

LEGISLATIVE STYLE MANUAL



Legislative Council Service
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Legislative Council Service
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INTRODUCTION

The purpose of the Legislative Style Manual is to provide an introduction to the style and format of legislative documents. The manual illustrates the basic structure of bills, memorials, resolutions, substitute bills and amendments. It covers the rules of legislative writing style; the use of standard language; and the use of numbers, formulas and charts. The Legislative Drafting Manual provides an in-depth look at drafting.

The Legislative Process

Bill Preparation

After a bill (or a memorial or resolution) has been proofed, has gone through word processing and has been approved by its sponsor, it is ready for introduction. In preparation for introduction, the bill is assembled in a special folder by a **bill clerk**, signed out in the bill book and taken to the drafter. Blue folders are used for the New Mexico Senate, and yellow folders are used for the New Mexico House of Representatives.

After checking the completed file, the drafter returns the file to the bill clerk and signs it into the bill book. The bill clerk then takes the file to the **delivery drawer** behind the front desk in the lobby of the Legislative Council Service and files it under the requesting legislator's name.

The 202 file folder contains the "original" copy, which is clipped with a pink original tag; the 202 file remains in the Legislative Council Service. (For more on 202 files, *see* 202 Files in

Legislative Council Service

The Legislative Council Service is a nonpartisan service organization that assists all legislators as equally and objectively as possible. Our major function is to draft legislation for any member of the legislature who makes a request. In addition, we draft for executive agencies and the judiciary.

The Legislative Council Service is controlled by the New Mexico Legislative Council, a 16-member permanent committee of the legislature. The council consists of the leadership of each house and other members appointed by leadership. The council directs the work of the Legislative Council Service, controls the capitol and grounds and oversees the functioning of interim legislative activities.

this introduction.) The legislator picks up the introduction copies and, if everything is satisfactory, signs them and introduces the bill in the legislator's house of the legislature.

As the bill is introduced, it receives a consecutive house or senate bill number, and the chief clerk arranges to have the bill printed. Printed copies are distributed to legislators, legislative committees and various state agencies and to other folks who have paid for them. In the Legislative Council Service, a bank of filing cabinets in the File Room contains 10 copies of each introduced bill, along with committee reports and floor amendments. Copies are also put in the appropriate **bill books** in each drafter's office. Introduced bills may also be found on the New Mexico Legislature website.

Bill Passage

As the bill goes through various committees and debate on the floor of each house, it may be amended. The drafter opens a new 202 file for each amendment, and the amendment goes through essentially the same process as described for bills. Sometimes amendments are so extensive that a committee or legislator will seek to substitute the bill. A substitute bill receives its own 202 number and is prepared in the same way as other legislation, including printing.

If a bill is passed by both houses, it goes to the **enrolling and engrossing** (E&E) staff of its house of introduction to be retyped with all the amendments made in the proper places. Bracketed language is deleted and underscoring is removed. After the enrolled and engrossed version of the bill has been accepted by the house of introduction and signed by the speaker of the house, the president pro tempore and both chief clerks, it goes to the governor's office.

The governor may sign a bill, veto it or refuse to act on it. If the governor does not sign a bill that is sent to the governor before the last three days of the session, the bill becomes law

three days after it is presented to the governor. However, the governor has until 20 days after the session ends to act on those bills sent to the governor during the last three days of the session and those sent to the governor after the session has adjourned. If the governor does not sign or veto those bills within the 20-day limit, they are considered vetoed (pocket veto).

When the governor signs a bill, it is sent to the secretary of state. The secretary of state assigns the next available chapter number to the new law and it becomes part of the **session laws** for the year.

Zoos

The Legislative Council Service maintains a database of every compiled section of New Mexico law on computer, with hard copies on 8½-inch by 11-inch paper that are kept in individual files in the records room. This database is referred to as the "zoo", the sections of law as "zoos" and the person in charge of updating the zoos after each session as the "zookeeper". The zoos are "pasted up" from the enrolled and engrossed version of the laws by proofing staff and added to the zoo database by word processing staff.

These files are called zoo files because the zookeeper uses a rubber stamp of an animal to designate the official original copy of the section of law. Each zoo is stamped on the top of each page and at the end to denote the end of a section. The purpose of the zoo is to provide drafters with "ready-made sections" of existing law that can be plugged into bills to amend existing law and to aid the word processing staff by providing existing law in WordPerfect.

Each zoo file contains the paste-up taken from the enrolled and engrossed chapter of session law and the original copy created by word processing staff from the paste-up. The original has a red stamp on the top of each page and at the end of the section. The original is photocopied, which means the stamps on the copies will be black. The copies with black stamps may be used by drafters. The original (red stamp) must remain in the zoo file. Drafters usually print zoos from their computers (using the PrintZoo function) rather than pulling copies from the zoo files.

Zoos that have a star next to the comp number in the upper right hand corner of the zoo may be downloaded and printed out by a drafter on the drafter's computer. If a zoo does not have a star designation, the drafter must pull a hard copy of the zoo from the file in the records room. The star signifies that the word processing database version has been converted to the updated format and is the same as the hard copy in the zoo file.

202 Files

When a drafter receives a request from a legislator, an interim or standing committee or a state agency, the drafter fills out a **202 request in the 202 database** on the drafter's computer. The records officer assigns the next available 202 number in the database to the file. A file folder label is produced that includes a brief subject heading, the date, the requester's name and the 202 number. The same information is put in the request book and the sponsor book. The file is then returned to the drafter, who prepares the bill draft or other request.

Almost every document written by the drafters of the Legislative Council Service is assigned a file number. Most files in the 202 series are requests for bill drafting and information memoranda. The 202 series number will be followed by a sequential six-digit number, e.g., 202.963501. On a bill, the 202 number will be found on the bottom of every page.

Proofing Office

After completing the bill or document draft, the drafter turns it in to the Proofing Office. The drafter puts the file in the top shelf of the in-basket. A proofer picks up the file or document and proceeds with the first proof of the bill draft.

CHAPTER 1: BILLS — BASICS

A bill is the vehicle used to enact laws. It creates, empowers, imposes duties or obligations, prohibits acts, appropriates money or does any combination of these things. A bill must be signed by the governor to be effective.

Standardized Format and Items

A bill draft provides a standardized format to propose:

- (1) new laws;
- (2) changes in existing laws;
- (3) repeals of existing laws; or
- (4) combinations of these.

The format of a bill requires the following standardized items:

- (1) bill paper;
- (2) types of sections;
- (3) parts of bill order;
- (4) section divisions; and
- (5) section headings.

Bill Paper

All legislation is typed on bill paper that has 25 numbered, double-spaced lines down the left-hand side of the page. The numbered lines on the side of each page act as markers.

Amendments must identify on what page and line a change is proposed; committee and floor discussions often need to reference pages and lines.

Example: Bill Paper — Discussion Draft

1	HOUSE BILL	1/22/18
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018	
3	INTRODUCED BY	
4		
5		
6	DISCUSSION DRAFT	
7		
8	FOR THE LAND GRANT COMMITTEE (IF COMMITTEE-ENDORSED BILL)	
9		
10	AN ACT	
11	RELATING TO TAXATION; PROVIDING FOR CERTAIN EXEMPTIONS FROM THE	
12	GROSS RECEIPTS AND COMPENSATING TAX; DECLARING AN EMERGENCY.	
13		
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:	
15	SECTION 1. Section 7-9-51 NMSA 1978 (being Laws 1982 ...	

The blank numbered lines on page 1 between lines 3 and 10 and the blank numbered line between the title and the enacting clause are the only lines left blank in a draft until the end of the bill. Other than those lines, every numbered line in a bill must be filled with text, the 202 number (if a one-page bill) or the last page number.

Discussion Draft

The first draft of a bill and subsequent revisions of the draft before it is prepared for introduction are labeled as discussion drafts. The words "DISCUSSION DRAFT" will appear on line 6 of the first page of the bill. The date of the draft will appear in the upper right-hand corner of the first page of the bill above the heading. This date will change each

time the bill draft is revised. When the bill draft is considered to be ready for introduction, the date and "DISCUSSION DRAFT" will be removed from the bill. The front cover of the bill's 202 folder will then be marked "Prep" or "Intro" or "Prep for Intro" and given to the bill clerks for preparation for introduction.

Parts of Bill and Types of Sections

A bill may be broken down into three main segments, the Top of the Bill, the Body of the Bill and the Back of the Bill. Each of the three segments is composed of different parts of bill or types of sections. (Please note that none of the Back of the Bill sections are mandatory, so a bill may consist only of the parts and types of sections found in the first two segments.)

Any of the sections can be amended, repealed, repealed and reenacted or enacted whether or not they have Comp numbers.

Parts of Bill Order

Some parts of a bill are **mandatory**, such as the heading, title, enacting clause and main provisions (shown in bold in the sidebar). Other parts are not required in every bill, but may be necessary or useful in certain cases. **The order** is shown in the sidebar.

◆ *Top of the Bill* ◆

The first segment of a bill includes the top of the bill or introductory parts. The introductory parts tell the reader what type of document it is (the heading) and what it is about (the title) and, at times, whether it is endorsed by a committee (optional). The enacting clause is also a requisite part of the top of the bill. Even though these parts will not become law, all, except the endorsement line, are mandatory.

Parts of Bill Order

Top of the Bill

- 1. Heading (mandatory)**
2. Endorsement Line
- 3. Title (mandatory)**
- 4. Enacting Clause (mandatory)**

Body of the Bill

5. Short Title
6. Purpose of Act -
Legislative Findings
7. Definitions
- 8. Main Provisions (mandatory)**
9. Penalty
10. Liberal Interpretation
11. Saving Clause

Back of the Bill

12. Temporary Provisions
(including Recompile)
13. Appropriation (**must appear in title if in bill**)
14. Repeal (Delayed Repeal)
15. Severability
16. Applicability
17. Effective Date
18. Emergency Clause (**must appear in title if in bill**)

Bill Heading

On page 1, line 1, the type of legislation, e.g., HOUSE BILL, SENATE JOINT RESOLUTION or HOUSE MEMORIAL, is typed.

Example: Bill Heading

1	HOUSE BILL
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	INTRODUCED BY

For introduction, the chief clerk's staff in each house assigns the bill, resolution or memorial a number and inserts it in the document after the type of legislation designated on line 1. The "number name" of the legislature (53rd Legislature), the name of the state and the session number (Second Session, 2018) are typed on line 2.

"INTRODUCED BY" is typed on line 3. The names of the sponsor and cosponsors are typed or signed in the blank space provided between line 3 and line 10.

Endorsement Line

A committee endorsement line may precede the title of the bill, usually on line 8.

Example: Endorsement Line — Regular Bill

8	FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE
---	---

If the bill is a governor's bill or a state agency bill with the designation "GM" or "SA" after the 202 number at the bottom of the page, the endorsement line will say "ENDORSED BY" instead of "FOR".

Example: Endorsement Line — Governor's Bill or State Agency Bill

8	ENDORSED BY THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE
---	---

Title

The title always begins on line 10 with the type of legislation, e.g., AN ACT, then continues on line 11 with the substantive information of the title. The title almost always begins with

"RELATING TO ..." and should go from the general to the specific. Parts of the title should be separated by semicolons, and the title should end with a period.

Example: Title

10	AN ACT
11	RELATING TO TAXATION; PROVIDING FOR CERTAIN EXEMPTIONS FROM THE
13	GROSS RECEIPTS AND COMPENSATING TAX; DECLARING AN EMERGENCY.

Catch Phrase in Title

A title may contain a general **catch phrase** that covers the actions of amending, repealing or enacting. For more on actions, *see* Chapter 3: Legislative Actions.

Example: Catch Phrase — One Action — Single Section

10	AN ACT
11	RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY ASSESSMENT
12	FOR SPEEDING IN A CONSTRUCTION OR OTHER SAFETY ZONE; AMENDING A
13	SECTION OF THE NMSA 1978.

Example: Catch Phrase — One Action — Multiple Sections

10	AN ACT
11	RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY ASSESSMENT
12	FOR SPEEDING IN A CONSTRUCTION OR OTHER SAFETY ZONE; AMENDING
13	SECTIONS OF THE NMSA 1978.

If a catch phrase is used, all of the actions that occur in the bill must be listed in "**ARE**" order (amending, repealing and enacting) in the title. If the bill amends or repeals sections and enacts sections, the title must say ENACTING if it also states AMENDING or REPEALING.

Example: Catch Phrase — Multiple Actions — Multiple Sections

10	AN ACT
11	RELATING TO FINANCING OF HIGHWAY PROJECTS; INCREASING THE
12	GASOLINE TAX; AMENDING, REPEALING AND ENACTING SECTIONS OF THE
13	NMSA 1978; AMENDING AND REPEALING SECTIONS OF LAWS 1995; MAKING
14	APPROPRIATIONS.

The previous example also shows the citation of **session law**. This type of citation is used when the section of law has not been compiled and therefore has no Comp number to reference.

A title does not have to have a catch phrase.

Example: No Catch Phrase

10	AN ACT
11	RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY ASSESSMENT
12	FOR SPEEDING IN A CONSTRUCTION OR OTHER SAFETY ZONE.

Comp Number in Title

If a Comp number is cited in the title of the bill, it must be followed by its history.

Example: Comp Number in Title

10	AN ACT
11	RELATING TO TAXATION; INCREASING CORPORATE INCOME TAX RATES;
12	AMENDING SECTION 7-2A-5 NMSA 1978 (BEING LAWS 1981, CHAPTER 37,
13	SECTION 38, AS AMENDED).

Enacting Clause

The enacting clause is mandatory in bills. Article 4, Section 15 of the Constitution of New Mexico prescribes the exact wording of the enacting clause. In a bill, after the title, one line is skipped and is followed by the enacting clause.

Example: Enacting Clause

10	AN ACT
11	RELATING TO TAXATION; PROVIDING FOR CERTAIN EXEMPTIONS FROM THE
12	GROSS RECEIPTS AND COMPENSATING TAX.
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

◆ *Body of the Bill* ◆

The second segment of a bill is the body, which includes the substantive sections that will be compiled in full (set out by Comp number in the current compilation). Main provisions are the only sections in this group that are mandatory. The body sections follow the top of the bill parts and appear in the following order.

Short Title Section

There are two standard lead-in formats for a short title section. The first format is used when the entire bill draft is covered by the short title.

Example: Short Title — Entire Bill

16	SECTION 1. [<u>NEW MATERIAL</u>] SHORT TITLE.--This act may be
17	cited as the "Whatever It Is Act".

This format should be used when there are **no other substantive** sections in the bill draft. It is okay to include certain "back of the bill" sections such as some temporary provisions, appropriations and effective date sections even though they will not be compiled as part of the act.

The second format is used when only certain sections of the bill draft are covered by the short title. There may be amendatory or other new material sections, as well as back of the bill sections, in the bill in addition to the short title act.

Example: Short Title and Other Sections Not Part of Short Title

```
16 | SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
17 | through 15 of this act may be cited as the "Whatever It Is You
18 | Want to Call It Act".
```

The clue of "Sections blank through blank" is a tip-off that there is probably amendatory material or other new material in the draft.

Legislative Findings and Purpose of Act Section

These sections simply state the findings of the legislature and the purpose of the act.

Example: Findings and Purpose Section

```
12 | SECTION 2. [NEW MATERIAL] FINDINGS AND PURPOSE.--The
13 | legislature finds that New Mexico's tax treatment of the
14 | purchase of capital equipment by businesses makes New Mexico
15 | less attractive than other states for business expansion and
16 | relocation. It is the purpose of the Capital Equipment Tax
17 | Credit Act to induce call center operations to make major
18 | expansions and relocate facilities in New Mexico by providing
19 | tax relief on the purchase of capital equipment for such
20 | facilities.
```

Definition Section

A definition section has a standard form. In the following definition section example, the lead-in, "As used in the Drafting Act:", is used. Definitions are specific to a particular act or to specified sections of law; they have no meaning outside that act or those sections of law.

A definition section is included to define terms as they are used in the bill. Words do not need to be defined if they are used in the bill as they would be in common usage (normal dictionary meaning).

Example: Definition Section — Standard Form

```
12         SECTION 3.  [NEW MATERIAL] DEFINITIONS.--As used in the
13 Drafting Act:
14             A.  "council" means the New Mexico legislative
15 council;
16             B.  "drafting style" means the form adopted by the
17 council for bills, memorials, resolutions and other types of
18 legislative material; and
19             C.  "staff" means the legislative council service.
```

Definitions should be listed in alphabetical order. The defined term should be enclosed by **quotation marks**. It is acceptable to use a defined term in the definition of another term; however, a term should not be defined solely for use in another definition.

The verb "**means**" should be used, regardless of whether the word being defined is singular, plural or collective.

Example: Definition Section — Use of "Means"

```
12             F.  "intermediate records" means records on active data
13 processing media;
```

Definitions also use the words "includes", "but does not include" and "excludes". These terms are generally used for further clarification.

Example: Definition Section — Use of "Includes"

```
12             H.  "election" means any primary, general or statewide
13 special election in New Mexico and includes county and judicial
14 retention elections, but excludes municipal, school board and
15 special district elections;
```

Words may also be defined so that a shortened version of a long name or title may be used.

Example: Definition to Shorten Term

```
12 |           A. "division" means the audit and
13 | compliance division of the taxation and revenue department;
```

Main Provision Sections

The drafter constructs the main provisions of the bill to implement the intent of the requester, always keeping in mind the constitutional prohibition against bills embracing more than one subject.

Example: Main Provision

```
12 |           SECTION 4. [NEW MATERIAL] APPLICATION FOR LICENSE.--
13 | Application for a collection agency license, reposessor's
14 | license or manager's license shall be made to the director in
15 | such form as required by the director.
```

Penalty Section

The two classes of crimes in New Mexico are felonies and misdemeanors. Felonies are punishable by imprisonment for one year or more; misdemeanors for less than one year. Felonies include capital and first, second, third and fourth degrees; misdemeanors are either "misdemeanors" (sometimes informally called high misdemeanors) or "petty misdemeanors". A penalty section is usually noted in the title.

Example: Penalty in Title

```
11 | RELATING TO ANIMALS; ENACTING THE PET STERILIZATION ACT;
12 | PROVIDING PENALTIES; MAKING AN APPROPRIATION.
```

A penalty that applies only to one section is usually put in that section; a penalty that applies to an entire act is put in a separate section.

Example: Penalty That Applies to One Section

12 C. Any person who reveals records protected
13 pursuant to Subsection A of this section to another person in
14 violation of this section is guilty of a misdemeanor and shall,
15 upon conviction, be fined not more than one thousand dollars
16 (\$1,000). The state shall not employ any person so convicted
17 for a period of five years after the date of conviction.

Example: Penalty That Applies to Entire Act

12 **SECTION 9. [NEW MATERIAL] PENALTY.**--Any public officer or
13 employee covered by the Per Diem and Mileage Act who knowingly
14 authorizes or who knowingly accepts payment in excess of the
15 amount allowed by the Per Diem and Mileage Act or in excess of
16 the amount authorized by the secretary or the governing board
17 pursuant to Section 10-8-5 NMSA 1978 is liable to the state in
18 an amount that is twice the excess payment.

Criminal Penalties

For crimes created outside of the Criminal Code, the drafter needs to specify the degree of crime and the penalty; otherwise it will go to the lowest degree within the class and carry the penalty specified in **Section 31-18-15 NMSA 1978** (felonies) or Subsection B of **Section 31-19-1 NMSA 1978** (misdemeanors).

There are, of course, exceptions to that statement, notably game and fish violations and Motor Vehicle Code violations. However, the standard language is demonstrated in the "pursuant to" clause in the following penalty example.

Example: Penalty — Created Outside of Criminal Code (in Chapter 1 NMSA 1978)

12 **SECTION 3. [NEW MATERIAL] COERCION OF VOTERS.--**Coercion
13 of voters consists of compelling any voter at any election to
14 vote for or to refrain from voting for any candidate, party,
15 proposition, question or constitutional amendment either
16 against the voter's will or in the absence of the voter's
17 ability to understand the purpose and effect of the voter's
18 vote. Whoever commits coercion of voters is guilty of a fourth
19 degree felony and shall be sentenced pursuant to the provisions
20 of Section 31-18-15 NMSA 1978.

Civil Penalties

Civil penalties are monetary penalties and do not involve jail time. Civil penalties are often used against corporate entities in lieu of criminal penalties. A bill can contain both civil and criminal penalties. Civil penalties are placed in a bill in the same way criminal penalties are placed.

Liberal Interpretation Section

A liberal interpretation section is intended to allow a court or administrator greater latitude in interpreting or carrying out the provisions of an act.

Example: Liberal Interpretation Section

12 **SECTION 9. [NEW MATERIAL] LIBERAL INTERPRETATION.--**The
13 Metropolitan Redevelopment Code shall be liberally construed to
14 carry out its purposes.

Saving Clause

A saving clause is designed to preserve certain rights, duties or privileges that might otherwise be destroyed by a general enactment containing an amendment to or repeal of existing law.

Example: Saving Clause

12 **SECTION 10.** [NEW MATERIAL] SAVING CLAUSE.--The Uniform
13 Foreign Money-Judgments Recognition Act does not prevent the
14 recognition of a foreign judgment in situations not covered
15 by that act.

◆ ***Back of the Bill*** ◆

The third segment contains the back of the bill sections. Some are added to clarify a complicated bill; others are used for specific purposes. The drafter chooses if and when to use back of the bill sections, depending on the bill drafting request and the bill design. Usually, these sections are not compiled but are set out or referenced in the compiler's notes in the Comp. (The compiler may choose to compile a section at the compiler's discretion.)

Temporary Provision Sections

Temporary provision sections are used to:

- (1) instruct the compiler, e.g., recompilation instructions; or
- (2) provide for a one-time change or for an action or entity that is of a temporary nature.

One example of a one-time change is the transfer of funds from one fund to another, as shown in the following example.

Example: Temporary Provision — Transfer of Funds

12 **SECTION 3.** TEMPORARY PROVISION--TRANSFER OF FUNDS.--On
13 the effective date of this act, all money in the special
14 revolving fund established by Laws 1961, Chapter 111 for the use
15 of the state records center shall be transferred to the records
16 center revolving fund.

Note that, in the preceding example, the transfer becomes effective on the effective date of the act. The phrase "effective date of this act" should be used if there is no effective date section that specifies a certain date. If, as in the next example, there is an effective date section, providing a certain date, that date should be used.

Another example of a one-time change is the transfer of functions, money, property, contractual

obligations and statutory references from one department to another, as shown in the next example.

For further discussion of temporary provisions, *see* Chapter 3: Legislative Actions, Recompiling a Section.

Notice of transfers such as those shown in the preceding examples should appear in the **title** of

Example: Temporary Provision — Transfer of Property, Contractual Obligations and Statutory References

6	SECTION 71. TEMPORARY PROVISION--TRANSFERS.--
7	A. On September 1, 2018, all functions, appropriations,
8	money, records, furniture, equipment, supplies and other property
9	of the higher education department are transferred to the
10	department of finance and administration.
11	B. On September 1, 2018, all contractual obligations
12	of the higher education department are binding on the higher
13	education division of the department of finance and
14	administration.
15	C. On September 1, 2018, all statutory references to
16	the board of educational finance, the commission on higher
17	education or the higher education department are deemed to be
18	references to the higher education division of the department of
19	finance and administration.
20	D. All rules of the higher education department shall
21	be deemed to be the rules of the higher education division of
22	the department of finance and administration until amended or
23	repealed by the higher education division.
24	SECTION 72. EFFECTIVE DATE.--The effective date of the
25	provisions of this act is September 1, 2018.

the bill.

Temporary provision sections are usually not compiled. They are shown in the compiler's notes

Example: Temporary Provision — Transfer Provided for in Title

10	AN ACT
11	RELATING TO EXECUTIVE ORGANIZATION; MERGING THE HIGHER
12	EDUCATION DEPARTMENT WITH THE DEPARTMENT OF FINANCE AND
13	ADMINISTRATION; CREATING A DIVISION; PROVIDING POWERS AND
14	DUTIES; PROVIDING FOR TRANSFER OF FUNCTIONS, PROPERTY,
15	CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.

under the applicable sections in the Comp.

A temporary provision section that provides for an entity or action that is of a temporary nature,

Example: Temporary Provision — Compiler's Notes for Section 7-2-18.17 NMSA 1978

Compiler's notes. — Laws 2007, ch. 172, § 23, effective April 2, 2007, contained a **temporary provision** that provided that in taxable years 2013 through 2015, a taxpayer may carry forward amounts resulting from angel investment credits claimed and approved for qualified investments made in calendar year 2009, 2010 or 2011.

operating for a short period of time, a year or so, is usually not compiled but is shown in the Comp in the annotations under the applicable section.

The compiler **may choose to compile** a temporary provision section and set it out in whole. Such a section may be compiled if the entity or action is to operate for more than a year.

Example: Temporary Provision — Set out Under Section 26-2B-7 NMSA 1978

Temporary provisions. — Laws 2007, ch. 210, § 10, adds a **temporary provision** that provides for the medical use of cannabis by an eligible person during the period between July 1, 2007 and thirty days after the effective date of rules promulgated by the department of health.

Appropriation Section

Example: Temporary Provision — Compiled (Enacted by Laws 2008, ch. 17, § 3)

30-52-3. Temporary provision; task force to combat human trafficking; membership; duties. (Terminated effective July 1, 2016.) ... (See Comp for entire section.)

An appropriation section provides a vehicle for the expenditure of public money. It expressly moves money from one source (usually the General Fund) to another. An appropriation section must specify:

- (1) the **amount** of money appropriated;
- (2) the fund or revenue **source** from which appropriated;
- (3) the **agency or fund** to which the money is to be allocated;
- (4) the **period** during which the money can be spent;
- (5) the **purpose** of the appropriation; and
- (6) the **disposition** of any unexpended or unencumbered balance.

An appropriation section may be a standalone section; that is, the bill consists only of the

Example: Appropriation — Basic Form

12	SECTION 8. APPROPRIATION.--Twenty-four million dollars
13	(\$24,000,000) is appropriated from the general fund to the
14	New Mex Rx senior program fund for expenditure in fiscal year
15	2019 to carry out the purposes of the New Mex Rx Senior
16	Program Act. Any unexpended or unencumbered balance
17	remaining at the end of fiscal year 2019 shall revert to the
18	general fund.

appropriation section, or it may be part of a larger bill. If part of a larger bill, the appropriation section will be in the back of the bill, according to parts of bill order. The preceding example shows an appropriation section that is located in the back of the bill.

If there is an appropriation in the bill, the title must say "MAKING AN APPROPRIATION" or, if more than one appropriation, "MAKING APPROPRIATIONS". The appropriation clause comes at the end of the title unless there is an emergency clause in the bill.

Reversion Clauses

An appropriation section must include a **reversion clause**; that is, it must state what happens to

Example: Appropriation in Title

10	AN ACT
11	RELATING TO PUBLIC SCHOOLS; ENACTING THE NATIVE NEW MEXICAN
12	TEACHER INCENTIVE PAY ACT; MAKING AN APPROPRIATION.

Reversion Clause Language

Money Appropriated for One Year (2019):

Any unexpended or unencumbered balance remaining at the end of **fiscal year 2019** shall revert to the general fund.

Money Appropriated for Two or More Years (2019-2021):

Any unexpended or unencumbered balance remaining at the end of **fiscal year 2021** shall revert to the general fund.

Nonreverting Funds:

Any unexpended or unencumbered balance remaining at the end of **a fiscal year shall not** revert to the general fund.

the money after the end of the period of time specified for expenditure in the appropriation. This time period is established in the beginning of the appropriation with one of the following phrases:

- (1) for expenditure in fiscal year 2019;
- (2) for expenditure in fiscal years 2019 and 2020; or
- (3) for expenditure in fiscal years 2019 through 2021.

With **nonreverting funds**, the appropriation must still provide for the period of expenditure. In such a case, the beginning of the appropriation will state "for expenditure in fiscal year 2019 **and subsequent fiscal years**".

In most cases, the reversion clause comes at the end of the appropriation. It states that the appropriation:

- (1) shall revert at a specified time; or
- (2) shall not revert.

Examples of standard reversion clause language are shown on the sidebar of this page. Note the language used when money is appropriated for different periods of time.

Earmarked Revenue

There are subtler forms of appropriation, such as when revenue is earmarked for a specific purpose. The underlying theme of these less obvious appropriations is that the legislature is giving up its appropriation power over a revenue source, such as when creating a fund. This type of appropriation would also be noted in the title.

