

1 A RESOLUTION

2 ENACTING AND SUSPENDING CERTAIN SENATE RULES TO ALLOW FOR
3 REMOTE PARTICIPATION OF MEMBERS IN THE LEGISLATIVE PROCESS
4 AND ALLOW FOR PUBLIC PARTICIPATION AND SAFETY DURING A
5 DECLARED PUBLIC HEALTH EMERGENCY.

6
7 WHEREAS, on March 11, 2020, because of the spread of
8 coronavirus disease 2019, the governor declared that a public
9 health emergency exists in New Mexico under the Public Health
10 Emergency Response Act and invoked the governor's authority
11 under the All Hazard Emergency Management Act; and

12 WHEREAS, the governor has renewed the declaration of a
13 public health emergency due to the continued spread of
14 coronavirus disease 2019 in New Mexico, with more than one
15 hundred forty-one thousand cases documented and over one
16 thousand three hundred deaths attributed to the coronavirus
17 disease 2019 pandemic through December 2020; and

18 WHEREAS, numerous orders have been issued by the
19 department of health to limit the spread of coronavirus
20 disease 2019 within the state, including limitations on
21 gatherings of more than five persons and recommendations on
22 social distancing; and

23 WHEREAS, there is a continuing threat of community
24 spread of the virus; and

25 WHEREAS, Article 4, Sections 1 and 5 of the constitution

1 of New Mexico require the legislature to convene at the seat
2 of government and on the third Tuesday of January; and

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

6 WHEREAS, allowing for the functional presence and full
7 participation of members by simultaneous, remote electronic
8 means during the current coronavirus disease 2019 pandemic in
9 2021 will help limit the risks to public health and safety
10 inherent in the gathering of a large number of people from
11 across the state in the state capitol; and

12 WHEREAS, any staff and members of the media that will be
13 working in the state capitol will be required to be tested
14 for coronavirus disease 2019 on a weekly basis, and senators
15 will be strongly encouraged to do so in order to better
16 ensure the safety of staff and members that may be present in
17 the state capitol; and

18 WHEREAS, Article 4, Section 12 of the constitution of
19 New Mexico requires that all sessions of the legislature be
20 public, and the senate has provided public access via
21 webcasting of all legislative proceedings and has provided
22 for public participation and comment via electronic means for
23 committee hearings; and

24 WHEREAS, the senate recognizes that the following rules
25 may only be used during declared public health emergencies

1 where health and safety require extraordinary measures be
2 employed to prevent the spread of disease; and

3 WHEREAS, all three branches of government have
4 implemented changes throughout the coronavirus disease 2019
5 pandemic to safely carry out their constitutional and
6 statutory duties and provide services to the residents of the
7 state via remote electronic means; and

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

12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
13 STATE OF NEW MEXICO that the following new senate rules,
14 effective for any sessions of the fifty-fifth legislature
15 held in 2021 during the pendency of the coronavirus disease
16 2019 public health emergencies, be adopted to read:

17 "4-1-1 The presiding officer shall ensure that all
18 members, staff, employees and guests who are
19 physically present in the senate chamber follow
20 proper social distancing, including by limiting
21 the number of persons physically present, ensuring
22 that those persons wear a mask that covers the
23 mouth and nose, and not consume food in the senate
24 chamber."; and

25 "6-1-1 The sergeant at arms shall ensure that all

1 members, staff, employees and guests who are
2 physically present in the senate gallery, senate
3 committee rooms, rooms connected therewith, the
4 senate lounge and the senate hallways shall follow
5 proper social distancing, including by limiting
6 the number of persons physically present and
7 ensuring that those persons wear a mask that
8 covers the mouth and nose and not consume food in
9 those areas."; and

10 "7-1-1 A senator shall be considered to be present and in
11 attendance for the purposes of establishing a
12 quorum, doing business or voting during a floor
13 session or a call of the senate if the member is
14 physically present or participating by
15 simultaneous, remote electronic means from within
16 the capitol and is visually present as confirmed
17 by the presiding officer of the senate. For
18 purposes of a call, members who are present must
19 vote on the legislation that is the subject of the
20 call."; and

21 "7-1-2 A senator shall be considered to be present and in
22 attendance for the purposes of establishing a
23 quorum, doing business or voting during standing
24 committee meetings only if the member, as
25 confirmed by the committee chair, is participating

1 by simultaneous, remote electronic means and is
2 visually present, or if participating by telephone
3 is confirmed to be present by voice, whether the
4 member is within the capitol or not."; and

5 "7-1-3 A senator who has tested positive for coronavirus
6 disease 2019 within ten days before or during a
7 session or who has actual knowledge of a person
8 who has tested positive for coronavirus disease
9 2019 with whom the senator has been in close
10 contact, as defined by the New Mexico department
11 of health, during that time shall inform the
12 senator's respective floor leader or whip. For
13 floor sessions, the senator shall either be
14 excused or shall self-isolate outside the capitol
15 in the city of Santa Fe and participate by
16 simultaneous, remote electronic means and be
17 visually present or, if participating by
18 telephone, confirm the senator's presence by
19 voice. A senator who is self-isolating shall
20 continue in self-isolation until advised by a
21 medical professional that self-isolation is no
22 longer necessary."; and

23 "7-8-1 A senator who is participating by simultaneous,
24 remote electronic means during a floor session and
25 wishes to be recognized shall contact the

1 presiding officer, who shall then add that
2 member's name to the list of senators desiring to
3 be recognized."; and

4 "7-19 Members of the senate, staff, employees and guests
5 shall wear face masks covering the mouth and nose
6 when physically present in the senate, galleries,
7 lobby, senate committee rooms and rooms connected
8 therewith. Failure to do so shall constitute a
9 violation of these rules, and violators are
10 subject to disciplinary action and removal from
11 the chamber or committee room. A senator removed
12 from the senate chamber or committee room may
13 participate remotely from the member's office."; and
14 and

15 "9-5-9 Meetings conducted by simultaneous, remote
16 electronic means shall be staffed by one or more
17 hosts to facilitate and allow participation by the
18 committee, expert witnesses and members of the
19 public. The chair, in consultation with the
20 ranking member, may determine the duration of
21 public comment allowed. Each standing committee
22 may also accept public comment by email."; and

23 "9-6-1 Notice of and the agendas for all standing
24 committee meetings conducted by simultaneous,
25 remote electronic means shall be posted at least

