

1 HOUSE BILL 302

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO THE MILITARY; PROVIDING EXEMPTION FROM STATE  
12 LICENSING REQUIREMENTS FOR CHILD CARE PROGRAMS OR FACILITIES  
13 LICENSED OR CERTIFIED BY THE UNITED STATES DEPARTMENT OF  
14 DEFENSE OR UNITED STATES COAST GUARD; EXPANDING THE LIST OF  
15 PROTECTED CLASSES OF THE HUMAN RIGHTS ACT TO INCLUDE MILITARY  
16 STATUS; AMENDING SECTIONS OF THE NMSA 1978 TO ADD SPACE FORCE  
17 TO THE DEFINITIONS OF "ARMED FORCES" AND "UNIFORMED SERVICES"  
18 THAT INVOLVE PROGRAMS AND SERVICES FOR WHICH MEMBERS OF THE  
19 ARMED FORCES OF THE UNITED STATES ARE ELIGIBLE.

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. [NEW MATERIAL] LICENSE-EXEMPT CHILD CARE  
23 FACILITIES--MILITARY FACILITIES.--A program or a facility  
24 certified as a family child care provider by a branch of the  
25 United States department of defense or by the United States

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1 coast guard shall be exempt from child care facility licensure  
2 requirements provided pursuant to state law. This section does  
3 not apply to family child care providers who also provide child  
4 care services to children not affiliated with a branch of the  
5 United States department of defense or the United States coast  
6 guard.

7 SECTION 2. Section 1-1-5.4 NMSA 1978 (being Laws 2015,  
8 Chapter 145, Section 3) is amended to read:

9 "1-1-5.4. UNIFORMED-SERVICE VOTER.--As used in the  
10 Election Code, "uniformed-service voter" means an individual  
11 who is a United States citizen, whose voting residence is in  
12 this state, who otherwise satisfies this state's voter  
13 eligibility requirements and who is:

14 A. a member of the active or reserve components of  
15 the army, navy, air force, space force, marine corps or coast  
16 guard of the United States who is on active duty and who by  
17 reason of that active duty is absent from the state;

18 B. a member of the merchant marine, the  
19 commissioned corps of the public health service, the astronaut  
20 program of the national aeronautics and space administration or  
21 the commissioned corps of the national oceanic and atmospheric  
22 administration of the United States and who by reason of that  
23 service is absent from the state;

24 C. a member on activated status of the national  
25 guard or state militia and who by reason of that active duty is

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1 absent from the member's county of residence; or

2 D. a spouse or dependent of a member referred to in  
3 Subsection A, B or C of this section and who, by reason of  
4 active duty or service of the member, is absent from the state;  
5 provided the spouse or dependent is an individual recognized as  
6 a spouse or dependent by the entity under which the member is  
7 serving."

8 SECTION 3. Section 21-1-4.5 NMSA 1978 (being Laws 2005,  
9 Chapter 168, Section 1, as amended) is amended to read:

10 "21-1-4.5. RESIDENT TUITION FOR VETERANS OF THE ARMED  
11 FORCES OF THE UNITED STATES AND FAMILIES OF MEMBERS OF THE  
12 ARMED FORCES.--

13 A. A veteran of the armed forces of the United  
14 States shall be deemed an in-state resident for purposes of  
15 determining tuition and fees at all state institutions of  
16 higher learning, provided that the veteran is eligible for  
17 veterans' education benefits under federal law. In order for a  
18 veteran who is not a resident of New Mexico to receive in-state  
19 tuition rates, the veteran shall use the veteran's federal  
20 educational benefits at a state public post-secondary  
21 institution.

22 B. A spouse or child of an active member of the  
23 armed forces who is assigned to duty in New Mexico shall be  
24 deemed an in-state resident for purposes of determining tuition  
25 and fees at all state institutions of higher learning.

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1           C. A spouse or child of an active member of the  
2 armed forces who is assigned to duty elsewhere immediately  
3 following assignment to duty in New Mexico shall be deemed an  
4 in-state resident for purposes of determining tuition and fees  
5 at all state institutions of higher learning as long as the  
6 spouse or child resides continuously in New Mexico.

7           D. A spouse or child of an active member of the  
8 armed forces who dies or is killed shall be deemed an in-state  
9 resident for purposes of determining tuition and fees at all  
10 state institutions of higher learning if the spouse or child  
11 becomes a resident of New Mexico within sixty days of the date  
12 of death.

13           E. A veteran of the armed forces who pays tuition  
14 and fees at the rate provided for New Mexico residents under  
15 this section is entitled to pay tuition and fees at the rate  
16 provided for New Mexico residents in any subsequent term or  
17 semester while the veteran is enrolled in a degree or  
18 certificate program.

19           F. If an active member of the armed forces is  
20 stationed outside New Mexico and the member's spouse or child  
21 establishes residence in New Mexico and files with a state  
22 institution of higher learning at which the spouse or child  
23 plans to register a letter of intent to establish and continue  
24 residing in New Mexico, the spouse or child shall be deemed an  
25 in-state resident for purposes of determining tuition and fees

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1 at that state institution of higher learning without regard to  
2 length of time that the spouse or child has resided in the  
3 state.

