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HOUSE BILL 235

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

INTRODUCED BY

Debra M. Sariñana and Daniel A. Ivey-Soto and Harold Pope  
and Alan T. Martinez and Harry Garcia

AN ACT

RELATING TO THE MILITARY; PROVIDING EXEMPTION FROM STATE  
LICENSING REQUIREMENTS FOR CHILD CARE PROGRAMS OR FACILITIES  
LICENSED OR CERTIFIED BY THE UNITED STATES DEPARTMENT OF  
DEFENSE OR UNITED STATES COAST GUARD; PROVIDING PORTABILITY OF  
PROFESSIONAL LICENSES FOR A MEMBER OF THE ARMED FORCES OR A  
MEMBER'S SPOUSE WHO RELOCATES FROM ANOTHER STATE TO NEW MEXICO;  
AMENDING VARIOUS COMMISSION AND COUNCIL MEMBERSHIPS TO INCLUDE  
A MEMBER OF THE ARMED FORCES OR STATE DEFENSE FORCE, A SPOUSE  
OF A MEMBER OF THE ARMED FORCES OR STATE DEFENSE FORCE OR A  
VETERAN; AMENDING SECTIONS OF THE NMSA 1978 TO ADD SPACE FORCE  
TO THE DEFINITIONS OF "ARMED FORCES" AND "UNIFORMED SERVICES"  
THAT INVOLVE PROGRAMS AND SERVICES FOR WHICH MEMBERS OF THE  
ARMED FORCES OF THE UNITED STATES ARE ELIGIBLE; PROVIDING FOR  
CONCURRENT JURISDICTION ON VIOLATION OF LAWS BY A CHILD ON  
MILITARY INSTALLATIONS.

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

**SECTION 1. [NEW MATERIAL] LICENSE-EXEMPT CHILD CARE FACILITIES--MILITARY FACILITIES.--**A program or a facility certified as a family child care provider by a branch of the United States department of defense or by the United States coast guard shall be exempt from child care facility licensure requirements provided pursuant to state law. This section does not apply to family child care providers who also provide child care services to children not affiliated with a branch of the United States department of defense or the United States coast guard.

**SECTION 2. [NEW MATERIAL] PORTABILITY OF COVERED PROFESSIONAL LICENSES--MEMBERS OF ARMED FORCES AND SPOUSES.--**

A. If a member of the armed forces or a member's spouse has a covered professional license from another state and the member of the armed forces or the member's spouse relocates to New Mexico from another state because of military orders for military service, the covered professional license shall be considered valid at a similar scope of practice and in the discipline applied for in New Mexico for the duration of the military orders if the member of the armed forces or the member's spouse:

(1) provides a copy of the military orders to the regulation and licensing department;

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1 (2) remains in good standing with the  
2 licensing authority that issued the covered professional  
3 license and every other licensing authority that has issued  
4 to the member of the armed forces or the member's spouse a  
5 license valid at a similar scope of practice and in the  
6 discipline applied in the jurisdiction of such licensing  
7 authority; and

8 (3) submits to the regulation and licensing  
9 department for the purposes of standards of practice,  
10 discipline and fulfillment of any continuing education  
11 requirements.

12 B. If a member of the armed forces or a member's  
13 spouse is licensed and able to operate in multiple  
14 jurisdictions through an interstate licensure compact, with  
15 respect to services provided in the jurisdiction of the  
16 interstate licensure compact by a licensee covered by such  
17 compact, the member of the armed forces or the member's spouse  
18 shall be subject to the requirements of the compact or the  
19 applicable provisions of law of the applicable state and not  
20 this section.

21 C. As used in this section, "covered professional  
22 license" means a professional license or certificate that:

23 (1) is in good standing with the licensing  
24 authority that issued such professional license or certificate;

25 (2) a member of the armed forces or a member's

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1 spouse actively used during the two years immediately preceding  
2 the relocation pursuant to Subsection A of this section; and

3 (3) is not a license to practice law.

