeas and nays on any question, the names of the members shall be called alphabetically, and in the event of a tie vote, the name of the president shall be called last.
- 21-2 Pairing or voting by proxy will not be permitted.
- 21-3 Upon a division of the senate, the names of those who voted for or against a question shall be entered alphabetically in the journal, if any senator requires it, except on motion to excuse a senator from voting, which shall be decided by count; and each senator called upon, unless for special reasons he be excused by the senate, shall declare openly and without debate his assent or dissent to the question.
- 21-4 When a blank is to be filled, and different sums or time shall be proposed, the question shall be first taken on the highest sums and the longest time.
- 21-5 If the question in debate contains several points, a senator may have the same divided; provided the division called for embodies a distinct principle or statement of fact.
- 21-6 The vote on a final passage of any bill, memorial or resolution shall not be reconsidered whenever any such bill be lost except as provided in Rule 19-1.
- 21-7 *** (rule exists in house but not in senate)
- 21-8 *** (rule exists in house but not in senate)

PETITIONS AND PAPERS

- 22-1 Petitions, memorials and other papers of a similar nature shall not be debated on the day of their presentation, except when the senate shall so direct, but shall lie on the table to be taken up in the order in which the same were presented.
- 22-2 A senator presenting a paper shall endorse the same; if a petition, memorial or report to the legislature, with a brief statement of the subject of its contents, adding his name; if a notice of resolution, with his name; or if a report of committee, a statement of such report with the name of the committee and the senator making the same.

LEGISLATIVE SPACE AND EQUIPMENT

- 23-1 During any session of the senate, or during any recess during any session, no person other than a senator shall occupy the chair of a senator.
- 23-2 Admission to the floor, rostrum, lounges and hallways shall be as follows:
- (a) only persons who are members of the legislature or officers and employees of the legislature having official duties directly connected with the business of the senate, the governor and representatives of his office on official business and carrying written accreditation from the governor shall be admitted to the floor of the senate during any session or during any recess during any session;
 - (b) former members of the legislature, provided they carry written accreditation of status from the chief clerk, and special guests of the senate shall, with the president's or president pro tempore's consent, be seated on the rostrum.
- 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 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.

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LEGISLATIVE SPACE AND EQUIPMENT (cont.)

- 23-4 The chief clerk shall acquire suitable registers or journals to serve as the official guest books of the senate. The books shall be placed in an appropriate place in the chamber and gallery and, upon authorization of the president or president pro tempore, dignitaries visiting the senate and the official guests of the senate shall be invited to sign the guest book. The guest book shall be maintained and displayed as an official archive of the legislature and of the state of New Mexico.
- 23-4-1 The sergeant-at-arms shall, at the direction of the president, mark off and reserve sufficient seating in the gallery for the families of members and another group of seating sufficient for former legislators and special guests of the senate. Admission to this reserved area shall be by passes issued by the chief clerk and signed by a member.
- 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.
- 23-6 No person engaged in presenting to the senate or any of its committees any business or legislation shall be permitted to engage in such business during sessions of the senate, or be permitted on the floor of the senate during its sessions, and any person transgressing this rule shall be removed from the floor of the senate and be debarred from the privileges of the floor during the remainder of the entire session.
- 23-7 With the exception of official senate documents, no literature, printed matter, communications, petitions nor any written material shall be distributed in the senate chamber. Any such material to be distributed to senators shall be distributed through the joint legislative post office, and no matter shall be placed in any senator's box unless its source is identified.

(continued)

LEGISLATIVE SPACE AND EQUIPMENT (cont.)

- 23-8 The use and control of all electronic and public address equipment installed in the senate chamber shall be under the exclusive control of the president pro tempore, and unauthorized use by any member or person shall be cause for disciplinary action by the senate.
- 23-8-1 A live audio and video stream of the senate floor proceedings shall be accessible through the legislature's website in a manner befitting the senate, including an appropriate user interface, subject to the following:
- (a) the live stream shall begin as soon as practicable after the president has announced that a quorum is present and shall terminate as soon as practicable after a motion to recess or adjourn has carried, or upon the order of the presiding officer;
 - (b) during the prayer, reading of the journal, introduction of legislation, reports of committees, introduction of guests, messages from the governor, the house of representatives or other state officers and announcements and miscellaneous business, the live video image shall be of the entire chamber or the rostrum from the perspective of the rear of the chamber except as provided in Paragraph (d) of this rule;
 - (c) during third reading of legislation, the live video image shall be of the senator who has been recognized and is speaking, of the senators who are debating the question or of the entire chamber from the perspective of the rear of the chamber;
 - (d) during any order of business when the debate is substantial, the live video image shall be as if the senate were on third reading of legislation;

(continued)

LEGISLATIVE SPACE AND EQUIPMENT (cont.)