4 G. A spouse or child of an active member of the  
5 armed forces who pays tuition and fees at the rate provided for  
6 New Mexico residents under this section is entitled to pay  
7 tuition and fees at the rate provided for New Mexico residents  
8 in any subsequent term or semester while the person is  
9 continuously enrolled in the same degree or certificate  
10 program. For purposes of this subsection, a person is not  
11 required to enroll in a summer term to remain continuously  
12 enrolled in a degree or certificate program. A person's  
13 eligibility to pay tuition and fees at the rate provided for  
14 New Mexico residents under this subsection does not terminate  
15 because the person is no longer a child or spouse of a member  
16 of the armed forces.

17 H. A spouse or child of a veteran of the armed  
18 forces is entitled to pay tuition and fees at the rate provided  
19 for New Mexico residents; provided that the spouse or child is  
20 eligible for benefits pursuant to the federal Post-9/11  
21 Veterans Educational Assistance Act of 2008 or any other  
22 federal law authorizing educational benefits for a veteran and  
23 the dependents of a veteran.

24 I. As used in this section, "armed forces" means  
25 the United States army, navy, air force, space force, marine

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1 corps or coast guard.

2 J. As used in this section, "veteran" means a  
3 person who:

4 (1) was regularly enlisted, drafted, inducted  
5 or commissioned in the:

6 (a) armed forces of the United States  
7 and was accepted for and assigned to active duty in the armed  
8 forces of the United States;

9 (b) army reserve, navy reserve, marine  
10 corps reserve, air force reserve, space force reserve, coast  
11 guard reserve, army national guard or air national guard and  
12 was accepted for and assigned to duty for a minimum of six  
13 continuous years; or

14 (c) United States public health service  
15 commissioned corps or the national oceanic and atmospheric  
16 administration commissioned officer corps and served in the  
17 capacity of a commissioned officer while on active duty in  
18 defense of the United States; and

19 (2) was not separated from such service under  
20 circumstances amounting to dishonorable discharge."

21 SECTION 4. Section 28-1-2 NMSA 1978 (being Laws 1969,  
22 Chapter 196, Section 2, as amended) is amended to read:

23 "28-1-2. DEFINITIONS.--As used in the Human Rights Act:

24 A. "person" means one or more individuals, a  
25 partnership, association, organization, corporation, joint

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1 venture, legal representative, trustees, receivers, or the  
2 state and all of its political subdivisions;

3 B. "employer" means any person employing four or  
4 more persons and any person acting for an employer;

5 C. "commission" means the human rights commission;

6 D. "director" or "bureau" means the human rights  
7 bureau of the labor relations division of the workforce  
8 solutions department;

9 E. "employee" means any person in the employ of an  
10 employer or an applicant for employment;

11 F. "labor organization" means any organization that  
12 exists for the purpose in whole or in part of collective  
13 bargaining or of dealing with employers concerning grievances,  
14 terms or conditions of employment or of other mutual aid or  
15 protection in connection with employment;

16 G. "employment agency" means any person regularly  
17 undertaking with or without compensation to procure  
18 opportunities to work or to procure, recruit or refer  
19 employees;

20 H. "public accommodation" means any governmental  
21 entity or any establishment that provides or offers its  
22 services, facilities, accommodations or goods to the public,  
23 but does not include a bona fide private club or other place or  
24 establishment that is by its nature and use distinctly private;

25 I. "public contractor" means a person who receives

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1 public funds as a result of contracting with a governmental  
2 entity;

3 J. "political subdivision" means any:

- 4 (1) county;
- 5 (2) incorporated city, town or village;
- 6 (3) drainage, conservancy, irrigation, water  
7 and sanitation or other district;
- 8 (4) mutual domestic association;
- 9 (5) public water cooperative association; or
- 10 (6) community ditch association;

11 K. "housing accommodation" means any building or  
12 portion of a building that is constructed or to be constructed,  
13 which is used or intended for use as the residence or sleeping  
14 place of any individual;

15 L. "real property" means lands, leaseholds or  
16 commercial or industrial buildings, whether constructed or to  
17 be constructed, offered for sale or rent, and any land rented  
18 or leased for the use, parking or storage of house trailers;

19 M. "secretary" means the secretary of workforce  
20 solutions;

21 N. "unlawful discriminatory practices" means those  
22 unlawful practices and acts specified in Section 28-1-7 NMSA  
23 1978;

24 O. "physical or mental disability" means a physical  
25 or mental impairment that substantially limits one or more of a

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1 person's major life activities. A person is also considered to  
2 have a mental or physical disability if the person has a record  
3 of a physical or mental disability or is regarded as having a  
4 physical or mental disability;

5 P. "major life activities" means functions such as  
6 caring for one's self, performing manual tasks, walking,  
7 seeing, hearing, speaking, breathing, learning and working;

8 Q. "applicant for employment" means a person  
9 applying for a position as an employee;

10 R. "sex" means a person's categorization as male,  
11 female or intersex based on biology, physiology and physical  
12 characteristics;