Example: Appropriation in Title

10 AN ACT
11 RELATING TO ENERGY EFFICIENCY; AMENDING THE ENERGY EFFICIENCY AND
12 RENEWABLE ENERGY BONDING ACT TO PROVIDE FOR ASSESSMENTS, **CREATE A**
13 **REVOLVING FUND**, INCREASE THE DURATION OF INSTALLATION CONTRACTS
14 AND REMOVE THE REQUIREMENT FOR A STATE PLAN; **MAKING AN**
15 **APPROPRIATION.**

Example: Appropriation — Earmarked Revenue

12 "[NEW MATERIAL] ENERGY EFFICIENCY ASSESSMENT REVOLVING
13 FUND.--The "energy efficiency assessment revolving fund" is
14 created in the state treasury. The fund shall consist of
15 appropriations, gifts, grants, donations and bequests made to the
16 fund and reimbursements of costs incurred by the department in
17 performing energy efficiency assessments pursuant to the Energy
18 Efficiency and Renewable Energy Bonding Act. Income from the
19 fund shall be credited to the fund, and money in the fund shall
20 not revert or be transferred to any other fund at the end of a
21 fiscal year. **Money in the fund is appropriated to the department**
22 **for the purposes of performing energy efficiency assessments...."**

The New Mexico Supreme Court has held that a tax earmarked for expenditure is an

appropriation; therefore, the rule requiring the phrase "MAKING AN APPROPRIATION" in the title includes bills that provide for expenditure of fees, taxes or other revenues.

Example: Appropriation in Title

10 AN ACT
11 RELATING TO REVENUES; DISTRIBUTING GOVERNMENTAL GROSS RECEIPTS
12 TAX PROCEEDS TO THE ENERGY, MINERALS AND NATURAL RESOURCES
13 DEPARTMENT FOR ... AMENDING AND ENACTING SECTIONS OF THE NMSA
14 1978; MAKING APPROPRIATIONS.

Example: Appropriation — Earmarked Revenue

12 "7-1-6.38. DISTRIBUTION--GOVERNMENTAL GROSS RECEIPTS TAX.--
13 A. A distribution pursuant to Section 7-1-6.1 NMSA
14 1978 shall be made to the public project revolving fund ...
15 B. A distribution pursuant to Section 7-1-6.1 NMSA
16 1978 shall be made to the energy, minerals and natural resources
17 department in an amount equal to twenty-four percent of the net
18 receipts attributable to the governmental gross receipts tax.
19 Forty-one and two-thirds percent of the distribution is
20 appropriated to the energy, minerals and natural resources
21 department to implement the provisions of the New Mexico Youth
22 Conservation Corps Act and fifty-eight and one-third percent of
23 the distribution is appropriated to the energy, minerals and
24 natural resources department for state park and recreation area
25 capital improvements...."

Repeal Section

The following example shows a simple repeal section. A repeal section is used to eliminate an existing section of law. For further discussion, *see* Chapter 3: Legislative Actions, Repealing a Section.

Example: Repeal Section

```
15 | SECTION 15. REPEAL.--Section 7-8A-14 NMSA 1978 (being Laws  
16 | 1997, Chapter 25, Section 14) is repealed.
```

Severability Section

No definite statement can be made as to the necessity of a severability clause. Therefore, if the act is severable, with parts that are constitutionally questionable, and it is desired that the remainder stand, a severability section may be advisable. The requester, though, should be warned that the section may not offer the protection the requester desires. This is a stock phrase that has survived the test of time, and it is suggested that the drafter not try to rewrite it.

Example: Severability Section

```
15 | SECTION 10. SEVERABILITY.--If any part or application of  
16 | the Rabid Rabbit Eradication Act is held invalid, the remainder  
17 | or its application to other situations or persons shall not be  
17 | affected.
```

There are times when the drafter wants to state that parts of a bill are **not severable**. A request for a nonseverable bill is rare. If it is necessary, the following section is recommended.

Example: Act Not Severable Section

```
15 | SECTION 10. ACT NOT SEVERABLE.--If any part or application  
16 | of this act is held invalid, the remainder or its application to  
17 | other situations or persons shall likewise be invalid. The  
18 | provisions of this act are not severable.
```

Applicability Section

An applicability section may apply to the entire act.

Example: Applicability Section — Entire Act

```
15 | SECTION 14. APPLICABILITY.--The provisions of this act
16 | apply to taxable years beginning on or after January 1, 2018.
```

It may also just apply to certain sections of the act.

Example: Applicability Section — Certain Sections

```
15 | SECTION 14. APPLICABILITY.--The provisions of Sections 1
16 | through 10 of this act apply to taxable years beginning on or
17 | after January 1, 2018.
```

An applicability section **is not usually compiled**; the information is included as a compiler's note under any section to which it pertains. Applicability sections are compiled in certain cases at the discretion of the compiler, as shown in the following example.

Example: Applicability Section — Compiled

```
3 | "1-19-37. APPLICABILITY.--The provisions of the Campaign
4 | Reporting Act do not apply to any candidate subject to the
5 | provisions of the federal law pertaining to campaign practices
6 | and finance."
```

Effective Date Section

An effective date section states when the provisions of the act (sections of the bill) are to become effective. The standard form for the effective date section is shown below.

Example: Simple Effective Date

```
17 | SECTION 23. EFFECTIVE DATE.--The effective date of the
18 | provisions of this act is July 1, 2018.
```

If the effective date section is written differently, it is imperative that you reason through the effect of the section. The effective date section is one of the rare times "this act" is allowed; in fact, using the short title is strongly discouraged.

Delayed Effective Date

Article 4, Section 23 of the Constitution of New Mexico provides that **laws go into effect 90 days after the adjournment of the legislature enacting them**. If the provisions of the bill are to be effective at a later date, the drafter must state the date in a separate section. Sections that are mentioned become effective when stated; sections not mentioned become effective 90 days after the session.

The effective date section may designate different effective dates for different sections of the act. In the following example, the effective date for Sections 1 and 3 is July 1, 2018, the current year. The effective date for Sections 2 and 4 is January 1, 2020, which means that those sections will not come into effect for two years. Those sections have a **delayed effective date**.

Example: Multiple Effective Dates — Delayed Effective Date

```
12 | SECTION 6. EFFECTIVE DATE.--
13 |     A. The effective date of the provisions of Sections 1
14 | and 3 of this act is July 1, 2018.
15 |     B. The effective date of the provisions of Sections 2
16 | and 4 of this act is January 1, 2020.
```

Contingent Effective Date

A section may have a contingent effective date. The section will come into effect upon the occurrence of a specific event rather than a date. A contingent effective date section usually provides for notification of the New Mexico Compilation Commission and the Legislative Council Service that the event has occurred. Review the following example.

Example: Contingent Effective Date

13 SECTION 15. CONTINGENT EFFECTIVE DATE.--The effective
14 date of the provisions of this act is July 1, 2009; provided
15 that prior to January 1, 2009, the economic development
16 department certifies to the taxation and revenue department that
17 construction of a railroad locomotive refueling facility project
18 in Dona Ana county has commenced, including land acquisition,
19 acquisition of all necessary permits and commencement of actual
20 construction. The taxation and revenue department shall notify
21 the New Mexico compilation commission and the director of the
22 legislative council service prior to July 1, 2009 as to whether
23 the certification from the economic development department has
24 been received.

A bill that **does not contain an emergency clause cannot have an effective date earlier than 90 days** after the end of the legislative session.

Emergency Clause Section

An emergency clause is used when it is desired that the provisions of the act go into effect as soon as the bill is signed by the governor. A bill with an emergency clause must be passed by a two-thirds' vote of each house. If the required vote is not achieved, the emergency clause is removed from the bill and, if signed, the bill becomes effective 90 days after the session.

The emergency clause is the last section of the bill. If there is an emergency clause in the bill, "DECLARING AN EMERGENCY" must be stated in the title of the bill.

Example: Emergency Clause — Title

10 AN ACT
11 RELATING TO TAXATION; PROVIDING FOR CERTAIN EXEMPTIONS FROM THE
12 GROSS RECEIPTS AND COMPENSATING TAX; **DECLARING AN EMERGENCY.**

The standard form for the emergency clause should be memorized because it **never** gets written any differently.

Example: Emergency Clause — Standard Language

19 **SECTION 24. EMERGENCY.**--It is necessary for the public
20 peace, health and safety that this act take effect immediately.

Section Subdivisions

Sections tend to be fairly independent of each other; that is, cross-references aside, they can stand alone as complete thoughts under a general heading. Depending on how long or complex the thoughts are that are being developed under the heading, a section may be divided into the following subdivisions:

- subsections;
- paragraphs;
- subparagraphs; and
- items.

There is a standard form for dividing a section into subdivisions. A section should be divided into subdivisions if it will make it easier to read, understand and refer to. If a subsection, paragraph, subparagraph or item subdivision is used, there **must be at least two** of that subdivision. There is no drafter or proofer discretion in this. A bill cannot have an "A." without a "B.", a "(1)" without a "(2)", etc.

The standard form for dividing parts of a section is backed by legislative rule. There are exceptions, of course, in this as in everything. **The standard exceptions are:** the Uniform Commercial Code, certain other uniform acts and some interstate compacts.

Each section of a bill draft begins with the word "**SECTION**", which is indented five spaces from the left margin, followed by the bill section number, a period and two spaces. Further subdivisions are numbered or lettered and indented as shown in the following example.

Example: Section Subdivisions

```
15     SECTION 1.  [NEW MATERIAL] HEADING.--Intro words (indented 5
16 spaces):
17         A.  subsection (indented 10 spaces):
18             (1) paragraph (indented 15 spaces):
19                 (a) subparagraph (indented 20 spaces); and
20                 (b) subparagraph, including:  1) item; and
21 2) items (not indented); and
22             (2) paragraph; and
23         B.  subsection.
```

Section Headings

Each section of a bill draft has a heading that briefly describes what the section is about. The heading is typed in capital letters. Parts of the heading are separated by a dash (--) with no spaces between them or the words they separate; the heading ends with a period and a dash, followed directly by the body of the section.

Example: Section Heading — No Subdivisions

```
12     SECTION 3.  [NEW MATERIAL] TREE FARM LOAN FUND--
13 ADMINISTRATION.--The "tree farm loan fund" is created in the
14 state treasury.  The fund shall be administered by the forestry
15 division of the energy, minerals and natural resources
16 department.
```

When the body of the section begins with a subsection, the heading line ends with a period and a dash, but the first line of the subsection (beginning with "A.") is indented 10 spaces on the following line.

Example: Section Heading — Section with Subdivisions

12 SECTION 3. [NEW MATERIAL] FILM PRODUCTION TAX CREDIT.--
13 A. The tax credit created by this section may be
14 referred to as the "film production tax credit". An eligible
15 film production company may apply for, and the taxation and
16 revenue department may allow, a tax credit ...

CHAPTER 2: SESSION LAWS, HISTORIES, COMPILATIONS AND CITATIONS

*A **citation** is a reference to a particular section of New Mexico law, a court case or a federal law or code. Understanding session laws and the Comp and reviewing the history of a section are essential to making the correct citation.*

Session Laws

All of the laws for each year are assembled and printed in a book (tan with red and black labels) called *Laws of New Mexico (year)*. Each bill that passes the legislature and that is approved by the governor is given a separate chapter number, assigned consecutively by date of approval and time of receipt in the Office of the Secretary of State.

At the bottom of the first page of each chapter is the bill number and the date that it was signed by the governor. At the end of the last volume for a given year is an index, a concordance of bill numbers to chapter numbers and a table of changes.

Prior to 1966, there were no regular sessions in even-numbered years, only special sessions. Therefore, the laws enacted during these special sessions are generally bound with the laws of the **following year**, e.g., Laws 1938 (S.S.) are found in the 1939 session law volume. In the last few years, there have been a number of special sessions between regular sessions. Those sessions will also generally be found in the following year's volumes. Some recent years have

New Mexico Statutes Annotated, 1978

Various compilations of New Mexico law have been made, starting in 1880. The current compilation is the *New Mexico Statutes Annotated, 1978 Compilation*. It is referred to formally as the *NMSA 1978* and informally as "**the Comp**". Keep in mind that the Comp is not the law, but an annotated compilation of the law, organized by topic. When drafting legislation, drafters use the enrolled and engrossed version of the law (sections from our zoo database), not the Comp. The Comp just tells the drafter where to find the latest version of the law — in what chapter and section of a session law year.

If you find an error in the NMSA 1978, bring it to the attention of the proofing supervisor, who will notify the assistant director for drafting services, the library and the compiler. Each set of LCS comps will need to be marked.

two, three and four special sessions, so make sure that you are looking in the right session law volume.

In legislatures that have more than one special session, the notation must specify whether it is first special session, second special session, etc. The history would look like: "(being Laws 1992 (2nd S.S.), Chapter 4, Section 3)".

Compilations

While the session law volumes collectively contain all of the enactments of all the legislatures of New Mexico, it would be nearly impossible to find all of the law on any one topic in them. For instance, if you were trying to find the current penalty for state income tax evasion, you might eventually come upon it by consulting each year's index and working back from the most recent year. If you did eventually find the penalty, the particular act that you found might not include the date by which the tax return must be filed or the date upon which the tax would be considered delinquent. For that information, you would have to repeat the process. If you wanted to follow the history of such provisions, you would have to start at the beginning and work your way forward through the session laws of each year.

To make everyone's life easier, the legislature has all of the current laws compiled by subject matter. This has been done by assigning Compilation numbers to almost every section of law. The exceptions are appropriations and other temporary provisions.

An NMSA 1978 Compilation number, or "Comp number", is composed of a series of numbers separated by hyphens. For instance, **Section 7-2-7 NMSA 1978** can be found in Chapter 7, Article 2, Section 7 of the Comp.

Chapter 7 is the chapter of the NMSA 1978 concerned with taxation. Articles within a chapter take the main topic and

break it down into more manageable areas. In this case, Article 2 of Chapter 7 deals with personal income tax. Whenever a bill draft cites a numbered section of the Comp, "NMSA 1978" must follow the number to clarify which compilation is being used. To simplify this requirement, just remember that a Comp number is not complete without "NMSA 1978" at the end.

There are compilations for 1880, 1884, 1897, 1915, 1929, 1941, 1953 and 1978. Each has a different numbering system, and the last volume of the Comp contains the tables of corresponding sections that equate different compilations with the current one. If for some reason, you needed to find out the current NMSA Comp number for an NMSA 1929 citation, you would look it up in the table of corresponding sections. It is unlikely that you will ever have to consult any of the previous compilations except one — Code 1915.

Code 1915

Code 1915 is a recodification as well as a recompilation of all previous laws. It is accepted as the authority for any laws passed prior to it. In fact, it made so many changes in the laws that it is considered to have amended all laws passed prior to its publication. However, the 1915 amendment does not include section headings. Therefore, if a section has not been amended since Code 1915, the section heading will have to be underscored as new material. The Comp will show it as a bracketed heading. Code 1915 does not include the 1915 laws, which were enacted after the code. A 1915 law citation will have ", as amended" only if it was amended after 1915.

Histories

The history of each statute, which lists the enactment year, chapter and section and the year, chapter and section of any amendments, is set out in bold-face type following each section in the Comp.

Compilations

In the Comp, you may see references to the following earlier compilations.

C. L. 1884 — Compiled Laws of 1884

C. L. 1897 — Compiled Laws of 1897

Code 1915

C. S. 1929 — Compiled Statutes of 1929

1941 Comp. — 1941 Compilation

1953 Comp. — 1953 Compilation

The current compilation is:

NMSA 1978 — New Mexico Statutes Annotated 1978

The volumes of the Comp are kept current each year either by supplements, which are found at the end of each pamphlet, or by issuance of new pamphlets.

When looking for a Comp number in the Comp books, you must always check the supplement first.

One Source is the electronic version of the Comp.

Single Enactment

The simplest history will be one with only an enacting history.

Example: History — Single Enactment — No Amendment

History: Laws 1989, ch. 349, § 1.

This means that the law was passed by the legislature in 1989 and is included in the session laws for that year in Chapter 349, Section 1 (§ is the symbol for section), and it has not been amended or repealed since then. Therefore, the bill draft seeking to amend the section will read:

Example: Bill Draft — Single Enactment — No Amendment

14	SECTION 1. Section 2-13-1 NMSA 1978 (being Laws 1989,
15	Chapter 349, Section 1) is amended to read:

Dual Enactments

There are times when a statute is enacted by more than one bill in one session and all of the bills pass and are signed into law by the governor. In that case, both enacting dates are listed in the history in chapter number order. The section that is signed later (has the larger chapter number) is the section that is compiled. The version or versions that were signed earlier are usually set out in the annotations below the section in the Comp.

The history in the Comp for a section with dual enactments would read as follows:

Example: History — Dual Enactments — No Amendments

History: Laws 2001, ch. 8, §1 and Laws 2001, ch. 341, §1.

A bill draft seeking to amend the section would read as shown in the next example:

Example: Bill Draft — Dual Enactments — No Amendments

14	SECTION 1. Section 30-18-14 NMSA 1978 (being Laws
15	2001, Chapter 8, Section 1 and Laws 2001, Chapter 341,
16	Section 1) is amended to read:

Single Amendment

In the case of a longer history, you will need to check the original enactment and the last amendment of the statute in the Comp to make sure that you have the correct version.

Example: History — Single Enactment and Single Amendment

History: 1953 Comp., § 77-8-5, enacted by Laws 1967, ch. 16, § 110; 1975, ch. 306, § 5.

In other words, this section was originally enacted in 1967 and was amended in 1975. So, if Section 22-10-8 NMSA 1978 is being amended in the bill draft, the history in the section lead-in will state ", as amended":

Example: Bill Draft — Single Enactment and Single Amendment

5	SECTION 2. Section 22-10-8 NMSA 1978 (being Laws 1967,
6	Chapter 16, Section 110, as amended) is amended to read:
7	"22-10-8. COMPENSATION FOR EDUCATIONAL MEETINGS.--

Note that "as amended" appears just before the closing parenthesis because the original section was amended at least once.

Multiple Amendments

If a section has been amended several times in different years, the "as amended" phrase is used in the section lead-in of the bill draft. Review the following examples:

Example: History — Single Enactment and Multiple Amendments — Different Years

History: Laws 1973, ch. 258, § 150; 1989, ch. 106, § 1; 1994, ch. 28, § 2; 1995, ch. 26, § 2; 2002, ch. 97, § 2.

Example: Bill Draft — Single Enactment and Multiple Amendments — Different Years

12	SECTION 4. Section 14-8-6 NMSA 1978 (being Laws 1973,
13	Chapter 258, Section 150, as amended) is amended to read:

There are times when a section of law is amended in more than one bill during a session and all of the bills pass and are signed into law by the governor. New Mexico law provides that the last one signed is the one that gets compiled. If the amendments are reconcilable, they will be

incorporated into the section and set out in the Comp by the New Mexico Compilation Commission. If the amendments are conflicting, the compiler's notes will give explanatory text.

Example: History — Single Enactment and Multiple Amendments — Same Year

History: Laws 1981, ch. 65, § 38; Laws 1985, ch. 14, § 9; Laws 1990, ch. 17, § 4; Laws 1990, ch. 54, § 8; Laws 1990, ch. 138, § 2.

This means that this particular section of law was amended three times in 1990. The "being Laws" in the bill would read as follows:

Example: Bill Draft — Single Enactment and Multiple Amendments — Same Year

12	SECTION 4. Section 43-14-7 NMSA 1978 (being Laws 1981,
13	Chapter 65, Section 38, as amended by Laws 1990, Chapter 17,
14	Section 4 and by Laws 1990, Chapter 54, Section 8 and also by
15	Laws 1990, Chapter 138, Section 2) is amended to read:
16	"43-14-7. SECTION--HEADING.-- ..."

Compilations in Histories

Included in the history of certain sections of the Comp are references to earlier compilations. Although appearing in the history, the compilations are not amendments to the law being cited, **except for references to Code 1915**. The changes to previous law by the 1915 recodification/compilation were so extensive that the code is assumed to have amended all previous law. Therefore, a reference to Code 1915 is considered an amendment.

Code 1915

Remember that Code 1915, although technically a compilation, is accepted as a codification of all laws enacted prior to 1915 because of accumulated errors in the previous session laws and compilations. Any reference to Code 1915 in a section's history dictates that "**, as amended**" appear in the being Laws parenthetical.

Example: History — Enacted Before 1915 — No Amendments, Except 1915 Codification

History: Laws 1876, ch. 1, § 4; C.L. 1884, § 335; C.L. 1897, § 654; **Code 1915, § 1152**; C.S. 1929, § 33-3701; 1941 Comp., § 15-4301; 1953 Comp., § 15-45-1.

In the previous example, the law was enacted in 1876. All of the entries following the enactment entry are for compilations, except for Code 1915. Although the compilations appear as entries in the history, they are not amendments to the law being cited, except for the

reference to Code 1915. A reference to Code 1915 is considered an amendment, and the "being Laws" parenthetical would say ", as amended".

Example: Bill Draft — Enacted Before 1915 — No Amendments — 1915 Codification

12 **SECTION 4.** Section 4-46-1 NMSA 1978 (being Laws 1876,
13 Chapter 1, Section 4, **as amended**) is amended to read:

In the following example, the law was enacted in 1897. Except for Code 1915 and the last entry in the history, all of the entries are compilations. Code 1915 counts as an amendment, as does Laws 1968, Chapter 69, Section 3.

Example: History — Enacted Before 1915 with Amendments — Includes Code 1915

History: Laws 1897, ch. 42, § 16; C.L. 1897, § 300; **Code 1915, § 1228**; C.S. 1929, § 33-4242; 1941 Comp., § 7-608; 1953 Comp., § 11-6-7; **Laws 1968, ch. 69, § 3.**

Example: Bill Draft — Enacted Before 1915 with Amendments — Includes Code 1915

12 **SECTION 4.** Section 6-6-13 NMSA 1978 (being Laws 1897,
13 Chapter 42, Section 16, **as amended**) is amended to read:

The laws of 1915 were enacted after Code 1915; therefore, a 1915 history will only have "as amended" if there was an amendment after 1915.

Example: History — Enacted in 1915 — No Amendments

History: Laws 1915, ch. 61, § 1; C.S. 1929, § 96-138; 1941 Comp., § 10-101; 1953 Comp., § 5-1-1.

Example: Bill Draft — Enacted in 1915, No Amendments

12 **SECTION 4.** Section 10-1-1 NMSA 1978 (being Laws 1915,
13 Chapter 61, Section 1) is amended to read:

Code 1915 did not enact section headings, so the drafter and the first proofer must go back to the original law to check if a heading was enacted. The following example shows Section 14-8-9 NMSA 1978 as it appears in the Comp. The **heading is placed in brackets** because the heading was not enacted.

Example: The Comp — Heading Not Enacted

"14-8-9. [Security of books of record; delivery to successors.]
It shall be the duty of the county clerks to keep their books of
record well secured, and when they go out of office as such clerks,
they shall deliver them complete to their successors."

This **heading must be underscored** in the bill draft to show that it is new.

Example: Bill Draft

12 | "14-8-9. SECURITY OF BOOKS OF RECORD--DELIVERY TO
13 | SUCCESSORS.--It shall be the duty of the county clerks to keep
14 | their books of record well secured, and when they go out of
15 | office as such clerks, they shall deliver them complete to their
16 | successors."

Recompilations in Histories

If a section has been recompiled, it means the section has been assigned a new Comp number. The history will explain the change.

Example: History — Recompiled — No Amendments

History: 1978 Comp., § 58-18-5.1, enacted by Laws 1981, ch. 173, § 1; recompiled as 1978 Comp., § 2-12-5.

The bill draft will retain the original enactment date. The enactment date **is not** replaced by the recompiled date. A recompilation is not considered, by itself, to be an amendment and therefore does not require ", as amended" to be added to the "being Laws" clause.

Example: Bill Draft — Recompiled — No Amendments

14 | SECTION 1. Section 2-12-5 NMSA 1978 (being Laws 1981,
15 | Chapter 173, Section 1) is amended to read:

A section may have been recompiled and amended. The history will reflect these actions.

Example: History — Recompiled and Amended

History: 1953 Comp., § 2-13-4, enacted by Laws 1977, ch. 261, § 4; amended and recompiled as § 2-11-8.2 NMSA 1978 by Laws 1993, ch. 46, § 24; 1995, ch. 153, § 22; 1997, ch. 112, § 7.

The enactment date is retained in the bill draft "being Laws".

Example: Bill Draft — Recompiled and Amended

14 SECTION 1. Section 2-11-8.2 NMSA 1978 (being Laws 1977,
15 Chapter 261, Section 4, as amended) is amended to read:

Repeals in Histories

When a statute is repealed, its history ends. If a section or sections have been repealed and not reenacted, the section language will be removed from the Comp and only the section number will be listed along with the word repealed.

Example: The Comp — Repealed Section Notation

31-12-1, 31-12-2. Repealed.

Repeals and New Enactments in Histories

If a section has been repealed and a new section enacted with the same Comp number at the same time, the history will reflect these actions. In the following example, the section was also amended after the repeal and enactment.

Example: History — Repealed and Enacted and Amended

History: 1978 Comp., § 40-4-9.1, **enacted by Laws 1981, ch. 112, § 1; reenacted by Laws 1986, ch. 41, § 1; 1999, ch. 242, § 1.**

The bill draft will use the **second enactment date** in the "being Laws" clause. Review the following example.

Example: Bill Draft — Repealed and Enacted and Amended — Being Laws

14 SECTION 12. Section 40-4-9.1 NMSA 1978 (being Laws
15 1986, Chapter 41, Section 1, as amended) is amended to read:

The history may not state "reenacted" but will often be accompanied by a compiler's note in the Comp.

Example: History and Compiler's Note — Repealed, Enacted and Amended

History: 1978 Comp., § 52-1-4, **enacted by Laws 1987, ch. 235, § 5; 1989, ch. 263, § 4; 1990 (2nd S.S.), ch. 2, § 2.**

Repeals and reenactments. - Laws 1987, ch. 235, § 5 repealed former 52-1-4 NMSA 1978, as amended by Laws 1986, ch. 22, § 2, and enacted a new 52-1-4 NMSA 1978.

Delayed Repeal in Histories

A delayed repeal will not be shown in the history, but a notation will appear after the section heading in the Comp.

Example: Delayed Repeal Section and History in Comp

31-22-1. Short title. **(Repealed effective July 1, 2006.)**

Chapter 31, Article 22 NMSA 1978 may be cited as the "Crime Victims Reparation Act".

History: Laws 1981, ch. 325, § 1; 1993, ch. 207, § 1.

A delayed repeal is not indicated in the bill draft "being Laws" clause.

Example: Bill Draft — Delayed Repeal

14	SECTION 2. Section 31-22-1 NMSA 1978 (being Laws 1981,
15	Chapter 325, Section 1, as amended) is amended to read:

The *Legislative Drafting Manual* has more information on histories and citations.

Drafting Citations

A citation is a reference to a particular section of New Mexico law, a court case or a federal law or code. There are standard formats for writing the various kinds of citations.

Session Law Citations

As noted earlier, each act, when duly passed and signed, becomes a separate chapter in the session laws for that year. An act may contain only one section or several hundred sections. In general, each section becomes a separate statute in the NMSA. When citing the session laws, cite first the year, then the chapter number, then the section number.

Example: Session Law Citation

pursuant to Laws 1981, Chapter 62, Section 5

If a session law citation goes below the section level, it starts at the smallest division in the citation and goes to the biggest.

Example: Session Law Subdivision Citation

as provided in Paragraph (3) of Subsection B of Section 23 of Chapter 143 of Laws 1977

Some session law citations only go to the chapter level.

Examples: Session Law Citation

Laws 1992, Chapter 14

Laws 1977, Chapter 235

NMSA Citations — Meaning

A citation to the NMSA 1978 may be a reference to a chapter of the NMSA, a chapter and article of the NMSA or a section of the NMSA. Citing to a section of the NMSA requires the use of the section's Comp number.

Comp Numbers

A Comp number is a three-part number that starts with the **Comp chapter number** (which has no relation to the chapter number assigned to acts in the session laws), followed by the **article number** and ends with the **section number**. For example, Section 2-3-4 NMSA 1978 means **Chapter 2, Article 3, Section 4** of the Comp.

When citing a Comp number, always start with the word "Section". In the lead-in of a section of a bill draft, the Comp number will be stated as Section 2-3-4 NMSA 1978. However, after the colon and quotation marks before the section heading of a section of the bill draft, the Comp number will appear only as "2-3-4". Review the following example.

