HOUSE JOINT RESOLUTION 11

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 4, SECTION 31, ARTICLE 9, SECTION 14
AND ARTICLE 12, SECTION 3 OF THE CONSTITUTION OF NEW MEXICO TO
ALLOW FOR THE APPROPRIATION OF PUBLIC FUNDS FOR PRIVATE
EDUCATIONAL PURPOSES.

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:

"No appropriation shall be made, except for educational
purposes, for charitable 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 constitution, 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 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
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

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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 or any county or municipality from providing public funds to the parents or legal guardians of children for educational purposes related to those children."

SECTION 3. 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, denominational or private school, college or university."
SECTION 4. 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.