13 S. "sexual orientation" means a person's physical,  
14 romantic or emotional attraction to persons of the same or a  
15 different gender or the absence of any such attraction;

16 T. "gender identity" means a person's self-  
17 perception, based on the person's appearance, behavior or  
18 physical characteristics, that the person exhibits more  
19 masculinity or femininity or the absence of masculinity or  
20 femininity whether or not it matches the person's gender or sex  
21 assigned at birth;

22 U. "gender" means an individual or societal  
23 expectation or perception of a person as masculine or feminine  
24 based on appearance, behavior or physical characteristics;

25 V. "reasonable accommodation" means modification or

1 adaptation of the work environment, work schedule, work rules  
2 or job responsibilities, and reached through good faith efforts  
3 to explore less restrictive or less expensive alternatives to  
4 enable an employee to perform the essential functions of the  
5 job and that does not impose an undue hardship on the employer;

6 W. "undue hardship" means an accommodation  
7 requiring significant difficulty or expense when considered in  
8 light of the following factors:

9 (1) the nature and cost of the accommodation;  
10 (2) the financial resources of the employer  
11 involved in the provision of the reasonable accommodation;

12 (3) the number of persons the employer  
13 employs;

14 (4) the effect of the accommodation on  
15 expenses and resources;

16 (5) the impact of the accommodation otherwise  
17 upon the employer's business;

18 (6) the overall financial resources of the  
19 employer;

20 (7) the overall size of the business of an  
21 employer with respect to the number, type and location of its  
22 facilities;

23 (8) the type of operation of the employer,  
24 including the composition, structure and functions of the  
25 workforce of the employer; or

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1 (9) the geographic separateness or  
2 administrative or fiscal relationship to the employer of the  
3 employer's facilities;

4 X. "cultural or religious headdresses" includes  
5 hijabs, head wraps or other headdresses used as part of an  
6 individual's personal cultural or religious beliefs;

7 Y. "protective hairstyles" includes such hairstyles  
8 as braids, locs, twists, tight coils or curls, cornrows, bantu  
9 knots, afros, weaves, wigs or head wraps;

10 Z. "race" includes traits historically associated  
11 with race, including hair texture, length of hair, protective  
12 hairstyles or cultural or religious headdresses;

13 AA. "state" means the state of New Mexico or any of  
14 its agencies, departments, boards, instrumentalities or  
15 institutions;

16 BB. "governmental entity" means the state or any  
17 public body;

18 CC. "public body" means a state or local  
19 government, an advisory board, a commission, an agency or an  
20 entity created by the constitution of New Mexico or any branch  
21 of government that receives public funding, including political  
22 subdivisions, special tax districts, school districts and  
23 institutions of higher education; [~~and~~]

24 DD. "services" means any function, program,  
25 activity or benefit; and

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1                   EE. "military status" means a person's active  
2 membership in the armed forces or state defense force or being  
3 a veteran of the armed forces or state defense force and  
4 includes a spouse or child of an active member or veteran of  
5 the armed forces or state defense force."

6                   SECTION 5. Section 28-1-7 NMSA 1978 (being Laws 1969,  
7 Chapter 196, Section 7, as amended) is amended to read:

8                   "28-1-7. UNLAWFUL DISCRIMINATORY PRACTICE.--It is an  
9 unlawful discriminatory practice for:

10                   A. an employer, unless based on a bona fide  
11 occupational qualification or other statutory prohibition, to  
12 refuse to hire, to discharge, to promote or demote or to  
13 discriminate in matters of compensation, terms, conditions or  
14 privileges of employment against any person otherwise qualified  
15 because of race, age, religion, color, national origin,  
16 ancestry, sex, sexual orientation, gender, gender identity,  
17 pregnancy, childbirth or condition related to pregnancy or  
18 childbirth, physical or mental disability, [~~or~~] serious medical  
19 condition or military status, or, if the employer has fifty or  
20 more employees, spousal affiliation; provided, however, that 29  
21 U.S.C. Section 631(c)(1) and (2) shall apply to discrimination  
22 based on age;

23                   B. a labor organization to exclude a person or to  
24 expel or otherwise discriminate against any of its members or  
25 against any employer or employee because of race, religion,

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1 color, national origin, ancestry, sex, sexual orientation,  
2 gender, gender identity, pregnancy, childbirth or condition  
3 related to pregnancy or childbirth, spousal affiliation,  
4 physical or mental disability, [Ø] serious medical condition  
5 or military status;

6 C. any employer, labor organization or joint  
7 apprenticeship committee to refuse to admit or employ any  
8 person in any program established to provide an apprenticeship  
9 or other training or retraining because of race, religion,  
10 color, national origin, ancestry, sex, sexual orientation,  
11 gender, gender identity, pregnancy, childbirth or condition  
12 related to pregnancy or childbirth, physical or mental  
13 disability, [Ø] serious medical condition or military status,  
14 or, if the employer has fifty or more employees, spousal  
15 affiliation;