23-8-1 (cont.)

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

(f) the live stream 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;

(g) the provisions of this rule shall apply when the senate is meeting in the committee of the whole or in joint session with the house and when any standing committee of the senate is meeting in the chamber; and

(h) the 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. [1/17/17]

23-9 Only persons who are members of the legislature, the president of the senate, members of the senator's or president's family, or special guests when accompanied by the senator, president, or member of their families, shall be permitted the privileges of the senate lounges.

23-10 *** (rule exists in house but not in senate)

23-11 The senate chamber, clerk's office, lounges and committee rooms shall be opened every morning during the session of the legislature at 8:30 a.m. and remain open until 5:30 p.m. and shall also be open all the hours the senate is in session.

(continued)

LEGISLATIVE SPACE AND EQUIPMENT (cont.)

- 23-12 The committees' committee shall admit duly accredited reporters of the public press, radio and television and assign them space in the senate press rooms; but the senate by a majority vote may exclude any reporter of the press, radio or television who abuses the privilege granted him, and no representative of a newspaper, radio or television station shall be entitled to the privileges of the senate press rooms who is especially or pecuniarily interested in pending or contemplated legislation or who is employed for that purpose or receives compensation for influencing legislation.
- 23-13 *** (rule exists in house but not in senate)

RULES

- 24-1 The rules of the senate shall be in force from and after their adoption by the senate and may be amended or suspended by a two-thirds majority vote of the senators elected when such amendment or suspension is not inconsistent with constitutional provisions.

These rules may be amended at any time upon recommendation of the rules committee by a majority vote of the members of the senate and at all times upon a two-thirds vote of all the members of the senate. Senate rule changes shall not be in effect until the following legislative day unless otherwise ordered by a two-thirds vote of the members present. [1/21/97]

- 24-2 The rules and parliamentary practice as set forth in *Mason's Manual of Legislative Procedure* shall govern the senate in all cases not inconsistent with the standing rules and orders of the senate.

WITNESSES

- 25-1 Witnesses who may be summoned to appear before the senate, or a committee thereof, shall receive as compensation the sum of twenty-four dollars (\$24.00) per day for each day they are in actual attendance in obedience to such summons and twelve cents (\$.12) per mile for each mile actually and necessarily traveled in coming to or going from the place of examination; but nothing shall be paid for traveling home when the witness has been summoned at the place of examination.

ETHICS

26-1 A. Members of the senate shall conduct themselves in a manner that justifies the confidence placed in them by the people. The members shall not use their offices for private gain and shall at all times maintain the integrity and discharge ethically the high responsibilities of their legislative positions. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct of the members.

B. To avoid a potential conflict of interest:

(1) a senator shall not accept anything of value that improperly influences an official act, decision or vote;

(2) a senator shall attempt to ensure that his private employment does not impair his impartiality and independence of judgment in the exercise of official duties;

(3) a senator shall not receive compensation or reimbursement not authorized by law for rendering services, advice or assistance as a legislator;

(4) a senator shall not accept gifts, other than lawfully collected and reported campaign contributions, from persons affected by legislation or from persons who have an interest in a business affected by proposed legislation, where it is known or reasonably should be known that the purpose of the donor in making the gift is to influence the senator in the performance of his official duties or vote or is intended as a reward for action on his part;

(5) a senator shall not accept or engage in employment if the senator knows it is being afforded him with the intent to influence his conduct in the performance of his official duties.

(continued)

ETHICS (cont.)

26-1 (cont.)

C. To avoid undue influence, a senator shall not:

(1) appear for, represent or assist another person in any matter before a state agency, unless without compensation or for the benefit of a constituent, except for senators who are attorneys or other professional persons engaged in the conduct of their professions, and, in these instances, the senator shall refrain from references to his legislative capacity, from communications on legislative stationery and from threats or implications on legislative stationery and from threats or implications relating to legislative actions; or

(2) represent or assist another person in the sale of goods or services to the state or to a state agency, unless the transaction occurs pursuant to procedures set out in the Procurement Code or by public notice and competitive bidding where the Procurement Code does not apply.

