

1 HOUSE JOINT RESOLUTION 11

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

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

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

19 "No appropriation shall be made, except for educational
20 purposes, for charitable [~~educational~~] or other benevolent
21 purposes to any person, corporation, association, institution
22 or community, not under the absolute control of the state, but
23 the legislature may, in its discretion, make appropriations for
24 the charitable institutions and hospitals, for the maintenance
25 of which annual appropriations were made by the legislative

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1 assembly of nineteen hundred and nine."

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

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

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

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

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1 the period from August 5, 1964 to the official termination date
2 of the Vietnam conflict as designated by executive order of the
3 president of the United States.

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

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

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

25 (2) each specific state project providing

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1 assistance pursuant to this subsection shall be approved by
2 law.

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

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

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

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

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

22 (1) define "affordable housing";

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

25 (3) contain provisions to ensure the

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1 successful completion of affordable housing projects supported
2 by assistance authorized pursuant to Subsection E of this
3 section;

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

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

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

16 G. Nothing in this section prohibits the state from
17 establishing a veterans' scholarship program, for military war
18 veterans who are post-secondary students at educational
19 institutions under the exclusive control of the state and who
20 have exhausted all educational benefits offered by the United
21 States department of defense or the United States department of
22 veterans affairs, by exempting such veterans from the payment
23 of tuition. For the purposes of this subsection, a "military
24 war veteran" is any person who has been honorably discharged
25 from the armed forces of the United States, who was a resident

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

12 H. Nothing in this section prohibits the state or
13 any county or municipality from providing public funds to the
14 parents or legal guardians of children for educational purposes
15 related to those children."

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

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

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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.