16 D. any person, employer, employment agency or labor  
17 organization to print or circulate or cause to be printed or  
18 circulated any statement, advertisement or publication, to use  
19 any form of application for employment or membership or to make  
20 any inquiry regarding prospective membership or employment that  
21 expresses, directly or indirectly, any limitation,  
22 specification or discrimination as to race, color, religion,  
23 national origin, ancestry, sex, sexual orientation, gender,  
24 gender identity, pregnancy, childbirth or condition related to  
25 pregnancy or childbirth, physical or mental disability, [Ø]

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1 serious medical condition or military status, or, if the  
2 employer has fifty or more employees, spousal affiliation,  
3 unless based on a bona fide occupational qualification;

4 E. an employment agency to refuse to list and  
5 properly classify for employment or refer a person for  
6 employment in a known available job, for which the person is  
7 otherwise qualified, because of race, religion, color, national  
8 origin, ancestry, sex, sexual orientation, gender, gender  
9 identity, pregnancy, childbirth or condition related to  
10 pregnancy or childbirth, spousal affiliation, physical or  
11 mental disability or serious medical condition, unless based on  
12 a bona fide occupational qualification, or to comply with a  
13 request from an employer for referral of applicants for  
14 employment if the request indicates, either directly or  
15 indirectly, that the employer discriminates in employment on  
16 the basis of race, religion, color, national origin, ancestry,  
17 sex, sexual orientation, gender, gender identity, pregnancy,  
18 childbirth or condition related to pregnancy or childbirth,  
19 spousal affiliation, physical or mental disability, ~~[or]~~  
20 serious medical condition, unless based on a bona fide  
21 occupational qualification, or military status;

22 F. any person in any public accommodation to make a  
23 distinction, directly or indirectly, in offering or refusing to  
24 offer its services, facilities, accommodations or goods to any  
25 person because of race, religion, color, national origin,

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1 ancestry, sex, sexual orientation, gender, gender identity,  
2 pregnancy, childbirth or condition related to pregnancy or  
3 childbirth, spousal affiliation, [Ø] physical or mental  
4 disability or military status; provided that the physical or  
5 mental disability is unrelated to a person's ability to acquire  
6 or rent and maintain particular real property or housing  
7 accommodation;

8 G. any person to:

9 (1) refuse to sell, rent, assign, lease or  
10 sublease or offer for sale, rental, lease, assignment or  
11 sublease any housing accommodation or real property to any  
12 person or to refuse to negotiate for the sale, rental, lease,  
13 assignment or sublease of any housing accommodation or real  
14 property to any person because of race, religion, color,  
15 national origin, ancestry, sex, sexual orientation, gender,  
16 gender identity, pregnancy, childbirth or condition related to  
17 pregnancy or childbirth, spousal affiliation, [Ø] physical or  
18 mental disability or military status; provided that the  
19 physical or mental disability is unrelated to a person's  
20 ability to acquire or rent and maintain particular real  
21 property or housing accommodation;

22 (2) discriminate against any person in the  
23 terms, conditions or privileges of the sale, rental,  
24 assignment, lease or sublease of any housing accommodation or  
25 real property or in the provision of facilities or services in

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1 connection therewith because of race, religion, color, national  
2 origin, ancestry, sex, sexual orientation, gender, gender  
3 identity, pregnancy, childbirth or condition related to  
4 pregnancy or childbirth, spousal affiliation, ~~[or]~~ physical or  
5 mental disability or military status; provided that the  
6 physical or mental disability is unrelated to a person's  
7 ability to acquire or rent and maintain particular real  
8 property or housing accommodation; or

9 (3) print, circulate, display or mail or cause  
10 to be printed, circulated, displayed or mailed any statement,  
11 advertisement, publication or sign or use any form of  
12 application for the purchase, rental, lease, assignment or  
13 sublease of any housing accommodation or real property or to  
14 make any record or inquiry regarding the prospective purchase,  
15 rental, lease, assignment or sublease of any housing  
16 accommodation or real property that expresses any preference,  
17 limitation or discrimination as to race, religion, color,  
18 national origin, ancestry, sex, sexual orientation, gender,  
19 gender identity, pregnancy, childbirth or condition related to  
20 pregnancy or childbirth, spousal affiliation, ~~[or]~~ physical or  
21 mental disability or military status; provided that the  
22 physical or mental disability is unrelated to a person's  
23 ability to acquire or rent and maintain particular real  
24 property or housing accommodation;

25 H. any person to whom application is made either

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1 for financial assistance for the acquisition, construction,  
2 rehabilitation, repair or maintenance of any housing  
3 accommodation or real property or for any type of consumer  
4 credit, including financial assistance for the acquisition of  
5 any consumer good as defined by Section 55-9-102 NMSA 1978, to:

6 (1) consider the race, religion, color,  
7 national origin, ancestry, sex, sexual orientation, gender,  
8 gender identity, pregnancy, childbirth or condition related to  
9 pregnancy or childbirth, spousal affiliation or physical or  
10 mental disability of any individual in the granting,  
11 withholding, extending, modifying or renewing or in the fixing  
12 of the rates, terms, conditions or provisions of any financial  
13 assistance or in the extension of services in connection with  
14 the request for financial assistance; or