D. To avoid the abuse of office, a senator shall not:

(1) obtain, or have a direct financial interest in, contracts with the state or with a state agency for goods or services not procured through the state procurement process, through a procurement procedure established by a state agency or after public notice and competitive bidding;

(2) grant to, or obtain a special privilege or exemption for himself or another person, which privilege or exemption is not readily available to members of the general community or class to which the beneficiary belongs; or

(continued)

ETHICS (cont.)

26-1 (cont.)

(3) use or disclose confidential information obtained by virtue of his position for the benefit of himself or another. [1/21/92]

26-2 All senators shall sign a code of ethics and attend a minimum of two hours of ethics continuing education and training biennially. [1/20/04]

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JOINT RULES

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JOINT SESSIONS

- 1-1 Whenever the two houses of the legislature meet in joint session, the proceedings shall be entered upon the journal of each house. The lieutenant governor or, in his absence, the president pro tempore shall preside over the joint session and the chief clerk of the house shall act as the clerk thereof. A majority of the elected members of each house shall constitute a quorum for the transaction of business; provided, that upon unanimous consent, the attendance roll calls of each house for that legislative day may be substituted for the roll call of the joint session. No bill shall be considered, debated or voted upon in a joint session.

JOINT HEARINGS

- 2-1 Joint hearings before the corresponding committees of the two houses may be held upon agreement between the chairmen of the two committees, who shall give reasonable notice to the members of their respective committees of the time and place of such hearings. Joint hearings shall take the place of separate hearings and shall be final unless the house where the bill is pending shall order a further hearing before its own committee. In joint hearings, the chairman of the committee having custody of the bill shall act as chairman and the chairman of the other house's committee shall act as vice chairman.

CONFERENCE COMMITTEES

- 3-1 If one house refuses to concur in the amendments made to its bill by the other house, the chief clerk shall notify the house making the amendments of that refusal to concur and ask that it recede from its amendments. If the amending house refuses to recede from its amendments, a conference committee, consisting of three members from each house, shall be appointed by the president pro tempore of the senate and the speaker of the house. The conference committee shall meet at a time to be mutually agreed upon by the committee members, and when agreement on the amendments in dispute has been reached, the members shall report to their respective houses, or if agreement has not been reached, they shall report that fact to their respective houses. No new item shall be presented as an amendment for inclusion in the conference committee report unless the item has been the subject of a legislative committee hearing during the session. Voting in the conference committee shall be by the respective houses, and a majority of the membership from each house is required for adoption of a recommendation. The report of the conference committee shall not be subject to amendment in either house. The report of the conference committee shall always be in order except during a roll call or when a question of order or a motion to adjourn is pending.

See also Section 10-15-2 NMSA 1978 as amended by Laws 2009, Chapter 105.

OPERATION OF JOINT FACILITIES

- 4-1 The legislative post office, bill mailing room, pneumatic tube system and switchboard shall be staffed by the legislative council service.

INTERIM CUSTODY OF LEGISLATIVE FACILITIES AND
EQUIPMENT

- 5-1 During periods when the legislature is not in session, custody of all legislative facilities, equipment and furniture shall be in the legislative council, and the council shall adopt policies for the nonlegislative use of such facilities, equipment and furniture subject to the direction of the legislature.

EXPRESSIONS OF CONDOLENCE AND CONGRATULATIONS

6-1 A. The legislative instrument for official expression of condolence by either house in case of death or sickness and for congratulatory messages and acknowledgments of achievement shall be a certificate of a design which is both appropriate and aesthetically sensitive to the expression being extended and to the dignity of the legislature, which certificate for each category of expression shall be uniform in design and expression except for necessary names, addresses and dates.

 B. No bill, resolution or memorial shall be used for official expressions of condolence, congratulations or acknowledgments of achievement.

 C. The procedure of adopting and issuing certificates of condolence, congratulations or acknowledgments of achievement shall be:

 (1) the member shall submit the appropriate name and address and type of expression desired on the certificate to the chief clerk of the house of the legislature of which he is a member;

 (2) without further action, the chief clerk shall consecutively number such request for each session, enter it in an official certificate register and transmit such request to the chairman of the rules committee of that house;

 (3) the rules committee shall verify the authenticity of the request and shall report to its parent body those names verified and approved for each category of certification;

(continued)

EXPRESSIONS OF CONDOLENCE AND CONGRATULATIONS
(cont.)

(4) on each Wednesday when the legislature is in session and upon any legislative day during the last week of the session, following that order of business in each house pertaining to the reports of committees, the chief clerk of each house shall read all reports on hand of the rules committee serving that house pertaining to such certification, and the house of the legislature receiving the committee report shall vote on the approval of the committee report and the sentiments expressed therein. Such approval shall be an authorization to mail a certificate to the family or individual as the case may be; and

(5) in the publication of the session laws, the names of those persons who were the subject of certification shall be collectively shown, according to the certifying house and nature of sentiment expressed.

