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HOUSE RESOLUTION 1
55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY
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A RESOLUTION

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

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

WHEREAS, the governor has renewed the declaration of a public health emergency due to the continued spread of coronavirus disease 2019 in New Mexico, with more than one hundred forty-one thousand documented cases and over one

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1 thousand three hundred deaths attributed to the coronavirus
2 disease 2019 pandemic through December 2020; and

3 WHEREAS, numerous orders have been issued by the
4 department of health to limit the spread of coronavirus disease
5 2019 within the state, including limitations on gatherings of
6 more than five persons and recommendations on social
7 distancing; and

8 WHEREAS, there is a continuing threat of community spread
9 of the virus; and

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

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

16 WHEREAS, allowing for the functional presence and full
17 participation of members by simultaneous remote electronic
18 means during a public health crisis, such as the current
19 coronavirus disease 2019 pandemic, will help limit the risks to
20 public health and safety inherent in the gathering of a large
21 number of people from across the state in the state capitol;
22 and

23 WHEREAS, Article 4, Section 12 of the constitution of New
24 Mexico requires that all sessions of the legislature be public,
25 and the senate and house of representatives have provided

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1 public access via webcasting of all legislative proceedings and
2 have provided for public participation and comment via
3 electronic means for committee hearings; and

4 WHEREAS, the house of representatives recognizes that the
5 following rules may only be used during declared public health
6 emergencies where health and safety require that extraordinary
7 measures be employed to prevent the spread of disease; and

8 WHEREAS, all three branches of government have implemented
9 changes during the coronavirus disease 2019 pandemic to safely
10 carry out their constitutional and statutory duties and provide
11 services to the residents of the state via remote electronic
12 means; and

13 WHEREAS, House Rule 24-1 provides that the rules of the
14 house of representatives may be amended by a two-thirds' vote
15 of all the members of the house or by a majority vote of the
16 members of the house upon the recommendation of the house rules
17 and order of business committee;

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

22 "4-1-1 The speaker shall ensure that all members, staff and
23 employees who are physically present in the house,
24 galleries, lobby, house committee rooms and rooms
25 connected therewith follow proper social distancing

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1 and shall ensure that they are provided with
2 appropriate personal protective equipment."; and
3 "7-1-1 A member shall be considered to be present and in
4 attendance for the purposes of establishing a
5 quorum, doing business or voting if the member is
6 participating by simultaneous, remote, electronic or
7 telephonic means as confirmed by the speaker, or
8 chair in the case of a standing committee."; and
9 "7-1-2 For the purpose of being considered present, the
10 speaker, majority floor leader and minority floor
11 leader may be physically present in the chambers
12 during any regular or limited floor session, and the
13 members of the appropriations and finance committee
14 may be physically present at regularly scheduled
15 hearings; provided that proper social distancing
16 measures and appropriate safety protocols are in
17 place."; and
18 "7-4-2 Completion of a call of the house shall be verified
19 by the chief clerk via a roll call vote."; and
20 "7-8-1 Points of order should be raised by either the
21 majority or minority floor leader, majority or
22 minority whip or house parliamentarian. Members
23 wishing to raise a point of order shall contact
24 their respective caucuses' leadership or the house
25 parliamentarian, who shall raise such points when

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1 recognized."; and
2 "7-12-2 In order to preserve decorum, the presiding officer
3 may require the use of personal electronic headsets
4 by members."; and
5 "7-13-1 A member who is present and is called to order is
6 not permitted to resume speaking until the speaker
7 has determined whether the member is in order; and
8 if decided to be out of order, the member shall not
9 proceed without the permission of the house."; and
10 "7-19 Members, staff and guests shall wear face masks
11 covering the mouth and nose at all times in the
12 capitol except when in private offices. Failure to
13 do so constitutes a violation of these rules and is
14 subject to investigation by the rules and order of
15 business committee, pursuant to House Rules 9-13-1
16 through 9-13-7."; and
17 "8-9 The speaker may convene a limited floor session
18 consisting only of the following orders of business:
19 (1) reading of messages from the governor, the
20 senate and the enrolling and engrossing committee;
21 (2) introduction of legislation;
22 (3) reading of recommendations on legislation
23 made by standing committees; provided that:
24 (a) legislation that has passed a
25 committee may be scheduled for a hearing by the next

1 committee to which it was referred upon conclusion
2 of the limited session announcing the previous
3 committee's recommendation;

4 (b) reports of committee recommendations
5 will be available on the legislature's website as
6 soon as is practicable; and

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

11 (4) announcement of upcoming standing
12 committee meetings."; and

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

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

25 "11-9-2 Electronic signatures may be used by sponsors to

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1 sign bills, resolutions or memorials and
2 amendments."; and
3 "11-21-2 Committee reports on a bill, resolution or memorial
4 may be signed electronically and transmitted from
5 the committee to the chief clerk."; and
6 "23-3-1 Accommodations for the press will be made in
7 accordance with public health guidelines as outlined
8 by the legislative council service."; and
9 "23-8-2 If at any time during standing committee hearings or
10 floor sessions, the live audio or video stream of
11 those sessions ceases to function, upon notice of
12 the outage, the presiding officer shall immediately
13 recess, subject to the call of the presiding
14 officer, until the stream is able to resume."; and
15 "26-3 Members shall not disclose confidential information,
16 including security planning information, obtained by
17 virtue of the member's position."; and