15 (2) use any form of application for financial  
16 assistance or to make any record or inquiry in connection with  
17 applications for financial assistance that expresses, directly  
18 or indirectly, any limitation, specification or discrimination  
19 as to race, religion, color, national origin, ancestry, sex,  
20 sexual orientation, gender, gender identity, pregnancy,  
21 childbirth or condition related to pregnancy or childbirth,  
22 spousal affiliation or physical or mental disability;

23 I. any person or employer to:

24 (1) aid, abet, incite, compel or coerce the  
25 doing of any unlawful discriminatory practice or to attempt to

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1 do so;

2 (2) engage in any form of threats, reprisal or  
3 discrimination against any person who has opposed any unlawful  
4 discriminatory practice or has filed a complaint, testified or  
5 participated in any proceeding under the Human Rights Act; or

6 (3) willfully obstruct or prevent any person  
7 from complying with the provisions of the Human Rights Act or  
8 to resist, prevent, impede or interfere with the commission or  
9 any of its members, staff or representatives in the performance  
10 of their duties under the Human Rights Act;

11 J. any employer to refuse or fail to accommodate a  
12 person's physical or mental disability or serious medical  
13 condition, unless such accommodation is unreasonable or an  
14 undue hardship;

15 K. any employer to refuse or fail to make  
16 reasonable accommodation for an employee or job applicant with  
17 a need arising from pregnancy, childbirth or condition related  
18 to pregnancy or childbirth;

19 L. any employer to require an employee with a need  
20 arising from pregnancy, childbirth or condition related to  
21 pregnancy or childbirth to take paid or unpaid leave if another  
22 reasonable accommodation can be provided unless the employee  
23 voluntarily requests to be placed on leave or the employee is  
24 placed on leave pursuant to federal law; or

25 M. a governmental entity or a public contractor to

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1 refuse or otherwise limit or put conditions on services to a  
2 person because of race, age, religion, color, national origin,  
3 ancestry, sex, sexual orientation, gender, gender identity,  
4 pregnancy, childbirth or condition related to pregnancy or  
5 childbirth, physical or mental disability, serious medical  
6 condition or spousal affiliation; provided that nothing in this  
7 subsection shall be construed to require a governmental entity  
8 or a public contractor to provide services or programs beyond  
9 services or programs to the specific populations that the  
10 governmental entity or public contractor is tasked with  
11 serving."

12 SECTION 6. Section 40-10D-2 NMSA 1978 (being Laws 2014,  
13 Chapter 4, Section 2) is amended to read:

14 "40-10D-2. DEFINITIONS.--As used in the Deployed Parents  
15 Custody and Visitation Act:

16 A. "adult" means an individual who has attained  
17 eighteen years of age or is an emancipated minor;

18 B. "caretaking authority" means the right to live  
19 with and care for a child on a day-to-day basis. "Caretaking  
20 authority" includes physical custody, parenting time, right to  
21 access and visitation;

22 C. "child" means:

23 (1) an unemancipated individual who has not  
24 attained eighteen years of age; or

25 (2) an adult son or daughter by birth or

1 adoption, or under law of this state other than the Deployed  
2 Parents Custody and Visitation Act, who is the subject of a  
3 court order concerning custodial responsibility;

4 D. "court" means a tribunal, including an  
5 administrative agency, authorized under law of this state other  
6 than the Deployed Parents Custody and Visitation Act, to make,  
7 enforce or modify a decision regarding custodial  
8 responsibility;

9 E. "custodial responsibility" includes all powers  
10 and duties relating to caretaking authority and decision-making  
11 authority for a child. "Custodial responsibility" includes  
12 physical custody, legal custody, parenting time, right to  
13 access, visitation and authority to grant limited contact with  
14 a child;

15 F. "decision-making authority" means the power to  
16 make important decisions regarding a child, including decisions  
17 regarding the child's education, religious training, health  
18 care, extracurricular activities and travel. "Decision-making  
19 authority" does not include the power to make decisions that  
20 necessarily accompany a grant of caretaking authority;

21 G. "deploying parent" means a service member who is  
22 deployed or has been notified of impending deployment and is:

23 (1) a parent of a child under law of this  
24 state other than the Deployed Parents Custody and Visitation  
25 Act; or

1 (2) an individual who has custodial  
2 responsibility for a child under law of this state other than  
3 the Deployed Parents Custody and Visitation Act;

4 H. "deployment" means the movement or mobilization  
5 of a service member for more than ninety days but less than  
6 eighteen months pursuant to uniformed service orders that:

7 (1) are designated as unaccompanied;  
8 (2) do not authorize dependent travel; or  
9 (3) otherwise do not permit the movement of  
10 family members to the location to which the service member is  
11 deployed;

12 I. "family member" means a sibling, aunt, uncle,  
13 cousin, stepparent or grandparent of a child or an individual  
14 recognized to be in a familial relationship with a child under  
15 law of this state other than the Deployed Parents Custody and  
16 Visitation Act;

17 J. "limited contact" means the authority of a  
18 nonparent to visit a child for a limited time. "Limited  
19 contact" includes authority to take the child to a place other  
20 than the residence of the child;