Example: Comp Number in Bill

10	SECTION 6. Section 7-1-2 NMSA 1978 (being Laws 1965,
11	Chapter 248, Section 2, as amended) is amended to read:
12	"7-1-2. APPLICABILITY.--The Tax Administration Act
13	applies to ..."

Comp Number Assignment

Comp numbers are assigned to each section of law by the compiler and in certain cases by a bill drafter. The compiler or the bill drafter determines the need for inserting new Comp numbers between existing numbers based on how the material being drafted fits with the design of the compilation.

If **new sections** need to be inserted between two Comp numbers currently in use, a decimal point and number is added to the section number.

Example: Comp Number Assignment — Insertion Between Two Existing Sections

Sections 2-3-4.1 and 2-3-4.2 NMSA 1978 would appear between Sections 2-3-4 and 2-3-5 NMSA 1978.

If an entire **new chapter** is being enacted and inserted between existing consecutive chapters, a letter designation will be added to the new chapter number.

Example: Comp Number Assignment — Insertion Between Two Existing Chapters
29A-1-1 through 29A-1-7 NMSA 1978.

A **new article** being inserted between existing consecutive articles would be designated in the same manner.

Example: Comp Number Assignment — Insertion Between Two Existing Articles
29-1A-1 through 29-1A-10 NMSA 1978.

Repealed Comp Numbers

In assigning a Comp number, a drafter **may not** reuse a Comp number that was previously repealed.

NMSA Section Citations — Style

The standard form for referencing a section of the NMSA reads as in the following example.

Example: NMSA Citation

pursuant to the provisions of Section 7-2C-8 NMSA 1978

A citation to a subdivision of a compiled NMSA section starts at the smallest division cited and goes through all of the intermediate steps to the section number. For example, an NMSA citation **would not** read "Section 33-2-5A(3)(b)". It would read as in the following example.

Example: NMSA Subdivision Citation

provided in Subparagraph (b) of Paragraph (3) of Subsection A of Section 33-2-5 NMSA 1978

Note that all citations must be exact, so they must be "closed off"; that is, they must go until they cannot go anymore. It would be **incorrect** to cite "as provided in Paragraph (3)"; the citation should be as follows.

Example: NMSA Subdivision Citation

as provided in Paragraph (3) **of this subsection**

It is not necessary, however, to give the proper name of whatever subdivision you are in.

Examples: Correct Citation — Within Subdivision

in this paragraph

in this subsection

in this section

Note that, in the previous example, the subdivision is **not capitalized**.

When citing a Comp chapter and article, the correct form is "**Chapter 42, Article 2 NMSA 1978**". However, if an entire article consists of a short title act, it is preferable to **cite to the name of the act instead of the Comp number**.

Example: Short Title Act

pursuant to the Adoption Act

If the section of law to be cited was not compiled, the session law citation must be used.

Example: Session Law Citation

pursuant to Laws 2007, Chapter 125, Section 2

Keep Comp Numbers Intact

Never split a Comp number at a line break, keep the entire hyphenated number sequence together. Review the following examples.

Example: Incorrect — Comp Number Split at Line Break

```
12 |     "... the bank or savings and loan association if the
13 | deposit is secured by surety bond.  If, after considering the
14 | proposal of a credit union and finding it in with Sections 6-
15 | 10-30 and 6-10-36 NMSA 1978, the board of finance may
16 | designate ..."
```

Example: Correct Placement of Comp Numbers

```
12 |     "... the bank or savings and loan association if the
13 | deposit is secured by surety bond.  If, after considering the
14 | proposal of a credit union and finding it in with Sections
15 | 6-10-30 and 6-10-36 NMSA 1978, the board of finance may
16 | designate ..."
```

Zoo Fixes — Correct Citations

There are citation conversions in the zoos either because of old law or because cross-references were written in bills that did not assign Comp numbers. One example is when a new short title

act is enacted. A new short title act is not assigned Comp numbers when it is enacted; it will simply say "This act" or "Sections ___ through ___ of this act". So, the short title section must be amended later to put in the correct citation. The zoo will be marked as follows.

Example: Short Title Fix

```
10 SECTION 6. Section 1-15A-1 NMSA 1978 (being Laws 2011,  
11 Chapter 137, Section 109) is amended to read:  
12 "1-15A-1. SHORT TITLE.--[This act] Chapter 1, Article 15A  
13 NMSA 1978 may be cited as the "Presidential Primary Act"."
```

There are also citations to old compilations, particularly NMSA 1953, and they must be converted to the current Comp. If, for some reason, a zoo does not bracket the old and underscore the correct citation, it must be fixed. Check the Comp to see how it lists the correct citation.

Example: 1953 Comp Conversion

```
10 D. At the time and place set by the district court,  
11 the recheck shall be conducted as provided in Section [3-13-10  
12 NMSA 1953] 1-13-9 NMSA 1978.
```

In the next example, the citation could not be converted to an NMSA 1978 citation because it was repealed in 1969. The drafter should consider whether or not to remove the obsolete reference.

Example: Reference to Repealed 1953 Section

```
12 "... Nothing in this section shall prevent the bank or savings  
13 and loan association designated as fiscal agent from also  
14 qualifying as a state depository under Sections 11-2-18 NMSA 1953  
15 or 6-10-30, 6-10-35 and 6-10-36 NMSA 1978."
```

Constitution of New Mexico Citations

References should be made to the "constitution of New Mexico", **not** the "New Mexico constitution".

Examples: Constitution of New Mexico Citations

pursuant to the provisions of the constitution of New Mexico
pursuant to Article 10, Section 5 of the constitution of New Mexico
for purposes of Article 9, Sections 9 through 13 of the constitution of New Mexico

Roman numerals should be changed to Arabic numerals. Article **XIX** of the constitution of New Mexico should be changed to Article **19** of the constitution of New Mexico.

Federal Citations

Proofers will ensure that a federal short title is correctly cited, but other citations to federal law are the responsibility of the drafter. A common error in federal short title citations is capitalizing or lower-casing the word "federal" when it should be the other way. Check short titles in the USCA. The *Legislative Drafting Manual* has more on the correct citation style.

Examples: Names of Federal Acts

the Federal Firearms Act
the Federal Food, Drug, and Cosmetic Act
the federal Chimpanzee Health Improvement, Maintenance, and Protection Act

Examples: USCA Citations

"... all other money received by the state pursuant to the provisions of the federal Mineral Lands Leasing Act, 30 USCA 181, et seq., shall be distributed to the public school fund."

"(8) an Indian tribe as defined in 26 USCA Section 3306(u) for which service in employment is performed;"

Court Cases

Citing court cases correctly is the responsibility of the drafter. Citations to specific court cases are set out in italics, such as *Wood v. United States* or *State ex rel Coll v. Carruthers*.

Example: Court Case Citation

12 | "... In accordance with the United States supreme court decision
13 | in *Communications Workers of America v. Beck* (1988), employees
14 | have the following rights regarding the use of union dues ..."

Slugs

A "slug" is a shorthand form of the name of a bill. Substitute bills, proposed amendments, floor amendments and committee reports require the use of slugs on the second and succeeding pages. On a substitute bill, the slug will appear on the top of the page, alternating left for even pages and right for odd pages. In non-legislation drafting, such as reports or opinions, a slug may be used in place of the full name of a bill.

A slug is written in all caps except as provided below. A slash replaces the words "substitute for" in substitute bill slugs.

Examples: Slugs

Bill	Slug
SENATE BILL 272	SB 272
HOUSE JOINT RESOLUTION 10	HJR 10
SENATE RULES COMMITTEE SUBSTITUTE FOR SENATE BILL 29	SRC/SB 29
SENATE BILL 289, as amended	SB 289, aa
HOUSE FLOOR SUBSTITUTE FOR HOUSE BILLS 137, 236 & 431	HF1/HB 137, 236 & 431
HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILLS 2, 4 & 6 AND SENATE BILLS 2, 5 & 7	HAFC/HB 2, 4 & 6 and SB 2, 5 & 7
SENATE FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILLS 356, 357, 404, 567, 568 & 601	SFC/SB 356, et al.

If the bill is a substitute bill for multiple bills, you may replace the list with "et al." as in the last example.

For more information on slugs and their specific use, *see* the discussion on slugs in Chapter 4: Substitute Bills, and Chapter 5: Amendments.

CHAPTER 3: LEGISLATIVE ACTIONS

Each section of a bill performs a legislative action. Upon receiving a request for a bill, a drafter must determine what sections should be included in the bill to achieve its purpose.

To do this, the drafter may research what other states have done in similar circumstances, possible conflicts with federal law, general background and other pertinent information and then determine which sections, if any, of the current law will need to be changed and what other legislative actions must be taken. These actions should be cited in the title of the bill.

In terms of legislative actions, a section of a bill may:

- (1) enact a new law;
- (2) amend an existing law;
- (3) repeal an existing law;
- (4) repeal an existing law and enact a new section in its place (same Comp number);
- (5) recompile an existing law;
- (6) recompile and amend an existing law; or
- (7) be one of a number of noncompiled sections.

A bill may contain any one or a combination of these types of sections.

New Material Designation

A new substantive section (a section that will be compiled) must have the new material designation.

The format will be affected by whether the section is:

- (1) being assigned a Comp number;
- (2) being inserted into an existing short title act or other existing law (chapter or article of the NMSA 1978);
- (3) being repealed and a new section is being enacted in its place (same Comp number); or
- (4) not being assigned a Comp number and is not being inserted into existing law.

Back of bill sections (sections that will not be compiled) do not carry the new material designation. Severance tax bond distributions and reauthorizations do not require the designation.

Enacting a New Section

A drafter may choose to draft a bill to enact a new section of law when the purpose of a legislative request is not covered by existing law. When drafting a new section, in addition to determining the substantive language of the section, the drafter should consider:

- where the new section will fit into existing law; that is, will it be added to an existing short title act or chapter of the NMSA or will it be part of a new short title act; and
- whether to assign a Comp number to the section.

Assignment of Comp Numbers

If the law is being enacted for the first time, a Compilation number, or "Comp number", may or may not be assigned to it by the drafter. It is the preferred drafting style to leave the assignment of Comp numbers to the compiler. (For further discussion, *see* Comp Number Assignment in Chapter 2.)

New Material Designation

New substantive sections (sections that will be compiled) must have the words [NEW MATERIAL] (capitalized, bracketed and underscored) inserted directly before the section heading.

If a Comp number is being assigned to a new section, [NEW MATERIAL] must precede the section heading. The body of such a section always starts with the Comp number and is set off in quotation marks. Only that portion of the section within quotes will appear in the Comp.

The following examples demonstrate the use of the new material designation.

Example: New Material Designation — Comp Number Assigned

10 SECTION 6. A new Section 21-13-27 NMSA 1978 is enacted to
11 read:
12 "21-13-27. [NEW MATERIAL] IDENTIFICATION CARDS.--
13 Identification cards shall be obtained by each student from
14 the community college administration office ..."

Example: New Short Title Act — New Material Designation

14 SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through
15 8 of this act may be cited as the "Rodeo Safety Act".

In the preceding example, the first eight sections of the bill are part of a new short title act; the remainder of the bill contains amendatory sections or other new material sections that are not part of the new short title act. The words "Sections 1 through 8 of this act" signal that there are other sections of the bill that are not part of the new short title act.

Example: New Section and Amendatory Section

10 SECTION 5. [NEW MATERIAL] COMMISSION--ADDITIONAL POWERS AND
11 DUTIES.--The commission shall ...
12 SECTION 6. Section 22-2-8 NMSA 1978 (being Laws 1967, Chapter
13 16, Section 11, as amended) is amended to read:
14 "22-2-8. SCHOOL STANDARDS.--The [~~state board~~] department
15 shall prescribe standards for all public schools in the state...."

When the new section is to be part of an existing short title act or other existing law, that fact must be stated in the lead-in.

Example: New Section Inserted into Existing Short Title Act

10 SECTION 6. A new section of the Pigeon Protection Act is
11 enacted to read:
12 "[NEW MATERIAL] PERMIT.--A permit shall be obtained...."

Example: New Section Inserted into Existing Law (Chapter of the NMSA 1978)

10 SECTION 6. A new section of Chapter 10, Article 5 NMSA
11 1978 is enacted to read:
12 "[NEW MATERIAL] LICENSE.--A license must accompany...."

When the new section to be added to an existing short title act is being assigned a Comp number, both the short title and the section number are cited in the lead-in.

Example: Comp Number Assigned and Inserted into Existing Short Title Act

10 SECTION 6. A new section of the Pigeon Protection Act,
11 Section 61-14-22 NMSA 1978, is enacted to read:
12 "61-14-22. [NEW MATERIAL] PERMIT.--A permit shall be
13 obtained from the pigeon protection board prior to killing barn
14 pigeons."

When all of the sections in a bill are new and a section is being inserted into an existing short title act or other existing law, the format of the sections will be different.

Example: All Sections New but One Section Inserted into Existing Law

10 SECTION 6. A new section of the Pigeon Protection Act is
11 enacted to read:
12 "[NEW MATERIAL] PERMIT.--A permit shall be obtained from the
13 pigeon protection board prior to killing barn pigeons."
14 SECTION 7. [NEW MATERIAL] BIRD WATCHING REGULATION.--

Another type of section that requires the new material designation is a section that is repealed and for which a new section is enacted in its place with the same Comp number in the same bill. If a Comp number has been previously repealed, it may not be reused.

Example: Repeal and Enact New Section — Same Comp Number

```
21 | SECTION 43. Section 54-6-40 NMSA 1978 (being Laws 1967,  
22 | Chapter 23, Section 15) is repealed and a new Section 54-6-40 NMSA  
23 | 1978 is enacted to read:  
24 | "54-6-40. [NEW MATERIAL] DANGEROUS DRUGS--VETERINARY  
25 | USE.--...."
```

Please note that in the preceding new material examples, the body of the section following the lead-in, "is enacted to read:", is set off in **quotation marks**.

A bill may consist entirely of new material sections. Each of the new sections must have the new material designation.

Example: All New Sections — New Short Title Act

```
14 | SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
15 | cited as the "Skydiving Safety Act".
```

In the preceding example, the words "This act" show that there are no amendatory sections in the bill. The next example shows another section of the same short title act.

Example: Another Section of the Short Title Act

```
10 | SECTION 8. [NEW MATERIAL] SAFETY REQUIREMENTS.--The  
11 | following safety requirements shall be ...
```

Back of the bill sections do not carry the new material designation. The new material designation is removed when the bill is prepared by E&E after passage by both houses. For further discussion, *see* Introduction, The Legislative Process.

Short Title Conversion

If a new section is being placed in an existing short title act, be sure to check the section that enacted that short title act for:

- (1) the correct name of the short title; and
- (2) whether the short title citation will cover the new section.

★ If the citation is not broad enough to cover the addition of a new section, the drafter should amend the short title section. If the short title section in the Comp reads like the following example, "This act" should be converted to the actual comp citation.

Example: Existing Section (as shown in the Comp)

21-10-4. SHORT TITLE.

This act may be cited as the "Indian Resources Development Act".

Example: Section Marked for Amendment

12 SECTION 11. Section 21-10-4 NMSA 1978 (being Laws 1979,
13 Chapter 371, Section 1) is amended to read:
14 "21-10-4. SHORT TITLE.--~~[This act]~~ Sections 21-10-4 through
15 21-10-9 NMSA 1978 may be cited as the "Indian Resources
16 Development Act"."

"This act" is used when the drafter is not assigning Comp numbers to sections of the act in the bill draft and therefore has no other way to reference the act. After the sections have been compiled, the Comp numbers should be added when the short title section is next amended.

If the article to which the short title act has been assigned does not contain any sections that are not part of the short title act, it is best to amend the short title section and change "this act" to a broad citation (the entire article) to allow for future additions.

Example: Existing Section (as shown in the Comp)

25-6-1. SHORT TITLE.

This act may be cited as the "Egg Grading Act".

Example: Section Marked for Amendment

12 SECTION 11. Section 25-6-1 NMSA 1978 (being Laws 1963,
13 Chapter 138, Section 1) is amended to read:
14 "25-6-1. SHORT TITLE.--~~[This act]~~ Chapter 25, Article 6
15 NMSA 1978 may be cited as the "Egg Grading Act"."

Short titles that list "sections of the act" must also be converted.

Example: Existing Section (as shown in the Comp)

21-1B-1. SHORT TITLE.

Sections 1 through 6 of this act may be cited as the "Post-Secondary Education Articulation Act".

Example: Section Marked for Amendment

12 SECTION 11. Section 21-1B-1 NMSA 1978 (being Laws 1995,
13 Chapter 224, Section 1) is amended to read:
14 "21-1B-1. SHORT TITLE.-- [~~Sections 1 through 6 of this act~~]
15 Chapter 21, Article 1B NMSA 1978 may be cited as the "Post-
16 Secondary Education Articulation Act"."

Enacting in Title of the Bill

Even if Comp numbers are not assigned by the drafter, new sections are considered to be enactments of the NMSA 1978 for the purpose of citing that action in the title. This means that if the title reads "AMENDING SECTIONS OF THE NMSA 1978" in a bill that also contains new sections to be enacted (with or without assigned Comp numbers), it is an incorrect title. The title should read "AMENDING AND ENACTING SECTIONS OF THE NMSA 1978".

Amending an Existing Section

A section of the statutes is amended when the legislature wants to make substantive changes to existing law. If errors have been discovered in the existing law, they are corrected at this time, and wording and style are updated if necessary or desired.

Section Lead-Ins — Histories

In the lead-in to a section, the **history** (the "being Laws" parenthetical) must follow the amendatory section citation.

Example: Being Laws — Section Not Previously Amended

12 SECTION 11. Section 7-1-7 NMSA 1978 (being Laws 1969,
13 Chapter 147, Section 2) is amended to read:

If the statute has been previously amended, ", as amended" follows the citation just before the closing parenthesis.

Example: Being Laws — Section Previously Amended

12 SECTION 7. Section 7-1-45 NMSA 1978 (being Laws 1965,
13 Chapter 248, Section 47, as amended) is amended to read:

If a drafter needs to amend a section that has not been compiled, the session law section must be used. The following example shows the lead-in for amending session law.

Example: Amending Session Law — Lead-in

12 SECTION 1. Laws 1999, Chapter 177, Section 5 is amended to
13 read:
14 "SECTION 5. EFFECTIVE DATE.--The effective date of the
15 provisions of Section 4 of this act is July 1, [~~2014~~] 2018."

Quotation Marks

The body of the section following the lead-in "is amended to read:" is set off in quotation marks.

Example: Body Set off in Quotation Marks

12 SECTION 5. Section 61-14-4 NMSA 1978 (being Laws 1933,
13 Chapter 21, Section 4, as amended) is amended to read:
14 "61-14-4. LOCATION OF HEADQUARTERS.--The pigeon
15 protector shall maintain [~~his~~] permanent headquarters in
16 [~~Albuquerque~~] Santa Fe."

Bracketing and Underscoring

Bracketing and underscoring allow legislators to see at a glance what changes in the section are being proposed. In an amendatory section of a bill draft, the words to be deleted from the existing statute must be bracketed and lined through; additions to the existing law must be

underscored. Bracketing and underscoring are used only in the material within quotation marks in amendatory sections, never in a new material section. **Bracketed material usually comes before underscored material.**

Example: Bracketing and Underscoring

Existing Law: "A person, organization or association that owns more than one horse of any breed shall be required . . ."

Bill Draft: "A person [~~organization or association that~~] who owns more than [~~one horse~~] six horses of any one breed [~~shall be~~] is required . . ."

New Law: "A person who owns more than six horses of any one breed is required . . ."

Making Simple Corrections or Changes

Do not bracket or underscore to change only punctuation or the case of a letter.

When changing the tense of a verb, the hyphenation of a word, the number or possessive case of a noun or pronoun or a misspelled word in the law, the entire word must be bracketed and the new word underscored.

Examples: Corrections

[has] had [its] it's [~~group's~~] groups' [~~untie~~] unite [~~non-exempt~~] nonexempt

Other simple changes include such things as changing the names of agencies or inserting words or phrases.

Example: Amending — Simple Change

12	SECTION 1. Section 14-3-19 NMSA 1978 (being Laws 1968,
13	Chapter 14, Section 1) is amended to read:
14	"14-3-19. STORAGE EQUIPMENT, SUPPLIES AND MATERIALS--
15	MICROFILM SERVICES AND SUPPLIES--PURCHASE BY STATE [RECORDS]
16	COMMISSION <u>OF PUBLIC RECORDS</u> FOR RESALE.--The state [records]
17	<u>commission of public records</u> may purchase for resale . . ."

Amending Money Amounts

When changing a dollar amount, the entire phrase or "money string" is bracketed and the new amount is underscored.

Example:

Existing Law: "... and a fee of one thousand dollars (\$1,000) is assessed ..."

Bill Draft: "... and a fee of [~~one thousand dollars (\$1,000)~~] one thousand three hundred dollars (\$1,300) is assessed ..."

New Law: "... and a fee of one thousand three hundred dollars (\$1,300) is assessed ..."

Example: Amending — Changing Amount of Money

12	M. a fee for the licensing of a cattle or sheep rest
13	station pursuant to Section 77-9A-2 NMSA 1978 in an amount not to
14	exceed [twenty five dollars (\$25.00)] <u>one hundred dollars (\$100)</u> ;

Making Extensive Changes

All consecutive wording being deleted needs only initial and closing brackets regardless of the number of lines, pages or indentations involved.

Underscores and line-throughs should never extend beyond the end of a word or sentence. There should be no "tails" sticking out over the edge of a bracket or at the end of a line.

Example: Extended Line-Throughs and Underscores

Incorrect: "A person [~~organization or association~~] that owns more than [~~one horse~~] six horses of any one breed [~~shall be~~] is required ..."

Correct: "A person [~~organization or association~~] that owns more than [~~one horse~~] six horses of any one breed [~~shall be~~] is required ..."

Deleting or Inserting Subdivisions

When deleting or inserting entire subsections, paragraphs, subparagraphs or items, bracket or underscore the letter or number of the subdivision along with the language, then bracket or underscore the letter or number at the next subdivision, as appropriate.

Example: Deleting or Inserting Entire Subsections

9 SECTION 3. Section 31-6A-3 NMSA 1978 (being Laws 1977,
10 Chapter 247, Section 3, as amended) is amended to read:
11 "31-6A-3. DEFINITIONS.--As used in the Erroneous
12 Felonious Acts Act:
13 A. "board" means the [~~crimestoppers~~] victim
14 restitution board;
15 B. "deadly weapon" means a firearm or other weapon
16 capable of producing death or great bodily harm;
17 [~~C. "director" means the executive director of the~~
18 ~~crimestoppers board;~~
19 ~~D. "firearm" means a weapon that uses explosive~~
20 ~~power to hurl a bullet or other projectile object; and]~~
21 C. "felon" means a person who was previously
22 convicted of a felony; and
23 [~~E.~~] D. "great bodily harm" means an injury to the
24 person that creates a high probability of death or that causes
25 serious disfigurement."

Inserting Section Subdivision Designations

Inserting section subdivision designations (subsections, paragraphs, subparagraphs or items) into an existing section of law requires bracketing and underscoring. Review the following examples. This first example shows the existing law as it would appear in the Comp.

Example: Existing Law (as it would appear in the Comp)

61-35-6. Commission; term of office.

The term of office of a member appointed by a trade board to the commission shall be concurrent with his term on the trade board from which he is appointed. The terms of the members appointed by the governor shall be five years. All vacancies on the commission

shall be filled by the authority who appointed the member whose position is vacant. In the case of a vacancy in a position appointed by the governor, the appointment to fill the vacancy shall be only for the unexpired portion of the term of the preceding appointee.

The second example shows the section as it would be marked for amendment.

Example: Bill Draft — Amending to Insert Subdivision Designations into Existing Law

1 SECTION 3. Section 61-36-6 NMSA 1978 (being Laws 1967,
2 Chapter 199, Section 6) is amended to read:
3 "61-36-6. COMMISSION--TERM OF OFFICE--VACANCIES.-- [~~The~~
4 ~~term of office of a member appointed by a trade board to]~~
5 A. Members of the commission [~~shall be concurrent~~
6 ~~with his term on the trade board from which he is appointed.~~
7 ~~The terms of the members]~~ are appointed by the governor [~~shall~~
8 ~~be five]~~ for staggered terms of three years or less.
9 B. All vacancies on the commission shall be filled
10 by [~~the authority who appointed the member whose position is~~
11 ~~vacant. In the case of a vacancy appointed by the governor, the~~
12 ~~appointment to fill the vacancy shall be only for the unexpired~~
13 ~~portion of the preceding appointee]~~ appointment by the governor
14 for the unexpired term."

The next example shows the amended section as it would appear in a zoo after the section is signed into law.

Example: Zoo Section of the Amended Law

1 SECTION 3. Section 61-36-6 NMSA 1978 (being Laws 1967,
2 Chapter 199, Section 6) is amended to read:
3 "61-36-6. COMMISSION--TERM OF OFFICE--VACANCIES.--
4 A. Members of the commission are appointed by the
5 governor for staggered terms of three years or less.
6 B. All vacancies on the commission shall be
7 filled by appointment by the governor for the unexpired term."

Amending Session Law

If changes need to be made to a section of law that has not been compiled, the session law must be amended. Changes to session law are shown by bracketing language to be deleted and underscoring language to be added. Review the following example.

Example: Amending Session Law

12 SECTION 1. Laws 1999, Chapter 177, Section 5 is amended to
13 read:
14 "SECTION 5. APPLICABILITY.--The provisions of Laws 1999,
15 Chapter 177, Sections 1 and 3 [~~of this act~~] shall apply to
16 taxable events occurring on and after July 1, 1999 and prior to
17 July 1, [~~2002~~] 2017."

Reconciled Zoos

If a section to be amended was amended twice (or more) in the same legislative session the last time that it was amended, the zoo section may need to be reconciled. If the changes made to the section by various bills in the same session are identical, no adjustments to the zoo section are necessary. If there are differences between the versions, the zoo will need to be reconciled. If reconciliation is impossible, the earlier signed version should be repealed. For a more detailed discussion, see the *Legislative Document Sample Book*.

Repealing a Section

When the legislature no longer wants a section of the law on the books, it repeals it. A repeal may be drafted as a single section bill, the whole purpose of the bill being the repeal of that section, or the repeal may be included as one of the **back of the bill** sections in a larger bill.

Repeal — Title of Bill

Repeals are usually noted in the title of the bill. The first examples show the title of a bill that only consists of a repeal.

Example: Title of Bill — Repeal Section Only

10	AN ACT
11	REPEALING A SECTION OF THE NMSA 1978 TO ELIMINATE THE DOG CATCHERS
12	TAX CREDIT.

If the Comp number of the section to be repealed is stated in the title, the "being Laws" clause must be included as well. The following example demonstrates its inclusion.

Example: Title of Bill — Repeal Section Only — Comp Number Stated

10	AN ACT
11	REPEALING SECTION 7-40G-1 NMSA 1978 (BEING LAWS 2008, CHAPTER
12	405, SECTION 1) TO ELIMINATE THE DOG CATCHERS TAX CREDIT.

In a larger bill, a repeal may be referenced in the title in several ways. It may be specifically stated, referenced as to its purpose or referenced in a catch phrase at the end of the title.

Example: Title of Multiple Section Bill — Repeal Section Specifically Stated

10	AN ACT
11	RELATING TO TAXATION; ENACTING THE ANIMAL HANDLERS TAX CREDIT
12	ACT; REPEALING SECTION 7-40G-1 NMSA 1978 (BEING LAWS 2008,
13	CHAPTER 405, SECTION 1).

Example: Title of Multiple Section Bill — Repeal Referenced as to Purpose

10	AN ACT
11	RELATING TO TAXATION; ENACTING THE ANIMAL HANDLERS TAX CREDIT ACT;
12	REPEALING A SECTION OF THE NMSA 1978 TO ELIMINATE THE DOG CATCHERS
13	TAX CREDIT.

Example: Title of Multiple Section Bill — Repeal Referenced in Catch Phrase Only

10	AN ACT
11	RELATING TO TAXATION; ENACTING THE ANIMAL HANDLERS TAX CREDIT
12	ACT; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

Repeal Section

A repeal section may repeal a single section, several sections or an entire short title act. The basic format is the same. The Comp number is listed, followed by its history (the "being Laws" parenthetical) and the words "is repealed" or "are repealed".

