

A RESOLUTION

AMENDING HOUSE RULE 7-15 TO MAKE TECHNICAL CORRECTIONS TO THE MANNER IN WHICH AN APPEAL FROM THE DECISION OF THE SPEAKER OF THE HOUSE IS DECIDED.

WHEREAS, the rules of the house of representatives may be amended by a two-thirds' vote of all the members of the house or by a majority vote of the members of the house upon the recommendation of the rules and order of business committee; and

WHEREAS, House Rules 4-3 and 7-15 directly conflict as to how an appeal from the decision of the chair is decided on a tie vote, with House Rule 4-3 stating that a tie vote upholds the decision of the chair because a majority vote is required to overturn it, and House Rule 7-15 stating that a tie vote overturns the decision of the chair because a majority vote is required to uphold the decision; and

WHEREAS, this conflict has existed since at least the 1950s; and

WHEREAS, *Mason's Manual of Legislative Procedure*, at Section 234-1, states that a tie vote has the effect of upholding the decision of the chair as stated in House Rule 4-3; and

WHEREAS, the house of representatives desires to preserve some elements of House Rule 7-15 rather than simply

repeal it;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that House Rule 7-15 be amended to read:

"7-15        Upon an appeal from the decision of the speaker, the question, which may be debated subject to the limitation in House Rule 4-3, shall be put as follows: "Shall the decision of the chair be sustained?", and if a majority of the members present vote in the negative, the decision shall be reversed."