21 K. "nonparent" means an individual other than a  
22 deploying parent or other parent;

23 L. "other parent" means an individual who, in  
24 common with a deploying parent, is:

25 (1) a parent of a child under law of this

1 state other than the Deployed Parents Custody and Visitation  
2 Act; or

3 (2) an individual who has custodial  
4 responsibility for a child under law of this state other than  
5 the Deployed Parents Custody and Visitation Act;

6 M. "record" means information that is inscribed on  
7 a tangible medium or that is stored in an electronic or other  
8 medium and is retrievable in perceivable form;

9 N. "return from deployment" means the conclusion of  
10 a service member's deployment as specified in uniformed service  
11 orders;

12 O. "service member" means a member of a uniformed  
13 service;

14 P. "sign" means with present intent to authenticate  
15 or adopt a record to:

16 (1) execute or adopt a tangible symbol; or

17 (2) attach to or logically associate with the  
18 record an electronic symbol, sound or process;

19 Q. "state" means a state of the United States, the  
20 District of Columbia, Puerto Rico, the United States Virgin  
21 Islands or any territory or insular possession subject to the  
22 jurisdiction of the United States; and

23 R. "uniformed service" means:

24 (1) active and reserve components of the army,  
25 navy, air force, space force, marine corps or coast guard of

1 the United States;

2 (2) the United States merchant marine;

3 (3) the commissioned corps of the United  
4 States public health service;

5 (4) the commissioned corps of the national  
6 oceanic and atmospheric administration of the United States; or

7 (5) the national guard of a state."

8 SECTION 7. Section 45-1-201 NMSA 1978 (being Laws 1993,  
9 Chapter 174, Section 4, as amended) is amended to read:

10 "45-1-201. DEFINITIONS.--

11 A. As used in the Uniform Probate Code, except as  
12 provided in Subsection B of this section and unless the context  
13 otherwise requires:

14 (1) "agent" includes an attorney-in-fact under  
15 a durable or nondurable power of attorney, an individual  
16 authorized to make decisions concerning another's health care  
17 and an individual authorized to make decisions for another  
18 under a natural death act;

19 (2) "application" means a written request to a  
20 court for an order of informal probate or appointment pursuant  
21 to Chapter 45, Article 3 NMSA 1978;

22 (3) "authenticated", with reference to copies,  
23 means certified or exemplified;

24 (4) "beneficiary", as it relates to a trust  
25 beneficiary, includes a person who has any present or future

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1 interest, vested or contingent, and also includes the owner of  
2 an interest by assignment or other transfer; as it relates to a  
3 charitable trust, includes any person entitled to enforce the  
4 trust; as it relates to a "beneficiary of a beneficiary  
5 designation", refers to a beneficiary of an insurance or  
6 annuity policy, of an account with POD designation, of a  
7 security registered in beneficiary form (TOD) or of a pension,  
8 profit-sharing, retirement or similar benefit plan or other  
9 nonprobate transfer at death; and, as it relates to a  
10 "beneficiary designated in a governing instrument", includes a  
11 grantee of a deed, a devisee, a trust beneficiary, a  
12 beneficiary of a beneficiary designation, a donee, appointee or  
13 taker in default of a power of appointment or a person in whose  
14 favor a power of attorney or a power held in any individual,  
15 fiduciary or representative capacity is exercised;

16 (5) "beneficiary designation" refers to a  
17 governing instrument naming a beneficiary of an insurance or  
18 annuity policy, of an account with POD designation, of a  
19 security registered in beneficiary form (TOD) or of a pension,  
20 profit-sharing, retirement or similar benefit plan or other  
21 nonprobate transfer at death;

22 (6) "child" includes an individual entitled to  
23 take as a child pursuant to the Uniform Probate Code by  
24 intestate succession from the parent whose relationship is  
25 involved and excludes a person who is only a stepchild, a

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1 foster child, a grandchild or any more remote descendant;

2 (7) "claims", in respect to estates of  
3 decedents and protected persons, includes liabilities of the  
4 decedent or protected person, whether arising in contract, in  
5 tort or otherwise and liabilities of the estate that arise at  
6 or after the death of the decedent or after the appointment of  
7 a conservator, including funeral expenses and expenses of  
8 administration. "Claims" does not include estate or  
9 inheritance taxes or demands or disputes regarding title of a  
10 decedent, an incapacitated person or a minor protected person  
11 to specific assets alleged to be included in the estate;

12 (8) "conservator" has the same meaning as set  
13 forth in Section 45-5-101 NMSA 1978;

14 (9) "descendant" of an individual means all of  
15 the individual's descendants of all generations, with the  
16 relationship of parent and child at each generation being  
17 determined by the definition of child and parent contained in  
18 the Uniform Probate Code;

19 (10) "devise", when used as a noun, means a  
20 testamentary disposition of real or personal property and, when  
21 used as a verb, means to dispose of real or personal property  
22 by will;

23 (11) "devisee" means a person designated in a  
24 will to receive a devise. For the purposes of Chapter 45,  
25 Article 3 NMSA 1978, in the case of a devise to an existing

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1 trust or trustee or to a trustee or trust described by will,  
2 the trust or trustee is the devisee and the beneficiaries are  
3 not devisees;