Example: Repeal — Single Section

12	SECTION 1. REPEAL.--Section 72-16A-14.24 NMSA 1978
13	(being Laws 1969, Chapter 144, Section 59) is repealed.

A number series of sections may be repealed in one section of a bill. In such a case, the Comp numbers of the sections to be repealed are listed in numerical order, with the session law citations ("being Laws" parenthetical) listed in the same order.

Example: Repeal — Multiple Sections — Consecutive Histories

12	SECTION 10. REPEAL.--Sections 22-13A-1 through 22-13A-6
13	NMSA 1978 (being Laws 1989, Chapter 137, Sections 1 through 6, as
14	amended) are repealed.

In the preceding example, the histories listed in the "being Laws" parenthetical are consecutive and therefore may be grouped together connected with the word "through".

If a number of sections with histories that are not entirely consecutive are to be repealed, the histories must be listed in order and "through" used only where the order of the sections' histories allows.

Example: Repeal — Multiple Sections — Nonconsecutive Histories

20	SECTION 24. REPEAL.--Sections 55-12-1 through 55-12-16 and
21	55-13-1 through 55-13-7 NMSA 1978 (being Laws 1969, Chapter 235,
22	Sections 1 through 9, Laws 1971, Chapter 146, Section 8, Laws
23	1969, Chapter 235, Sections 10 through 14, 16 and 17 and Laws
24	1971, Chapter 102, Sections 1 through 7, as amended) are repealed.

If any one of the sections has been amended, ", as amended" appears only once before the closing parenthesis. It is extremely important that a section of this type be accurate as to citations of Comp numbers and laws. Repeal sections appear toward the end of the bill.

Repealing Session Law

If the pertinent section of law has not been compiled, the session law section is repealed.

Example: Repeal — Session Law

12	SECTION 10. REPEAL.--Laws 2001, Chapter 172, Section 3 is
13	repealed.

If a section of existing law was amended more than once in the last session in which it was amended and the versions of the amended law are different and cannot be reconciled, the session law of the version signed earlier is often repealed. Repealing the earlier version leaves the compiled version with its Comp number as the existing law.

Delayed Repeal

Another form of repeal is the delayed repeal, which is used when the effective date of the repeal is set as a future date.

Example: Delayed Repeal

12	SECTION 11. DELAYED REPEAL.--Sections 1 through 8 of this
13	act are repealed effective January 1, 2019.

Delayed repeals are not compiled. However, they are indicated in the Comp by the compiler with a note following the section headings of the affected sections.

Example: Delayed Repeal Notation — in the Comp

7-2-18.9. Credit for produced water. **(Repealed effective January 1, 2016.)**

A similar note will be found on the top of the zoo section in the form of a drafter's note. It is important to check the top of any zoos that are included in a bill draft to see if they have delayed repeals. If the delayed repeal is fast approaching, the drafter may wish to amend the session law or sunset section that established the delayed repeal to extend the section's life.

Example: Delayed Repeal Notation — on Zoo

Laws 1999, Chapter 19, Section 9

Section 15-1C-9 ★

Drafter: **Repealed effective January 1, 2018.**

1 **SECTION _____.** Section 15-1C-9 NMSA 1978 (being Laws
2 1999, Chapter 16, Section 9, as amended by Laws 2003, Chapter
3 49, Section 10 and by Laws 2003, Chapter 308, Section 10) is
4 amended to read:

Sunset Sections

Another type of repeal is a sunset section. Sunset sections are compiled and may be amended with bracketing and underscoring just like any other compiled section. Sunset sections must follow a format that has been set out in statute in the Sunset Act (Sections 12-9-11 through 12-9-21 NMSA 1978).

Please note that **the termination date is always in an odd-numbered year and the effective date of the repeal is in an even-numbered year.** (Section 12-9-18 NMSA 1978)

Example: Delayed Repeal — Sunset Section

12 "15-1C-9. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The
13 information technology commission and information technology
14 management office are terminated July 1, 2019 pursuant to the
15 provisions of the Sunset Act. The commission and office shall
16 continue to operate according to the provisions of the Information
17 Technology Management Act until July 1, 2020. Effective July 1,
18 2020, the Information Technology Management Act is repealed."

To change the dates to extend the life of the agency, the section would have to be amended. The years would be bracketed and the new year inserted and underlined.

Repealing and Enacting a Section

When it appears to the drafter that too many changes are needed in a particular section or that the section as it stands is in conflict with another section and the subject of the material that is being drafted will allow the reuse of the Comp number, the drafter may repeal the existing section and enact a new section with the same Comp number.

New Material Designation

The new material designation always precedes the heading of a repeal and enact section.

Example: Repeal and Enact — Same Comp Number

21 SECTION 43. Section 54-6-40 NMSA 1978 (being Laws 1967,
22 Chapter 23, Section 15) is repealed and a new Section 54-6-40 NMSA
23 1978 is enacted to read:
24 "54-6-40. [NEW MATERIAL] DANGEROUS DRUGS--VETERINARY ...

Cross-References

Use of a repeal and enact section is not common. Drafters hesitate to use it in many cases because there may be cross-references to the current section in other sections of the statutes or in regulations or case law. Because the law changes so often, it is important, in this instance as in all others, to check not only if a cross-reference exists, but also if the cross-reference will make sense if the section to which it applies is repealed and a new section enacted. Always read the **compiler's notes** at the section being repealed and enacted and at related sections to see if there are cross-references noted. The compiler's notes are not exhaustive, however, so drafters and proofers should scan related Comp sections to see if the repeal and enact section number appears in the text of other sections.

Recompiling a Section

When the legislature wants to move one or more sections of the law from one part of the Comp to another, it recompiles those sections. The recompilation section is simply an instruction to the compiler and, as such, is a temporary provision that will not be compiled.

Example: Recompiling a Single Section

```
12 | SECTION 10. TEMPORARY PROVISION--RECOMPILATION.--Section
13 | 15-3-1 NMSA 1978 (being Laws 1968, Chapter 43, Section 1, as
14 | amended) is recompiled as Section 15-3B-3 NMSA 1978.
```

Example: Multiple Sections — Recompiled in Consecutive Order

```
10 | SECTION 42. TEMPORARY PROVISION--RECOMPILATION.--Sections
11 | 22-5-1 through 22-5-5 NMSA 1978 (being Laws 1918, Chapter 14,
12 | Sections 1 through 3, 8 and 9, as amended) are recompiled as
13 | Sections 76-3-52 through 76-3-56 NMSA 1978.
```

Note that in the following example, the recompiled sections are out of order. In a straight recompilation section, the order of listing sections is determined by the **current Comp number not by the recompiled number**.

Example: Multiple Sections — Recompiled in Nonconsecutive Order

17 **SECTION 42. TEMPORARY PROVISION--RECOMPILATION.--**Section
18 22-5-1 NMSA 1978 (being Laws 1918, Chapter 14, Section 1) is
16 recompiled as Section 76-3-52 NMSA 1978. Section 22-5-2 NMSA 1978
17 (being Laws 1918, Chapter 14, Section 2, as amended) is recompiled
18 as Section 76-3-61 NMSA 1978. Section 22-5-3 NMSA 1978 (being
19 Laws 1918, Chapter 14, Section 3) is recompiled as Section 76-3-55
20 NMSA 1978. Section 22-5-4 NMSA 1978 (being Laws 1918, Chapter 14,
21 Section 8, as amended) is recompiled as Section 76-3-59 NMSA 1978.
22 Section 22-5-5 NMSA 1978 (being Laws 1918, Chapter 14, Section 9,
23 as amended) is recompiled as Section 76-3-53 NMSA 1978.

The above example may also be broken into subsections.

Recompiling and Amending a Section

Sometimes, the legislature not only wants to recompile sections — move them to another place in the Comp — but amend them as well. Sections to be amended are usually placed in a bill in Comp number order. So, the zoo for Section 22-1-17 NMSA 1978 would come before the zoo for Section 22-1-25 NMSA 1978 in a bill.

When placing sections that are to be recompiled and amended in a bill, the **section order** is determined by the **new Comp numbers not by the current Comp numbers**. Review the following example. Note that the Comp numbers in the lead-ins of the sections are out of Comp number order, but the recompiled Comp numbers appearing after the opening quotation marks are in Comp number order.

Example: Recompiled and Amended

7 SECTION 1. Section 22-5-1 NMSA 1978 (being Laws 1918,
8 Chapter 14, Section 1) is recompiled as Section 76-3-52 NMSA 1978
9 and is amended to read:

10 "76-3-52. SECTION HEADING.--In this example, material to
11 be deleted would [~~not~~] use bracketing and material to be added
12 would use underscoring."

13 SECTION 2. Section 15-4-3 NMSA 1978 (being Laws 1918,
14 Chapter 14, Section 9, as amended) is recompiled as Section
15 76-3-53 NMSA 1978 and is amended to read:

16 "76-3-53. SECTION HEADING.--When using subsection
17 designations:

18 A. there must be an A; and

19 B. there must also be a B."

20 SECTION 3. Section 22-5-3 NMSA 1978 (being Laws 1918,
21 Chapter 14, Section 3) is recompiled as Section 76-3-55 NMSA 1978
22 and is amended to read:

23 "76-3-55. SECTION HEADING.--

24 A. In this example, notice the order of the sections
25 is determined by the new compilation number ..."

CHAPTER 4: SUBSTITUTE BILLS

A substitute bill is prepared and introduced if a bill as originally introduced needs major changes to satisfy the objections of a committee or individual members of the legislature. If adopted, the substitute takes the place of the original bill.

Substitutes are either **committee substitutes** or **floor substitutes**.

The differences in the format of a regular bill and a substitute bill are:

- (1) the heading;
- (2) the use of "slugs" on the second and succeeding pages;
- (3) the use of a label on the bill jacket; and
- (4) on a generic bill, the relating to clause in the title.

From the title on, a substitute bill proceeds in the same fashion as a regular bill. Substitute bills can also be substituted, either by another committee or on the floor. One house can also substitute a bill originating in the other house.

Committee Substitutes

Heading

The heading of a committee substitute bill will start above line 1 and end on line 2. Since the bill is not introduced (it is a substitute of an already introduced bill), line 3 is blank. It **does not** say "INTRODUCED BY". The heading for each type of substitute is specific.

The top line of the heading for a committee substitute includes the name of the committee followed by "SUBSTITUTE FOR" in the heading.

Example: Committee Substitute Heading

1	HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 451
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	

For committee substitutes, the drafter and the first proofer should check the *Daily Bill Locator* to make sure the bill has a referral to the committee for which the substitute is being prepared.

Substitutes can be created for a single bill or by combining two or more bills on the same subject. If the House Appropriations and Finance Committee substituted three house bills and two senate bills that all appropriated money for AIDS services, the heading would be:

Example: Committee Substitute — Multiple Bills

1	HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILLS 5, 7 & 22 AND SENATE BILLS 14 & 132
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	

Slugs

Starting with the second page, slug lines are typed on substitute bills on the top of each page, alternating left for even pages and right for odd pages. The slug for House Consumer and Public Affairs Committee Substitute for House Bill 235 would be HCPAC/HB 235. The slash indicates "substitute for". For further discussion, see "Slugs" in Chapter 2 for a list of slug examples.

Example: Heading — Substitute for Single Bill

1	HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR HOUSE BILL 388
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

Example: Top of Page 2 — Slug

	HBIC/HB 388
1	SECTION 2. A new section of the Absent Voter Act is enacted
2	to read:

Example: Heading — Substitute for Two Bills

1	HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILLS 225 & 417
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

Example: Top of Page 3 — Slug

	HAFC/HB 225 & 417
1	SECTION 2. A new section of the Absent Voter Act is enacted
2	to read:

In order to save space, especially with long slugs, an ampersand may be used.

Example: Heading — Substitute for Multiple Bills

1	HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILLS 18, 32 & 110 & SENATE BILL 45 AND HOUSE BILL 85
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

Note that in the preceding example, both ampersands and the word "and" are used. The word "and" in this case separates the bills that belong to the HJC substitute, which are HOUSE BILLS 18, 32 & 110 & SENATE BILL 45, and another bill, HOUSE BILL 85, which has not previously been substituted. So, the HAFC substitute bill is replacing both the HJC substitute and House Bill 85.

Example: Top of Page 2 — Slug

```
HAFC/HJC/HB 18, 32 & 110 & SB 45 and HB 85
1     SECTION 2.  A new section of the Absent Voter Act is enacted
2 to read:
```

Endorsement Lines

Committee endorsements, such as "FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE", which are usually found on line 8 of the first page of the bill, must be removed from substitute bills.

Substitute Bill Title

When substituting a bill, especially a substitute for several bills, the title must be appropriate and adequate for the new bill. In the following examples, the titles for HB 143, HB 373 and HB 377 are shown, followed by the title for the substitute bill HTRC/HB 143, 373 & 377.

Example: Original Title for HB 143

```
10     AN ACT
11 RELATING TO TAXATION; INCLUDING CERTAIN ELECTRICITY
12 GENERATION IN THE DEFINITION OF "MANUFACTURING" FOR
13 PURPOSES OF THE INVESTMENT CREDIT ACT AND FOR APPORTIONMENT
14 OF BUSINESS INCOME FOR INCOME TAX PURPOSES; PROVIDING FOR
15 ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR CERTAIN
16 ELECTRICITY GENERATION FACILITY PROJECTS IN COUNTIES AND
17 MUNICIPALITIES; REPEALING LAWS 2001, CHAPTER 57, SECTION 1
18 AND LAWS 2001, CHAPTER 284, SECTION 3.
```

Example: Original Title for HB 373

10 AN ACT
11 RELATING TO TAXATION; ADDING ELECTRICITY GENERATION AT FACILITIES
12 IN AN ADDITIONAL COUNTY TO THE DEFINITION OF "PROJECT" IN THE
13 COUNTY INDUSTRIAL REVENUE BOND ACT AND TO THE DEFINITION OF
14 "MANUFACTURING" FOR PURPOSES OF THE INVESTMENT CREDIT AND
15 APPORTIONMENT OF BUSINESS INCOME; CLARIFYING MULTIPLE AMENDMENTS
16 TO A SECTION OF THE UNIFORM DIVISION OF INCOME FOR TAX PURPOSES
17 ACT.

Example: Original Title for HB 377

10 AN ACT
11 RELATING TO TAXATION; AMENDING THE DEFINITION OF "CONSTRUCTION
12 MATERIAL" IN THE GROSS RECEIPTS AND COMPENSATING TAX ACT;
13 DECLARING AN EMERGENCY.

The next example shows the title for the substitute bill, which incorporates parts of the three bills.

Example: Substitute Bill Title

10 AN ACT
11 RELATING TO TAXATION; INCLUDING CERTAIN ELECTRICITY GENERATION IN
12 THE DEFINITION OF "MANUFACTURING" FOR PURPOSES OF THE INVESTMENT
13 CREDIT ACT AND FOR APPORTIONMENT OF BUSINESS INCOME FOR INCOME TAX
14 PURPOSES; PROVIDING FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR
15 CERTAIN ELECTRICITY GENERATION FACILITY AND 501(c)(3) CORPORATION
16 PROJECTS IN COUNTIES AND MUNICIPALITIES; PROVIDING A DEDUCTION
17 FROM GROSS RECEIPTS FOR CERTAIN SALES OF ENERGY GENERATION
18 EQUIPMENT; REPEALING LAWS 2001, CHAPTER 57, SECTION 1 AND LAWS
19 2001, CHAPTER 284, SECTION 3.

Body of Substitute Bill

From the title on, the body of a substitute bill follows the same style and format as a regular bill. A substitute bill must adhere to the parts of bill order and must include the mandatory types of sections. It may be composed of any of the types of sections used in a regular bill, and section divisions and headings must be formatted as in a regular bill.

Floor Substitutes

Heading

The heading of a floor substitute bill starts above line 1 and ends on line 2. Since the bill is not introduced (it is a substitute of an already introduced bill), **line 3 is blank**. It **does not** say "INTRODUCED BY". The heading for each type of substitute is specific. A floor substitute **does not have a committee name** before the words "FLOOR SUBSTITUTE".

Example: Heading — Floor Substitute

1	HOUSE FLOOR SUBSTITUTE FOR HOUSE BILL 451
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	

Slugs

Starting with the second page, slug lines are typed on substitute bills on the top of each page, alternating **left for even pages** and **right for odd pages**.

Example: Heading — Floor Substitute

1	SENATE FLOOR SUBSTITUTE FOR SENATE BILL 73
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	

Example: Top of Page 2 — Slug

```
SF1/SB 73
1     SECTION 2.  A new section of the Absent Voter Act is
2 enacted to read:
```

The slash indicates "substitute for". In the floor substitute slug, SF1/SB 73, the "S" stands for senate and the "F" stands for floor. Please note that it is a lowercase "L" following the "F", not the number "one". The rest of a floor substitute is the same as a committee substitute.

Substitute Bill Label

A label must be typed for the bill jacket of each substitute bill. The label will state the name of the substitute bill. A label can take up to three lines. The word processor will break the lines in order to get the information on the label. A label might look like this:

Example:

```
HOUSE FLOOR SUBSTITUTE FOR HOUSE
BUSINESS AND INDUSTRY COMMITTEE
SUBSTITUTE FOR SENATE BILL 144
```

Example:

```
HOUSE APPROPRIATIONS AND FINANCE
COMMITTEE SUBSTITUTE FOR HOUSE BILLS 2,
5 & 7 AND SENATE BILLS 14 & 132
```

Generic Bills

In the only other case in which a substitute is used, a need may arise for a new bill to be introduced after the official cut-off date for introduction of legislation (30 days after the 60-day session begins, 15 days after the 30-day session begins). To allow for that contingency, **generic bills** are introduced on the cut-off day for substitution at a later date.

Title

These bills have specific wording in the title that signifies they are generic bills.

Example: Generic Bill upon Introduction

1	HOUSE BILL 466
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	INTRODUCED BY
4	
5	
6	
7	
8	
9	
10	AN ACT
11	RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

The title will be followed by an enacting clause. The bill will contain no other text and will be introduced in that form.

Generic Bill Substitutes

As the need arises, the generic bills will be substituted by actual bills. These substitutes are usually requested by the leaders of either house or by committee chairs. The heading is the same as for other substitute bills and "INTRODUCED BY" will not appear on line 3.

Example: Generic Bill Substitute — Heading

1	HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 466
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	

Title

A generic bill title must begin with the original relating clause, "RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE"; the substantive title for the substitute bill follows in typical title clauses after that.

Example: Generic Bill Title

10	AN ACT
11	RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
12	PROVIDING ADDITIONAL DUTIES FOR THE PUBLIC SCHOOL CAPITAL
13	OUTLAY COUNCIL RELATING TO THE OVERSIGHT OF PUBLIC SCHOOL CAPITAL
14	OUTLAY PROJECTS; MAKING TRANSFERS FROM THE PUBLIC EDUCATION
15	DEPARTMENT TO THE PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL.
16	
17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
18	

The rest of the bill is in the format and style of other substitute bills.

CHAPTER 5: AMENDMENTS

Amendments are used to make changes to bills, resolutions and memorials during the legislative process. As with substitute bills, there are committee amendments and floor amendments.

Forms of Amendments

There are several forms of amendments, including:

- (1) proposed amendments directed to a committee (committee amendments);
- (2) floor amendments;
- (3) committee reports with amendments; and
- (4) conference committee reports with amendments.

Proposed Amendment Directed to a Committee

Heading

Committee amendments are addressed to "Mr. Chair" or "Madam Chair". Amendments drafted for one committee are frequently duplicated for use in other committees, so the chair designation must be adjusted each time. Review the following examples.

Example: Committee Amendment Heading — Simple Bill

FIFTY-THIRD LEGISLATURE
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

January 28, 2018

Mr. Chair:

I propose to the SENATE JUDICIARY COMMITTEE the following amendments to

SENATE BILL 175

Example: Committee Amendment Heading — Previously Amended Bill

FIFTY-THIRD LEGISLATURE
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

January 28, 2018

Madam Chair:

I propose to the HOUSE EDUCATION COMMITTEE the following amendments to

HOUSE BILL 28, as amended

Example: Committee Amendment Heading — Substitute Bill

FIFTY-THIRD LEGISLATURE
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

January 28, 2018

Mr. Chair:

I propose to the HOUSE TAXATION AND REVENUE COMMITTEE the following amendments to

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 401

Body

Each item of a committee amendment is considered a **separate amendment**. Therefore, the **lead-in line** must specify "amendment" or "amendments" depending on the number of items listed. See *Amendment Language and Technical Requirements* in this chapter for wording of amendments.

Example: Lead-In — One Amendment — Multiple Amendments

I propose to the HOUSE APPROPRIATIONS AND FINANCE COMMITTEE the following **amendment** to

I propose to the HOUSE APPROPRIATIONS AND FINANCE COMMITTEE the following **amendments** to

Closing

The closing of a committee amendment is different from that of a floor amendment. Note that "Senator" or "Representative" does not appear under the signature line before the name. The signature line may be left blank. There must be a 202 number at the bottom of the page.

Example: Committee Amendment Closing

Respectfully submitted,

Janet Brown

.204888.1

Second Page — Slugs

The page number is shown on the top right-hand side of the second page. The slug on the top left-hand side of the page is the abbreviated version of the name of the bill. In the following example, SB 175 stands for SENATE BILL 175.

Example: Simple Bill — Not Previously Amended

SB 175

Page 2

If the bill being amended has been previously amended, the slug must reflect it. In the next example, HB 28 stands for HOUSE BILL 28. The ", aa" stands for ", as amended".

Example: Simple Bill — Previously Amended

HB 28, aa

Page 2

If the bill being amended is a substitute bill, the slug is written with a slash, which replaces the words "substitute for". In the next example, the slug stands for HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 401.

Example: Substitute Bill

HAFC/HB 401

Page 2

Floor Amendments

Floor amendments are prepared on special paper with a blue (senate) or yellow (house) stripe down the left margin. Every page of the completed amendment is printed on this paper.

Heading

The heading of a floor amendment is different from that of a committee amendment. It is not addressed to Mr. Chair or Madam Chair, and the sponsor is listed with "Senator" or "Representative" preceding the sponsor's name.

Example: Floor Amendment Heading — Simple Bill

FIFTY-THIRD LEGISLATURE
SECOND SESSION

February 14, 2018

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 10

Amendment sponsored by **Representative** Mary White

Example: Floor Amendment Heading — Substitute Bill

FIFTY-THIRD LEGISLATURE
SECOND SESSION

February 12, 2018

SENATE FLOOR AMENDMENT number _____ to SENATE JUDICIARY COMMITTEE
SUBSTITUTE FOR SENATE BILL 85

Amendment sponsored by Senator John Smith

Please note that the floor amendment must specify either HOUSE or SENATE. Also note that, in this example, the legislator's name is listed on the sponsor line. The sponsor line must be included in the format but the name may be left blank. Confer with the drafter.

Body

The individual items of a floor amendment are considered to be **items of the amendment**, not separate amendments as they are in a committee amendment. See *Amendment Language and Technical Requirements* in this chapter for wording of amendments.

Closing

The closing of a floor amendment is different from that of a proposed amendment.

Example: Floor Amendment Closing

John Smith

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

.204999.1

Please note that there is no "Respectfully submitted" line before the signature line. Also note that the name under the signature line is not preceded by Senator or Representative.

Second Page — Slugs

The legislature heading will be repeated on the second page, followed by a blank line. The next line will show the slug and the page number.

Example: Simple Bill

FIFTY-THIRD LEGISLATURE SECOND SESSION	
HF1/HB 10	Page 2

In the preceding example, HF1 stands for HOUSE FLOOR AMENDMENT. Please note that the "l" in "Fl" is a lowercase "L". HB 10 stands for HOUSE BILL 10.

Example: Substitute Bill

FIFTY-THIRD LEGISLATURE SECOND SESSION	
HF1/SJC/SB 85	Page 2

The previous example shows a house floor amendment to SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE BILL 85. If a bill has been amended previously the slug must reflect the previous amendment as shown in the next example.

Example: Substitute Bill — Previously Amended

FIFTY-THIRD LEGISLATURE SECOND SESSION	
HF1/SFC/SB 358, aa	Page 2

If the bill is a substitute bill for multiple bills, "**et al.**" may be used to save space on the second page slug. If the heading reads: SENATE FLOOR AMENDMENT number ____ to HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR HOUSE BILLS 410, 447, 485, 673, 675 & 701, the numbers may be replaced with "et al." in the second page slug as shown in the next example.

Example: Substitute Bill — Multiple Bills — Use of et al.

FIFTY-THIRD LEGISLATURE
SECOND SESSION

SF1/HTRC/HB 410, et al.

Page 2

Committee Reports

Heading

Committee reports are also prepared on special paper with a blue (senate) or yellow (house) stripe on the left margin. In the heading, the committee report is addressed to "Mr. President" or "Madam President" in the senate and "Mr. Speaker" or "Madam Speaker" in the house. The committee name is listed, as well as the bill name. If the bill has been previously amended, it must state ", as amended".

Example: Committee Report Heading — Senate Committee

FIFTY-THIRD LEGISLATURE
SECOND SESSION

February 2, 2018

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 51, as amended

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

Please note that the recommendation line will state "DO PASS" or "DO NOT PASS" or "WITHOUT RECOMMENDATION". After the recommendation line, a list of items (the body) will follow.

Example: Committee Report Heading — House Committee

FIFTY-THIRD LEGISLATURE
SECOND SESSION

February 2, 2018

Mr. Speaker:

Your STATE GOVERNMENT, INDIAN AND VETERANS AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 421, as amended

Body

Multiple items on proposed amendments to a committee and committee reports are considered **separate amendments**. See *Amendment Language and Technical Requirements* for wording of amendments.

Closing

The closing of a committee report begins with "Respectfully submitted," and ends with a voting record. The committee report is usually prepared outside of the LCS and so it will not have a 202 number at the bottom of the page. Review the following example.

Example: Closing of a Committee Report

Respectfully submitted,

John Smith, Chair

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was ____ For ____ Against
Yes:
No: (last names)
Excused: none
Absent: none

Second Page — Slugs

The committee designated in the introductory line must be noted in the slug on the second and subsequent pages.

Example: Committee Report Introduction — Simple Bill

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 51

Example: Second Page — Simple Bill

FIFTY-THIRD LEGISLATURE
SECOND SESSION

SFC/SB 51

Page 2

Please note that the use of "Mr. President" signifies that this is a senate committee. Therefore, the name of the committee, Senate Finance Committee, is designated as SFC in the slug before the name of the bill, SB 51. If the bill has been previously amended, the designation must be shown in the slug. Review the following examples.

Example: Committee Report Introduction — Simple Bill, Previously Amended

Mr. Speaker:

Your STATE GOVERNMENT, INDIAN AND VETERANS AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 421, as amended

Example: Second Page — Simple Bill — Previously Amended

FIFTY-THIRD LEGISLATURE
SECOND SESSION

HSIVC/HB 421, aa

Page 2

Example: Committee Report Introduction — Substitute Bill, Previously Amended

Mr. Speaker:

Your TAXATION AND REVENUE COMMITTEE, to whom has been referred

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 26, as amended

Example: Second Page — Substitute Bill, Previously Amended

FIFTY-THIRD LEGISLATURE
SECOND SESSION

HTRC/SCONC/SB 26, aa

Page 2

If committee amendments are adopted by the committee, they are included in the committee report for that legislation. **Committee amendments do not take effect** unless they are included on the committee report and the committee report is adopted by the chamber.

★ *Amendment Language and Technical Requirements*

Amendment language is the same in committee and floor amendments and committee reports. Amendments are made to **specified pages and lines** of the introduced bill, memorial or resolution and are listed in consecutive page and line order.

Example: Amendment Language and Format

Mr. Chair:

I propose to the HOUSE APPROPRIATIONS AND FINANCE COMMITTEE the following amendments to

HOUSE BILL 43

1. On page 2, line 19, strike "eight hundred" and insert in lieu thereof "nine hundred".
2. On page 2, line 22, after the second occurrence of "members", strike the remainder of the line, strike all of lines 23 and 24 and strike line 25 through the period.
3. On page 2, line 25, strike "Of" and insert in lieu thereof "of".
4. On page 5, line 3, before the period, insert "; provided, however, that the secretary shall immediately notify the governor of the shortage".
5. On page 5, line 14, strike "and" and insert in lieu thereof "or".
6. On page 6, line 1, before "The", insert the subsection designation "A.".
7. **Reletter** succeeding subsections accordingly.
8. On pages 7 through 9, strike Section 12 in its entirety.

<or>
8. On page 7, strike lines 20 through 25, strike all of page 8 and on page 9, strike lines 1 through 5.
9. **Renumber** the succeeding section accordingly.