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

6 "1-1-5.4. UNIFORMED-SERVICE VOTER.--As used in the  
7 Election Code, "uniformed-service voter" means an individual  
8 who is a United States citizen, whose voting residence is in  
9 this state, who otherwise satisfies this state's voter  
10 eligibility requirements and who is:

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

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

21 C. a member on activated status of the national  
22 guard or state militia and who by reason of that active duty is  
23 absent from the member's county of residence; or

24 D. a spouse or dependent of a member referred to in  
25 Subsection A, B or C of this section and who, by reason of

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1 active duty or service of the member, is absent from the state;  
2 provided the spouse or dependent is an individual recognized as  
3 a spouse or dependent by the entity under which the member is  
4 serving."

5 SECTION 4. Section 19-2-2 NMSA 1978 (being Laws 1963,  
6 Chapter 262, Section 1) is amended to read:

7 "19-2-2. JURISDICTION--TRANSFER PROCEDURE.--

8 A. In order to acquire all or any measure of  
9 legislative jurisdiction of the kind involved in Article I,  
10 Section 8, Clause 17 of the constitution of the United States  
11 over any land or other area or in order to relinquish such  
12 legislative jurisdiction or any measure thereof ~~[which]~~ that  
13 may be vested in the United States, the United States, acting  
14 through a duly authorized department, agency or officer, shall  
15 file with the governor a notice of intention to acquire or  
16 relinquish such legislative jurisdiction, together with a  
17 sufficient number of duly authenticated copies ~~[thereof]~~ to  
18 meet the recording requirements of Subsection C of this section  
19 ~~[with the governor]~~. The notice shall contain a description  
20 adequate to permit accurate identification of the boundaries of  
21 the land or other area for which the change in jurisdictional  
22 status is sought and a precise statement of the measure of  
23 legislative jurisdiction sought to be transferred. Immediately  
24 upon receipt of the notice, the governor shall furnish the  
25 attorney general with a copy of it and shall request ~~[his]~~ the

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1 attorney general's comments and recommendations.

2 B. The governor shall transmit the notice, together  
3 with [~~his~~] the governor's comments and recommendations, if any,  
4 and the comments and recommendations of the attorney general,  
5 if any, to the next session of the legislature. Unless prior  
6 to the expiration of the legislative session to which the  
7 notice is transmitted the legislature has adopted a resolution  
8 approving the transfer of legislative jurisdiction as proposed  
9 in the notice, the transfer shall not be effective.

10 C. The governor shall cause a duly authenticated  
11 copy of the notice and resolution to be recorded in the office  
12 of the county clerk of the county where the land or other area  
13 affected by the transfer of jurisdiction is situated, and, upon  
14 such recordation, the transfer of jurisdiction shall take  
15 effect. If the land or other area is situated in more than one  
16 county, a duly authenticated copy of the notice and resolution  
17 shall be recorded in the county clerk's office of each such  
18 county.

19 D. The governor shall cause copies of all documents  
20 recorded pursuant to [~~this act~~] Sections 19-2-2 through 19-2-4  
21 NMSA 1978 to be filed with the state law library.

22 E. Upon request of the United States, the state  
23 shall establish concurrent jurisdiction over a military  
24 installation in matters relating to violations of law by a  
25 child within the military installation's boundaries. This

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1 shall not be considered a relinquishment or transfer of any  
2 other jurisdiction.

3 F. As used in this section, "child" means a person  
4 who is less than eighteen years old."

5 SECTION 5. Section 21-1-4.5 NMSA 1978 (being Laws 2005,  
6 Chapter 168, Section 1, as amended) is amended to read:

7 "21-1-4.5. RESIDENT TUITION FOR VETERANS OF THE ARMED  
8 FORCES OF THE UNITED STATES AND FAMILIES OF MEMBERS OF THE  
9 ARMED FORCES.--

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

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

23 C. A spouse or child of an active member of the  
24 armed forces who is assigned to duty elsewhere immediately  
25 following assignment to duty in New Mexico shall be deemed an

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1 in-state resident for purposes of determining tuition and fees  
2 at all state institutions of higher learning as long as the  
3 spouse or child resides continuously in New Mexico.