4 (12) "distributee" means a person who has  
5 received property of a decedent from the decedent's personal  
6 representative other than as a creditor or purchaser. A  
7 testamentary trustee is a distributee only to the extent of  
8 distributed assets or increment thereto remaining in the  
9 testamentary trustee's hands. A beneficiary of a testamentary  
10 trust to whom the trustee has distributed property received  
11 from a personal representative is a distributee of the personal  
12 representative. For the purposes of this paragraph,  
13 "testamentary trustee" includes a trustee to whom assets are  
14 transferred by will, to the extent of the devised assets;

15 (13) "electronic" means relating to technology  
16 having electronic, digital, magnetic, wireless, optical,  
17 electromagnetic or similar capabilities;

18 (14) "emancipated minor" means a person  
19 sixteen years of age or older who:

20 (a) has entered into a valid marriage,  
21 whether or not the marriage was terminated by dissolution;

22 (b) is a member of the active or reserve  
23 components of the army, navy, air force, space force, marine  
24 corps or coast guard of the United States who is on active duty  
25 or a member of the national guard who is on activated status;

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1 or

2 (c) has received a declaration of  
3 emancipation pursuant to the Emancipation of Minors Act;

4 (15) "estate" includes the property of the  
5 decedent, trust or other person whose affairs are subject to  
6 the Uniform Probate Code as the property was originally  
7 constituted and as it exists from time to time during  
8 administration;

9 (16) "exempt property" means that property of  
10 a decedent's estate that is described in Sections 45-2-402 and  
11 45-2-403 NMSA 1978;

12 (17) "fiduciary" includes a personal  
13 representative, guardian, guardian ad litem, conservator and  
14 trustee;

15 (18) "foreign personal representative" means a  
16 personal representative appointed by another jurisdiction;

17 (19) "formal proceedings" means proceedings  
18 conducted before a district judge with notice to interested  
19 persons;

20 (20) "governing instrument" means a deed,  
21 will, trust, insurance or annuity policy, account with POD  
22 designation, security registered in beneficiary form (TOD),  
23 transfer on death (TOD) deed, pension, profit-sharing,  
24 retirement or similar benefit plan, instrument creating or  
25 exercising a power of appointment or a power of attorney or a

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1 dispositive, appointive or nominative instrument of a similar  
2 type;

3 (21) "guardian" means a person who has  
4 qualified to provide for the care, custody or control of the  
5 person of a minor or incapacitated person pursuant to parental  
6 or court appointment. "Guardian" includes a limited, emergency  
7 and temporary guardian but not a guardian ad litem;

8 (22) "guardian ad litem" means a person  
9 appointed by the district court to represent and protect the  
10 interests of a minor or an incapacitated person in connection  
11 with litigation or any other court proceeding;

12 (23) "heirs", except as controlled by Section  
13 45-2-711 NMSA 1978, means persons, including the surviving  
14 spouse and the state, who are entitled under the statutes of  
15 intestate succession to the property of a decedent;

16 (24) "incapacitated person" means an  
17 individual described in Section 45-5-101 NMSA 1978;

18 (25) "informal proceedings" means those  
19 proceedings conducted without notice to interested persons  
20 before the court for probate of a will or appointment of a  
21 personal representative, except as provided for in Section  
22 45-3-306 NMSA 1978;

23 (26) "interested person" includes heirs,  
24 devisees, children, spouses, creditors, beneficiaries and any  
25 others having a property right in or claim against a trust

1 estate or the estate of a decedent, a minor protected person or  
2 an incapacitated person. "Interested person" also includes  
3 persons having priority for appointment as personal  
4 representatives and other fiduciaries representing interested  
5 persons. The meaning as it relates to particular persons may  
6 vary from time to time and shall be determined according to the  
7 particular purposes of, and matter involved in, a proceeding;

8 (27) "issue" of an individual means the  
9 individual's descendants;

10 (28) "lease" includes an oil, gas or other  
11 mineral lease;

12 (29) "letters" includes letters testamentary,  
13 letters of guardianship, letters of administration and letters  
14 of conservatorship;

15 (30) "minor" means an unemancipated individual  
16 who has not reached eighteen years of age;

17 (31) "mortgage" means any conveyance,  
18 agreement or arrangement in which property is encumbered or  
19 used as security;

20 (32) "nonresident decedent" means a decedent  
21 who was domiciled in another jurisdiction at the time of death;

22 (33) "organization" means a corporation,  
23 business trust, limited liability company, estate, trust,  
24 partnership, joint venture, association, government or  
25 governmental subdivision or agency or any other legal or

1 commercial entity;

2 (34) "parent" includes any person entitled to  
3 take, or who would be entitled to take if the child died  
4 without a will, as a parent pursuant to the Uniform Probate  
5 Code by intestate succession from the child whose relationship  
6 is in question and excludes any person who is only a  
7 stepparent, foster parent or grandparent;

8 (35) "payor" means a trustee, insurer,  
9 business entity, employer, government, governmental agency or  
10 subdivision or any other person authorized or obligated by law  
11 or a governing instrument to make payments;

12 (36) "person" means an individual or an  
13 organization;