ACCESS TO INTERIOR HALLWAYS AND JOINT HOUSE AND
SENATE LOUNGE

- 7-1 Each house shall control access to those hallways leading to the joint center lounge situated between the houses in such manner that persons allowed the privileges of the floor of each house, and those allowed other privileges as press, family or special guests and carrying passes issued by the chief clerks of the respective houses shall be entitled to the privileges of such halls and the center lounge according to the privileges granted such persons by the respective rules of each house.

ADOPTION, AMENDMENT AND REPEAL OF JOINT RULES

- 8-1 Joint rules may be adopted, amended or repealed by concurrent resolution approved by two-thirds of the membership of each house; and if either house shall violate a joint rule, a question of order may be raised in the other house. Joint rules shall be enforced by the leadership of each house.

GENERAL APPROPRIATION BILL--
SCHEDULE FOR ENACTMENT

9-1 Enactment of any general appropriation bill shall comply with the following schedule:

A. In the sixty-day regular session, the bill shall have received third reading and final passage in the house of origin no later than the thirty-fifth calendar day of the session. The second house shall have given the bill its third reading and final passage by the fiftieth calendar day of the session. Approval of changes, if any, and transmittal to the governor shall be by the fifty-fourth calendar day of the session. [2/4/99]

B. In the thirty-day regular session, the bill shall have received third reading and final passage in the house of origin no later than the sixteenth calendar day of the session. The second house shall have given the bill its third reading and final passage by the twenty-first calendar day of the session. Approval of changes, if any, and transmittal to the governor shall be by the twenty-fourth calendar day of the session.

C. For the purpose of this rule, the computation of time shall be as provided in Section 12-2A-7 NMSA 1978. [2/4/99]

BILL INTRODUCTION

10-1

A. The legislative council service shall not draft or prepare a bill for introduction at any regular session of the legislature that convenes in an odd-numbered year unless the request to draft or prepare the bill for introduction has been received by the legislative council service prior to 5:00 p.m. on the twenty-eighth calendar day of that session. The legislative council service shall not draft or prepare a bill for introduction at any regular session of the legislature that convenes in an even-numbered year unless the request to draft or prepare the bill for introduction has been received by the legislative council service prior to 5:00 p.m. on the thirteenth calendar day of that session. The limitation provided in this rule does not apply to the general appropriation bill, bills to provide for the current expenses of the government and such bills as may be referred to the legislature by the governor by special message specifically setting forth the emergency or necessity requiring such legislation.

B. If an interim committee has endorsed a bill, resolution or memorial, the legislative council service shall draft and prepare the bill, resolution or memorial for introduction in only one house.

C. The legislative council service shall draft and prepare bills, resolutions and memorials requested by the governor or the various departments, institutions and agencies of the state for introduction in only one house. [3/14/07]

JOINT SPONSORSHIP

- 11-1 During any session of the legislature, any bill, resolution or memorial introduced in the house may be cosponsored by senate members by endorsing the bill, resolution or memorial or by filing a written notice in open session with the clerk of the house prior to third reading in the house, and any bill, resolution or memorial introduced in the senate may be cosponsored by house members by endorsing the bill, resolution or memorial or by filing a written notice in open session with the clerk of the senate prior to third reading in the senate. The names of the sponsor and cosponsors of all bills, resolutions and memorials shall be shown on the face of the enrolled and engrossed legislation. [3/14/07]

LEGISLATIVE RECORDS AND INFORMATION

12-1

A. The legislative council service is the custodian of the records of the legislature for the purpose of receiving and responding to requests pursuant to the Inspection of Public Records Act.

B. The directors of the legislative education study committee and legislative finance committee and the chief clerks of the house and senate, and the employees of each, shall cooperate with the legislative council service to ensure that requests under the Inspection of Public Records Act are fulfilled in compliance with that act and shall adhere to the practices of the legislative council service regarding the disclosure of information.

C. The house and senate, and their respective committees, exercise authority collectively and not through the actions of individual members. All sessions of the legislature shall be public, and each session of the house and senate and the committee meetings of each body shall be webcast pursuant to house or senate rule. The privileges and immunities afforded by Article 4, Section 13 of the constitution of New Mexico apply to information, regardless of form or characteristics, possessed by a legislator, or a legislative aide or employee.
[3/13/13]



NEW MEXICO
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