

1 AN ACT

2 RELATING TO THE MILITARY; PROVIDING EXEMPTION FROM STATE  
3 LICENSING REQUIREMENTS FOR CHILD CARE PROGRAMS OR FACILITIES  
4 LICENSED OR CERTIFIED BY THE UNITED STATES DEPARTMENT OF  
5 DEFENSE OR UNITED STATES COAST GUARD; EXPANDING THE LIST OF  
6 PROTECTED CLASSES OF THE HUMAN RIGHTS ACT TO INCLUDE MILITARY  
7 STATUS; AMENDING SECTIONS OF THE NMSA 1978 TO ADD SPACE FORCE  
8 TO THE DEFINITIONS OF "ARMED FORCES" AND "UNIFORMED SERVICES"  
9 THAT INVOLVE PROGRAMS AND SERVICES FOR WHICH MEMBERS OF THE  
10 ARMED FORCES OF THE UNITED STATES ARE ELIGIBLE.

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

13 SECTION 1. LICENSE-EXEMPT CHILD CARE FACILITIES--  
14 MILITARY FACILITIES.--A program or a facility certified as a  
15 family child care provider by a branch of the United States  
16 department of defense or by the United States coast guard  
17 shall be exempt from child care facility licensure  
18 requirements provided pursuant to state law. This section  
19 does not apply to family child care providers who also  
20 provide child care services to children not affiliated with a  
21 branch of the United States department of defense or the  
22 United States coast guard.

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

25 "1-1-5.4. UNIFORMED-SERVICE VOTER.--As used in the

1 Election Code, "uniformed-service voter" means an individual  
2 who is a United States citizen, whose voting residence is in  
3 this state, who otherwise satisfies this state's voter  
4 eligibility requirements and who is:

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

9 B. a member of the merchant marine, the  
10 commissioned corps of the public health service, the  
11 astronaut program of the national aeronautics and space  
12 administration or the commissioned corps of the national  
13 oceanic and atmospheric administration of the United States  
14 and who by reason of that service is absent from the state;

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

18 D. a spouse or dependent of a member referred to  
19 in Subsection A, B or C of this section and who, by reason of  
20 active duty or service of the member, is absent from the  
21 state; provided the spouse or dependent is an individual  
22 recognized as a spouse or dependent by the entity under which  
23 the member is serving."

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

1 "21-1-4.5. RESIDENT TUITION FOR VETERANS OF THE ARMED  
2 FORCES OF THE UNITED STATES AND FAMILIES OF MEMBERS OF THE  
3 ARMED FORCES.--

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

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

18 C. A spouse or child of an active member of the  
19 armed forces who is assigned to duty elsewhere immediately  
20 following assignment to duty in New Mexico shall be deemed an  
21 in-state resident for purposes of determining tuition and  
22 fees at all state institutions of higher learning as long as  
23 the spouse or child resides continuously in New Mexico.

24 D. A spouse or child of an active member of the  
25 armed forces who dies or is killed shall be deemed an in-

1 state resident for purposes of determining tuition and fees  
2 at all state institutions of higher learning if the spouse or  
3 child becomes a resident of New Mexico within sixty days of  
4 the date of death.

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

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

21 G. A spouse or child of an active member of the  
22 armed forces who pays tuition and fees at the rate provided  
23 for New Mexico residents under this section is entitled to  
24 pay tuition and fees at the rate provided for New Mexico  
25 residents in any subsequent term or semester while the person

1 is continuously enrolled in the same degree or certificate  
2 program. For purposes of this subsection, a person is not  
3 required to enroll in a summer term to remain continuously  
4 enrolled in a degree or certificate program. A person's  
5 eligibility to pay tuition and fees at the rate provided for  
6 New Mexico residents under this subsection does not terminate  
7 because the person is no longer a child or spouse of a member  
8 of the armed forces.

