

HOUSE JOINT RESOLUTION 13

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW, UNDER CERTAIN CONDITIONS, THE STATE OR ANY COUNTY OR MUNICIPALITY TO PROVIDE REAL ESTATE, IMPROVEMENTS, EQUIPMENT OR MONEY TO BE USED FOR A PUBLIC PURPOSE.

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

Section 1. 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 [F] G of this section.

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

4 B. Nothing in this section prohibits the state or
5 any county or municipality from providing real estate,
6 improvements, equipment or money to be used by a private entity
7 for a public purpose if:

8 (1) the state, county or municipality or an
9 agency of the state, county or municipality serves as the
10 fiscal agent overseeing and monitoring the use of the real
11 estate, improvements, equipment or money; and

12 (2) the state, county or municipality enters
13 into a contract with the private entity that:

14 (a) identifies how the real estate,
15 improvements, equipment or money will be used;

16 (b) describes the public purpose to be
17 served;

18 (c) provides that, upon termination or
19 expiration of the public purpose, the real estate, improvements
20 and equipment will be returned; and

21 (d) provides that any unexpended money
22 or unused property will be returned to the state, county or
23 municipality.

24 ~~[B.]~~ C. Nothing in this section prohibits the state
25 from establishing a veterans' scholarship program for Vietnam

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1 conflict veterans who are post-secondary students at
2 educational institutions under the exclusive control of the
3 state by exempting such veterans from the payment of tuition.
4 For the purposes of this subsection, a "Vietnam conflict
5 veteran" is any person who has been honorably discharged from
6 the armed forces of the United States, who was a resident of
7 New Mexico at the original time of entry into the armed forces
8 from New Mexico or who has lived in New Mexico for ten years or
9 more and who has been awarded a Vietnam campaign medal for
10 service in the armed forces of this country in Vietnam during
11 the period from August 5, 1964 to the official termination date
12 of the Vietnam conflict as designated by executive order of the
13 president of the United States.

14 ~~[G.]~~ D. The state may establish by law a program of
15 loans to students of the healing arts, as defined by law, for
16 residents of the state who, in return for the payment of
17 educational expenses, contract with the state to practice their
18 profession for a period of years after graduation within areas
19 of the state designated by law.

20 ~~[D.]~~ E. Nothing in this section prohibits the state
21 or a county or municipality from creating new job opportunities
22 by providing land, buildings or infrastructure for facilities
23 to support new or expanding businesses if this assistance is
24 granted pursuant to general implementing legislation that is
25 approved by a majority vote of those elected to each house of

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1 the legislature. The implementing legislation shall include
2 adequate safeguards to protect public money or other resources
3 used for the purposes authorized in this subsection. The
4 implementing legislation shall further provide that:

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

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

13 [~~E.~~] F. Nothing in this section prohibits the
14 state, or the instrumentality of the state designated by the
15 legislature as the state's housing authority, or a county or a
16 municipality from:

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

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

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

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1 projects.

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

7 (1) define "affordable housing";

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

10 (3) contain provisions to ensure the
11 successful completion of affordable housing projects supported
12 by assistance authorized pursuant to Subsection ~~[E]~~ F of this
13 section;

14 (4) require a county or municipality providing
15 assistance pursuant to Subsection ~~[E]~~ F of this section to give
16 prior formal approval by ordinance for a specific affordable
17 housing assistance grant and include in the ordinance the
18 conditions of the grant;

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

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

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