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

21 "6-1 The sergeant-at-arms or the sergeant-at-arms'
22 designee, except when absent in the discharge of
23 ~~[his]~~ the sergeant-at-arms' duties, shall be in
24 ~~[constant]~~ attendance upon the sessions of house and
25 enforce order on the floor of the house and in the

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1 lobbies, galleries and passages and rooms connected
2 therewith and see that no person remains on the
3 floor of the house unless entitled to privileges
4 thereof."; and

5 "7-1 Every member of the house shall ~~[be present on the~~
6 ~~floor of the house]~~ maintain the member's presence
7 by being physically present in the house chamber or
8 by simultaneous, remote, electronic or telephonic
9 means, during each session, unless prevented by
10 sickness or excused by the speaker in writing. The
11 excuse shall be filed with the chief clerk."; and

12 "7-3 If at any time during the session of the house a
13 question is raised by any member as to the presence
14 of a quorum, the speaker shall forthwith direct a
15 roll call and shall announce the result, and such
16 proceedings shall not be interrupted by any other
17 member raising the question of a lack of quorum.
18 The question as to the presence of a quorum shall
19 not be raised more often than once every hour,
20 unless the lack of a quorum is disclosed upon a roll
21 call of yeas and nays. Whenever, upon a roll call,
22 any member who is ~~[upon the floor of the house]~~
23 present refuses to respond or vote, it is the duty
24 of the speaker, either upon ~~[his]~~ the speaker's own
25 motion or upon the suggestion of any member, to

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

7 "7-8 A member other than the speaker or majority or
8 minority floor leader, rising to debate, to present
9 a petition or other paper, to give notice, to make a
10 motion or to report [~~shall address the speaker~~]
11 shall do so by the electronic or telephonic means
12 the presiding officer has directed members to use so
13 that the proceedings of the body are not interrupted
14 and shall not proceed until recognized by [~~him~~] the
15 presiding officer."; and

16 "7-13 When a member is called to order, [~~he~~] the member
17 shall [~~take his seat~~] refrain from speaking until
18 the speaker has determined whether [~~he~~] the member
19 is in order or not; and if decided to be out of
20 order, [~~he~~] the member shall not proceed without the
21 permission of the house. Every question of order
22 shall be decided by the speaker, subject to an
23 appeal to the house. No second appeal shall be
24 determined until the original appeal has been
25 decided. If a member is called to order for words

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1 spoken, the words excepted to shall be immediately
2 taken down in writing."; and

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

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

23 ~~(a) the governor and representatives of his~~
24 ~~office on official business and carrying written~~
25 ~~accreditation from the governor; and~~

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1 ~~(b) former members of the legislature,~~
2 ~~provided they carry written accreditation of status~~
3 ~~from the chief clerk, and special guests of the~~
4 ~~house, and provided such former members and guests~~
5 ~~are seated, with the speaker's consent, only on the~~
6 ~~speaker's rostrum.]"; and~~

7 "23-8 The use and control of all electronic and public
8 address equipment installed in the house chamber
9 shall be under the exclusive control of the speaker,
10 and shall only be in use by the speaker, majority
11 and minority floor leaders, chief clerk and clerk's
12 staff during limited floor sessions as described in
13 House Rule 8-9. Unauthorized use by any member or
14 person shall be cause for disciplinary action by the
15 house."; and

16 "23-8-1 A live audio and video stream of the house floor
17 proceedings shall be accessible through the
18 legislature's website in a manner befitting the
19 house of representatives, including an appropriate
20 user interface, subject to the following:

21 (a) the stream shall begin as soon as
22 practicable after the speaker has announced a quorum
23 is present and shall terminate as soon as
24 practicable after a motion to recess or adjourn has
25 carried, or upon the order of the speaker;

1 (b) during the prayer, the pledge of
2 allegiance, reading of the journal, introduction of
3 legislation, reports of committees, introduction of
4 guests, messages from the governor, the senate or
5 other state officers and announcements and
6 miscellaneous business, the live video image shall
7 be of ~~[the entire chamber or]~~ the rostrum from the
8 perspective of the rear of the chamber except as
9 provided in Paragraph (d) of this rule;

10 (c) during third reading of legislation, the
11 live video image shall be of the member who has been
12 recognized and is speaking, of the members who are
13 debating the question or of the entire chamber from
14 the perspective of the rear of the chamber;

15 (d) during any order of business when the
16 debate is substantial, the live video image shall be
17 as if the house of representatives were on third
18 reading of legislation;

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

24 (f) no later than the beginning of the first
25 session of the fifty-third legislature and subject

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1 to the financial capability of the house, the stream
2 shall be publicly available through the
3 legislature's website for five years following the
4 adjournment of the relevant session;

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

10 (h) the stream shall carry a notice to the
11 effect that the stream is being produced for the
12 benefit of the public and any political use is
13 prohibited and that the stream is not an official
14 record of the house's proceedings."; and

15 BE IT FURTHER RESOLVED that House Rules 7-14 and 11-20-1,
16 Subsection (b) of House Rule 23-2 and House Rules 23-3 through
17 23-4-1 be suspended, effective only for the first session of
18 the fifty-fifth legislature.