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HOUSE BILL 704

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

LEO C. WATCHMAN, JR.

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO INDIAN AFFAIRS; DEFINING INDIAN COUNTRY FOR PURPOSES OF THE STATUTES; AMENDING A SECTION OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 12-2-2 NMSA 1978 (being Laws 1880, Chapter 6, Section 32, as amended) is amended to read:

"12-2-2. RULES OF CONSTRUCTION. -- In the construction of constitutional and statutory provisions, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislature or repugnant to the context of the constitutional provision or statute:

A. words and phrases shall be construed according to the context and the approved usage of the language, but

1 technical words and phrases and such others as may have acquired  
2 a peculiar and appropriate meaning in law shall be construed  
3 according to such meaning;

4 B. words importing the singular number may be  
5 extended to several persons or things, words importing the  
6 plural number may be applied to one person or thing and words  
7 importing the masculine gender only may be extended to females;

8 C. words giving a joint authority to three or more  
9 public officers or other persons shall be construed as giving  
10 such authority to a majority of them unless otherwise expressed  
11 in the act giving them authority;

12 D. the word "oath" includes "affirmation" in all  
13 cases where an affirmation may be substituted for an oath, and  
14 in like cases "swear" includes "affirm";

15 E. the word "person" may be extended to firms,  
16 associations and corporations;

17 F. the words "written" and "in writing" may include  
18 printing, engraving or any other mode of representing words and  
19 letters except where the written signature or mark of any person  
20 is required;

21 G. in computing time, the first day shall be  
22 excluded and the last included unless the last falls on Sunday,  
23 in which case the time prescribed shall be extended to include  
24 the whole of the following Monday;

25 H. in computing the time that a legislative session

1 shall end, the word "day" means a twenty-four hour period from  
2 [~~12:00~~] twelve o'clock noon on one calendar day to [~~12:00~~]  
3 twelve o'clock noon on the next;

4 I. the words "shall" and "will" are mandatory, and  
5 "may" is permissive or directory;

6 J. the word "annually" means "per year"; [~~and~~]

7 K. a person reaches his "age of majority" on the  
8 first instant of his eighteenth birthday; and

9 L. the term "Indian country" means:

10 (1) all land within the limits of any  
11 reservation of an Indian nation, tribe or pueblo under the  
12 jurisdiction of the United States government, notwithstanding  
13 the issuance of any patent and including rights of way running  
14 through the reservation;

15 (2) all dependent Indian communities within the  
16 borders of New Mexico whether within the original or  
17 subsequently acquired territory;

18 (3) all Indian allotments, the Indian titles to  
19 which have not been extinguished, including rights of way  
20 running through the allotments; and

21 (4) any lands, title to which is either held by  
22 the United States in trust for the benefit of any Indian nation,  
23 tribe, pueblo or tribal member or is held by any Indian nation,  
24 tribe, pueblo or tribal member subject to a restriction by the  
25 United States against alienation. "

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

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Section 2. EMERGENCY. --It is necessary for the public  
peace, health and safety that this act take effect immediately.

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