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

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

16 F. If an active member of the armed forces is  
17 stationed outside New Mexico and the member's spouse or child  
18 establishes residence in New Mexico and files with a state  
19 institution of higher learning at which the spouse or child  
20 plans to register a letter of intent to establish and continue  
21 residing in New Mexico, the spouse or child shall be deemed an  
22 in-state resident for purposes of determining tuition and fees  
23 at that state institution of higher learning without regard to  
24 length of time that the spouse or child has resided in the  
25 state.

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

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

21           I. As used in this section, "armed forces" means  
22 the United States army, navy, air force, space force, marine  
23 corps or coast guard.

24           J. As used in this section, "veteran" means a  
25 person who:

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

3 (a) armed forces of the United States  
4 and was accepted for and assigned to active duty in the armed  
5 forces of the United States;

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

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

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

18 SECTION 6. Section 24-1-28 NMSA 1978 (being Laws 2004,  
19 Chapter 46, Section 2, as amended) is amended to read:

20 "24-1-28. BEHAVIORAL HEALTH PLANNING COUNCIL CREATED--  
21 POWERS AND DUTIES--MEMBERSHIP.--There is created the  
22 "behavioral health planning council".

23 A. The council shall consist of the following  
24 members, all of whom shall be appointed by and serve at the  
25 pleasure of the governor:

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- 1 (1) consumers of behavioral health services  
2 and consumers of substance abuse services, as follows:  
3 (a) adults with serious mental illness;  
4 (b) seniors;  
5 (c) family members of adults with  
6 serious mental illness and of children with serious emotional  
7 or neurobiological disorders; and  
8 (d) persons with co-occurring disorders;  
9 (2) Native American representatives from a  
10 pueblo, an Apache tribe, the Navajo Nation and an urban Native  
11 American population;  
12 (3) providers;  
13 (4) state agency representation from agencies  
14 responsible for:  
15 (a) adult mental health and substance  
16 abuse;  
17 (b) children's mental health and  
18 substance abuse;  
19 (c) education;  
20 (d) vocational rehabilitation;  
21 (e) criminal justice;  
22 (f) juvenile justice;  
23 (g) housing;  
24 (h) medicaid and social services;  
25 (i) health policy planning;

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1 (j) developmental disabilities planning;

2 and

3 (k) disabilities issues and advocacy;

4 (5) such other members as the governor may

5 appoint to ensure appropriate cultural and geographic

6 representation; ~~and~~

7 (6) advocates; and

8 (7) a member of the armed forces or state

9 defense force, a spouse of a member of the armed forces or

10 state defense force or a veteran.

11 B. Providers and state agency representatives  
12 together may not constitute more than forty-nine percent of the  
13 council membership.

14 C. The council shall:

15 (1) advocate for adults, children and  
16 adolescents with serious mental illness or severe emotional,  
17 neurobiological and behavioral disorders, as well as those with  
18 mental illness or emotional problems, including substance abuse  
19 and co-occurring disorders;

20 (2) report annually to the governor and the  
21 legislature on the adequacy and allocation of mental health  
22 services throughout the state;

23 (3) encourage and support the development of a  
24 comprehensive, integrated, community-based behavioral health  
25 system of care, including mental health and substance abuse

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1 services, and services for persons with co-occurring disorders;

2 (4) advise state agencies responsible for  
3 behavioral health services for children and adults, as those  
4 agencies are charged in Section 9-7-6.4 NMSA 1978;

5 (5) meet regularly and at the call of the  
6 chair, who shall be selected by the council membership from  
7 among its members;

8 (6) establish subcommittees, to meet at least  
9 quarterly, as follows:

10 (a) a medicaid subcommittee, chaired by  
11 the secretary of ~~[human services]~~ health care authority or a  
12 designee, which may also serve as a subcommittee of the  
13 medicaid advisory committee;