Amending to Change Money Amounts

To change dollar amounts, the entire "money string" must be deleted and the new money string inserted.

Example: The Bill

```
10 | SECTION 42. APPROPRIATION.--Fifty-five thousand dollars
11 | ($55,000) is appropriated from the general fund to the local
12 | government division of the department ...
```

To change the amount from \$55,000 to \$155,000, you cannot simply insert the words "one hundred" and the numeral "1". The amendment must be written as in the following example.

Example: Amendment to Change Money Amount

```
1. On page 48, lines 10 and 11, strike "Fifty-five thousand
dollars ($55,000)" and insert in lieu thereof "One hundred fifty-five
thousand dollars ($155,000)".
```

Please note the capitalization of the first word in the string, as it is the beginning of the sentence in the bill. For more on numbers and money, *see* Chapter 9.

Amending to Add New Sections and Subdivisions

When inserting or deleting subsections, paragraphs, subparagraphs or items, check to see if **conjunctions** and **punctuation** need to be amended to agree with the insertion or deletion and provide for succeeding sections, subsections, paragraphs, subparagraphs or items to be renumbered or relettered in the next amendment.

Example: The Bill

15 SECTION 24. [NEW MATERIAL] PROHIBITIONS.--Students cannot
16 work in the following jobs and remain eligible for the state
17 work-study program:
18 A. jobs that advance a religious purpose;
19 B. jobs that have an objective that is primarily
20 religious;
21 C. jobs that involve entanglements with a religious
22 organization; **and**
23 D. jobs that involve partisan political activity.
24 SECTION 25. [NEW MATERIAL] ACADEMIC STANDARDS.--Students
25 must maintain a grade ...

Example: Amendments — Reletter

1. On page 9, line 22, after the semicolon, strike "and".
2. On page 9, between lines 22 and 23, insert the following new subsection:

"D. jobs that are hazardous to one's health; **and**".
3. **Reletter** the succeeding subsection accordingly.

Please note that if the new subsection is inserted before Subsection C, the strike "and" direction would become unnecessary, but the reletter instruction would be needed. The reletter or renumber instruction is used in lieu of having to go through the bill and change the letter or number of every succeeding subdivision by amendment.

Example: Amendments — Renumber

1. On pages 7 through 9, strike Section 12 in its entirety.
2. **Renumber** the succeeding sections accordingly.

Insertion After Line 25

An amendment to add language at the end of a page is usually inserted "after line 25"; however, there may be times when it is appropriate to put the amendment "before line 1" on the next page.

Example: Amendments — After Line 25

9. On page 7, after line 25, insert the following new subsection:

"G. Support staff shall be subject to background checks."

10. Reletter the succeeding subsections accordingly.

Global Instructions

The reletter or renumber instruction may be given globally as the last amendment of a committee amendment or the last item of a floor amendment. This instruction should only be used if the changes to the bill are complex with numerous sections, subsections, etc., being added and deleted.

Example: Global Renumber and Reletter Instruction

10. Renumber sections to correspond to these amendments.

or

10. Reletter subsections to correspond to these amendments.

In amendments to certain appropriation bills, a global instruction may be given to address changes in subtotals and totals.

Example: Global Subtotals and Totals Instruction

12. Adjust all subtotals and totals to correspond to these amendments.

End of Bill Insertion

To insert something at the end of the bill, you have to insert between the last line of text and the page number. Review the following example.

Amending Bracketed and Underscored Language

To restore bracketed material to the bill, an instruction must be given to remove the brackets and the line through a specific word or words and to strike underscored material.

Example: The Bill

```
10 | "21-21C-3. DEFINITIONS.--As used in the Student Choice Act:
11 |     A. ["board"] "commission" means the [board of
12 | educational finance] commission on higher education;
13 |     B. "institution" means any independent nonprofit
14 | nonsectarian four-year college or university whose New Mexico
15 | campus is accredited by the north central accrediting association;
```

Example: Amendment to Restore Bracketed Material

```
1. On page 25, lines 11 and 12, remove the brackets and the
line through "'board'", strike "'commission'", remove the brackets
and the line through "board of educational finance" and strike
"commission on higher education".
```

At times, an amendment may restore only part of the bracketed language, leaving the remainder bracketed. In such a case, all punctuation and conjunctions must be checked. Always make sure the material will "read" correctly after making the changes. Review the following example.

Example: Bill

1 (2) the appropriation is ~~[of]~~ for the same or a
2 lesser amount of water as is being put to beneficial use from the
3 well being replaced and no more than the amount allowed by ~~[his]~~
4 the owner's water right in the original well; ~~[and~~
5 ~~(3) an emergency situation exists in which the~~
6 ~~delay caused by application, publication and hearing would result~~
7 ~~in crop loss or other serious economic loss; and~~
8 ~~(4) he files application or notifies the state~~
9 ~~engineer office of those facts and the location of the proposed~~
10 ~~replacement well by registered letter, prior to drilling; provided~~
11 ~~that he shall file application for a permit within 30 days after~~
12 ~~drilling begins.]~~
13 (3) the state engineer finds that the change in
14 location will not impair existing rights; and
15 (4) the original well is plugged, not capped.

Example: Amendment to Restore Part of Bracketed Material

1. On page 2, line 4, after "and", insert a closing bracket.
2. On page 2, lines 5 through 7, remove the line-through and on line 7, strike "and".
3. On page 2, line 8, before "(4)", insert an opening bracket.
4. Renumber the succeeding paragraphs accordingly.

Amending to Remove an Entire Section

If an amendment will remove all changes from an amended zoo section (thereby returning it to its original state), the drafter should strike the entire section from the bill. There are also times when the requester or a committee may determine that a section should be deleted for other reasons. The amendment to remove an entire section would be written as in the follows:

Example: Amendments to Remove Entire Section

5. On pages 23 and 24, strike Section 5 in its entirety.
6. **Renumber** the succeeding sections accordingly.

The amendment to strike should be followed by an amendment to renumber the following sections unless the section was the last section in the bill.

Amending to Add an Entire Compiled Section (Zoo)

Since amendments are, by their nature, new, there is no reason to bracket and underscore unless an entire existing section of law is being added to the bill through amendment. Unless the section is being added at the end of a bill, the renumber instruction is required.

Example:

1. On page 3, between lines 7 and 8, insert the following new section:

"SECTION 3. Section 2-1-4 NMSA 1978 (being Laws 1943, Chapter 18, Section 2, as amended) is amended to read:

"2-1-4. PAYMENT OF OTHER COMPENSATION TO LEGISLATOR FOR ACTING AS OFFICER OR EMPLOYEE OF STATE PROHIBITED.--It is unlawful for any officer of the state [~~of New Mexico~~] or a political subdivision of the state to pay to any member of the legislature during the term for which the member is elected compensation for services [~~rendered the state of New Mexico~~] performed as an officer or employee [~~thereof~~] of the state or political subdivision except such compensation and expense money [~~which such~~] as the member is entitled to receive as a member of the legislature.""

2. Renumber the succeeding sections accordingly.

Quotation Marks

All beginning quotes must have ending quotes. Notice the ."" at the end of the section in the previous example. The first set of quotation marks at the end of the section are for the end of the section; the second set are for the end of the amendment; the first period ends the sentence; the second period ends the amendment. There are times it could look like .".""

Punctuation and Capitalization

Punctuation has to be deleted or added just like words, and capitalization has to be fixed.

Example: Amendments — Punctuation

1. On page 1, line 12, strike "MAKING AN APPROPRIATION;".
2. On page 3, line 9, strike the comma and insert in lieu thereof a semicolon.
3. On page 6, line 2, strike "--AUTHORIZATION".
4. On page 7, line 8, strike ". The" and insert in lieu thereof "; the".

Striking Previous Amendments

To eliminate or even rewrite an amendment adopted previously, the drafter must give the instruction on the new amendments to strike the original amendment. Strike specific committee amendments; strike specific items of floor amendments. **Do these strikes first** at the beginning of the set of new amendments, regardless of where the changes would actually fall in the bill. If there are multiple committee or floor amendments to strike, **strike in referral order**. Check the *Daily Bill Locator* to determine the order.

Examples: Striking Previous Amendments

1. Strike House Energy, Environment and Natural Resources Committee Amendments 3, 4 and 7.
2. Strike Item 2 of House Floor Amendment number 1.
3. Strike all items of House Floor Amendment number 2.
4. Strike all senate conservation committee amendments. <or>
4. Strike Senate Conservation Committee Amendments 1 through 4.
5. On page 1, between lines 16 and 17, insert the following new section:

"<a section set out in full>".
6. Renumber succeeding sections accordingly.

Do not forget to include all amendments that pertain to the substantive amendment you want to strike; for example, if you strike an amendment that inserts or deletes a section, you have to strike the next amendment that provides for the renumbering of succeeding sections.

Note that, in number 4 of the preceding example, the committee name is in lower case when referring generally to amendments, but is capitalized when the amendments are "named" by including their numbers.

Mock-Up Bills

On occasion, a mock-up bill is prepared. Amendments to a bill are inserted into the bill and shown with bracketing and underscoring. This is sometimes done if the amendments are extensive and difficult to understand fully without making the changes to the bill itself. Mock-up bills are printed on pink paper and have the designation "MOCK-UP" in large type on the front page between the heading and the title.

Example: Mock-Up Bill Heading

1	HOUSE BILL 85
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	INTRODUCED BY
4	
5	
6	
7	
8	MOCK-UP
9	
10	AN ACT

The rest of the bill will follow standard bill format. All of the amendments will be incorporated, using strike-throughs to indicate language to be deleted and underscores to indicate language to be added. The changes made by amendments will be highlighted to set them apart from the bracketing and underscoring in the introduced bill.

Watermark and Disclaimer

Mock-up bills also have a mock-up watermark on each page and a disclaimer that the bill is not for introduction, amendment or substitution on the top of the second and each subsequent page. For an example and further discussion, *see* the *Legislative Document Sample Book*.

Example: Mock-Up Disclaimer — Top of Second and Subsequent Pages

HB 85

NOT FOR INTRODUCTION, AMENDMENT OR SUBSTITUTION

CHAPTER 6: MEMORIALS

A memorial is an expression of legislative desire, usually addressed to another governmental body, in the form of a petition or declaration of intent. Memorials are either simple or joint and require no action on the part of the governor.

Memorials are used by both houses of the legislature to make requests to other state or federal governmental agencies or to express concern, condolence or commendation to agencies or to private entities. Memorials are not signed by the governor; they do not appear in the Comp. When passed, encomia and condolence memorials are prepared on special paper by the house of introduction and sent to the individuals specified in the memorial.

Simple Memorials

Simple memorials are memorials of only one house and do not require the approval or acquiescence of the other house.

Heading

The heading will state HOUSE MEMORIAL or SENATE MEMORIAL on line 1. The heading of a memorial is similar to that of a bill. The only difference is that it says "MEMORIAL" instead of "BILL". Review the following example.

Example: Memorial Heading

1	HOUSE MEMORIAL
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	INTRODUCED BY

Title

Similar to a bill title, a simple memorial title begins with "A MEMORIAL". The title does not specify HOUSE or SENATE. The title begins on line 10.

Example: Memorial Title

10	A MEMORIAL
11	REQUESTING THAT SOMEBODY DO SOMETHING ABOUT SOMETHING;
12	PRAISING SOMEBODY OR SOMETHING; OFFERING THE BODY'S
13	CONDOLENCE .

WHEREAS Paragraphs

The WHEREAS paragraphs form the body of the memorial and start two numbered lines from the end of the title. These paragraphs state the findings of the initiating house and legislative intents and desires and, at times, give praise or condolence.

The first line of each WHEREAS paragraph is indented five spaces. Each paragraph, except for the last paragraph before "NOW, THEREFORE, BE IT RESOLVED", ends with a semicolon followed by "and".

The last WHEREAS paragraph ends with a semicolon, followed on the next numbered line by the resolving paragraph, which also starts five spaces in from the margin. All but the last WHEREAS paragraph end with "; and".

Example: WHEREAS Paragraphs

10 A MEMORIAL
11 REQUESTING THAT SOMEBODY DO SOMETHING ABOUT SOMETHING;
12 PRAISING SOMEBODY OR SOMETHING; OFFERING THE BODY'S
13 CONDOLENCE.
14
15 WHEREAS, these paragraphs are used to explain, justify
16 or otherwise fill up space before getting to the point; **and**
17 WHEREAS, memorials give the drafter more freedom to
18 engage in creative writing; **and**
19 WHEREAS, they lend themselves to empurpled prose;
20 NOW, THEREFORE, BE IT RESOLVED ...

It is best **not** to use language such as "the senate finds that" or "the house of representatives wishes to" in the WHEREAS paragraphs. Memorials are often duplicated from one house to the other and all such internal references must be changed to reference the appropriate house. Since these "dupes" are usually rushes, such language creates a high potential for error.

Resolving Clauses

The resolving clause of a simple memorial must state the house of origin, i.e., the house stated in the heading.

Example: Simple Memorial Resolving Clause

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that somebody be
13 requested to do something about whatever the whereas clauses were
14 about; and

There may be several subsequent resolving paragraphs. Each paragraph ends with "; and" until the final paragraph (usually the transmittal clause), which ends with a period.

Example: Subsequent Resolving Paragraphs

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that somebody be
13 requested to do something about whatever the whereas clauses were
14 about; and
15 BE IT FURTHER RESOLVED that somebody be requested to do
16 something else; and
17 BE IT FURTHER RESOLVED that somebody be requested to do
18 something else; and

Transmittal Clause

The last resolving paragraph contains the transmission instructions — the drafter must indicate to whom the memorial is to be sent. The chief clerk of the initiating house is responsible for transmitting the appropriate copies.

Example: Transmittal Clause

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that somebody be
13 requested to do something about whatever the whereas
14 clauses were about; and
15 BE IT FURTHER RESOLVED that somebody be requested to
16 do something else; and
17 BE IT FURTHER RESOLVED that copies of this memorial be
18 transmitted to the secretary of human services and the
19 attorney general.

Joint Memorials

Joint memorials are memorials acted upon by both houses.

Heading

The heading of a joint memorial differs from a simple memorial in that it includes the word "JOINT".

Example: Joint Memorial Heading

1	SENATE JOINT MEMORIAL
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	INTRODUCED BY

Title

The title does not specify HOUSE or SENATE. The title must contain the word "JOINT". The title begins on line 10.

Example: Joint Memorial Title

10	A JOINT MEMORIAL
11	REQUESTING THAT SOMEBODY DO SOMETHING ABOUT SOMETHING;
12	PRAISING SOMEBODY OR SOMETHING; OFFERING THE BODY'S
13	CONDOLENCES .

WHEREAS Paragraphs

The WHEREAS paragraphs start two numbered lines from the end of the title. These paragraphs state the findings of the initiating house and legislative intents and desires and, at times, give praise or condolence.

The first line of each WHEREAS paragraph is indented five spaces. Each paragraph, except for the last paragraph before "NOW, THEREFORE, BE IT RESOLVED", ends with a semicolon followed by "and".

The last WHEREAS paragraph ends with a semicolon, followed on the next numbered line by the resolving paragraph, which also starts five spaces in from the margin. All but the last WHEREAS paragraph end with "; and".

Example: WHEREAS Paragraphs

10	A JOINT MEMORIAL
11	REQUESTING THAT SOMEBODY DO SOMETHING ABOUT SOMETHING;
12	PRAISING SOMEBODY OR SOMETHING; OFFERING THE BODY'S
13	CONDOLENCES .
14	
15	WHEREAS, these paragraphs are used to explain, justify
16	or otherwise fill up space before getting to the point; and
17	WHEREAS, memorials give the drafter more freedom to
18	engage in creative writing; and
19	WHEREAS, they lend themselves to empurpled prose;
20	NOW, THEREFORE, BE IT RESOLVED ...

Resolving Clauses

A joint memorial must say "LEGISLATURE" in the resolving clause, instead of "THE HOUSE OF REPRESENTATIVES" or "THE SENATE".

Example: Joint Memorial Resolving Clause

11	NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF
12	THE STATE OF NEW MEXICO that ...

There may be several subsequent resolving paragraphs. Each paragraph ends with "; and" until the final paragraph, which ends with a period.

Example: Subsequent Resolving Paragraphs

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF
12 THE STATE OF NEW MEXICO that somebody be requested to do
13 something about whatever the whereas clauses were about; **and**
14 **BE IT FURTHER RESOLVED** that somebody be requested to do
15 something else; **and**
16 **BE IT FURTHER RESOLVED** that somebody be requested to do
17 something else; **and**

Transmittal Clause

The last resolving paragraph contains the transmission instructions — the drafter must indicate to whom the memorial is to be sent. The chief clerk of the initiating house is responsible for transmitting the appropriate copies. **Do not** include the word "joint" in front of "memorial" in the transmittal clause.

Example: Transmittal Clause

11 BE IT FURTHER RESOLVED that copies of this **memorial be**
12 **transmitted** to the secretary of human services and the
13 attorney general.

CHAPTER 7: RESOLUTIONS

A resolution is a formal declaration of the legislature concerning a subject it cannot or does not wish to control by law. Resolutions can be either simple, joint or concurrent and do not require action on the part of the governor.

Simple Resolutions

A **simple resolution** is a declaration by either house expressing the feeling of that house on some subject. It does not require participation by the other house. One use of a simple resolution is to adopt or amend rules of the New Mexico House of Representatives or the New Mexico Senate alone.

Heading

The heading of a simple resolution is similar to the heading of a bill or simple memorial. It will state whether it is a house or senate resolution.

Example: Simple Resolution Heading

1	HOUSE RESOLUTION
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
	INTRODUCED BY

Title

The title does not specify HOUSE or SENATE.

Example: Simple Resolution Title

10	A RESOLUTION
11	REQUESTING THAT SOMEBODY DO SOMETHING ABOUT SOMETHING.

WHEREAS Paragraphs

The WHEREAS paragraphs start two numbered lines from the end of the title. These paragraphs state the findings of the initiating house and its intentions and desires. The first line of each WHEREAS paragraph is indented five spaces and each paragraph ends with a semicolon followed by "and". The last WHEREAS paragraph ends with a semicolon, followed on the next numbered line by the resolving paragraph that also starts five spaces in from the margin.

Example: WHEREAS Paragraphs

10	A RESOLUTION
11	REQUESTING THAT SOMEBODY DO SOMETHING ABOUT SOMETHING.
12	
13	WHEREAS, these paragraphs are used to explain, justify
14	or otherwise fill up space before getting to the point; and
15	WHEREAS, resolutions give the drafter more freedom to
16	engage in creative writing; and
17	WHEREAS, they lend themselves to empurpled prose;
18	NOW, THEREFORE, BE IT RESOLVED ...

Resolving Clause

The resolving clause is the same as the resolving clause of a simple memorial.

Example: Resolving Clause

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that somebody be
13 requested to do something about whatever the whereas
14 clauses were about; and

Joint Resolutions

Joint resolutions must be passed by both houses of the legislature. Joint resolutions are used to:

- (1) propose amendments to the state constitution;
- (2) ratify amendments to the federal constitution; or
- (3) express the approval of the legislature in those instances where, by statute, the

legislature has required only legislative (not executive) approval, such as approving the sale, trade or lease of state-owned real property as required by Section 13-6-3 NMSA 1978.

Heading

The heading for all types of joint resolutions is the same.

Example: Joint Resolution Heading

1 HOUSE JOINT RESOLUTION
2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

 INTRODUCED BY

Joint Resolution Proposing Constitutional Amendment

The most common resolution is the joint resolution proposing an amendment to the Constitution of New Mexico. All resolutions may be amended or substituted as they go through the legislature. **Only those resolutions proposing amendments to the constitution appear at the end of each year's session laws.** Constitutional amendments adopted by the people in an election are included in the Comp.

Title

The title of a joint resolution that is proposing an amendment to the Constitution of New Mexico starts on line 10 and must state the article and section of the constitution that is to be amended.

Example: Joint Resolution Proposing Constitutional Amendment Title

10	A JOINT RESOLUTION
11	PROPOSING AN AMENDMENT TO ARTICLE _____, SECTION _____ OF
12	THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT NO ELECTED OR
13	APPOINTED STATE OR LOCAL GOVERNMENT OFFICIAL SHALL BE
14	ALLOWED TO RIDE FOR FREE ON ANY RAILROAD.

The title appears on the election ballot; therefore, it is important that the title clearly state what the resolution proposes. There are times, however, when a title is intentionally obscure.

Resolving Clause

The title is followed, two numbered lines below, by the **resolving clause**. (In other forms of joint resolutions, the resolving clause comes after the WHEREAS paragraphs as in a simple resolution or memorial.)

Example: Resolving Clause — Constitutional Amendment

16	BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
----	---

Types of Sections

Sections of the constitution may be amended, repealed and enacted by constitutional amendment. Constitutional amendment resolutions are divided into sections just as bills are. However, unlike sections of the NMSA 1978, sections of the constitution **do not have section headings**.

Like amendatory sections in bills, proposed deletions and additions to existing sections of the constitution are shown in constitutional amendments with bracketing and underscoring. Unlike bills, the new material designation is not used for proposed new sections. For more on bracketing and underscoring and new material, *see* Chapter 3, Legislative Actions.

Example: Constitutional Amendment— Amending Existing Section

17 SECTION 1. It is proposed to amend Article 16,
18 Section 1 of the constitution of New Mexico to read:
19 "All county officers, except county sheriffs, shall be
20 elected for a term of two years ..."

Example: Constitutional Amendment— Adding New Section

17 SECTION 2. It is proposed to amend Article 12 of the
18 constitution of New Mexico by adding a new section to read:
19 "Any elected local school board member ..."

Example: Constitutional Amendment— Repealing Existing Section

17 SECTION 3. It is proposed to amend Article 12 of the
18 constitution of New Mexico by repealing Section 3.

Example: Constitutional Amendment— Repealing Existing Section and Adding New Section

16 SECTION 4. It is proposed to amend Article 26 of the
17 constitution of New Mexico by repealing Section 4 and adding
18 a new Section 4 to read:
19 "Each county sheriff shall maintain an office at the
20 county seat of the sheriff's county."

Election Section — Constitutional Amendment

Regardless of how many articles or sections of the constitution are to be amended, added or repealed, each joint resolution is considered to be only one amendment. A constitutional amendment is always made up of at least two sections; the last section is standard language. It is referred to as the election section. Review the following example.

Example: Election Language

16 SECTION _____. The amendment proposed by this
17 resolution shall be submitted to the people for their
18 approval or rejection at the next general election or at any
19 special election prior to that date that may be called for
20 that purpose.

Other Joint Resolutions

The format used for joint resolutions, other than constitutional amendments, is similar to that used in simple resolutions or memorials. The heading for other joint resolutions is the same as that used in constitutional amendments. Differences in format are illustrated in the following examples.

Joint Resolution Title and WHEREAS Paragraphs

The title begins on line 10 with "A JOINT RESOLUTION". "HOUSE "or "SENATE" is not designated in the title. The WHEREAS paragraphs follow the same format as those in simple resolutions or memorials.

Example: Joint Resolution Title and WHEREAS Paragraphs

10 A JOINT RESOLUTION
11 AUTHORIZING EXCHANGE OF LAND AT THE SOUTHEAST CORNER OF ST.
12 MICHAEL'S DRIVE AT ST. FRANCIS DRIVE IN SANTA FE AS PART OF
13 THE PURCHASE OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION
14 BUILDING IN SANTA FE COUNTY.
15
16 WHEREAS, Section 13-6-3 NMSA 1978 requires
17 ratification and approval of any sale, trade or lease of
18 state property for a period exceeding twenty-five years and
19 of over one hundred thousand dollars (\$100,000); and

Joint Resolution Resolving Clauses — Transmittal Clause

The resolving clauses follow the WHEREAS paragraphs. The last WHEREAS paragraph ends with a semicolon but without an "and", just as in a simple resolution or memorial. However, the specific house is replaced by "THE LEGISLATURE" in the resolving clause.

Example: Joint Resolution Resolving Clause

```
11 |     WHEREAS, such an exchange of property would benefit the
12 | state;
13 |     NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF
14 | THE STATE OF NEW MEXICO that an exchange of property at the
15 | southeast corner of St. Michael's drive at St. Francis drive
16 | in Santa Fe ...
```

The resolving clause may be followed by "BE IT FURTHER RESOLVED" paragraphs just as in simple resolutions or memorials. The last clause is usually the transmittal clause.

Example: Joint Resolution Resolving Clause and Transmittal Clause

```
11 |     BE IT FURTHER RESOLVED that the property be used for a
12 | public park; and
13 |     BE IT FURTHER RESOLVED that copies of this resolution
14 | be transmitted to the public employees retirement
15 | association and the facilities management division of the
16 | general services department.
```

Concurrent Resolutions

A **concurrent resolution** is a declaration by either house that is concurred with by the other house. It is used for the adoption of **joint rules** of the legislature.

Heading

Example: Concurrent Resolution Heading

1	SENATE CONCURRENT RESOLUTION
2	53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	INTRODUCED BY

Title

The word "CONCURRENT" must appear in the title on line 10. HOUSE or SENATE is not indicated.

Example: Concurrent Resolution Title

10	A CONCURRENT RESOLUTION
11	PROPOSING A NEW LEGISLATIVE JOINT RULE 10-6 TO PROHIBIT
12	VIDEO RECORDING.

Resolving Clause

The resolving clause of resolutions other than those amending the constitution comes toward the end of the draft, after the WHEREAS paragraphs.

Concurring Phrase

The resolving clause contains the "concurring" phrase. Review the following example for the necessary language. Note that the house that is listed first in the concurring phrase is the house of origin followed by the house that concurs. The remainder of a concurrent resolution is the same as a joint resolution. It may contain a transmittal clause.

Example: Concurrent Resolution Resolving Clause

10	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
11	STATE OF NEW MEXICO, THE HOUSE OF REPRESENTATIVES CONCURRING
12	THEREIN, that ...; <or the reverse>.

CHAPTER 8: LEGISLATIVE DOCUMENTS — STYLE AND USAGE

The New Mexico Legislative Council has adopted a uniform style of format and usage to be used in legislative documents. Every drafter and proofer should be familiar with the rules of statutory construction, Sections 12-2-3, 12-2-4 and 12-2A-1 through 12-2A-20 NMSA 1978.

Language

New Mexico law is written in complete, grammatically correct sentences, even when subdividing a section into subsections, paragraphs, subparagraphs and items. The rules of **parallel construction** (*see* Appendix G) should be obeyed, especially in lists. Drafters should use plain language that the average person can understand.

Format and Style

The LCS standard form of numbering and lettering sections, subsections, paragraphs, subparagraphs and items should be used in bill drafts. For more on subdivisions, *see* Chapter 1, Bills — Basics, Section Subdivisions. Make sure all subdivisions are punctuated properly and have the correct conjunctions. There are exceptions to the style rules.

Style Rule Basics

Legislation should be written:

- in the **present tense**;
- in **down style**;
- using the **singular**; the singular includes the plural;
- using **gender-neutral** nouns;
- using the **active form** of verbs rather than the passive form;
- using **short sentences** rather than long drawn-out sentences; and
- in the **positive**.

Prohibitions

Do not:

- start a sentence with "Provided that";
- use abbreviations; in the law, except for NMSA 1978 and USCA and a.m. and p.m.; and
- use contractions in law.

Present Tense

Statutes are written in the present tense, not the future tense. (Section 12-2A-5 NMSA 1978.) *Use* "it is unlawful", not "it shall be unlawful". *Use* "The Safety Act applies", not "The Safety Act shall apply".

Conjunctions — And, Or

The rule is: "if it comes off a colon, it has to have a conjunction". That means that some subsections and all paragraphs, subparagraphs and items must be joined by either "**and**" or "**or**". **Never use** "and/or".

Use the conjunctive "and" if the intent is that **all items are necessary**.

Use the disjunctive "or" if the intent is that any of several items, including all items, is sufficient. Said another way, the idea of "and/or" is contained in the single word "or".

If it is possible that confusion can result from the use of the disjunctive, use "this **or** this, **or both**," for clarity.

Shall, May and Will

Use "shall" to indicate **mandatory** language.

Example:

The board **shall** promulgate rules to ...

Use "may" to indicate **permissive** language.

Example:

The director **may** appoint a deputy director to ...

Avoid the use of "will".