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

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

19 J. As used in this section, "veteran" means a  
20 person who:

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

23 (a) armed forces of the United States  
24 and was accepted for and assigned to active duty in the armed  
25 forces of the United States;

1 (b) army reserve, navy reserve, marine  
2 corps reserve, air force reserve, space force reserve, coast  
3 guard reserve, army national guard or air national guard and  
4 was accepted for and assigned to duty for a minimum of six  
5 continuous years; or

6 (c) United States public health service  
7 commissioned corps or the national oceanic and atmospheric  
8 administration commissioned officer corps and served in the  
9 capacity of a commissioned officer while on active duty in  
10 defense of the United States; and

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

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

15 "28-1-2. DEFINITIONS.--As used in the Human Rights Act:

16 A. "person" means one or more individuals, a  
17 partnership, association, organization, corporation, joint  
18 venture, legal representative, trustees, receivers, or the  
19 state and all of its political subdivisions;

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

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

23 D. "director" or "bureau" means the human rights  
24 bureau of the labor relations division of the workforce  
25 solutions department;

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

3           F. "labor organization" means any organization  
4 that exists for the purpose in whole or in part of collective  
5 bargaining or of dealing with employers concerning  
6 grievances, terms or conditions of employment or of other  
7 mutual aid or protection in connection with employment;

8           G. "employment agency" means any person regularly  
9 undertaking with or without compensation to procure  
10 opportunities to work or to procure, recruit or refer  
11 employees;

12           H. "public accommodation" means any governmental  
13 entity or any establishment that provides or offers its  
14 services, facilities, accommodations or goods to the public,  
15 but does not include a bona fide private club or other place  
16 or establishment that is by its nature and use distinctly  
17 private;

18           I. "public contractor" means a person who receives  
19 public funds as a result of contracting with a governmental  
20 entity;

21           J. "political subdivision" means any:

22                 (1) county;

23                 (2) incorporated city, town or village;

24                 (3) drainage, conservancy, irrigation, water  
25 and sanitation or other district;

- 1 (4) mutual domestic association;
- 2 (5) public water cooperative association; or
- 3 (6) community ditch association;

4 K. "housing accommodation" means any building or  
5 portion of a building that is constructed or to be  
6 constructed, which is used or intended for use as the  
7 residence or sleeping place of any individual;

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

12 M. "secretary" means the secretary of workforce  
13 solutions;

14 N. "unlawful discriminatory practices" means those  
15 unlawful practices and acts specified in Section 28-1-7 NMSA  
16 1978;

17 O. "physical or mental disability" means a  
18 physical or mental impairment that substantially limits one  
19 or more of a person's major life activities. A person is  
20 also considered to have a mental or physical disability if  
21 the person has a record of a physical or mental disability or  
22 is regarded as having a physical or mental disability;

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

1           Q. "applicant for employment" means a person  
2 applying for a position as an employee;

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

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

9           T. "gender identity" means a person's self-  
10 perception, based on the person's appearance, behavior or  
11 physical characteristics, that the person exhibits more  
12 masculinity or femininity or the absence of masculinity or  
13 femininity whether or not it matches the person's gender or  
14 sex assigned at birth;

15           U. "gender" means an individual or societal  
16 expectation or perception of a person as masculine or  
17 feminine based on appearance, behavior or physical  
18 characteristics;

19           V. "reasonable accommodation" means modification  
20 or adaptation of the work environment, work schedule, work  
21 rules or job responsibilities, and reached through good faith  
22 efforts to explore less restrictive or less expensive  
23 alternatives to enable an employee to perform the essential  
24 functions of the job and that does not impose an undue  
25 hardship on the employer;

1           W. "undue hardship" means an accommodation  
2 requiring significant difficulty or expense when considered  
3 in light of the following factors:

4                   (1) the nature and cost of the  
5 accommodation;

6                   (2) the financial resources of the employer  
7 involved in the provision of the reasonable accommodation;

8                   (3) the number of persons the employer  
9 employs;

10                   (4) the effect of the accommodation on  
11 expenses and resources;

12                   (5) the impact of the accommodation  
13 otherwise upon the employer's business;

14                   (6) the overall financial resources of the  
15 employer;

16                   (7) the overall size of the business of an  
17 employer with respect to the number, type and location of its  
18 facilities;

19                   (8) the type of operation of the employer,  
20 including the composition, structure and functions of the  
21 workforce of the employer; or

22                   (9) the geographic separateness or  
23 administrative or fiscal relationship to the employer of the  
24 employer's facilities;

25           X. "cultural or religious headdresses" includes

1 hijabs, head wraps or other headdresses used as part of an  
2 individual's personal cultural or religious beliefs;

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

6 Z. "race" includes traits historically associated  
7 with race, including hair texture, length of hair, protective  
8 hairstyles or cultural or religious headdresses;

9 AA. "state" means the state of New Mexico or any  
10 of its agencies, departments, boards, instrumentalities or  
11 institutions;

12 BB. "governmental entity" means the state or any  
13 public body;

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

20 DD. "services" means any function, program,  
21 activity or benefit; and

22 EE. "military status" means a person's active  
23 membership in the armed forces or state defense force or  
24 being a veteran of the armed forces or state defense force  
25 and includes a spouse or child of an active member or veteran

1 of the armed forces or state defense force."