14 (b) a child and adolescent subcommittee,  
15 chaired by the secretary of children, youth and families or a  
16 designee;

17 (c) an adult subcommittee, chaired by  
18 the secretary of health or a designee;

19 (d) a substance abuse subcommittee,  
20 chaired by the secretary of health or a designee, which shall  
21 include DWI issues and shall include representation from local  
22 DWI councils;

23 (e) a Native American subcommittee,  
24 chaired by the secretary of Indian affairs or a designee; and

25 (f) other subcommittees as may be

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1 established by the chair of the council to address specific  
2 issues. All subcommittees may include nonvoting members  
3 appointed by the chair for purposes of providing expertise  
4 necessary to the charge of the respective subcommittee;

5 (7) review and make recommendations for the  
6 comprehensive mental health state block grant and the substance  
7 abuse block grant applications, the state plan for medicaid  
8 services and any other plan or application for federal or  
9 foundation funding for behavioral health services; and

10 (8) replace the governor's mental health  
11 planning council and act in accordance with Public Law 102-321  
12 of the federal Public Health Service Act."

13 SECTION 7. Section 24-19-11 NMSA 1978 (being Laws 2005,  
14 Chapter 65, Section 7, as amended) is amended to read:

15 "24-19-11. NEXT GENERATION COUNCIL--CREATED--MEMBERSHIP--  
16 PURPOSE.--

17 A. The "next generation council" is created. The  
18 board shall appoint ten members, at least two from each federal  
19 congressional district, who are not employees of the state and  
20 who are knowledgeable in the area of positive child and youth  
21 development programs, and at least one who is a member of the  
22 armed forces or state defense force, a spouse of a member of  
23 the armed forces or state defense force or a veteran. Members  
24 serve at the pleasure of the board. Members shall select a  
25 member to serve as chair of the council. Members are entitled

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1 to per diem and mileage as provided in the Per Diem and Mileage  
2 Act and shall receive no other compensation, perquisite or  
3 allowance.

4 B. The council shall evaluate proposed next  
5 generation fund projects and programs and make funding  
6 recommendations to the board. The board shall approve or  
7 disapprove next generation fund projects and programs for  
8 funding and transmit those proposals to the department."

9 SECTION 8. Section 28-10-1 NMSA 1978 (being Laws 1973,  
10 Chapter 349, Section 1, as amended) is amended to read:

11 "28-10-1. GOVERNOR'S COMMISSION ON DISABILITY.--

12 A. The "governor's commission on disability" is  
13 created, consisting of sixteen members, nine of whom shall be  
14 appointed by the governor, including at least one member of the  
15 armed forces or state defense force, a spouse of a member of  
16 the armed forces or state defense force or a veteran. The  
17 seven remaining members shall be the director of the vocational  
18 rehabilitation division of the public education department, the  
19 secretary of workforce solutions or the secretary's designee,  
20 the director of the behavioral health services division of the  
21 [~~human services~~] health care authority department, the  
22 secretary of children, youth and families or the secretary's  
23 designee, the secretary of early childhood education and care  
24 or the secretary's designee, the secretary of aging and long-  
25 term services or the secretary's designee and the secretary of

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1 ~~[human services]~~ health care authority or the secretary's  
2 designee. Initially, three members shall be appointed for  
3 terms ending December 31, 1978, three members for terms ending  
4 December 31, 1980 and three members for terms ending December  
5 31, 1982. Thereafter, appointments shall be for six years  
6 expiring on December 31 of even-numbered years. Appointed  
7 members shall be appointed from different geographic areas of  
8 the state and from the major disability services in the state.  
9 Appointed members shall include persons with disabilities,  
10 representatives of government and private enterprise, parents  
11 or guardians of persons with disabilities and professionals in,  
12 or those who are interested in, service for persons with  
13 disabilities. Not more than five of the members appointed by  
14 the governor shall be of the same political party.

