

1 HOUSE JOINT RESOLUTION 7

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

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

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

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

21 "Except as otherwise provided in Articles 9 and 12 of this
22 constitution, no appropriation shall be made for charitable,
23 educational or other benevolent purposes to any person,
24 corporation, association, institution or community, not under
25 the absolute control of the state, but the legislature may, in

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1 its discretion, make appropriations for the charitable
2 institutions and hospitals, for the maintenance of which annual
3 appropriations were made by the legislative assembly of
4 nineteen hundred and nine."

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

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

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

17 B. Nothing in this section prohibits the state from
18 establishing a veterans' scholarship program for Vietnam
19 conflict veterans who are post-secondary students at
20 educational institutions under the exclusive control of the
21 state by exempting such veterans from the payment of tuition.
22 For the purposes of this subsection, a "Vietnam conflict
23 veteran" is any person who has been honorably discharged from
24 the armed forces of the United States, who was a resident of
25 New Mexico at the original time of entry into the armed forces

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1 from New Mexico or who has lived in New Mexico for ten years or
2 more and who has been awarded a Vietnam campaign medal for
3 service in the armed forces of this country in Vietnam during
4 the period from August 5, 1964 to the official termination date
5 of the Vietnam conflict as designated by executive order of the
6 president of the United States.

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

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

23 (1) each specific county or municipal project
24 providing assistance pursuant to this subsection need not be
25 approved by the legislature but shall be approved by the county

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1 or municipality pursuant to procedures provided in the
2 implementing legislation; and

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

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

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

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

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

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

25 (1) define "affordable housing";

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

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

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

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

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

19 G. Nothing in this section prohibits the state from
20 establishing a veterans' scholarship program, for military war
21 veterans who are post-secondary students at educational
22 institutions under the exclusive control of the state and who
23 have exhausted all educational benefits offered by the United
24 States department of defense or the United States department of
25 veterans affairs, by exempting such veterans from the payment

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1 of tuition. For the purposes of this subsection, a "military
2 war veteran" is any person who has been honorably discharged
3 from the armed forces of the United States, who was a resident
4 of New Mexico at the original time of entry into the armed
5 forces or who has lived in New Mexico for ten years or more and
6 who has been awarded a southwest Asia service medal, global war
7 on terror service medal, Iraq campaign medal, Afghanistan
8 campaign medal or any other medal issued for service in the
9 armed forces of this country in support of any United States
10 military campaign or armed conflict as defined by congress or
11 by presidential executive order or any other campaign medal
12 issued for service after August 1, 1990 in the armed forces of
13 the United States during periods of armed conflict as defined
14 by congress or by executive order.

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

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

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

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

25 SECTION 3. It is proposed to amend Article 12, Section 1

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1 of the constitution of New Mexico to read:

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

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

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

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

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