

FIFTIETH LEGISLATURE  
FIRST SESSION, 2011

SB 146/a

February 26, 2011

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**SENATE BILL 146**

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

1. On page 1, strike line 15 in its entirety.
2. On page 10, strike lines 2 and 3 in their entirety and insert in lieu thereof the following subparagraph:

"(b) is a member of the active or reserve components of the army, navy, air force, marine corps or coast guard of the United States who is on active duty or a member of the national guard who is on activated status; or".
3. On page 10, line 25, after the last comma, insert "transfer on death (TOD) deed,".
4. On page 19, line 1, after the comma, insert "the Adoption Act,".
5. On page 19, line 5, before "or", insert ", the Children's Code".
6. On page 21, line 14, strike "judicial" and insert in lieu thereof "formal" and remove the brackets and line-through.
7. On page 26, line 15, after "treated", insert "pursuant to Section 45-2-802 or Section 45-2-804 NMSA 1978".
8. On page 26, line 22, strike ", homestead" and insert in lieu thereof "and allowances".
9. On page 26, line 23, strike the line up to the comma.

**FIFTIETH LEGISLATURE  
FIRST SESSION, 2011**

SJC/SB 146

Page 2

10. On page 55, line 25, after the period, strike the remainder of the line.

11. On page 56, line 1, strike the line up to "does" and insert in lieu thereof "For the purpose of determining whether a contrary intent exists pursuant to Section 45-2-701 NMSA 1978, a provision in a governing instrument that relates to the inclusion or exclusion in a class gift of a child born to parents who are not married to each other but that".

12. On page 80, line 8, after the second occurrence of "a", insert "revocable trust or other".

13. On page 80, line 10, strike the second occurrence of "or" and insert in lieu thereof a comma.

14. On page 80, line 13, after "1978", insert "or the commencement of a valid proceeding concluded either before or after an individual's death by an order purporting to terminate all marital property rights, including a property division judgment entered pursuant to the provisions of Section 40-4-20 NMSA 1978".

15. On page 91, line 17, strike "sixty" and insert in lieu thereof "thirty".

16. On page 92, line 11, strike "July 1, 1992" and insert in lieu thereof "January 1, 2012".

17. On page 97, line 19, after "representative", insert "by an appropriate writing filed with the court".

18. On page 97, line 23, after "writing", strike the remainder of the line.

19. On page 98, line 3, strike "signed".

20. On page 98, strike line 4 through "and".

**FIFTIETH LEGISLATURE  
FIRST SESSION, 2011**

SJC/SB 146

Page 3

21. On page 98, line 6, after the period, insert "A nomination or renunciation shall be signed by each person making it, the person's attorney or the person's representative authorized by Subsection D of this section.".

22. On page 107, line 24, strike "in a certified copy of" and insert in lieu thereof "on".

23. On page 107, line 25, strike "attached to the affidavit".

24. On page 114, line 13, strike "five thousand dollars (\$5,000)" and insert in lieu thereof "ten thousand dollars (\$10,000)".

25. On page 158, strike lines 7 through 20 in their entirety.

26. Renumber the succeeding sections accordingly.

27. On page 161, strike lines 15 through 20 in their entirety and insert in lieu thereof:

"A. Sections 46B-1-101 through 46B-1-123 NMSA 1978 (being Laws 2007, Chapter 135, Sections 101 through 123) are recompiled as Sections 45-5B-101 through 45-5B-123 NMSA 1978.".

28. Reletter the succeeding subsections accordingly.

FIFTIETH LEGISLATURE  
FIRST SESSION, 2011

SJC/SB 146

Page 4

Respectfully submitted,

\_\_\_\_\_  
Richard C. Martinez, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Lopez, McSorley, Wirth

Absent: None

SB0146JU1.wpd

.184018.7