15 B. A majority of the members of the commission  
16 constitutes a quorum for the transaction of business. The  
17 commission shall meet at least twice a year and shall annually  
18 elect a chair and a vice chair.

19 C. The commission shall be primarily concerned with  
20 those persons with disabilities who have a condition that,  
21 regardless of its physical or mental origin, constitutes a  
22 substantial occupational disadvantage."

23 SECTION 9. Section 32A-1-8 NMSA 1978 (being Laws 1993,  
24 Chapter 77, Section 17, as amended) is amended to read:

25 "32A-1-8. JURISDICTION OF THE COURT--TRIBAL COURT

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1 JURISDICTION--EXCEPTION.--

2 A. The court has exclusive original jurisdiction of  
3 all proceedings under the Children's Code in which a person is  
4 eighteen years of age or older and was a child at the time the  
5 alleged act in question was committed or is a child alleged to  
6 be:

7 (1) a delinquent child;

8 (2) a child of a family in need of court-  
9 ordered services or a child in need of services pursuant to the  
10 Family in Need of Court-Ordered Services Act;

11 (3) a neglected child;

12 (4) an abused child;

13 (5) a child subject to adoption; or

14 (6) a child subject to placement for a  
15 developmental disability or a mental disorder.

16 B. The court has exclusive original jurisdiction to  
17 emancipate a minor.

18 C. The provisions of the Indian Family Protection  
19 Act govern child custody proceedings involving Indian children.  
20 To the extent the provisions of the Indian Family Protection  
21 Act conflict with the Children's Code, the provisions of the  
22 Indian Family Protection Act shall apply.

23 D. During abuse or neglect proceedings in which New  
24 Mexico is the home state, pursuant to the provisions of the  
25 Uniform Child-Custody Jurisdiction and Enforcement Act, the

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1 court shall have jurisdiction over both parents to determine  
2 the best interest of the child and to decide all matters  
3 incident to the court proceedings.

4 E. Pursuant to Subsection E of Section 19-2-2 NMSA  
5 1978, the court has jurisdiction over any case involving an act  
6 that is a violation of law allegedly committed by a child  
7 within the boundaries of a military installation.

8 [~~E.~~] F. The court may acquire jurisdiction over a  
9 Motor Vehicle Code or municipal traffic code violation as set  
10 forth in Section 32A-2-29 NMSA 1978."

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

13 "40-10D-2. DEFINITIONS.--As used in the Deployed Parents  
14 Custody and Visitation Act:

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

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

21 C. "child" means:

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

24 (2) an adult son or daughter by birth or  
25 adoption, or under law of this state other than the Deployed

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1 Parents Custody and Visitation Act, who is the subject of a  
2 court order concerning custodial responsibility;

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

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

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

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

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

25 (2) an individual who has custodial

1 responsibility for a child under law of this state other than  
2 the Deployed Parents Custody and Visitation Act;

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

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

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

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

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

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

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

1 Act; or

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

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

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

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

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

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

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

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

22 R. "uniformed service" means:

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

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- 1 (2) the United States merchant marine;  
2 (3) the commissioned corps of the United  
3 States public health service;  
4 (4) the commissioned corps of the national  
5 oceanic and atmospheric administration of the United States; or  
6 (5) the national guard of a state."

7 SECTION 11. Section 43-3-14 NMSA 1978 (being Laws 1993,  
8 Chapter 65, Section 13) is amended to read:

9 "43-3-14. COUNTY DWI PLANNING COUNCILS AUTHORIZED--  
10 MEMBERSHIP.--

11 A. A board may create a county DWI planning council  
12 and appoint the members for terms set by the board. The  
13 members of the planning council shall include at least one  
14 member of the armed forces or state defense force, a spouse of  
15 a member of the armed forces or state defense force or a  
16 veteran and otherwise shall be selected to represent a broad  
17 spectrum of interests and may include county officials, DWI  
18 program and service providers, law enforcement officers,  
19 alcohol counselors and therapists, school administrators and  
20 local political leaders.

