A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLES 4, 9 AND 12 OF THE CONSTITUTION OF NEW MEXICO, WITH THE APPROVAL OF CONGRESS, TO ALLOW FOR THE DISTRIBUTION OF PUBLIC SCHOOL FUNDING TO PARENTS OR LEGAL GUARDIANS OF SCHOOL-AGE CHILDREN FOR HOME SCHOOL OR PRIVATE SCHOOL OR FOR PUBLIC SCHOOL DISTANCE EDUCATION UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. It is proposed to amend Article 4, Section 31 of the constitution of New Mexico to read:

"Except as otherwise provided in Articles 9 and 12 of this constitution, no appropriation shall be made for charitable, educational or other benevolent purposes to any person, corporation, association, institution or community, not under the absolute control of the state, but the legislature may, in
its discretion, make appropriations for the charitable
institutions and hospitals, for the maintenance of which annual
appropriations were made by the legislative assembly of
nineteen hundred and nine."

SECTION 2. It is proposed to amend Article 9, Section 14
of the constitution of New Mexico to read:

"Neither the state nor any county, school district or
municipality, except as otherwise provided in this
constitutions, shall directly or indirectly lend or pledge its
credit or make any donation to or in aid of any person,
association or public or private corporation or in aid of any
private enterprise for the construction of any railroad except
as provided in Subsections A through [G] H of this section.

A. Nothing in this section prohibits the state or
any county or municipality from making provision for the care
and maintenance of sick and indigent persons.

B. Nothing in this section prohibits the state from
establishing a veterans' scholarship program for Vietnam
conflict veterans who are post-secondary students at
educational institutions under the exclusive control of the
state by exempting such veterans from the payment of tuition.
For the purposes of this subsection, a "Vietnam conflict
veteran" is any person who has been honorably discharged from
the armed forces of the United States, who was a resident of
New Mexico at the original time of entry into the armed forces
from New Mexico or who has lived in New Mexico for ten years or
more and who has been awarded a Vietnam campaign medal for
service in the armed forces of this country in Vietnam during
the period from August 5, 1964 to the official termination date
of the Vietnam conflict as designated by executive order of the
president of the United States.

C. The state may establish by law a program of
loans to students of the healing arts, as defined by law, for
residents of the state who, in return for the payment of
educational expenses, contract with the state to practice their
profession for a period of years after graduation within areas
of the state designated by law.

D. Nothing in this section prohibits the state or a
county or municipality from creating new job opportunities by
providing land, buildings or infrastructure for facilities to
support new or expanding businesses if this assistance is
granted pursuant to general implementing legislation that is
approved by a majority vote of those elected to each house of
the legislature. The implementing legislation shall include
adequate safeguards to protect public money or other resources
used for the purposes authorized in this subsection. The
implementing legislation shall further provide that:

(1) each specific county or municipal project
providing assistance pursuant to this subsection need not be
approved by the legislature but shall be approved by the county
or municipality pursuant to procedures provided in the
implementing legislation; and

(2) each specific state project providing
assistance pursuant to this subsection shall be approved by
law.

E. Nothing in this section prohibits the state, or
the instrumentality of the state designated by the legislature
as the state's housing authority, or a county or a municipality
from:

(1) donating or otherwise providing or paying
a portion of the costs of land for the construction on it of
affordable housing;

(2) donating or otherwise providing or paying
a portion of the costs of construction or renovation of
affordable housing or the costs of conversion or renovation of
buildings into affordable housing; or

(3) providing or paying the costs of financing
or infrastructure necessary to support affordable housing
projects.

F. The provisions of Subsection E of this section
are not self-executing. Before the described assistance may be
provided, enabling legislation shall be enacted by a majority
vote of the members elected to each house of the legislature.
This enabling legislation shall:

(1) define "affordable housing";
(2) establish eligibility criteria for the recipients of land, buildings and infrastructure;

(3) contain provisions to ensure the successful completion of affordable housing projects supported by assistance authorized pursuant to Subsection E of this section;

(4) require a county or municipality providing assistance pursuant to Subsection E of this section to give prior formal approval by ordinance for a specific affordable housing assistance grant and include in the ordinance the conditions of the grant;

(5) require prior approval by law of an affordable housing assistance grant by the state; and

(6) require the governing body of the instrumentality of the state, designated by the legislature as the state's housing authority, to give prior approval, by resolution, for affordable housing grants that are to be given by the instrumentality.

G. Nothing in this section prohibits the state from establishing a veterans' scholarship program, for military war veterans who are post-secondary students at educational institutions under the exclusive control of the state and who have exhausted all educational benefits offered by the United States department of defense or the United States department of veterans affairs, by exempting such veterans from the payment .218298.2
of tuition. For the purposes of this subsection, a "military war veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces or who has lived in New Mexico for ten years or more and who has been awarded a southwest Asia service medal, global war on terror service medal, Iraq campaign medal, Afghanistan campaign medal or any other medal issued for service in the armed forces of this country in support of any United States military campaign or armed conflict as defined by congress or by presidential executive order or any other campaign medal issued for service after August 1, 1990 in the armed forces of the United States during periods of armed conflict as defined by congress or by executive order.

H. Nothing in this section prohibits the state from providing public school funding to parents or legal guardians whose school-age children:

(1) are home schooled at the elementary or secondary school level by the child's parent or legal guardian;

(2) attend a private nonsectarian, nondenominational elementary or secondary school; or

(3) are required to attend public elementary or secondary school through distance education during an epidemic."

SECTION 3. It is proposed to amend Article 12, Section 1
of the constitution of New Mexico to read:

"A [uniform] system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained."

SECTION 4. It is proposed to amend Article 12, Section 3 of the constitution of New Mexico to read:

"The schools, colleges, universities and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the state, and no part of the proceeds arising from the sale or disposal of any lands granted to the state by congress, or any other funds appropriated, levied or collected for educational purposes, shall be used for the support of any sectarian or denominational [or private] elementary or secondary school, or any sectarian, denominational or private college or university."

SECTION 5. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

SECTION 6. The amendment proposed by this resolution shall take effect only with the consent of the United States congress.