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SENATE BILL 324

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY
Diane H. Snyder

AN ACT

RELATING TO STATUTES; PROVIDING FOR GENDER-NEUTRAL LANGUAGE IN
STATE LEGISLATION, RULES AND OTHER DOCUMENTS; CREATING THE CODE
REVISION COMMITTEE; ASSIGNING DUTIES; AUTHORIZING CODE
REVISIONS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. STATE DOCUMENTS--GENDER-NEUTRAL LANGUAGE.--

A. Gender-neutral language shall be used in
drafting laws, memorials, resolutions or other documents
produced by the legislative council service or rules produced
by the legislative, executive or judicial branches of the
state.

B. When amending a section, article or chapter of
statutes or when amending rules, a masculine or feminine
gender-specific word shall be changed to a gender-neutral word

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1 only when it is clear that the statute or rule is not
2 exclusively applicable to members of one sex.

3 C. Gender-neutral language shall not be used if it
4 alters the meaning of the law being amended or compromises the
5 clarity of the writing.

6 D. Gender-neutral language applies to the title of
7 an act or other prefaces, headings or footnotes for rules and
8 documents.

9 E. As used in this section:

10 (1) "gender-neutral" means language that does
11 not expressly or implicitly refer to one sex to the real or
12 apparent exclusion of the other and expressly or implicitly
13 refers to both sexes without distinguishing between them; and

14 (2) "gender-specific" means language that
15 expressly or implicitly refers to one sex to the real or
16 apparent exclusion of the other or expressly or implicitly
17 refers to both sexes and distinguishes between them.

18 Section 2. LEGISLATIVE COUNCIL SERVICE--GENDER-NEUTRAL
19 LANGUAGE.--To carry out its duty to improve the form or wording
20 of the statutes and to clarify and reconcile their provisions
21 as set out in Section 2-3-8 NMSA 1978, the legislative council
22 service shall act as a revisor of statutes by reviewing the
23 statutes and replacing gender-specific language where
24 reasonable and possible.

25 Section 3. CODE REVISION COMMITTEE--CREATED.--A joint
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1 legislative interim committee is created that shall be known as
2 the "code revision committee". The committee shall function
3 from the date of appointment until the first day of December
4 2008 prior to the first session of the forty-ninth legislature.

5 Section 4. MEMBERSHIP--APPOINTMENT--VACANCIES.--

6 A. The code revision committee shall be composed of
7 eight members. The New Mexico legislative council shall
8 appoint four members from the house of representatives and four
9 members from the senate. At the time of making the
10 appointment, the legislative council shall designate the chair
11 and vice chair of the committee. The legislative council may
12 appoint advisory members to the code revision committee as it
13 deems necessary.

14 B. Members shall be appointed from each house so as
15 to give the two major political parties in each house the same
16 proportionate representation on the code revision committee as
17 prevails in each house; however, in no event shall either party
18 have less than one member from each house on the committee. At
19 the request of the committee chair, members may be removed from
20 the committee by the New Mexico legislative council for failure
21 to attend meetings pursuant to legislative council policy.
22 Vacancies on the committee, however caused, may be filled by
23 the legislative council or the legislative council may reduce
24 the size of the committee by not making replacement
25 appointments and in that case the legislative council need not

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1 adjust the party representation.

2 C. No action shall be taken by the code revision
3 committee if a majority of the total membership from either
4 house on the committee rejects the action.

5 Section 5. DUTIES.--

6 A. After its appointment, the code revision
7 committee shall hold one organizational meeting to develop a
8 work plan, budget and schedule of meetings for the ensuing
9 interim. The work plan, budget and schedule of meetings shall
10 be submitted to the New Mexico legislative council for
11 approval.

12 B. The code revision committee shall meet no more
13 than four times annually.

14 C. Upon approval of the work plan, budget and
15 schedule of meetings by the New Mexico legislative council, the
16 code revision committee shall review the work of the
17 legislative council service to improve the form or wording of
18 the statutes, clarify and reconcile statute provisions as set
19 out in Section 2-3-8 NMSA 1978, review the statutes and replace
20 gender-specific language where reasonable and possible.

21 D. The code revision committee shall:

22 (1) provide guidance and direction to the
23 legislative council service staff regarding revising the NMSA
24 1978;

25 (2) review revisions to statutes drafted by

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1 the legislative council service staff; and

2 (3) recommend for introduction into the next
3 legislative session a code revision bill if one is found to be
4 necessary.

5 Section 6. SUBCOMMITTEES.--Subcommittees shall be created
6 only by a majority vote of a quorum of the code revision
7 committee. A subcommittee shall be composed of at least one
8 member from the senate, one member from the house of
9 representatives and at least one member of the minority party
10 from either house. All meetings and expenditures of a
11 subcommittee shall be approved by the full committee in advance
12 of a subcommittee meeting or expenditure. The creation of the
13 subcommittee and the approval of meetings or expenditures for
14 the subcommittee shall be shown in the minutes. The New Mexico
15 legislative council may create subcommittees of the code
16 revision committee as it deems necessary.

17 Section 7. REPORT.--The code revision committee shall
18 make a report of its findings and recommendations for
19 consideration for any session of any legislature. The report
20 and suggested legislation shall be made available to the New
21 Mexico legislative council on or before December 15 preceding
22 the legislative session in which the code revision committee's
23 bill is introduced.

24 Section 8. STAFF.--The legislative council service shall
25 provide staff for the code revision committee.

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1 Section 9. APPROPRIATION.--One hundred thousand dollars
2 (\$100,000) is appropriated from legislative cash balances to
3 the legislative council service for expenditure in fiscal years
4 2006 through 2008 to revise sections of the NMSA 1978 as
5 required to provide for gender-neutrality in the language, to
6 make revisions as deemed appropriate and to fund the expenses
7 of the code revision committee. Any unexpended or unencumbered
8 balance remaining at the end of fiscal year 2008 shall not
9 revert to the general fund.

10 Section 10. EMERGENCY.--It is necessary for the public
11 peace, health and safety that this act take effect immediately.