21 B. The members of a planning council shall elect  
22 from among the membership of the planning council a [~~chairman~~]  
23 chair for a term designated by the board. The planning council  
24 shall meet at the call of the [~~chairman~~] chair.

25 C. Planning council members shall receive per diem  
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1 and mileage reimbursement as provided in the Per Diem and  
2 Mileage Act and shall receive no other compensation, perquisite  
3 or allowance."

4 SECTION 12. Section 45-1-201 NMSA 1978 (being Laws 1993,  
5 Chapter 174, Section 4, as amended) is amended to read:

6 "45-1-201. DEFINITIONS.--

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

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

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

18 (3) "authenticated", with reference to copies,  
19 means certified or exemplified;

20 (4) "beneficiary", as it relates to a trust  
21 beneficiary, includes a person who has any present or future  
22 interest, vested or contingent, and also includes the owner of  
23 an interest by assignment or other transfer; as it relates to a  
24 charitable trust, includes any person entitled to enforce the  
25 trust; as it relates to a "beneficiary of a beneficiary

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

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

18 (6) "child" includes an individual entitled to  
19 take as a child pursuant to the Uniform Probate Code by  
20 intestate succession from the parent whose relationship is  
21 involved and excludes a person who is only a stepchild, a  
22 foster child, a grandchild or any more remote descendant;

23 (7) "claims", in respect to estates of  
24 decedents and protected persons, includes liabilities of the  
25 decedent or protected person, whether arising in contract, in

1 tort or otherwise and liabilities of the estate that arise at  
2 or after the death of the decedent or after the appointment of  
3 a conservator, including funeral expenses and expenses of  
4 administration. "Claims" does not include estate or  
5 inheritance taxes or demands or disputes regarding title of a  
6 decedent, an incapacitated person or a minor protected person  
7 to specific assets alleged to be included in the estate;

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

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

15 (10) "devise", when used as a noun, means a  
16 testamentary disposition of real or personal property and, when  
17 used as a verb, means to dispose of real or personal property  
18 by will;

19 (11) "devisee" means a person designated in a  
20 will to receive a devise. For the purposes of Chapter 45,  
21 Article 3 NMSA 1978, in the case of a devise to an existing  
22 trust or trustee or to a trustee or trust described by will,  
23 the trust or trustee is the devisee and the beneficiaries are  
24 not devisees;

25 (12) "distributee" means a person who has

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

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

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

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

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

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

25 (15) "estate" includes the property of the

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1 decedent, trust or other person whose affairs are subject to  
2 the Uniform Probate Code as the property was originally  
3 constituted and as it exists from time to time during  
4 administration;

5 (16) "exempt property" means that property of  
6 a decedent's estate that is described in Sections 45-2-402 and  
7 45-2-403 NMSA 1978;

8 (17) "fiduciary" includes a personal  
9 representative, guardian, guardian ad litem, conservator and  
10 trustee;

11 (18) "foreign personal representative" means a  
12 personal representative appointed by another jurisdiction;

13 (19) "formal proceedings" means proceedings  
14 conducted before a district judge with notice to interested  
15 persons;

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

24 (21) "guardian" means a person who has  
25 qualified to provide for the care, custody or control of the

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1 person of a minor or incapacitated person pursuant to parental  
2 or court appointment. "Guardian" includes a limited, emergency  
3 and temporary guardian but not a guardian ad litem;

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

8 (23) "heirs", except as controlled by Section  
9 45-2-711 NMSA 1978, means persons, including the surviving  
10 spouse and the state, who are entitled under the statutes of  
11 intestate succession to the property of a decedent;

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

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

19 (26) "interested person" includes heirs,  
20 devisees, children, spouses, creditors, beneficiaries and any  
21 others having a property right in or claim against a trust  
22 estate or the estate of a decedent, a minor protected person or  
23 an incapacitated person. "Interested person" also includes  
24 persons having priority for appointment as personal  
25 representatives and other fiduciaries representing interested