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

4 "28-1-7. UNLAWFUL DISCRIMINATORY PRACTICE.--It is an  
5 unlawful discriminatory practice for:

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

19 B. a labor organization to exclude a person or to  
20 expel or otherwise discriminate against any of its members or  
21 against any employer or employee because of race, religion,  
22 color, national origin, ancestry, sex, sexual orientation,  
23 gender, gender identity, pregnancy, childbirth or condition  
24 related to pregnancy or childbirth, spousal affiliation,  
25 physical or mental disability, serious medical condition or

1 military status;

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

12 D. any person, employer, employment agency or  
13 labor organization to print or circulate or cause to be  
14 printed or circulated any statement, advertisement or  
15 publication, to use any form of application for employment or  
16 membership or to make any inquiry regarding prospective  
17 membership or employment that expresses, directly or  
18 indirectly, any limitation, specification or discrimination  
19 as to race, color, religion, national origin, ancestry, sex,  
20 sexual orientation, gender, gender identity, pregnancy,  
21 childbirth or condition related to pregnancy or childbirth,  
22 physical or mental disability, serious medical condition or  
23 military status, or, if the employer has fifty or more  
24 employees, spousal affiliation, unless based on a bona fide  
25 occupational qualification;

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

19           F. any person in any public accommodation to make  
20 a distinction, directly or indirectly, in offering or  
21 refusing to offer its services, facilities, accommodations or  
22 goods to any person because of race, religion, color,  
23 national origin, ancestry, sex, sexual orientation, gender,  
24 gender identity, pregnancy, childbirth or condition related  
25 to pregnancy or childbirth, spousal affiliation, physical or

1 mental disability or military status; provided that the  
2 physical or mental disability is unrelated to a person's  
3 ability to acquire or rent and maintain particular real  
4 property or housing accommodation;

5 G. any person to:

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

19 (2) discriminate against any person in the  
20 terms, conditions or privileges of the sale, rental,  
21 assignment, lease or sublease of any housing accommodation or  
22 real property or in the provision of facilities or services  
23 in connection therewith because of race, religion, color,  
24 national origin, ancestry, sex, sexual orientation, gender,  
25 gender identity, pregnancy, childbirth or condition related

1 to pregnancy or childbirth, spousal affiliation, physical or  
2 mental disability or military status; provided that the  
3 physical or mental disability is unrelated to a person's  
4 ability to acquire or rent and maintain particular real  
5 property or housing accommodation; or

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

22 H. any person to whom application is made either  
23 for financial assistance for the acquisition, construction,  
24 rehabilitation, repair or maintenance of any housing  
25 accommodation or real property or for any type of consumer

1 credit, including financial assistance for the acquisition of  
2 any consumer good as defined by Section 55-9-102 NMSA 1978,  
3 to:

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

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

22 I. any person or employer to:

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

1                   (2) engage in any form of threats, reprisal  
2 or discrimination against any person who has opposed any  
3 unlawful discriminatory practice or has filed a complaint,  
4 testified or participated in any proceeding under the Human  
5 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  
9 or any of its members, staff or representatives in the  
10 performance 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  
17 with a need arising from pregnancy, childbirth or condition  
18 related 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  
22 another reasonable accommodation can be provided unless the  
23 employee voluntarily requests to be placed on leave or the  
24 employee is 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  
3 origin, ancestry, sex, sexual orientation, gender, gender  
4 identity, pregnancy, childbirth or condition related to  
5 pregnancy or childbirth, physical or mental disability,  
6 serious medical condition or spousal affiliation; provided  
7 that nothing in this subsection shall be construed to require  
8 a governmental entity or a public contractor to provide  
9 services or programs beyond services or programs to the  
10 specific populations that the governmental entity or public  
11 contractor is tasked with 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  
15 Parents 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  
21 to 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  
6 other than the Deployed Parents Custody and Visitation Act,  
7 to make, enforce or modify a decision regarding custodial  
8 responsibility;

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

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

22 G. "deploying parent" means a service member who  
23 is deployed or has been notified of impending deployment and  
24 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 H. "deployment" means the movement or mobilization  
7 of a service member for more than ninety days but less than  
8 eighteen months pursuant to uniformed service orders that:

9 (1) are designated as unaccompanied;

10 (2) do not authorize dependent travel; or

11 (3) otherwise do not permit the movement of  
12 family members to the location to which the service member is  
13 deployed;

