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SENATE BILL 189

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO DOMESTIC AFFAIRS; CLARIFYING THE LEGAL EFFECT OF
MARRIAGE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. A new section of Chapter 40, Article 1 NMSA
1978 is enacted to read:

"[NEW MATERIAL] SAME-SEX MARRIAGES PROHIBITED.--A
marriage between persons of the same sex is prohibited and
expressly against the public policy of this state."

Section 2. A new section of Chapter 40, Article 1 NMSA
1978 is enacted to read:

"[NEW MATERIAL] "MARRIAGE" DEFINED.--In determining the
meaning of a statute or rule or any interpretation of a
statute or rule by an agency or instrumentality of the state
or a political subdivision of the state:

A. "marriage" means a legal union between one man

underscoring material = new
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1 and one woman as husband and wife; and

2 B. "spouse" means a party to a marriage and who is
3 the opposite sex of the other party to the marriage."

4 Section 3. Section 40-1-1 NMSA 1978 (being Laws 1862-
5 1863, p.64, as amended) is amended to read:

6 "40-1-1. CIVIL CONTRACT.--~~[Section 1.]~~

7 A. Marriage is contemplated by the law as a civil
8 contract for which the consent of the contracting parties,
9 capable in law of contracting, is essential.

10 B. The contracting parties to a marriage are one
11 man and one woman."

12 Section 4. Section 40-1-4 NMSA 1978 (being Laws 1862-
13 1863, p.64, as amended) is amended to read:

14 "40-1-4. FOREIGN MARRIAGES RECOGNIZED.--~~[Sec. 5.]~~

15 A. All marriages celebrated beyond the limits of
16 this state ~~[which]~~ that are valid according to the laws of
17 the country ~~[wherein]~~ in which they were celebrated or
18 contracted shall be ~~[likewise]~~ valid in this state and shall
19 have the same force as if they had been celebrated in
20 accordance with the laws in force in this state.

21 B. Notwithstanding the provisions of Subsection A
22 of this section, a marriage between persons of the same sex,
23 or any right or claim arising from their relationship, shall
24 not be valid, binding or enforceable in New Mexico even if
25 the marriage or any right or claim is valid, binding or
enforceable in another jurisdiction."

Section 5. EFFECTIVE DATE.--The effective date of the

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

1 provisions of this act is July 1, 2000.

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