1 persons. The meaning as it relates to particular persons may  
2 vary from time to time and shall be determined according to the  
3 particular purposes of, and matter involved in, a proceeding;

4 (27) "issue" of an individual means the  
5 individual's descendants;

6 (28) "lease" includes an oil, gas or other  
7 mineral lease;

8 (29) "letters" includes letters testamentary,  
9 letters of guardianship, letters of administration and letters  
10 of conservatorship;

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

13 (31) "mortgage" means any conveyance,  
14 agreement or arrangement in which property is encumbered or  
15 used as security;

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

18 (33) "organization" means a corporation,  
19 business trust, limited liability company, estate, trust,  
20 partnership, joint venture, association, government or  
21 governmental subdivision or agency or any other legal or  
22 commercial entity;

23 (34) "parent" includes any person entitled to  
24 take, or who would be entitled to take if the child died  
25 without a will, as a parent pursuant to the Uniform Probate

1 Code by intestate succession from the child whose relationship  
2 is in question and excludes any person who is only a  
3 stepparent, foster parent or grandparent;

4 (35) "payor" means a trustee, insurer,  
5 business entity, employer, government, governmental agency or  
6 subdivision or any other person authorized or obligated by law  
7 or a governing instrument to make payments;

8 (36) "person" means an individual or an  
9 organization;

10 (37) "personal representative" includes  
11 executor, administrator, successor personal representative,  
12 special administrator and persons who perform substantially the  
13 same function under the law governing their status. "General  
14 personal representative" excludes special administrator;

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

17 (39) "proceeding" includes action at law and  
18 suit in equity;

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

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

24 (42) "protective proceeding" means a  
25 conservatorship proceeding pursuant to Section 45-5-401 NMSA

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1 1978;

2 (43) "record" means information that is  
3 inscribed on a tangible medium or that is stored in an  
4 electronic or other medium and is retrievable in perceivable  
5 form;

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

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

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

22 (a) to execute or adopt a tangible  
23 symbol; or

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

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

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

11 (49) "successor personal representative" means  
12 a personal representative, other than a special administrator,  
13 who is appointed to succeed a previously appointed personal  
14 representative;

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

18 (51) "supervised administration" refers to the  
19 proceedings described in Article 3, Part 5 of the Uniform  
20 Probate Code;

21 (52) "survive" means that an individual has  
22 neither predeceased an event, including the death of another  
23 individual, nor is deemed to have predeceased an event pursuant  
24 to Section 45-2-104 or 45-2-702 NMSA 1978. "Survive" includes  
25 its derivatives, such as "survives", "survived", "survivor" and

1 "surviving";

2 (53) "testacy proceeding" means a proceeding  
3 to establish a will or determine intestacy;

4 (54) "testator" includes an individual of  
5 either gender;

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

22 (56) "trustee" includes an original,  
23 additional or successor trustee, whether or not appointed or  
24 confirmed by court; and

25 (57) "will" includes a codicil and any

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1 testamentary instrument that merely appoints a personal  
2 representative, revokes or revises another will, nominates a  
3 guardian or expressly excludes or limits the right of an  
4 individual or class to succeed to property of the decedent  
5 passing by intestate succession. "Will" does not include a  
6 holographic will.

7 B. The definitions in Subsection A of this section  
8 are made subject to additional definitions contained in  
9 subsequent articles that are applicable to specific articles,  
10 parts or sections."

11 SECTION 13. Section 66-3-303 NMSA 1978 (being Laws 1978,  
12 Chapter 35, Section 79) is amended to read:

13 "66-3-303. REGISTRATION BY MILITARY PERSONNEL.--Officers  
14 and enlisted personnel of the United States army, navy, marine  
15 corps, coast guard, space force and air force may operate their  
16 personal passenger vehicles in this state subject to the  
17 provisions of Section [~~64-3-301 NMSA 1953~~] 66-3-301 NMSA 1978."