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

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

23 K. "nonparent" means an individual other than a  
24 deploying parent or other parent;

25 L. "other parent" means an individual who, in

1 common with a deploying parent, is:

2 (1) a parent of a child under law of this  
3 state other than the Deployed Parents Custody and Visitation  
4 Act; or

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

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

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

14 O. "service member" means a member of a uniformed  
15 service;

16 P. "sign" means with present intent to  
17 authenticate or adopt a record to:

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

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

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

25 R. "uniformed service" means:

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

4                   (2) the United States merchant marine;

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

7                   (4) the commissioned corps of the national  
8 oceanic and atmospheric administration of the United States;  
9 or

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

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

13           "45-1-201. DEFINITIONS.--

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

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

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

25                   (3) "authenticated", with reference to

1 copies, means certified or exemplified;

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

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

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

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

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

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

23                   (10) "devise", when used as a noun, means a  
24 testamentary disposition of real or personal property and,  
25 when used as a verb, means to dispose of real or personal

1 property by will;

2 (11) "devisee" means a person designated in  
3 a will to receive a devise. For the purposes of Chapter 45,  
4 Article 3 NMSA 1978, in the case of a devise to an existing  
5 trust or trustee or to a trustee or trust described by will,  
6 the trust or trustee is the devisee and the beneficiaries are  
7 not devisees;

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

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

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

25 (a) has entered into a valid marriage,

1 whether or not the marriage was terminated by dissolution;

2 (b) is a member of the active or  
3 reserve components of the army, navy, air force, space force,  
4 marine corps or coast guard of the United States who is on  
5 active duty or a member of the national guard who is on  
6 activated status; or

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

9 (15) "estate" includes the property of the  
10 decedent, trust or other person whose affairs are subject to  
11 the Uniform Probate Code as the property was originally  
12 constituted and as it exists from time to time during  
13 administration;

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

17 (17) "fiduciary" includes a personal  
18 representative, guardian, guardian ad litem, conservator and  
19 trustee;

20 (18) "foreign personal representative" means  
21 a personal representative appointed by another jurisdiction;

22 (19) "formal proceedings" means proceedings  
23 conducted before a district judge with notice to interested  
24 persons;

25 (20) "governing instrument" means a deed,

1 will, trust, insurance or annuity policy, account with POD  
2 designation, security registered in beneficiary form (TOD),  
3 transfer on death (TOD) deed, pension, profit-sharing,  
4 retirement or similar benefit plan, instrument creating or  
5 exercising a power of appointment or a power of attorney or a  
6 dispositive, appointive or nominative instrument of a similar  
7 type;

8 (21) "guardian" means a person who has  
9 qualified to provide for the care, custody or control of the  
10 person of a minor or incapacitated person pursuant to  
11 parental or court appointment. "Guardian" includes a  
12 limited, emergency and temporary guardian but not a guardian  
13 ad litem;

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

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

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

25 (25) "informal proceedings" means those

1 proceedings conducted without notice to interested persons  
2 before the court for probate of a will or appointment of a  
3 personal representative, except as provided for in Section  
4 45-3-306 NMSA 1978;

5 (26) "interested person" includes heirs,  
6 devisees, children, spouses, creditors, beneficiaries and any  
7 others having a property right in or claim against a trust  
8 estate or the estate of a decedent, a minor protected person  
9 or an incapacitated person. "Interested person" also  
10 includes persons having priority for appointment as personal  
11 representatives and other fiduciaries representing interested  
12 persons. The meaning as it relates to particular persons may  
13 vary from time to time and shall be determined according to  
14 the particular purposes of, and matter involved in, a  
15 proceeding;

16 (27) "issue" of an individual means the  
17 individual's descendants;

18 (28) "lease" includes an oil, gas or other  
19 mineral lease;

20 (29) "letters" includes letters  
21 testamentary, letters of guardianship, letters of  
22 administration and letters of conservatorship;

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

25 (31) "mortgage" means any conveyance,

1 agreement or arrangement in which property is encumbered or  
2 used as security;

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

6 (33) "organization" means a corporation,  
7 business trust, limited liability company, estate, trust,  
8 partnership, joint venture, association, government or  
9 governmental subdivision or agency or any other legal or  
10 commercial entity;

11 (34) "parent" includes any person entitled  
12 to take, or who would be entitled to take if the child died  
13 without a will, as a parent pursuant to the Uniform Probate  
14 Code by intestate succession from the child whose  
15 relationship is in question and excludes any person who is  
16 only a stepparent, foster parent or grandparent;

17 (35) "payor" means a trustee, insurer,  
18 business entity, employer, government, governmental agency or  
19 subdivision or any other person authorized or obligated by  
20 law or a governing instrument to make payments;

21 (36) "person" means an individual or an  
22 organization;

23 (37) "personal representative" includes  
24 executor, administrator, successor personal representative,  
25 special administrator and persons who perform substantially

1 the same function under the law governing their status.

