

1 SENATE RESOLUTION 1

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

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10 A RESOLUTION

11 ENACTING AND SUSPENDING CERTAIN SENATE RULES TO ALLOW FOR
12 REMOTE PARTICIPATION OF MEMBERS IN THE LEGISLATIVE PROCESS AND
13 ALLOW FOR PUBLIC PARTICIPATION AND SAFETY DURING A DECLARED
14 PUBLIC HEALTH EMERGENCY.

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

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

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1 disease 2019 pandemic through December 2020; and

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

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

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

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

15 WHEREAS, allowing for the functional presence and full
16 participation of members by simultaneous, remote electronic
17 means during the current coronavirus disease 2019 pandemic in
18 2021 will help limit the risks to public health and safety
19 inherent in the gathering of a large number of people from
20 across the state in the state capitol; and

21 WHEREAS, any staff and members of the media that will be
22 working in the state capitol will be required to be tested for
23 coronavirus disease 2019 on a weekly basis, and senators will
24 be strongly encouraged to do so in order to better ensure the
25 safety of staff and members that may be present in the state

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1 capitol; and

2 WHEREAS, Article 4, Section 12 of the constitution of New
3 Mexico requires that all sessions of the legislature be public,
4 and the senate has provided public access via webcasting of all
5 legislative proceedings and has provided for public
6 participation and comment via electronic means for committee
7 hearings; and

8 WHEREAS, the senate recognizes that the following rules
9 may only be used during declared public health emergencies
10 where health and safety require extraordinary measures be
11 employed to prevent the spread of disease; and

12 WHEREAS, all three branches of government have implemented
13 changes throughout the coronavirus disease 2019 pandemic to
14 safely carry out their constitutional and statutory duties and
15 provide services to the residents of the state via remote
16 electronic means; and

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

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
22 OF NEW MEXICO that the following new senate rules, effective
23 for any sessions of the fifty-fifth legislature held in 2021
24 during the pendency of the coronavirus disease 2019 public
25 health emergencies, be adopted to read:

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1 "4-1-1 The presiding officer shall ensure that all members,
2 staff, employees and guests who are physically
3 present in the senate chambers follow proper social
4 distancing, including by limiting the number of
5 persons physically present, ensuring that those
6 persons wear a mask that covers the mouth and nose,
7 and not consume food in the senate chambers."; and

8 "6-1-1 The sergeant at arms shall ensure that all members,
9 staff, employees and guests who are physically
10 present in the senate gallery, senate committee
11 rooms, rooms connected therewith, the senate lounge
12 and the senate hallways shall follow proper social
13 distancing, including by limiting the number of
14 persons physically present and ensuring that those
15 persons wear a mask that covers the mouth and nose
16 and not consume food in those areas."; and

17 "7-1-1 A senator shall be considered to be present and in
18 attendance for the purposes of establishing a
19 quorum, doing business or voting during a floor
20 session or a call of the senate if the member is
21 physically present or participating by simultaneous,
22 remote electronic means from within the capitol and
23 is visually present as confirmed by the presiding
24 officer of the senate. For purposes of a call,
25 members who are present must vote on the legislation

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1 that is the subject of the call."; and

2 "7-1-2 A senator shall be considered to be present and in
3 attendance for the purposes of establishing a
4 quorum, doing business or voting during standing
5 committee meetings only if the member, as confirmed
6 by the committee chair, is participating by
7 simultaneous, remote electronic means and is
8 visually present, or if participating by telephone
9 is confirmed to be present by voice, whether the
10 member is within the capitol or not."; and

11 "7-1-3 A senator who has tested positive for coronavirus
12 disease 2019 within ten days before or during a
13 session or who has actual knowledge of a person who
14 has tested positive for coronavirus disease 2019
15 with whom the senator has been in personal contact
16 during that time shall inform the senator's
17 respective floor leader or whip. The senator shall
18 either be excused or shall self-isolate outside the
19 capitol in the city of Santa Fe and participate by
20 simultaneous, remote electronic means and be
21 visually present or, if participating by telephone,
22 confirm the senator's presence by voice. A senator
23 who is self-isolating shall continue in
24 self-isolation until advised by a medical
25 professional that self-isolation is no longer

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1 necessary."; and

2 "7-8-1 A senator who is participating by simultaneous,

3 remote electronic means during a floor session and

4 wishes to be recognized shall contact the presiding

5 officer, who shall then add that member's name to

6 the list of senators desiring to be recognized.";

7 and

8 "7-19 Members of the senate, staff, employees and guests

9 shall wear face masks covering the mouth and nose

10 when physically present in the senate, galleries,

11 lobby, senate committee rooms and rooms connected

12 therewith. Failure to do so shall constitute a

13 violation of these rules, and violators are subject

14 to disciplinary action and removal from the chamber

15 or committee room. A senator removed from the

16 senate chamber or committee room may participate

17 remotely from the member's office."; and

18 "9-5-9 Meetings conducted by simultaneous, remote

19 electronic means shall be staffed by one or more

20 hosts to facilitate and allow participation by the

21 committee, expert witnesses and members of the

22 public. The chair may determine the duration of

23 public comment allowed. Each standing committee may

24 also accept public comment by email."; and

25 "9-6-1 Notice of and the agendas for all standing committee

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1 meetings conducted by simultaneous, remote
2 electronic means shall be posted at least twenty-
3 four hours in advance of the meetings; provided that
4 during the final two weeks of a session, notice and
5 agendas shall be posted as soon as practicable in
6 advance of the meeting."; and

7 "11-9-2 Electronic signatures may be used by sponsors to
8 sign bills, resolutions or memorials or amendments
9 thereto."; and

10 "11-21-1 Committee reports on a bill, resolution or memorial
11 may be digitally signed and electronically
12 transmitted from the committee to the chief clerk."; and
13

14 "23-3-1 Accommodations for the press will be made in
15 accordance with public health guidelines as outlined
16 by the legislative council service."; and

17 "23-8-2 If at any time during standing committee hearings or
18 floor sessions the live audio and video stream from
19 the state capitol of those sessions ceases to
20 function, upon notice of the outage, the presiding
21 officer shall immediately recess, subject to the
22 call of the presiding officer, until the stream is
23 able to resume."; and

24 BE IT FURTHER RESOLVED that Senate Rules 23-3 and 23-4-1
25 be suspended, effective for the remainder of the coronavirus

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1 disease 2019 public health emergency.

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