Meaningless and Redundant Words

Do not use phrases such as "the above section", "the following section", "the section above" or "the section below". They are particularly problematic because they can lose their meaning even before the bill is enacted. Such a citation should be converted to:

- (1) a comp number, if there is one;
- (2) "Section _____ of the Whatever Act", if there is a short title; or
- (3) "Section _____ of this act" if there is no short title.

Automatic Fixes

There are certain redundant words and phrases that proofing automatically fixes.

For example:

- (1) "the state of New Mexico" becomes either "the state" or "New Mexico" (reference to "the state of New Mexico" is unnecessary; New Mexico cannot legislate for another state);
- (2) "hereby" is deleted or bracketed; "hereafter", "hereinbefore", "aforesaid" and the like are converted to some term of meaning; and
- (3) "said", when used as an adjective, is converted to "the" or, if necessary, "such".

For other examples of words and phrases that are not used in modern drafting, *see* the *Legislative Drafting Manual*.

Preferred Word Usage

Do not use:

- (1) "any", "each", "every", "all" or "some" if "a", "an" or "the" can be used with the **same** result;
- (2) "such" as a substitute for "the", "that", "it", "those", "them" or similar words (unless it adds to clarity); and
- (3) "said", "aforesaid", "whatsoever" or similar words of reference or emphasis.

Pronouns

Avoid the use of pronouns wherever possible. Pronouns can be gender-biased. Replace pronouns such as "he" with the noun it represents, for example "the secretary". At times, such as when a pronoun is separated from the actor by phrases or clauses, it can be confusing as to which actor the pronoun modifies.

Changes in Wording

Any changes in wording that a proofer feels might add to the concision or clarity of a bill need to be approved by the drafter. It is very important to be aware of and sensitive to the effect of proposed changes. Even changing an innocuous-looking preposition can sometimes drastically alter the meaning of a sentence.

Example:

Compare:

"a study **of** the committee" and "a study **by** the committee".

While it is true in colloquial spoken English these two phrases might mean the same thing, in a bill draft in which "of" is changed to "by", the two words mean exactly the opposite of each other. The drafter meant there to be an examination "of" the committee by someone else. The change to "by" would lead a reasonable person to assume the committee was conducting a study for someone else.

Drafters have a certain pride of authorship in the bills they compose. The basic rule of proofing is: "if it's not wrong, don't change it". Any changes a proofer proposes to a drafter should be for concrete reasons. It is the drafter's choice to accept or reject a proofer's suggestions.

Capitalization

The following rules of capitalization in drafting legislation have been adopted by the New Mexico Legislative Council as being the easiest to read, as well as the easiest and quickest for the typist. For more examples of down style, *see* Appendix A .

Capitalize every letter of:

- (1) the heading, title and enacting clause of a bill;
- (2) a section number and section heading; and
- (3) the heading, title and resolving clause of memorials and resolutions and every letter of WHEREAS in memorials and resolutions.

Capitalize the first letter of:

- (1) Proper names:

United States New Mexico Rio Grande John Smith Albuquerque

- (2) Specific divisions of the calendar:

January December Monday Tuesday

- (3) Short titles of acts:

Blue Sky Law Conflict of Interest Act

- (4) Derivatives of proper names:

Spanish English Indian American

- (5) Certain racial or ethnic names:

Hispanic Native American African American

- (6) Specific laws, articles, chapters, sections, subsections, paragraphs, subparagraphs and items:

being Laws 1969, Chapter 62, Section 10

Paragraph (1) of Subsection A of Section 2 of the Drafting Act

Article 4, Section 1 of the constitution of New Mexico

Paragraphs (4), (6) and (7) of Subsection C of this section

Item 2) of Subparagraph (b) of Paragraph (4) of Subsection G of Section 74-8-19 NMSA 1978

Subsection B of this section

Subsection A of Section 1 of Chapter 1 of Laws 1955

Chapter 14, Article 5 NMSA 1978

Do not capitalize:

(1) general political subdivisions or geographic areas, whether used in conjunction with a proper name or not (exceptions are in bold):

state of New Mexico	Pueblo of Santa Ana
district	middle Rio Grande conservancy district
county of Dona Ana	Chaves county
town	Navajo Nation
Pecos river	mountains
Elephant Butte Lake state park	Elephant Butte dam
Navajo Lake state park	university of New Mexico
Rocky mountains	eastern New Mexico university

(2) boards, commissions, institutions and other bodies:

New Mexico medical board	land grant committee
New Mexico legislature	department of health
house of representatives	bureau of land management
eastern New Mexico university	committee
New Mexico school for the deaf	Santa Fe city council
United States department of agriculture	

(3) titles of officials, whether elective or appointive, **unless** the title is used in address:

Mr. President	director	secretary of state	judge
president	commissioner	Secretary Maes	Judge Walters
governor	senator	attorney general	secretary
speaker	Mr. Speaker		

(4) time of day:

7:00 a.m.	6:30 p.m.	daylight savings time	12:00 noon
-----------	-----------	-----------------------	------------

(5) derivatives of proper names with acquired independent meanings:

pasteurize	watt
------------	------

(6) the first letter of the first word of subsections, paragraphs or subparagraphs following a colon:

15 **SECTION 3.** [NEW MATERIAL] DEFINITIONS.--As used in the
16 Game Act:
17 A. "game" means:
18 (1) animals; and
19 (2) fish; and
20 B. "hunter" means ...

The rules of capitalization do not apply to presentation copies of memorials, resolutions and certificates of condolence or congratulations. In the final typed form for these, the typist may embellish the specially designed paper with as many capital letters as desired.

Punctuation

The following special rules of punctuation are peculiar to bill drafting; other rules follow normal usage. For more on punctuation, *see* Appendix B.

Commas

Use sparingly, under rules of ordinary usage, and with particular caution about changing meaning. Do not use the penultimate comma — the comma after the next to the last item in a list. Do not use commas before the conjunction in a series.

Example: No Penultimate Comma

red, blue and green persons, places and things

The penultimate comma may be used when it is hard to determine the grouping of items. However, in LCS style, it is preferable to use semicolons to group items in a complex list. See *Semicolons* below.

Example: Penultimate Comma for Clarity

The team colors were green, black and white, and purple.

Semicolons

In the title of an act, use semicolons to designate the break between one phrase and another.

Example: Title Semicolons

10	AN ACT
11	RELATING TO ANIMALS; PROVIDING FOR THE CONTROL OF VESICULAR
12	EXANTHEMA IN SWINE; PROHIBITING THE FEEDING OF UNCOOKED GARBAGE
13	TO SWINE.

Semicolons are used at the end of section subdivisions when following a colon.

Example: End of Section Subdivisions

1	SECTION 10. <u>[NEW MATERIAL]</u> CONTENTS OF POLICY.--A policy
2	shall specify:
3	A. the names of the:
4	(1) individual parties to the contract; and
5	(2) corporate entities the individuals are
6	insuring;
7	B. the subject of the insurance; and
8	C. the risks insured against.

Use semicolons to separate a series in which one part is a compound list.

Example: Compound List

farm animals; circus animals, including elephants, lions, tigers, monkeys and snakes; zoo animals; and companion animals.

Colons

The enacting clause is followed by a colon.

Example: Enacting Clause Colon

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Certain subdivisions of sections use colons.

Examples: Lead-in Colons

As used in this act:

... shall provide the following:
 A. cups and saucers;
 B. ...

Quotation Marks

Punctuation is placed outside the quotation marks unless the punctuation applies to the quoted material. This is known as the "logical", or "English", style of punctuation.

In bills, memoranda, letters and "other documents produced by legislative staffers", when "the writer needs to quote", the punctuation is outside the quotation marks.

Examples: Logical Style

This act may be cited as the "Butterfly Preservation Act".

"... the "Prairie Dog Park Act"."

Use quotation marks when amending existing laws to set off the actual statutory language. There is an easy way to remember this: use quotation marks around sections if the **lead-in ends with a colon**.

Example: Set off Amendatory Section with Quotation Marks

15	SECTION 1. Section 23-1-5 NMSA 1978 (being Laws 1953,
16	Chapter 15, Section 2) is amended to read:
17	"23-1-5. DEPUTIES--POWERS AND DUTIES.--Deputies have all
18	the powers and duties of state police officers <u>and of conservation</u>
19	<u>officers.</u> "

Also use quotation marks on new sections that are being assigned Comp numbers or new sections that are to be part of an existing short title act or a chapter or article of the NMSA 1978.

Example: Set off New Material Section with Quotation Marks

```
12 | SECTION 23. A new section of the Drafting Act is
13 | enacted to read:
14 | "[NEW MATERIAL] QUOTATION MARKS--WHEN USED.-- ..."
```

Use quotation marks when defining or referring to a term in a definition section.

Example: Set off Defined Term with Quotation Marks

```
12 | D. "shopper" means a person who shops within the
13 | exterior boundaries of the state, but "shopper" does not include
14 | a resident of the state who shops through catalogues;
```

Use quotation marks in first stating the short title of an act or the name of a department, board, commission, program, position, fund or other thing created by an act.

Example: Set off Short Title with Quotation Marks

```
15 | SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
16 | cited as the "Poor Examples Act".
```

Example: Set off Creation

```
15 | SECTION 1. [NEW MATERIAL] PROBATE CODE COMMITTEE
16 | CREATED.--The "probate code committee" is created as a joint
17 | interim committee of the legislature.
```


Example: Set off New Fund with Quotation Marks

15 SECTION 1. [NEW MATERIAL] FUND CREATED.--The "insurance
16 publications revolving fund" is created in the state treasury.

Legislative Documents

In addition to legislation, other documents that must be drafted and proofed include press releases; interim committee agendas, work plans, minutes and memoranda; letters; and interoffice communications. Examples of these can be found in the *Legislative Document Sample Book* and the *Legislative Drafting Manual*. Special reports, such as *The Highlights*, and other projects are also produced.

Information Memoranda

Legislators ask for information memoranda for a variety of reasons. They may want a summary of specific bills, arguments for or against specific bills or some other information concerning bills or other topics.

Heading

The heading of an information memorandum, found on the upper left corner of the page includes the address of the LCS, the telephone number and the fax number and the date.

The "TO", "FROM" and "SUBJECT" lines come after the date. Note that the language following the SUBJECT line is in ALL CAPS.

Example: Information Memoranda — To, From and Subject Lines

TO: Senator Eulalia Griego

FROM: Bill Wrights

SUBJECT: SENATE BILL 34 — ARGUMENTS FOR AND AGAINST

The 202 number should appear at the bottom of the page.

Disclaimers

Information memoranda are written at the request of a legislator to provide information on a topic or piece of legislation. If the memorandum expresses an opinion, there must be a disclaimer at the beginning. Here is a typical disclaimer:

Example: Information Memoranda — Standard Disclaimer: Request for Information and Bill Analysis

You have requested information concerning _____. The following memorandum is submitted in response to (or in compliance with) that request. Any opinions expressed are those of the author (sometimes the author disclaims the opinions also) and do not necessarily reflect the opinions of the New Mexico Legislative Council or any other member of its staff.

The two most common memoranda during the session are section-by-section analyses and arguments for and against. If the memorandum contains arguments for and against, the disclaimer is:

Example: Information Memoranda — Disclaimer: Arguments For and Against

You have requested arguments in favor of, and in opposition to, Senate Bill 1070. No claim is made for the validity or consistency of these arguments. Cogent and valid arguments may have been omitted by oversight. No attempt has been made to have the same number of arguments for or against the law, and the number of arguments does not indicate the weight that should be ascribed either in favor of or against the law.

If the SUBJECT line states that the memorandum contains arguments for, make certain the arguments are indeed in favor of the bill, and vice versa for arguments against.

Talking Points, Op-Eds and Pros and Cons also have a standard disclaimer.

Example: Information Memoranda — Disclaimer: Talking Points, Op-Ed, Pros and Cons

You have requested talking points/op-ed/pros and cons regarding _____ expressing the point of view articulated below. The following information is submitted in compliance with that request and does not necessarily reflect the opinions of the author or the New Mexico Legislative Council or any other member of its staff.

The *Legislative Document Sample Book* also provides examples of information memoranda.

Examples and information about other legislative interim documents may be found in the *Committee Staff Handbook*.

Resources

The Legislative Council Service uses *The American Heritage Dictionary of the English Language* as its primary language authority. The Proofing Office consults *Fowler's Modern English Usage* for questions of grammar and syntax, making sure to convert British English to American English. *The Elements of Style* by Strunk and White and *The Chicago Manual of Style* are also referenced.

CHAPTER 9: LEGISLATIVE DOCUMENTS — MONEY AND NUMBERS

There are specific rules for writing amounts of money and numbers when drafting legislation. These rules are intended to provide clarity and, in some cases, redundancy to ensure accuracy.

Money

The word "money" is always written in the singular, regardless of the amount. Never use "moneys" or "monies".

Use "money" when talking about dollars; use "funds" when talking about accounts or revenue sources.

Check dollar amounts to make sure the numerals agree with the number words and that the numerals are written in LCS style. Amounts through \$99.99 have a decimal point and the appropriate cents (including zeros); amounts of \$100 and over do not have a decimal point unless specific cents are involved.

For amounts of money, write the number in words, followed by a dollar sign and numerals inside parentheses.

Examples: Money Amounts Less Than One Dollar (\$1.00)

eighty-five cents (\$.85)
eight cents (\$.08)
one-half cent (\$.005)

***Examples: Money Amounts from One Dollar (\$1.00) Through Ninety-Nine Dollars
Ninety-Nine Cents (\$99.99)***

four dollars seventy-eight cents (\$4.78)
forty-seven dollars (\$47.00)
seventy-five dollars (\$75.00)

Examples: Money Amounts of One Hundred Dollars (\$100) or More

one hundred one dollars (\$101)
four hundred fifty dollars (\$450)
three thousand dollars (\$3,000)
ten thousand three hundred dollars fifty cents (\$10,300.50)

If you find a nonconforming dollar amount in the old law, the entire amount must be bracketed and the entire new amount underscored. The same rule applies if an amount is changed by amendment.

Numbers

Make certain that all numbers in the text of the bill are spelled out and that extraneous numbers in parentheses, other than dollar amounts, are bracketed or deleted.

Examples: Writing Numbers

Use "eleven members" not "11 members".
Use "three percent", not "three (3) percent".

In legislation, numerals, other than citations, dates and parenthetical dollar amounts, are used only in tables. Parts of a number are **not** connected by "and".

Examples: Write out Numbers

Use "five hundred thirty", not "five hundred and thirty".

Examples: Number Terms

Use "percent", not "per cent" or "percentum".

Use "a year", not "per annum".

Roman Numerals

Never use Roman numerals. Most people cannot decipher Roman numerals above 10, and, in any case, they are confusing. Even when referring to the articles of the Constitution of New Mexico, Arabic numerals should be used. Convert Roman numerals to Arabic numerals. Also convert federal title numbers and other citations from Roman to Arabic numerals.

Mills

"Mill" is an obsolete term in drafting; the preferred use is " _____dollars (\$_____) per one thousand dollars (\$1,000) of taxable value". Mills are spelled out:

Examples: Mills

a tax of twelve mills

a twelve-mill tax

Dates

Dates may be written in various ways.

Examples: Dates

October 5, 2009

January 31, 2010

the third Tuesday in January

Citations

References to statutes and the constitution are written as shown in the following example.

Examples: Citations

Section 64-4-4 NMSA 1978

Article 6, Section 23 of the constitution of New Mexico

Numbers in Legislation

Numbers in the body of a bill are written out. Only money has the figure enclosed in parentheses. Review the following examples.

Examples: Writing Numbers and Money

Use:

one-half acre

sixty percent

twelve members

four dollars seventy-eight cents (\$4.78)

Do Not Use:

one-half (½) acre

sixty (60) percent

twelve (12) members

four dollars **and** seventy-eight cents (\$4.78)

Numbers in Non-Legislation Documents

When writing numbers in **text other than legislation**, single-digit numbers are written out in words and double-digit numbers may be written in numerals.

Example: Non-Legislation Use of Numbers

Spell out numbers from one through nine and use numerals for numbers 10 and higher.

Formulas, Charts, Tables and Forms

Formulas, charts, tables and forms should be set forth as follows. Please note that single spacing is allowed and all numbered lines must be covered.

Example: Formula

15	COUNTY POPULATION ACCORDING TO	
16	THE LAST OFFICIAL UNITED STATES	
17	CENSUS	
18		X THE VOTES CAST FOR GOVERNOR IN
19	COUNTY VOTE FOR GOVERNOR IN THE	EACH PRECINCT IN THE MOST
20	MOST RECENT GENERAL ELECTION	RECENT GENERAL ELECTION
21	C. This formula shall be used ...	

Example: Chart

14	C. Schedule 1			
15	Column 1	Column 2	Column 3	Column 4
16	Basic Program	Category	Category	Salary
17	Staff Categories	Divisor	Maximum	Unit
18	(1) Teachers	Determine from	none	\$7,762
19		Schedule 2		
20	(2) Aides	200	none	4,274
21	(3) Coordinators	1,500	none	8,151
22	(4) Superintendent	250	1	10,701
23	(5) Financial Manager	6,000	1	9,506
24	(6) Secretarial	300	none	6,270.
25	D. Schedule			

Example: Table

15	E. The following fees shall be collected:		
16	Resident, ibex		\$50.00
17	Resident, javelina		10.00
18	Special gerbil license, valid for use on Friday only		5.00.

When forms are put into the law, it is important to remember to place the parenthetical information **below** the lines to avoid confusion with underscored new language. Review the following example.

Example: Form

8 "DECLARATION OF CANDIDACY
9 I, _____,
10 (Candidate's name on affidavit of registration)
11 being first duly sworn, say that I am a voter of precinct _____
12 of the county of _____, state of New Mexico.
13 _____
14 (Declarant)
15 _____
16 (Mailing Address)
17 Subscribed and sworn to before me
18 this _____ day of _____ 20_____.
19 _____
20 (Notary public)
21 My commission expires: _____."

UP STYLE — DOWN STYLE GUIDE

This guide demonstrates the use of proper nouns in both "up" and "down" styles of writing. Up and down refer to the initial capitalization of individual words in a name. Up style is recommended when writing letters, memos, press releases, speeches, reports, agendas and any other non-legislative documents. Down style must be used in all legislation, except for certificates. Examples of up style are shown in the left-hand column and the corresponding version of down style is shown in the right-hand column.

Acts, Compacts and Treaties

<i>Up Style</i>	<i>Down Style</i>
Compact Negotiation Act	Compact Negotiation Act
Treaty of Guadalupe Hidalgo	Treaty of Guadalupe Hidalgo
Pecos River Compact	Pecos River Compact
Constitution of New Mexico	constitution of New Mexico
United States Constitution	United States constitution
Procurement Code	Procurement Code
The Livestock Code ("The" is part of title)	The Livestock Code ("The" is part of title)
the Adoption Act ("the" is not part of title)	the Adoption Act ("the" is not part of title)
General Appropriation Act of 2000 (specific)	General Appropriation Act of 2000 (specific)
general appropriation act (generic)	general appropriation act (generic)
House Resolution 1, H.R. 1 (federal)	House Resolution 1, H.R. 1 (federal)
Senate Bill 546 (NM)	Senate Bill 546 (NM)
Short-Term Cash Management Act	Short-Term Cash Management Act
Fifteenth Amendment to the United States Constitution	fifteenth amendment to the United States constitution
Bill of Rights	bill of rights
Rules of Civil Procedure for the District Courts	Rules of Civil Procedure for the District Courts

Agencies, Departments, Divisions, Bureaus and Parties

<i>Up Style</i>	<i>Down Style</i>
Children, Youth and Families Department	children, youth and families department
Department of Game and Fish	department of game and fish
United States Department of Justice the department	United States department of justice the department
Marketing and Development Division the division	marketing and development division the division
United States Census Bureau	United States census bureau
County Farm and Livestock Bureau the bureau	county farm and livestock bureau the bureau
Democratic Party	Democratic party

Boards, Commissions, Councils and Districts

<i>Up Style</i>	<i>Down Style</i>
State Racing Commission	state racing commission
Gaming Control Board the board	gaming control board the board
New Mexico Beef Council	New Mexico beef council
Middle Rio Grande Conservancy District conservancy district	middle Rio Grande conservancy district conservancy district

Businesses and Entities

<i>Up Style</i>	<i>Down Style</i>
Sun Mountain Bike Company	Sun Mountain bike company
Bellas Artes, Limited	Bellas Artes, limited
Chavez Fine Jewelers	Chavez fine jewelers
Los Alamos National Laboratory	Los Alamos national laboratory

Clubs, Associations and Centers

Up Style

Elks Club
 Knights of Columbus
 National Hispanic Cultural Center
 New Mexico Association of Counties

Down Style

elks club
 knights of Columbus
 national Hispanic cultural center
 New Mexico association of counties

Correctional Facilities

Up Style

Central New Mexico Correctional Facility

Down Style

central New Mexico correctional facility

Funds

Up Style

Art in Public Places Fund
 General Fund
 Martin Luther King, Jr. Fund
 Mining Act Fund
 New Mexico Youth Conservation Corps Fund
 Superfund
 Insurance Department Suspense Fund

Down Style

art in public places fund
 general fund
 Martin Luther King, Jr. fund
 Mining Act fund
 New Mexico youth conservation corps fund
 superfund
 insurance department suspense fund

Governments, Countries and Continents

Up Style

the United States
 New Mexico; the State of New Mexico
 the Navajo Nation
 the Republic of the Philippines
 the District of Columbia
 North America
 the City of Albuquerque

Down Style

the United States
 New Mexico; the state of New Mexico
 the Navajo Nation
 the Republic of the Philippines
 the District of Columbia
 North America
 the city of Albuquerque

Groups of People

Up Style

American
 Native American
 Indian
 African American
 Caucasian
 Hispanic

Down Style

American
 Native American
 Indian
 African American
 Caucasian
 Hispanic

Health

Up Style

Medicare or Medicaid

Down Style

medicare or medicaid

Highways

Up Style

New Mexico Highway 14
 United States Highway 77
 Interstate 40

Down Style

New Mexico highway 14
 United States highway 77
 interstate 40

Indian Affairs

Up Style

Indian
 Pueblo of Acoma
 Navajo Nation
 Jicarilla Apache Nation
 Mescalero Apache Tribe
 Shiprock Chapter
 Shiprock chapter house
 Native American

Down Style

Indian
 Pueblo of Acoma
 Navajo Nation
 Jicarilla Apache Nation
 Mescalero Apache tribe
 Shiprock chapter
 Shiprock chapter house
 Native American

Judicial**Up Style**

United States Supreme Court
 the Court (US Supreme)
 the court (all courts except US Supreme)
 New Mexico Supreme Court
 the federal Tenth Circuit Court of Appeals
 Taos District Court
 district court, division one
 Cibola Magistrate District, Division 1
 Bernalillo County Metropolitan Court
 traffic court
 Judge Encinias
 the judge
 federal district court judge Alvin Parker
 The Honorable Pamela B. Minzer (address)
 Second Judicial District Court

Down Style

United States supreme court
 the court (US supreme)
 the court (all courts)
 New Mexico supreme court
 the federal tenth circuit court of appeals
 Taos district court
 district court, division one
 Cibola magistrate district, division 1
 Bernalillo county metropolitan court
 traffic court
 Judge Encinias
 the judge
 federal district court judge Alvin Parker
 The Honorable Pamela B. Minzer (address)
 second judicial district court

Legislature and Congress**Up Style**

Text: Fifty-Second Legislature, First Session
Heading: Fifty-Second Legislature, First Session
 Session
 New Mexico Legislature
 the legislature
 state legislature
 New Mexico House of Representatives
 the House of Representatives (US)
 the House (US)
 the House of Representatives (NM)
 the House (NM)
 house district
 speaker of the house

Down Style

fifty-second legislature, first session
 fifty-second legislature, first session
 New Mexico legislature
 the legislature
 state legislature
 New Mexico house of representatives
 the house of representatives (US)
 the house (US)
 the house of representatives (NM)
 the house (NM)
 house district
 speaker of the house

Legislature and Congress, Cont.***Up Style***

Speaker Brian Egolf
 New Mexico Senate
 the Senate (US)
 the Senate (NM)
 senate district
 House District 19
 president pro tempore of the senate
 Congress
 the Ninety-seventh Congress
 congressional
 Eleventh Congressional District
 The Honorable Tom Udall (address)
 New Mexico Legislative Council
 Legislative Council Service
 Indian Affairs Committee
 Behavioral Health Subcommittee

Down Style

Speaker Brian Egolf
 New Mexico senate
 the senate (US)
 the senate (NM)
 senate district
 house district 19
 president pro tempore of the senate
 congress
 the ninety-seventh congress
 congressional
 eleventh congressional district
 The Honorable Tom Udall (address)
 New Mexico legislative council
 legislative council service
 Indian affairs committee
 behavioral health subcommittee

Military and Wars***Up Style***

New Mexico Air National Guard
 New Mexico National Guard
 United States Air Force
 United States Army
 United States Coast Guard
 United States Marine Corps
 United States Navy
 American Civil War
 Korean Conflict
 World War I
 World War II
 Vietnam Conflict

Down Style

New Mexico air national guard
 New Mexico national guard
 United States air force
 United States army
 United State coast guard
 United States marine corps
 United States navy
 American Civil War
 Korean conflict
 World War I
 World War II
 Vietnam conflict

Offices and Titles

<i>Up Style</i>	<i>Down Style</i>
Governor Martinez	Governor Martinez
Susana Martinez, governor of New Mexico	Susana Martinez, governor of New Mexico
New Mexico governor Susana Martinez	New Mexico governor Susana Martinez
Bruce King, former governor of New Mexico	Bruce King, former governor of New Mexico
the mayor	the mayor
Mayor Coss	Mayor Coss
Mayors Coss and Chavez	Mayors Coss and Chavez
the president	the president
President Barack Obama	President Barack Obama
Barack Obama, president of the United States	Barack Obama, president of the United States
the president of the United States	the president of the United States
the senator	the senator
Senator Peter Wirth	Senator Peter Wirth
Peter Wirth, senator from New Mexico	Peter Wirth, senator from New Mexico
Representative Gail Chasey	Representative Gail Chasey
Address in a letter:	Address in a letter:
The Honorable Brian Egolf	The Honorable Brian Egolf
Speaker of the New Mexico House of Representatives	Speaker of the New Mexico House of Representatives
Speaker Egolf	Speaker Egolf
Address in a letter:	Address in a letter:
The Honorable Mary Kay Papen	The Honorable Mary Kay Papen
President Pro Tempore of the New Mexico Senate	President Pro Tempore of the New Mexico Senate
President Pro Tempore Mary Kay Papen	President Pro Tempore Mary Kay Papen
Maggie Toulouse Oliver, secretary of state	Maggie Toulouse Oliver, secretary of state
Secretary of State Maggie Toulouse Oliver	Secretary of State Maggie Toulouse Oliver
Secretary Toulouse Oliver	Secretary Toulouse Oliver
the secretary of state	the secretary of state

Offices and Titles, Cont.

<i>Up Style</i>	<i>Down Style</i>
Ms. Monique Jacobson, secretary of children, youth and families Secretary Jacobson	Ms. Monique Jacobson, secretary of children, youth and families Secretary Jacobson
Robert Frank, president of the University of New Mexico	Robert Frank, president of the university of New Mexico
Edward Smith, president of Smith Corporation	Edward Smith, president of Smith corporation

Place Names

<i>Up Style</i>	<i>Down Style</i>
the City of Albuquerque	the city of Albuquerque
Pie Town	Pie Town
the Village of Pecos	the village of Pecos
Dona Ana County	Dona Ana county
Taos, Rio Arriba and San Miguel counties	Taos, Rio Arriba and San Miguel counties
Central America	Central America
central Europe	central Europe
Washington State	Washington state
Pan American	Pan American
Latin America	Latin America
North America	North America
San Juan Mountains	San Juan mountains
Elephant Butte Lake	Elephant Butte lake
Elephant Butte Lake State Park	Elephant Butte Lake state park
El Cuervo Butte	El Cuervo butte
Bataan Memorial Office Building	Bataan Memorial office building
Simms and Runnels buildings	Simms and Runnels buildings
Second Street	Second Street (in address)
Don Gaspar Avenue	Don Gaspar Avenue (in address)
Galisteo and Fourth streets	Galisteo and Fourth streets

Place Names, Cont.***Up Style***

State Capitol (not State Capitol Building)

Down Style

State Capitol (not State Capitol Building)

Publications***Up Style***

Diagnostic and Statistical Manual of Mental Disorders, fifth edition
Dictionary of Modern English Usage
New York Times Book Review

Down Style

Diagnostic and Statistical Manual of Mental Disorders, fifth edition
Dictionary of Modern English Usage
New York Times Book Review

Religious***Up Style***

Catholic Church

Down Style

Catholic church

Schools***Up Style***

the University of New Mexico
 Board of Regents of New Mexico State University
 the board of regents
 the Governing Board of Clovis Community College
 University of New Mexico Health Sciences Center
 the Department of History (proper name)
 the history department (generic term)
 Foster Hall
 Santa Fe High School
 the high school
 Adobe Acres Elementary School

Down Style

the university of New Mexico
 board of regents of New Mexico state university
 the board of regents
 the governing board of Clovis community college
 university of New Mexico health sciences center
 the department of history
 the history department
 Foster hall
 Santa Fe high school
 the high school
 Adobe Acres elementary school

Schools Cont.