2 "General personal representative" excludes special  
3 administrator;

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

7 (39) "proceeding" includes action at law and  
8 suit in equity;

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

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

14 (42) "protective proceeding" means a  
15 conservatorship proceeding pursuant to Section 45-5-401 NMSA  
16 1978;

17 (43) "record" means information that is  
18 inscribed on a tangible medium or that is stored in an  
19 electronic or other medium and is retrievable in perceivable  
20 form;

21 (44) "security" includes any note, stock,  
22 treasury stock, bond, debenture, evidence of indebtedness,  
23 certificate of interest or participation in an oil, gas or  
24 mining title or lease or in payments out of production under  
25 such a title or lease, collateral trust certificate,

1 transferable share, voting trust certificate or, in general,  
2 any interest or instrument commonly known as a security or  
3 any certificate of interest or participation, any temporary  
4 or interim certificate, receipt or certificate of deposit for  
5 or any warrant or right to subscribe to or purchase any of  
6 the foregoing;

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

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

12 (a) to execute or adopt a tangible  
13 symbol; or

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

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

19 (48) "state" means a state of the United  
20 States, the District of Columbia, the commonwealth of Puerto  
21 Rico or any territory or insular possession subject to the  
22 jurisdiction of the United States. "State" also includes any  
23 Indian nation, tribe, pueblo or band located within the  
24 United States and recognized by federal law or formally  
25 acknowledged by a state of the United States;

1 (49) "successor personal representative"  
2 means a personal representative, other than a special  
3 administrator, who is appointed to succeed a previously  
4 appointed personal representative;

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

8 (51) "supervised administration" refers to  
9 the proceedings described in Article 3, Part 5 of the Uniform  
10 Probate Code;

11 (52) "survive" means that an individual has  
12 neither predeceased an event, including the death of another  
13 individual, nor is deemed to have predeceased an event  
14 pursuant to Section 45-2-104 or 45-2-702 NMSA 1978.

15 "Survive" includes its derivatives, such as "survives",  
16 "survived", "survivor" and "surviving";

17 (53) "testacy proceeding" means a proceeding  
18 to establish a will or determine intestacy;

19 (54) "testator" includes an individual of  
20 either gender;

21 (55) "trust" includes an express trust,  
22 private or charitable, with additions thereto, wherever and  
23 however created. "Trust" also includes a trust created or  
24 determined by judgment or decree under which the trust is to  
25 be administered in the manner of an express trust. "Trust"

1 excludes other constructive trusts and excludes resulting  
2 trusts, conservatorships, personal representatives, trust  
3 accounts as defined in Article 6 of the Uniform Probate Code,  
4 custodial arrangements, including those created under the  
5 Uniform Transfers to Minors Act, business trusts providing  
6 for certificates to be issued to beneficiaries, common trust  
7 funds, voting trusts, security arrangements, liquidation  
8 trusts, trusts for the primary purpose of paying debts,  
9 dividends, interest, salaries, wages, profits, pensions or  
10 employee benefits of any kind and any arrangement under which  
11 a person is nominee or escrowee for another;

12 (56) "trustee" includes an original,  
13 additional or successor trustee, whether or not appointed or  
14 confirmed by court; and

15 (57) "will" includes a codicil and any  
16 testamentary instrument that merely appoints a personal  
17 representative, revokes or revises another will, nominates a  
18 guardian or expressly excludes or limits the right of an  
19 individual or class to succeed to property of the decedent  
20 passing by intestate succession. "Will" does not include a  
21 holographic will.

22 B. The definitions in Subsection A of this section  
23 are made subject to additional definitions contained in  
24 subsequent articles that are applicable to specific articles,  
25 parts or sections."

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

3           "66-3-303. REGISTRATION BY MILITARY  
4 PERSONNEL.--Officers and enlisted personnel of the United  
5 States army, navy, marine corps, coast guard, space force and  
6 air force may operate their personal passenger vehicles in  
7 this state subject to the provisions of Section 66-3-301 NMSA  
8 1978."

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