14 (37) "personal representative" includes  
15 executor, administrator, successor personal representative,  
16 special administrator and persons who perform substantially the  
17 same function under the law governing their status. "General  
18 personal representative" excludes special administrator;

19 (38) "petition" means a written motion or  
20 other request to the district court for an order after notice;

21 (39) "proceeding" includes action at law and  
22 suit in equity;

23 (40) "property" includes both real and  
24 personal property or any right or interest therein and means  
25 anything that may be the subject of ownership;

1 (41) "protected person" has the same meaning  
2 as set forth in Section 45-5-101 NMSA 1978;

3 (42) "protective proceeding" means a  
4 conservatorship proceeding pursuant to Section 45-5-401 NMSA  
5 1978;

6 (43) "record" means information that is  
7 inscribed on a tangible medium or that is stored in an  
8 electronic or other medium and is retrievable in perceivable  
9 form;

10 (44) "security" includes any note, stock,  
11 treasury stock, bond, debenture, evidence of indebtedness,  
12 certificate of interest or participation in an oil, gas or  
13 mining title or lease or in payments out of production under  
14 such a title or lease, collateral trust certificate,  
15 transferable share, voting trust certificate or, in general,  
16 any interest or instrument commonly known as a security or any  
17 certificate of interest or participation, any temporary or  
18 interim certificate, receipt or certificate of deposit for or  
19 any warrant or right to subscribe to or purchase any of the  
20 foregoing;

21 (45) "settlement", in reference to a  
22 decedent's estate, includes the full process of administration,  
23 distribution and closing;

24 (46) "sign" means with present intent to  
25 authenticate or adopt a record other than a will:

1 (a) to execute or adopt a tangible  
2 symbol; or

3 (b) to attach to or logically associate  
4 with the record an electronic symbol, sound or process;

5 (47) "special administrator" means a personal  
6 representative as described by Sections 45-3-614 through  
7 45-3-618 NMSA 1978;

8 (48) "state" means a state of the United  
9 States, the District of Columbia, the commonwealth of Puerto  
10 Rico or any territory or insular possession subject to the  
11 jurisdiction of the United States. "State" also includes any  
12 Indian nation, tribe, pueblo or band located within the United  
13 States and recognized by federal law or formally acknowledged  
14 by a state of the United States;

15 (49) "successor personal representative" means  
16 a personal representative, other than a special administrator,  
17 who is appointed to succeed a previously appointed personal  
18 representative;

19 (50) "successors" means persons, other than  
20 creditors, who are entitled to property of a decedent under the  
21 decedent's will or the Uniform Probate Code;

22 (51) "supervised administration" refers to the  
23 proceedings described in Article 3, Part 5 of the Uniform  
24 Probate Code;

25 (52) "survive" means that an individual has



1 neither predeceased an event, including the death of another  
2 individual, nor is deemed to have predeceased an event pursuant  
3 to Section 45-2-104 or 45-2-702 NMSA 1978. "Survive" includes  
4 its derivatives, such as "survives", "survived", "survivor" and  
5 "surviving";

6 (53) "testacy proceeding" means a proceeding  
7 to establish a will or determine intestacy;

8 (54) "testator" includes an individual of  
9 either gender;

10 (55) "trust" includes an express trust,  
11 private or charitable, with additions thereto, wherever and  
12 however created. "Trust" also includes a trust created or  
13 determined by judgment or decree under which the trust is to be  
14 administered in the manner of an express trust. "Trust"  
15 excludes other constructive trusts and excludes resulting  
16 trusts, conservatorships, personal representatives, trust  
17 accounts as defined in Article 6 of the Uniform Probate Code,  
18 custodial arrangements, including those created under the  
19 Uniform Transfers to Minors Act, business trusts providing for  
20 certificates to be issued to beneficiaries, common trust funds,  
21 voting trusts, security arrangements, liquidation trusts,  
22 trusts for the primary purpose of paying debts, dividends,  
23 interest, salaries, wages, profits, pensions or employee  
24 benefits of any kind and any arrangement under which a person  
25 is nominee or escrowee for another;

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1 (56) "trustee" includes an original,  
2 additional or successor trustee, whether or not appointed or  
3 confirmed by court; and

4 (57) "will" includes a codicil and any  
5 testamentary instrument that merely appoints a personal  
6 representative, revokes or revises another will, nominates a  
7 guardian or expressly excludes or limits the right of an  
8 individual or class to succeed to property of the decedent  
9 passing by intestate succession. "Will" does not include a  
10 holographic will.

11 B. The definitions in Subsection A of this section  
12 are made subject to additional definitions contained in  
13 subsequent articles that are applicable to specific articles,  
14 parts or sections."

15 SECTION 8. Section 66-3-303 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 79) is amended to read:

17 "66-3-303. REGISTRATION BY MILITARY PERSONNEL.--Officers  
18 and enlisted personnel of the United States army, navy, marine  
19 corps, coast guard, space force and air force may operate their  
20 personal passenger vehicles in this state subject to the  
21 provisions of Section [~~64-3-301 NMSA 1953~~] 66-3-301 NMSA 1978."