<i>Up Style</i>	<i>Down Style</i>
Espanola Public School District	Espanola public school district
Gallup-McKinley County Public School District	Gallup-McKinley county public school district
Gadsden Independent School District	Gadsden independent school district

Scientific Names

<i>Up Style</i>	<i>Down Style</i>
Genus is capitalized and species is lowercased	Genus is capitalized and species is lowercased
Cannabis sativa	Cannabis sativa
cannabis (less specific)	cannabis (less specific)
chaparral bird or roadrunner, Geococcyx novo mexicanus	chaparral bird or roadrunner, Geococcyx novo mexicanus
Rosa caroliniana	Rosa caroliniana
Rocky Mountain sheep	Rocky Mountain sheep
boysenberry	boysenberry
Hodgkin's disease	Hodgkin's disease

Ships

<i>Up Style</i>	<i>Down Style</i>
<i>Bonhomme Richard</i>	<i>Bonhomme Richard</i>
USS SC-530	USS SC-530
USS Princeton	USS Princeton
Voyager 2	Voyager 2

Time Periods

<i>Up Style</i>	<i>Down Style</i>
eighteenth century	eighteenth century
Middle Ages	Middle Ages
Victorian era	Victorian era

Trademarks

<i>Up Style</i>	<i>Down Style</i>
Coca-Cola	Coca-Cola
WordPerfect	WordPerfect

Water

<i>Up Style</i>	<i>Down Style</i>
Rio Grande (not Rio Grande River)	Rio Grande (not Rio Grande River)
Pecos River	Pecos river
between the Pecos and Canadian rivers	between the Pecos and Canadian rivers
between the Rio Grande and the Pecos River	between the Rio Grande and the Pecos river
between the Pecos River and the Rio Grande	between the Pecos river and the Rio Grande
Navajo Lake	Navajo lake
Lakes Michigan and Huron	Lakes Michigan and Huron
El Vado and Quemado lakes	El Vado and Quemado lakes
Elephant Butte	Elephant butte
Elephant Butte Lake	Elephant Butte lake
Ogallala Aquifer	Ogallala aquifer
Puerto de Luna Acequia	Puerto de Luna acequia
Acequia del Norte Ditch Association	acequia del Norte ditch association
Acequia de los Romeros	acequia de los Romeros
Chimayo Acequia	Chimayo acequia
Canadian River Soil and Water Conservation District	Canadian River soil and water conservation district
Central Valley Soil and Water Conservation District	Central Valley soil and water conservation district
Hackberry Draw Watershed District	Hackberry Draw watershed district
Middle Rio Grande Conservancy District	middle Rio Grande conservancy district
conservancy district	conservancy district

Hyphenated Compounds in Titles and Headings

Up Style

Short-Term Cash Management Act

Down Style

Short-Term Cash Management Act

PUNCTUATION REVIEW

Commas

Adjectives

Do not use a comma to separate an adjective from an adjective-noun phrase in a series.

Examples:

designated hearing officer
prohibited ex-parte communications
tan law book

Series and Lists

Do not use a comma before the conjunction in a series.

Examples:

men, women and children
bobcats, bullfrogs and buffaloes

Use a comma before the conjunction in a series only if necessary for clarity.

Example:

red, orange, blue and green, black and white, and purple

If it is a very complex list, use semicolons.

Compound Sentences

Use a comma to separate clauses of a compound sentence joined by a coordinating conjunction (and, but, or, nor, for, yet).

Example:

The mayor made a presentation to the committee members and departed, and the members broke into three subcommittees to finish their discussions.

When clauses are very short so that most of the sentence can be taken in instantaneously by the eye, the comma is **not** required. Review the following example.

Example:

The committee chair sent for the presenter and she came.

Sentence Modifiers

Use commas to set off sentence modifiers (however, moreover, furthermore, therefore, nevertheless, in addition).

Examples:

The task force tried, moreover, to accomplish its mission.

However, the committee chair adjourned the meeting.

Replacement of Omitted Words

Use a comma to replace words that are omitted.

Examples:

House bills have yellow jackets; senate bills, blue ones. (The comma replaces "have".)

The long, boring, tedious speech put everyone to sleep. (The comma replaces "and" after "boring".)

Absolute Phrases

Use commas to set off absolute phrases.

Examples:

The meeting being over, the legislators went home.

It seemed sensible, the to do list being long, to divide the tasks among several staff members.

Phrase or Clause Preceding the Subject

Use commas to set off a long phrase or clause preceding the subject.

Example:

At the beginning of the hearing, the hearing officer shall inform the taxpayer of the taxpayer's right to representation.

Interruption of Normal Word Order

Use commas to set off any words, phrases or clauses that interrupt normal word order.

Examples:

The tired and overworked drafter went home. (normal order)

The drafter, tired and overworked, went home.

The secretary shall submit the report to the governor by June 1 of each year.

The secretary, by June 1 of each year, shall submit the report to the governor.

Nonrestrictive Elements

Use commas to set off nonrestrictive (nonessential) elements.

Examples:

The director, Mr. Smith, was ill.

Senator Garcia, who just returned from Washington, is coming to the meeting.

The governor, who sat in the audience, enjoyed the speech.

Restrictive Words, Phrases or Clauses

Do not use commas to set off restrictive words, phrases or clauses (those necessary to the meaning of the sentence).

Examples:

Martineau's book *Drafting Legislation and Rules in Plain English* is a good reference.

The legislators who supported the bill returned quickly to their seats.

Contrast

Use commas to emphasize contrast between two parts of a sentence.

Examples:

He wanted to see a psychiatrist, not a lawyer.

The lunch provided to the staff was wholesome, not appetizing.

Clarity

Use commas to prevent misreading due to sequence of words.

Examples:

During the session, days become longer. (Not *session days*.)
 Soon after, the meeting was adjourned.

Introductory Words and Abbreviations

Use commas before and after introductory words and abbreviations such as "for example", "i.e." and "e.g."

Example:

Some plays are known as closet dramas; i.e., they were written to be read rather than acted.

Apostrophes**Singular Possessives**

When there is one person and one item, apostrophes should be used as follows.

Examples:

the boy's jacket
 my parent's car
 my boss's hat
 the woman's dress
 the passerby's glance

Plural Possessives

When there are two or more people and two or more items, use the following form.

Examples:

the boys' jackets
 my parents' cars
 my bosses' hats
 the women's dresses

When two people own the same thing, use the following form.

Example:

Adam and Debbie's house

When two people do not own the same thing, use the following form.

Example:

Adam's and Debbie's careers

Possessive Nouns Ending in S

Singular nouns ending in "s" may form the possessive either by an apostrophe alone or by 's; be consistent.

Examples:

a waitress' uniform or a waitress's uniform
an actress' career or an actress's career

Possessive Proper Names Ending in S or Z

Proper Names ending in "s" or "z" may form the possessive either by an apostrophe alone or by 's; be consistent.

Examples:

Chavez's proposal or Chavez' proposal
Dickens's novels or Dickens' novels
Mr. Jones's car or Mr. Jones' car
Jesus' parable (noun ending in multiple consecutive "s" sounds)

Possessive Inanimate Objects

Inanimate objects usually do not take the possessive.

Examples:

the side of the car, not the car's side
but:
one month's vacation
two months' vacation
one dollar's worth
two-thirds' vote

Semicolons

Compound Sentences

Use semicolons to mark the dividing point in a compound sentence, i.e., to separate independent clauses.

Examples:

The policeman stood on the corner; he was watching the traffic pattern at the intersection.

Compound Lists

Use semicolons to separate items in complicated lists.

Examples:

He visited several colleges, schools and institutions; several factories, office buildings and churches; and a number of public buildings of a miscellaneous nature.

H. "person" means an individual; a partnership; an association; a committee; a federal, state or local governmental entity or agency, however constituted; a public or private corporation; or any other organization or group of persons that are voluntarily acting in concert;

The institutes may provide programs to enhance the development and efficient utilization of natural and human resources and associated businesses on Indian lands, including dryland and irrigated agriculture; rangelands; oil, gas, coal, uranium and other mineral resources; ground and surface water resources; forestry; wildlife; and outdoor-based recreational resources.

Sometimes it is best to break text into paragraphs or subparagraphs for clarity.

Example: Original

Every net, trap, explosive, poisonous or stupefying substance, or device used or intended for use in taking or killing game or fish in violation of this chapter, and set, kept or found in or upon any of the streams or waters in this state or upon the shores thereof, and every trap, device, blind or deadfall found baited in violation of this chapter, is declared to be a public nuisance and may be abated and summarily destroyed by any person and it shall be the duty of every officer authorized to enforce this chapter to seize and summarily destroy the same and no prosecution or suit shall be maintained for such destruction; provided, that nothing in this chapter shall be construed as affecting the right of the director of the department of game and fish to use such means as may be proper for the promotion of game and fish propagation and culture, nor as authorizing the seizure or destruction of firearms.

Example: Recast

- A. An officer authorized to enforce this chapter shall, and any other person may, seize and summarily destroy:
- (1) a net, a trap or an explosive, poisonous or stupefying substance or device that is used or is intended for use in taking or killing game or fish in violation of this chapter and that is set, kept or found in or upon a stream or water in this state or upon its shores; and
 - (2) a trap, a device, a blind or a deadfall that is found baited in violation of this chapter.
- B. No prosecution or suit shall be maintained for the destruction; provided that nothing in this chapter shall be construed as affecting the right of the director of the department of game and fish to use such means as may be proper for the promotion of game and fish propagation and culture, nor as authorizing the seizure or destruction of firearms.

Compilation Numbers

Use a hyphen within compilation numbers (called dashes in comp numbers).

Example:

Section 10-11-12 NMSA 1978

Section Headings

Use a dash (actually two hyphens) with no spaces on either side between elements of a section heading and a period followed by a dash at the end of section headings to indicate the break between the section heading and the beginning of the text.

Example:

12	SECTION 10. [NEW MATERIAL] HOUSING PROJECTS--COOPERATION
13	BETWEEN AGENCIES.--The municipality and county ...

Adjectives and Adverbs

Adjectives and adverbs not ending in "ly" use hyphens.

Examples:

long-suffering
much-loved
ever-fruitful
still-active

Check dictionary or online statutes for other hyphenated words in question.

Adjective and Adverbs Ending in ly

Adjectives and adverbs ending in "ly" do not take a hyphen.

Examples:

highly developed species	newly created committee
poorly seen	publicly funded facility
highly complex	

Compound Adjectives

Use a hyphen between compound adjectives.

Examples:

forty-hour week	three-year term	ninety-day period
full-time employee	task-force-related	

Adverb Modifiers**Examples:**

federally chartered	manually operated	generally accepted principles
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Compound Words

Do not use a hyphen in compound words such as:

Examples:

bylaws	nonpayment	semiannually	percent	statewide
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Other Usage

Please note the following usage.

Examples:

out-of-state vehicle	going out of state
mid-April	non-Indian
serve ex officio	ex-officio member
co-chair	vice chair
right-of-way (adj.) acquisition	right of way (noun)
long- and short-term investments	state-supported and -financed

-Elect Words**Examples:**

senator-elect
mayor-elect
but: county assessor elect (when name of office is two words or more)

Ex- Words***Examples:***

ex-husband
 ex-mayor
 ex-corporate executive (still hyphenate when name of office is two words or more)

Syllabic Breaks

Do not use hyphenated syllabic breaks in bills, resolutions, memorials and amendments because those automated documents are shared with other users. However, when hyphens are used in other documents, such as memoranda, letters, etc., the following rules of hyphenation should be observed.

Rules and Examples:

- Words are hyphenated at syllabic breaks.
- One-letter syllables at the beginning or end of a word are never broken.

Example:

Incorrect: The information that Mary is looking for may be found in the o-bituary.

- Two-letter breaks, either at the beginning or end of a word, are incorrect.

Examples:

Incorrect: When hyphenating words, do not break a word so that municipality would look like this.

Incorrect: Breaking the word at the beginning two-letter break, so that municipality would look like this, is also unacceptable.

Pay special attention to syllabication when words vary because of different parts of speech.

Examples:

pre-sent (v. give)	pres-ent (adj., n. gift or presence)
min-ute (n. time)	mi-nute (adj. small)

The Legislative Council Service uses *20,000 Words*, published by McGraw-Hill, Inc., as its primary hyphenation resource.

Quotation Marks

In LCS style, punctuation is placed outside the quotation marks.

Example:

Chapter 74, Article 2 NMSA 1978 may be cited as the "Air Quality Control Act".

If the punctuation applies to the quoted material, place it inside the quotation marks.

Examples:

The author writes, "Capitalism is here to stay."

"The corps may require a community or practice site to pay the costs associated with providing corps health professionals in the community."

Direct Quotations

Direct quotations should be written as follows.

Examples:

He said, "The meeting is adjourned."

"The meeting is adjourned," he said.

The opening words of the chapter are: "I continued at home with my wife and children."

When divided into two parts and the second part is a complete sentence:

Examples:

"The meeting is adjourned," he said, "and our next meeting is next Thursday."

"The meeting is adjourned," he said. "We will meet again next Thursday."

Indirect Quotation

Indirect quotes do not require quotation marks.

Examples:

He said that the meeting was adjourned.

The opening words of the chapter state that the author stayed at home with his wife and children.

Long Quotations

When a quoted passage consists of more than one paragraph, place quotation marks at the beginning of each paragraph and at the end of the entire passage, not at the end of each paragraph.

Example:

"Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

"But in a larger sense, we can not dedicate — we can not consecrate — we can not hallow — this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we may take increased devotion to that cause for which they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth."

Another method is to set off the quotation with block indentation and not use quotation marks.

Example:

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But in a larger sense, we can not dedicate — we can not consecrate — we can not hallow — this ground. The brave men, living and dead, who struggled ...

Quotations Within Quotations

Use single quotation marks inside quoted language.

Example:

"I've just read Shelley's 'Ode to the West Wind'," she said.

Ellipses

Ellipses are used to indicate missing words in a quote.

Examples: Ellipses Used to Replace Words

Words omitted at the **beginning of a quote:**

The letter states that the programmer ". . . must create a system flowchart to provide a picture of the data flow through the system".

(Note: There is not a space between the beginning of the ellipsis and the quote; there is a space between the last dot of the ellipsis and the first word.)

Words omitted in the **middle of a quote:**

Technical material distributed for promotional use is sometimes charged **for . . .** although prices for these publications are not uniformly based on the cost of developing them.

(Note: There is a space between the last word before the ellipsis and a space between the last dot of the ellipsis and the next word.)

Words omitted at the **end of a quote:**

In all publications departments, publications funds are controlled by publications **personnel. . . .**

(Note: There is not a space between the last word and the ellipsis; the fourth dot of the ellipsis equals a period.)

WORD USE

This Act

With a few exceptions, legislative drafting style **does not permit** the use of such meaningless citations as "the preceding section" or "this act" because, over time, they lose their meaning through changes in the law.

The use of "this act" is allowed in the:

- (1) short title;
- (2) effective date;
- (3) emergency clause; and
- (4) certain other "back of the bill" sections.

In other cases, "this act" either needs to be converted or qualified. If the citation cannot go to a short title or a Comp number, it usually can be qualified by citing to one or more sections of the act.

Examples:

As used in Sections 1 through 3 of this act
as provided for in Section 5 of this act

There may be rare occasions when a drafter has to use "this act"; in those cases, the drafter should initial the margin.

And or Or

If the intent is that all items are necessary, use the conjunctive "and".

Example:

A. As used in this section:

- (1) "lien" means an unpaid assessment for a street, alley, curb, gutter, storm sewer, sanitary sewer, off-street parking or any other type of municipal special assessment, together with interest and penalties on and cost in connection with the assessment;
- (2) "court" means the district court of the county in which the land is situate;

and

- (3) "municipal clerk" means the clerk of the municipality, the clerk's deputy, if any, or a designated representative.

If the intent is that any of several items, including all items, is sufficient, use the disjunctive "or".

Examples:

A. A grant from the money appropriated to the shooting range fund shall not exceed:

- (1) twenty-five percent of the cost of any one project; **or**
- (2) more than ten percent of the amount appropriated to the shooting range fund by the Shooting Range Fund Act.

A. A child alleged to be a delinquent child may be placed or detained pending court hearing in any of the following places:

- (1) a licensed foster home or a home otherwise authorized under the law to provide foster or group care;
- (2) a facility operated by a licensed child welfare services agency;
- (3) a shelter-care facility provided for in the Children's Shelter Care Act or a detention facility certified by the department for children alleged to be delinquent children; **or**
- (4) any other suitable place ...

Said another way, the idea of "and/or" is contained in the single word "or".

Examples:

A. At the preliminary hearing of the governing body on the question of creating an improvement district as authorized in Section 3-33-14 NMSA 1978, an owner of a tract or parcel of land to be assessed or upon which it is proposed to impose an improvement district property tax may contest:

- (1) the proposed assessment or improvement district property tax;
- (2) the regularity of the proceedings relating to the improvement;
- (3) the benefits of the improvement; **or**
- (4) any other matter relating to the improvement district.

A municipality may cooperate with:

- A. any other municipality;
- B. a county or flood control authority;
- C. the state; **or**
- D. an agency of the United States.

A or The

Use "a" for nonspecific and "the" for specific.

Examples:

There is created in **the** state treasury **a** permanent trust fund that shall be known as **the** "governor's residence preservation fund". **The** fund shall consist of all gifts, donations and bequests of money to the governor's residence advisory commission as well as any appropriations made to the commission.

B. "department" means **the** general services department;

C. "law enforcement agency" means **the** employer of **a** law enforcement officer who has made **a** seizure of property pursuant to the Forfeiture Act;

All

In most cases, use "a" or "an" instead of "all".

Example:

~~[All persons]~~ A person floating logs, timber, lumber, ties or poles in a stream containing game fish shall, for each mile of the stream used, annually deposit one thousand trout fry or fingerlings at times and places designated by the department of game and fish.

Use "all" to define a specific set.

Example:

The following quadrupeds are hereby defined as fur-bearing animals: muskrat, mink, weasel, beaver, otter, nutria, masked or blackfooted ferret, ringtail cat, raccoon, pine marten, coatimundi, badger, bobcat and **all species of foxes**.

Use "all" in "all or a part of".

Example:

... a deposit of all or a part of the sale price of the articles to the general account of the inmate who manufactured the article...

Any

"In almost every instance, an article should be used (a person, an applicant) rather than the adjective (any person, each applicant, every party) The legal effect of a provision is exactly the same if 'a' or 'an' is used and 'a' or 'an' are shorter and simpler." (*Drafting Legislation and Rules in Plain English*, Martineau)

Example:

A. If [~~any~~] a person charged with [~~any~~] a crime or a delinquent act that carries a possible sentence of imprisonment appears in [~~any~~] a court without counsel, the judge shall ...

"In addition, confusion is created if an article is used in most places, but occasionally an adjective is used. A court or other person attempting to construe the provision may conclude that the different usage was intended to have a different meaning, even though it was used merely for emphasis." (*Drafting Legislation and Rules in Plain English*, Martineau)

Example:

... it is unlawful for [~~any~~] a person eighteen years of age or older to intentionally distribute anabolic steroids to a person under eighteen years of age.

"Any" includes "all", so the use of the phrase "any or all" is redundant. "Any" means one, some, every or all without specification. (*The American Heritage Dictionary*)

Use "any" to convey a part of or all of. The phrase "any part of" could mean "one-fourth of" or "four-fourths of" (a part of or all of). If you substituted "a part of" for "any part of", it could be construed to mean only a part that is "less than the whole of" but not "the whole of".

Example:

... otherwise of special architectural or visual interest, including the purchase of any [~~or all of such~~] of the areas and landmarks ...

Use "any other" to mean "another". Review the following examples.

Examples:

D. A county shall be required to pay any portion of the debt of any other county that is incurred ...

C. It is unlawful for a person selling any portion of the person's daily production as graded eggs to sell any of that portion as ungraded eggs ...

Example:

- (4) a state-qualified employee shall not be employed or assigned:
- (a) when any other person is on layoff from the same or substantially equivalent job;

Example:

A person subject to Chapter 20 NMSA 1978 who conspires with any other person to commit an offense under that chapter shall ...

Each

In most cases, use "a" or "an" instead of "each".

Example:

D. [~~Each~~] A receiving state shall provide regular reports to the sending state on the inmates of that sending state in institutions pursuant to this compact ...

Use "each" to define a specific "set" or "subset" of a larger group.

Example:

The district attorney shall notify [~~a~~] each person known to reside in the district attorney's district who was a victim of the criminal offense ...

Example:

In the event the state armory board should find it advisable to issue bonds under Chapter 20, Article 8 NMSA 1978 in more than one series or at different times for any of the purposes set forth in that article, in each series of bonds, the bonds shall be designated by the letters "A", "B" or in some other designation to the end that each series shall be kept separate ...

Every

In most cases, use "a" or "an" instead of "every".

Examples:

A. [~~Every~~] A person has the right to inspect a public record of this state ...

The exhaust of [~~every~~] an internal combustion engine used on a motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

Use "every" to define a specific set.

Example:

Nevada, already being a host state, shall not be obligated to serve again as a host state until every other party state has so served.

No

Use "a" or "an" instead of "no". "Literally, a provision that begins with 'no person' is not addressed to anyone, when the exact opposite is intended – the provision applies to everyone. The negative thus properly belongs with the action, not the actor." (*Drafting Legislation and Rules in Plain English*, Martineau) (Optional)

Example:

(4) [nə] a state-qualified employee shall not be employed or assigned....

Said

In most cases, use "the" or "that" instead of "said". If "said" is used as an article (adjective) to identify a noun previously referred to, replace it with "the" or "that".

Example:

Whenever a vacancy in a county or precinct office in this state, other than a vacancy in the office of county commissioner, occurs by reason of death, resignation or otherwise, it shall be the duty of the board of county commissioners of the county where the vacancy has occurred to fill [~~said~~] the vacancy by appointment, and [~~said~~] the appointee shall be entitled to hold [~~said~~] the office until a successor shall be duly elected and qualified according to law.

Such

In most cases, use "the" or "that" instead of "such". If "such" is used as an article (adjective) to identify a noun previously referred to, replace it with "the" or "that".

Examples:

J. "publish" or "publication" means printing in a newspaper that maintains an office in the municipality and is of general circulation within the municipality or, if [~~such~~] the newspaper is a nondaily paper ...

(2) delegate authority to subordinates, as necessary and appropriate, clearly delineating [~~such~~] that delegated authority and its limitations;

In some cases, "such" can simply be deleted (discretion of drafter).

Example:

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to [~~such~~] the blind pedestrian, and a driver who fails to take [~~such~~] precautions shall be liable in damages for an injury caused to [~~such~~] the pedestrian; provided that a totally blind or partially blind pedestrian not carrying [~~such~~] a cane or using a guide dog ...

Use "such" if it is used as "such as".

Example:

The "cultural affairs department" is created. The department shall consist of such divisions as are created by law or executive order.

Herein, Hereafter, Hereinafter, Hereinabove and Therein

Delete or replace "herein", "hereafter", "hereinafter", "hereinabove" and "therein".

Example:

Except as otherwise specifically provided [~~herein~~] in this section, the money in the fund is appropriated to the board to carry out the provisions of the Retiree Health Care Act.

Examples:

The attorney general may charge state agencies [~~as defined herein~~] for the provision of legal services in noncriminal cases requested by the agencies according to a fee schedule approved by the department of finance and administration. For the purpose of this section, "state agency" means a department, institution, board, bureau, commission, district or committee of government of the state of New Mexico and every office or officer thereof.

B. Each rule [~~hereafter~~] adopted is effective fifteen days after filing, unless a longer time is provided by the rule, and compliance with other law.

C. Annual assessments levied as [~~hereinabove~~] provided in this section may be secured

D. If any judge is disqualified from hearing any cause in the district, the parties to the cause, or their attorneys of record, may select some member of the bar to hear and determine the cause and act as judge pro tempore [~~therein~~] in hearing the cause.

If, Provided, Provided That and Provided, However, That

Use of these phrases is drafter's choice; however, "provided that" will usually be preceded by a semicolon, unless its meaning is "if".

Example:

(5) except for licensed optometrists and as provided in Subsection A of Section 61-2-15 NMSA 1978, using any trial lenses, trial frames, graduated test cards or other appliances or instruments for the purpose of examining the eyes or rendering assistance to anyone who desires to have an examination of the eyes; **provided, however, that** it is not the intent of this paragraph to prevent any school nurse, schoolteacher or employee in public service from ascertaining the possible need of vision services; **and provided further that** the person, clinic or program does not attempt to diagnose or prescribe ophthalmic lenses for the eyes or recommend a particular practitioner or system of practice;

Drafters may consider the use of "if" instead of " , provided" or "provided that" in that case.

Example:

A. A contractor whose bid is accepted shall not substitute any other person as subcontractor in place of the subcontractor listed in the original bid **if** the approval has been reserved in the bidding documents;

Which, That and Who

Use "that" if the phrase or clause is essential, use "which" if not essential. "Which" normally refers to things, "who" to persons and "that" to either persons or things.

"That" should be used as the first word of a phrase or clause that is essential for that sentence to make sense or to mean what you want it to mean. Do not use commas to set off a phrase or clause that begins with "that".

Examples:

The board, upon the recommendation of the chief veterinary meat inspector, shall adopt reasonable rules and regulations [~~which~~ that] shall conform as far as possible to the requirements of the rules governing meat inspection of the United States department of agriculture.

(4) all services [~~which~~ that] constitute employment as defined in Section 2 of this act and that are performed in the employ of the state by employees of the state shall be covered by the agreement;

Use "who" with "person" (natural person, not an entity).

Example:

C. "voter" means a person who is a registered qualified elector of a municipality, school district, county, junior college district or branch community college;

"Which" should be used as the first word of a phrase or clause that is not essential. If you can insert "by the way" and the sentence still means what you want it to mean, use ", which". Use commas to set off a clause that begins with "which".

Examples:

C. The person's signature on the citation constitutes a promise to appear at the time and place stated in the citation. One copy of the citation to appear shall be delivered to the person cited, and the law enforcement officer shall keep a duplicate copy, **which** shall be filed with the court as soon as practicable.

A. There is created the "governor's residence advisory commission", **which** shall be administratively attached to the general services department.

Use "which" as an article (adjective) to identify a noun previously referred to.

Examples:

Service credit for those periods shall only be given after the member pays the association the sum of the contributions that the person would have been required to contribute had the person remained continuously employed throughout the period of intervening service following voluntary reenlistment, **which** payment shall be made during the period beginning....

Use "which" after a preposition (in, of, from, etc.).

Example:

A. A member may claim one year of service credit for each year in **which** a fire department certifies that the member: . . .

Shall, May and Will

Use "shall" to impose a duty to act. "... the drafter should not use the word "shall" to indicate the future tense". (*Drafting Legislation and Rules in Plain English*, Martineau)

Examples:

A. in class A counties, county clerks **shall** receive two thousand eight hundred dollars (\$2,800); and

A grant from the money appropriated to the shooting range fund shall not exceed ...

Example:

A final judgment or decree, entered by a district court in a case tried pursuant to the provisions of this section, **shall** remain under the control of the court for a period of thirty days after its entry, and for such further time as may be necessary to enable the court to pass upon and dispose of any motion that may have been filed within that period, directed against the judgment; provided that if the court fails to rule upon the motion within thirty days after the filing, the failure to rule **shall** be deemed a denial of the motion; and provided further that the provisions of ...

Use "may" to grant discretion or authority to act.

Example:

Sections 1 through 6 of this act **may** be cited as the "Post-Secondary Education Articulation Act".

