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HOUSE BILL 184

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Al Park

AN ACT

RELATING TO STATUTORY CONSTRUCTION; CLARIFYING THE USE OF THE  
TERMS "INCLUDES" AND "INCLUDING".

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

SECTION 1. Section 12-2A-3 NMSA 1978 (being Laws 1997,  
Chapter 173, Section 3) is amended to read:

"12-2A-3. GENERAL DEFINITIONS.--In the statutes and rules  
of New Mexico:

A. "annually" means per year;

B. "age of majority" begins on the first instant of  
an individual's eighteenth birthday;

C. "child" includes a child by adoption;

D. "includes" and "including" are terms of  
enlargement and not of limitation or exclusive enumeration, and  
use of the terms does not create a presumption that components

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underscoring material = new  
~~[bracketed material] = delete~~

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1 not expressed are excluded;

2 ~~[D-]~~ E. "oath" includes an affirmation;

3 ~~[E-]~~ F. "person" means an individual, corporation,  
4 business trust, estate, trust, partnership, limited liability  
5 company, association, joint venture or any other legal or  
6 commercial entity;

7 ~~[F-]~~ G. "personal property" means property other  
8 than real property;

9 ~~[G-]~~ H. "personal representative" of a decedent's  
10 estate includes an administrator and executor;

11 ~~[H-]~~ I. "population" means the number of  
12 individuals enumerated in the most recent federal decennial  
13 census;

14 ~~[I-]~~ J. "property" means real and personal  
15 property;

16 ~~[J-]~~ K. "real property" means an estate or interest  
17 in, over or under land and other things or interests, including  
18 minerals, water, structures and fixtures, that by custom, usage  
19 or law pass with a transfer of land even if the estate or  
20 interest is not described or mentioned in the contract of sale  
21 or instrument of conveyance and, if appropriate to the context,  
22 the land in which the estate or interest is claimed;

23 ~~[K-]~~ L. "rule" means a rule, regulation, order,  
24 standard or statement of policy, including amendments thereto  
25 or repeals thereof, adopted and promulgated by an

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underscoring material = new  
~~[bracketed material] = delete~~

1 administrative agency, that purports to affect one or more  
2 administrative agencies other than the promulgating agency or  
3 that purports to affect persons who are not members or  
4 employees of the promulgating agency;

5 ~~[H.]~~ M. "sign" or "subscribe" includes the  
6 execution or adoption of any symbol by a person with the  
7 present intention to authenticate a writing;

8 ~~[M.]~~ N. "state" means a state of the United States,  
9 the District of Columbia, the Commonwealth of Puerto Rico or  
10 any territory or insular possession subject to the jurisdiction  
11 of the United States;

12 ~~[N.]~~ O. "swear" includes affirm;

13 ~~[O.]~~ P. "will" includes a codicil; and

14 ~~[P.]~~ Q. "written" and "in writing" includes  
15 printing, engraving or any other mode of representing words and  
16 letters."