Example:

The center for broadcasting and international communications:

A. **may** establish educational television programs to serve individual viewers, educational institutions and public educational programs in the southern region of the state as well as the adjoining area of Mexico;

B. **may** develop, produce and distribute bilingual television materials;

C. **may** enter into contracts and be the recipient of federal or other funds for the purpose of carrying out the activities enumerated in this section; and

D. **shall** cooperate with all other existing educational television facilities in the state to accomplish the most efficient use of public funds made available for educational television services.

Use "will", not shall, to indicate future tense.

Example:

The administrator need not offer the property for sale if the administrator considers that the probable cost of sale **will** exceed the proceeds of the sale.

Example:

... the taxpayer shall notify the department of the election, in writing, no later than the date on which the taxpayer files the return for the first taxable year to which the election **will** apply.

The use of "shall" means the notification is mandatory (imperative). The use of "will" simply signifies the future (predictive).

Example:

"Seldom in legislation or in a rule is the past or future tense appropriate. When the statute describes a condition or event that precedes the operative provision, the past tense may, but need not be, used. If the condition or event comes after, use the future tense ... 'If a person has been convicted of a felony, the person will (shall) be ineligible to apply for a grant.' (rewrite) 'If a person is convicted of a felony, the person is ineligible to apply for a grant.'" (*Drafting Legislation and Rules in Plain English*, Martineau)

Examples:

Upon a hearing before the judge of a court, if the judgment of the court upon the hearing [~~shall not be~~] is not rendered at the time of the hearing, but [~~shall be~~] is taken under advisement by the judge, a judgment or order relative to the matters pertaining to the hearing shall not be entered until notice of the same [~~shall have~~] has been given to the attorneys for the respective parties in the action.

If either party to a suit [~~shall die~~] dies between verdict and judgment, the judgment shall be entered as if both parties were living.

Majority

When "majority" refers to a particular number of votes, it takes a singular verb:

Examples:

Her majority was five votes.

His majority has been growing by five percent every year.

When "majority" refers to a group of persons or things that are in the majority, it may take either a singular or plural verb, depending on whether the group is considered as a whole or as a set of people considered individually.

Examples:

"The majority **elects** (not elect) the candidate it wants." (Not *they want* — because the election is accomplished by the group as a whole.)

but:

"The majority of voters **live** (not lives) in the city." (Because living in the city is something that each voter does individually)."

(Example from *The American Heritage Dictionary*)

Examples:

If a majority of the voters voting on the question **approves** the ordinance imposing the tax, the ordinance shall become effective. (The majority approves, as a whole.)

An ordinance imposing any increment of the tax shall not go into effect until after an election is held and the majority of the voters in the county **vote** in favor of imposing the tax. (Voters vote, as a set of people considered individually.)

Note: The focus of this appendix is on word use; it does not demonstrate LCS formatting.

COMMONLY MISUSED WORDS

Utilize

"Utilize" means to use something in a new and different way; most times, "use" is the correct word.

Presently

"Presently" means in the near future; "at present" or "currently" means now.

Insure

"Insure" refers to insurance; "ensure" means to make certain.

Ex officio

The phrase "ex officio" indicates only that a person holds one office by virtue of holding another office. A law saying that the governor is ex-officio president of the state board of finance means that any person holding the office of governor automatically becomes president of the state board of finance.

The phrase does not restrict any powers or duties of an officer while serving in the officer's ex-officio capacity; in particular, the phrase has nothing to do with the ability to vote. The drafter must specify that the ex-officio member cannot vote if that is the intent. Often, the term is not needed, because it is a given that the person serves ex officio — if the *governor* is president of the state board of finance, it is obvious that the *person* changes with the change in the office.

British Spelling

Avoid the use of British spelling, such as "cancelled" and "traveller". "Canceled" and "traveler" and the like are spelled with one "l" and "judgment" does not have a middle "e".

STREAMLINE WORD USE

Avoid using a phrase when a word will suffice.

<i>Use</i>	<i>Avoid</i>
about	with reference to
adjudged	adjudged, ordered and decreed
after	subsequent to <or> from and after
any person who violates this section shall be punished by	If any person shall violate this section, that person shall be punished by
applies	is applicable
because	due to the fact that <or> because of the fact
before	prior to
by <or> with	by and with
conclusive	final and conclusive
consider	give consideration to
do	do and perform
each <or> every	each and every
evidence	evidence, documentary or otherwise
evidence of indebtedness	bonds, notes, checks, drafts and other evidences of indebtedness
fail	fail, refuse and neglect
if	in the event that
in force	in full force and effect
is	be and the same is hereby
January 1	the first day of January
June 15, 2009	the fifteenth day of June, 2009 <or> June 15th
may	the secretary shall in the secretary's discretion <or> it shall be lawful <or> the secretary shall have the power to
may <or> shall <or> is authorized	is hereby authorized and empowered to
means	is defined and shall be construed to mean
on June 15, 2009	on and after June 15, 2009

<i>Use</i>	<i>Avoid</i>
shall	it shall be the director's duty to <or> is ordered and directed to <or> is hereby vested with power and authority and it shall be the director's duty in carrying out the provisions
sole	sole and exclusive
the <or> that	such, said, aforesaid <or> same
trustee	trustees of trust estates created by will, contract or by declaration of trust or by implication of law
valid	currently valid
void	absolutely null and void <or> is null and void and of no effect
when the employee retires	at the time of the employee's retirement

GRAMMAR REVIEW

Subject-Verb Agreement

Singular Noun

A singular noun takes a singular verb.

Examples:

The **income** derived from any state lands granted or confirmed by the Enabling Act or otherwise under the management, care, custody and control of the commissioner of public lands [~~constitute~~] **constitutes** a fund to be known as the "state lands maintenance fund" ...

When the corporate authorities of a town **or** the probate **judge** of the county in which the town is situated **has entered**, at the proper land office, the land, or any part of the land ...

A person, association of persons or corporation, in any manner entering upon, occupying or using for any purpose any land belonging to the state, without having leased, purchased or obtained a legal right to the use or occupation of the land, **or** a lessee of lands who does not vacate the land within thirty days after expiration or cancellation of his lease, **or** a person, association of persons or corporation constructing a ditch, reservoir, railroad, tramway, public or private road, telegraph, telephone or power line upon state lands, without legal authority, **or** a person, association of persons or corporation, whether lessee or not, committing waste upon any state lands **or** a lessee who uses the lands leased for any purpose other than that specified in the lease, or purposes incident thereto, **is** guilty of a

Plural Nouns

A plural noun takes a plural verb.

Example:

When the probate judge of the county in which a town is situated **or** the corporate **authorities** of the town **have entered**, at the proper land office, the land, or any part of the land ...

Exceptions

If a field of knowledge or activity, a plural noun takes a singular verb.

Examples:

Politics has always attracted persons of talent.
 Statistics is not always a dry subject.
 In most other uses, a plural noun takes a plural verb.
 The politics of the situation are complicated.
 The statistics were largely erroneous.

Collective Nouns

Collective nouns may be used as a unit or considered individually.

Example: Collective Noun Used as Unit

The family is coming over this afternoon.

Example: Collective Noun Considered Individually

The family were informed as soon as they could be reached by telephone.

Plurals Mistaken for Singulars

Correct: The public media **are** in trouble. *Incorrect:* The public media **is** in trouble.
Correct: **These** phenomena fascinate him. *Incorrect:* **This** phenomena fascinates

Coordinating Conjunctions

Coordinating conjunctions that join plural nouns take plural verbs.

Example:

Neither the Saints nor the Packers are going to win this year.

When coordinating conjunctions join a plural and a singular noun, the verb agrees with the closest noun.

Example:

Neither the president's advisors nor the president has acted wisely in this crisis.
 Either the cloth or the dyes are defective.

Indefinite Pronouns — Singular Verbs

Indefinite pronouns that take singular verbs include:

someone, anyone, no one, somebody, nobody, anybody, each, everybody, nothing, another, either, neither, little and much.

Examples:

Everybody is coming.

Nothing is happening.

Indefinite Pronouns — Plural Verbs

Indefinite pronouns that take plural verbs include:

both, several, many, several, few, most and others.

Examples:

Both are true.

Several are living in the woods.

Indefinite Pronouns — Either Singular or Plural

Indefinite pronouns that can be either singular or plural include:

any, more, some, enough, all, most, who, half, none, either/or and neither/nor.

Examples:

All the cake is gone.

All the boys are gone.

Most of the pie was eaten.

Most of the hot dogs were eaten.

Either Ryan or Wesley is here.

Neither the boys nor the girls are here.

Neither the boys nor their mother is here. (Note: Use singular verb because singular noun is closest to verb.)

Luckily, none of the property was damaged; none of the horses were hurt; but none of us is blameless in this matter. (none of us — none = not one of individuals)

The boy who is late for class sits near me.

The boys who are late for class sit near me.

Verbs Used with Variety and Number

When the word is preceded by "the", use a singular verb.

Examples:

The variety of fish was astounding.

The number of horsemen on the hill was not great.

When the word is preceded by "a", use a plural verb.

Examples:

A variety of fish abound in these waters.

A number of horsemen were on the hill.

Verbs Used with Some and Most

Use a singular verb when dealing with a quantity.

Examples:

Some of the cereal is stale.

Most of the money is gone.

Use a plural verb when dealing with more than one individual item.

Examples:

Some of the apples are rotten.

So are most of the people.

Gerunds

Add "ing" to a verb to make a noun.

Example:

Running is fun.

Use possessive pronoun "my", not "me", before a gerund.

Example:

Mom doesn't like my eating too much ice cream.

If emphasis is on action, use the possessive case.

Example:

Josh's smacking his chewing gum is driving me crazy.

Parallel Use of Verbs

If compound verbs are used in a sentence, make sure they are cast in the same tense.

Examples:

The judge shall defer or suspend the sentence and, as a condition of probation, [~~requires~~] shall require an individual to serve a period of time in a community corrections program.

If the sentence is a compound sentence, use parallel construction unless the meaning clearly indicates otherwise.

Examples:

The speaker delivered a presentation on recent tax reforms; he [~~says~~] said the reforms will not benefit middle income taxpayers.

The speaker delivered a presentation on recent tax reforms; he believes the reforms will not benefit middle income taxpayers.

Verb Tenses

Present tense

I write reports often.

Past tense

I wrote my report last night.

Future tense

I will write my report later today.

Present perfect tense

I have written reports many times.

Past perfect tense

I had written my report just before you arrived.

Moods

Verbs may be in one of three moods: indicative, imperative or subjunctive.

Indicative Mood

Most often verbs are used in the indicative mood.

Example:

The "instructional material adoption fund" **is created** in the state treasury.

Imperative Mood

The imperative mood is used to express a request or command.

Examples:

Please **respond** as soon as possible.

Place your envelopes in the box on the table.

Subjunctive Mood

The subjunctive mood is used to express a condition contrary to fact or to express a wish. The present subjunctive is used only in certain rather formal situations, such as in memorials and resolutions.

Condition Contrary to Fact

Use if the sentence is a "what if" or "if only".

Example:

If I **were** a magician, I would turn the world into chocolate.

Express a Wish

Example:

I suggest the meeting **be canceled**.

Formal Usage — Memorials and Resolutions

Examples:

BE IT RESOLVED that the legislative council service **study** the report....

BE IT RESOLVED that the human services department **be requested** to....

Split Infinitives

An infinitive is the "to" form of a verb: **to sleep**, perchance **to dream**. A split infinitive is one with an adverb between the "to" and the verb, e.g., "**to boldly go** where no man has gone before". Split infinitives are considered to be acceptable in modern usage.

You can avoid splitting the infinitive by placing the adverb before the "to", after the verb, or somewhere near the end of the phrase, as in the examples below.

Split infinitive

It is good practice to **enthusiastically** praise excellent work.

Placement before the verb

It is good practice **enthusiastically** to praise excellent work.

Placement after verb

It is good practice **to praise enthusiastically** excellent work.

End of phrase placement

It is good practice **to praise** excellent work **enthusiastically**.

In some cases, the placement of the adverb may sound unnatural, such as in the first example, which places the adverb before the infinitive. Other times, placement may cause ambiguity as to what the adverb modifies. So, choose the best placement for readability and, if necessary, you may split the infinitive.

It is best not to rearrange split infinitives in statute or in legislation or other legislative documents as there is the danger that the meaning of a sentence will be changed when attempting to do so.

PARALLEL CONSTRUCTION

Parallel Form

"Two or more ideas that are similar in nature are known as parallel ideas. For effective presentation, express them in parallel form: a noun should be paralleled with a noun, an infinitive with an infinitive, a subordinate clause with another subordinate clause, and so on." (*Barron's A Pocket Guide to Correct Grammar*)

Examples: Not Parallel and Parallel Forms

He learned to play tennis, swimming and the art of horseback riding. (Not Parallel)

He learned to swim, to play tennis and to ride a horse. (Parallel)

To make the next examples parallel, the suggested changes would have to be made. If the language is in existing law (a zoo), bracketing and underscoring must be used.

Example: Bracketing and Underscoring to Create Parallel Form

Original:

Within thirty days of making a seizure, the state shall file a complaint of forfeiture or return the **property** to the person from whom it was seized.

Correction:

Within thirty days of making a seizure **of property**, the state shall file a complaint of forfeiture or return the **property** to the person from whom it was seized.

Example: Bracketing and Underscoring for Parallel Nouns

B. "county" means [~~those counties~~] a county organized or incorporated in New Mexico;

Example: Bracketing and Underscoring for Parallel Verbs

A. "practice of optometry" means:

(1) the [~~employment~~] employing of any subjective or objective means or methods, including ...; and

(2) the employing, adapting or prescribing of preventive or corrective measures ...

Examples: Bracketing and Underscoring for Parallel Form**Original:**

A. "participating institution" means any post-high school educational institution within the state, public or private, including junior colleges and vocational schools, **which qualifies** as an eligible institution for the federal guaranteed-loan program under the Higher Education Act of 1965, as amended, **and participating** in student loan programs under the Student Loan Act, or any educational institution not within the state **attended** by a qualified student for the purpose of participating in the student exchange programs administered by the western interstate commission for higher education as provided for by the Western Regional Education Compact;

Correction:

A. "participating institution" means a post-secondary educational institution within the state, public or private, including a community college or a vocational school, [~~which~~] that qualifies as an eligible institution for the federal guaranteed-loan program under the Higher Education Act of 1965 and [~~participating~~] that participates in student loan programs under the Student Loan Act; or a post-secondary educational institution not within the state that is attended by a qualified student who participates in a student exchange program administered by the western interstate commission for higher education as provided for by the Western Regional Education Compact;

Balance Parallel Ideas

"If possible, balance parallel ideas by expressing them in approximately the same number of words, the same kind of words and in identical or closely similar word order." (*Barron's A Pocket Guide to Correct Grammar*)

Parallel Lists — Coming off the Colon

Make sure that each subsection, paragraph, etc., reads correctly "coming off the colon".

Example: Original List Does Not Read Correctly Coming off the Colon**Original:**

The aging and long-term services department shall establish and maintain a comprehensive statewide program designed to meet the social service needs of the state's aged population, including the following:

- A. strengthen and coordinate services of state and local public bodies for the benefit of the aged;
 - B. promote the utilization of older persons in all phases of employment;
 - C. disseminate information to the aged relative to federal, state and local services for the aged;
 - D. encourage training programs, retraining programs and opportunities for older workers;
 - E. develop new methods of job placement for older workers;
 - F. promote public recognition of the advantages of hiring and retaining older workers;
- and
- G. promote and develop programs of community resources and facilities designed to meet the social needs of older persons.

The including phrase goes back to "needs". **It is not a list of needs, but rather the actions required to meet needs.** The following corrected example inserts language before the list to clarify that the list goes to "designed to". The noun usage would be parallel if the writer picked one term, either "aged" or "older person", and used it consistently. Review the following corrected example.

Example: Correction**Correction:**

The aging and long-term services department shall establish and maintain a comprehensive statewide program to meet the social service needs of the state's aged population. The program shall be **designed to**:

- A. **strengthen** and coordinate state and local services for older persons;
- B. **disseminate** information on federal, state and local services for older persons;
- C. **promote** the use of older persons in all phases of employment;
- D. **promote** public recognition of the advantages of hiring and retaining older persons;
- E. **encourage** training programs, retraining programs and opportunities for older persons;
- F. **develop** new methods of job placement for older persons; and
- G. **promote** and develop programs of community resources and facilities designed to meet the social service needs of older persons.

POSITIVE AND PRESENT

Positive

Write in the positive rather than the negative.

Examples:

Use

a person is eligible
the administrator shall grant

Do Not Use

a person is not ineligible
the administrator shall not deny

Original:

A county shall not borrow money except for the following purposes ...

Recast:

A county may borrow money only for the following purposes ...

Present Tense

Use present tense and indicative mood.

Examples:

Original:

There is created in the state treasury a permanent trust fund that shall be known as the "governor's residence preservation fund".

Recast:

The "governor's residence preservation fund" is created as a permanent trust fund in the state treasury.

Original:

There is hereby created within the department of game and fish the position of reserve conservation officer, which shall be a nonsalaried position.

Recast:

The position of reserve conservation officer is created within the department of game and fish as a nonsalaried position.

MISSING OR MISPLACED CONJUNCTIONS

Missing Conjunctions

The following examples show missing conjunctions.

Examples:

Original:

B. "local public body" means all political subdivisions of the state, their agencies, instrumentalities and institutions;

Recast:

B. "local public body" means all political subdivisions of the state **and** their agencies, instrumentalities and institutions;

Original:

E. The obligations shall be held, liquidated **and** the proceeds of the liquidation paid out for payment of the principal, interest and redemption premium of the bonds.

Recast:

E. The obligations shall be held **and** liquidated, **and** the proceeds of the liquidation shall be paid out for payment of the principal, interest and redemption premium of the bonds.

Original:

If the secretary of state determines that a provision of that act for which a penalty may be imposed has been violated, the secretary of state shall by written notice set forth the violation, the fine imposed **and** inform the reporting individual that the individual has ten working days from the date of the letter to correct the matter.

Recast:

If the secretary of state determines that a provision of that act for which a penalty may be imposed has been violated, the secretary of state shall by written notice set forth the violation **and** the fine imposed **and** inform the reporting individual that the individual has ten working days from the date of the letter to correct the matter.

Example:

Original:

(d) type and quality of frame or mounting, type of bridge and distance between lenses, type, length and angling of temples; and

Recast:

(d) the type and quality of the frame or mounting; the type of bridge and the distance between the lenses; **and** the type, length and angling of the temples; and

PLACEMENT OF PHRASES

Clarity

Correct placement of phrases creates clarity and makes a sentence easier to read.

Example:

Original:

The commission consists of fifteen members, including one member of the human rights commission, representative of all fields of interest to women.

Recast:

The commission consists of fifteen members representative of all fields of interest to women. One member shall be a member of the human rights commission.

Example:

Original:

A. A member of the armed forces who:

- (1) without authority goes or remains absent from his unit, organization or place of duty with intent to remain away therefrom permanently;
- (2) quits his unit, organization or place of duty with intent to avoid hazardous duty or to shirk important service; or
- (3) without being regularly separated from one of the armed forces enlists or accepts an appointment in the same or another one of the armed forces without fully disclosing the fact that he has not been regularly separated or enters any foreign armed service except when authorized by the United States;

is guilty of desertion.

Recast:

A. A member of the armed forces **is guilty of desertion** if the member:

- (1) without authority, goes or remains absent from the member's unit, organization or place of duty with intent to remain away permanently;
- (2) quits the member's unit, organization or place of duty with intent to avoid hazardous duty or to shirk important service; or
- (3) without being regularly separated from one of the armed forces, enlists or accepts an appointment in the same or another one of the armed forces without fully disclosing the fact that the member has not been regularly separated or enters any foreign armed service except when authorized by the United States.

Example:

Original:

A. A landowner or lessee, or employee of either, may take or kill an animal **on private land, in which they have an ownership or leasehold interest**, including game animals and other quadrupeds, game birds and fowl, that presents an immediate threat to human life or an immediate threat of damage to property, including crops.

Recast:

A. A landowner or lessee, or employee of either, may take or kill an animal, including game animals and other quadrupeds, game birds and fowl, that presents an immediate threat to human life or an immediate threat of damage to property, including crops, **on private land in which that landowner or lessee or employee has an ownership or leasehold interest**.

NOUN-PRONOUN AGREEMENT

Agreement with Antecedent

A pronoun must agree with its antecedent.

Example:

Each member of an advisory committee may receive compensation for travel and per diem expenses incurred in the performance of [~~their~~] **his** duties.

To achieve gender neutrality, replace "his" with "the member's" or "committee".

Example:

Incorrect:

Nothing in this act shall be construed to prevent **a licensed fisherman** from taking minnows and other nongame fish for **their** own use for bait.

Correct:

Nothing in this act shall be construed to prevent **a licensed fisherman** from taking minnows and other nongame fish for **the licensed fisherman's** own use for bait.

Singular Compound Subject (or)

Example:

Either Vincente **or** Martin may leave **his** children with us.

A compound subject is singular when the coordinator is "or".

Example:

A. Homicide is justifiable when committed by a public officer **or** public employee or those acting by [~~their~~] **his** command and in [~~their~~] **his** aid and assistance.

To achieve gender neutrality, replace "his" with "the officer's or employee's" and recast the sentence to eliminate repetition. Review the next example.

Example — Recast:

A. Homicide is justifiable when committed by a public officer **or** public employee or those acting by the officer's or employee's command to give aid and assistance.

Plural Compound Subject (and)

A compound subject is plural when the coordinator is "and".

Examples:

The senator **and** his wife were warmly received after **their** world tour.

A. Each local school board **and** each governing authority of a private school shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in **their** respective schools.

(6) the chairs of the house appropriations and finance committee, the senate finance committee, the senate education committee **and** the house education committee or **their** designees;

In addition to the payments authorized under Subsection C of this section, the county treasurer shall pay to the property owner **and** the governmental units **their** pro rata share of interest ...

Plural Compound Subject (or - nor)

When one of the antecedents joined by "or" or "nor" is plural, the **pronoun** agrees in number with the **closer** antecedent.

Examples:

Neither the producer nor the **sponsors** admit that **they** were aware of the fraudulent practices.

Neither the sponsors nor the **producer** admits that **he** was aware of the fraudulent practices.

Examples:

(3) willfully obstruct or prevent a person from complying with the provisions of the Human Rights Act or to resist, prevent, impede or interfere with the **commission or its members, staff or representatives** in the performance of **their** duties under the Human Rights Act; or

C. The secretary, by regulation, shall provide for the registration and identification of a property owner **or his lessees** who, by reason of **their** status or the nature of **their** use of the property purchased or leased, are entitled to make nontaxable purchases or leases.

It or Its, They or Their

"It" or "its" should be used with an entity or thing (singular) and "they" or "their" with entities or things (plural).

Examples:

The **board** shall have power and it shall be [~~their~~] **its** duty to enact bylaws, rules and regulations for the government of the New Mexico institute of mining and technology, not inconsistent with the laws of the state; and [~~they~~] **it** shall also prescribe the textbooks to be used, the course of study....

As [~~they are~~] **it** is received, the state treasurer shall deposit into the current school fund **revenue** received from the following sources:

Municipal and county governing bodies shall revoke a license issued pursuant to the Distress Sales Act if **they** find that the license has ...

ACTIVE VOICE

Active Versus Passive

Active voice refers to the use of a transitive verb in a sentence. A transitive verb is one that requires an object to complete its meaning. In legislation, avoid using the passive voice.

Examples:

A brief is written by a party. (passive)

A party writes a brief. (active)

Original:

Copies of the notices of restrictions, prohibitions or permitted uses together with a description or appropriate map of the area affected by the notices shall be made available to the public by the commission.

Recast:

The commission shall make available to the public copies of notices of restrictions, prohibitions or permitted uses together with a description or appropriate map of the area affected by the notices.

GENDER NEUTRALITY IN DRAFTING

Pronouns are problematic and should be avoided because they can be sexist, they can be misunderstood and they can be the wrong form. Use nouns, even if repetitive, unless to do so leads to confusing structure.

Gender in Statute

In Section 12-2A-5 NMSA 1978, the rules of statutory construction provide that: "Use of a word of one gender includes corresponding words of the other genders." (The genders are: masculine, feminine and neuter.) Therefore, statutorily either "he" or "she" can be used in legislative drafting.

However, the problems of consistency and possible confusion arise if the drafter, in an attempt to attain gender neutrality, simply alternates between the use of the two pronouns, he and she, within a single document. Further, if the drafter is adding new language to an existing section of law, the new language should be consistent with the existing language in that section or, if a new section is being added to an existing short title act or article, the language of the new section should be consistent with the language of that act or article.

At this time, all sections of law in the LCS "zoo database" have been updated to amend gender-biased language and make it gender neutral. Such changes are always subject to the approval of the drafter and the bill requester.

Another solution that has been suggested to avoid gender bias is to use the pronoun "they", which encompasses both the masculine and feminine, instead of "he" or "she". Since "they" is a plural pronoun, it will only work if the antecedent (the noun) is plural. Drafters are encouraged to draft in the "singular", so that is not always a viable solution.

Repetition of the Noun

A solution that has been used and may be found in statute is simply to repeat the noun instead of replacing it with a pronoun. Some drafters may find this repetition to be inelegant, but it is grammatically correct and is acceptable legal language.

Example: Repeat the Noun

The failure of a **person** entitled to compensation under the Workers' Compensation Act to give notice or file a claim within the time fixed by the Workers' Compensation Act shall not deprive that **person** of the right to compensation where the failure was caused in whole or in part by the conduct of the employer or insurer, which reasonably led the **person** entitled to compensation to believe the compensation would be paid.

Eliminate Gender-Biased Pronouns

Recasting the sentence to eliminate gender-biased pronouns is another way to attain gender neutrality.

Example:**Avoid:**

A juror is entitled to ten dollars (\$10.00) **for each day he serves.**

Use:

A juror is entitled to ten dollars (\$10.00) **for each day of service.**

Use gender-neutral terms when possible, such as "worker" for "workman" or "drafter" for "draftsman".

Never use a plural personal pronoun with a singular noun as a means to avoid gender-based pronouns.

Example:**Incorrect:**

An employee should not park in the guest parking space, unless **they** have no alternative.

Instead of replacing "they" with "he", rewrite the sentence, whenever possible.

Example:**Correct:**

An employee should not park in the guest parking space, unless there is no alternative.

- or -

Correct:

An employee should not park in the guest parking space, unless the employee has no alternative.

Recasting a sentence may take some time and thought to make sure the meaning or emphasis has not been altered by the removal of the pronoun. At times, it may be easier just to repeat the noun if the drafter does not wish to use a gender-biased pronoun. The following examples are aimed primarily at the drafting of new material. To change existing language in statute would require amending the section (bracketing and underscoring).

The language in the following examples has been taken from statute. Each example is accompanied by a suggestion for recasting the passage to attain gender neutrality.

Examples:**Original:**

A legislator or public officer or employee shall treat **his** government position as a public trust. **He** shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests incompatible with the public interest.

Recast:

A legislator or public officer or employee shall treat public office as a public trust. The legislator or public officer or employee shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests incompatible with the public interest.

Examples:**Original:**

The attorney general shall make public the nature of the charges, but **he** shall make clear that the merits of the charges have never been determined.

Recast:

The attorney general shall make public the nature of the charges and **shall make it** clear that the merits of the charges have never been determined.

*Examples:***Original:**

A compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state **he** represents.

Recast:

A compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state **represented**.

Original:

Any interested person may petition an agency requesting the promulgation, amendment or repeal of a rule and may accompany **his** petition with data, views and arguments **he** thinks pertinent.

Recast:

Any interested person may make **a** petition to an agency requesting the promulgation, amendment or repeal of a rule and may accompany **the** petition with **pertinent** data, views and arguments.

Original:

If a contractor fails to list a subcontractor in excess of the listing threshold and **he** does not state that no bid was received or that only one bid was received, **he** represents that **he** is fully qualified to perform that portion of the work **himself** and that **he** shall perform that portion of the work **himself**.

Recast:

Failure both to list a subcontractor in excess of the listing threshold and to state that a bid was not received, or that only one bid was received, represents that **a contractor** is fully qualified to perform that portion of the work and shall perform that portion of the work.

Gender Neutral Drafting — Other Resources

The subject is addressed in *Drafting Legislation and Rules in Plain English* by Robert J. Martineau. "The use of the masculine to include the feminine is no longer acceptable. Some legislatures and rule drafting bodies have embarked on long term efforts to eliminate sexist references in previously adopted legislation and rules. Virtually all have agreed to adopt new legislation or rules that are gender neutral, unless a masculine or feminine reference is appropriate, such as when referring to a father or mother."

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