

1 SENATE JOINT RESOLUTION 17

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 Joseph Cervantes

5  
6  
7  
8  
9  
10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE  
12 CONSTITUTION OF NEW MEXICO TO PROVIDE FOR AN ADDITIONAL ANNUAL  
13 DISTRIBUTION OF ONE PERCENT OF THE PERMANENT FUNDS, OF WHICH  
14 THE AMOUNT DISTRIBUTED FROM THE PERMANENT SCHOOL FUND SHALL BE  
15 USED TO LENGTHEN THE SCHOOL DAY AND SCHOOL YEAR AS PROVIDED BY  
16 LAW.

17  
18 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. It is proposed to amend Article 12, Section 7  
20 of the constitution of New Mexico to read:

21 "A. As used in this section, "fund" means the  
22 permanent school fund described in Article 12, Section 2 of  
23 this constitution and all other permanent funds derived from  
24 lands granted or confirmed to the state by the act of congress  
25 of June 20, 1910, entitled "An act to enable the people of New

.203121.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
~~[bracketed material] = delete~~

1 Mexico to form a constitution and state government and be  
2 admitted into the union on an equal footing with the original  
3 states.".

4 B. The fund shall be invested by the state  
5 investment officer in accordance with policy regulations  
6 promulgated by the state investment council.

7 C. In making investments, the state investment  
8 officer, under the supervision of the state investment council,  
9 shall invest and manage the fund in accordance with the Uniform  
10 Prudent Investor Act.

11 D. The legislature may establish criteria for  
12 investing the fund if the criteria are enacted by a three-  
13 fourths' vote of the members elected to each house, but  
14 investment of the fund is subject to the following  
15 restrictions:

16 (1) not more than sixty-five percent of the  
17 book value of the fund shall be invested at any given time in  
18 corporate stocks;

19 (2) not more than ten percent of the voting  
20 stock of a corporation shall be held; and

21 (3) stocks eligible for purchase shall be  
22 restricted to those stocks of businesses listed upon a national  
23 stock exchange or included in a nationally recognized list of  
24 stocks.

25 E. All additions to the fund and all earnings,

.203121.2

underscored material = new  
[bracketed material] = delete

1 including interest, dividends and capital gains from investment  
2 of the fund shall be credited to the fund.

3 F. Except as provided in Subsection G of this  
4 section, the annual distributions from the fund shall be five  
5 percent of the average of the year-end market values of the  
6 fund for the immediately preceding five calendar years.

7 G. [~~In addition to the annual distribution made~~  
8 ~~pursuant to Subsection F of this section, unless suspended~~  
9 ~~pursuant to Subsection H of this section, an additional annual~~  
10 ~~distribution shall be made pursuant to the following schedule,~~  
11 ~~provided that no distribution shall be made pursuant to the~~  
12 ~~provisions of this subsection in any fiscal year]~~ If the  
13 average of the year-end market values of the fund for the  
14 immediately preceding five calendar years is [~~less than~~] at  
15 least ten billion dollars (\$10,000,000,000),

16 [~~(1) in fiscal years 2005 through 2012, an~~  
17 ~~amount equal to eight-tenths percent of the average of the~~  
18 ~~year-end market values of the fund for the immediately~~  
19 ~~preceding five calendar years; provided that any additional~~  
20 ~~distribution from the permanent school fund pursuant to this~~  
21 ~~paragraph shall be used to implement and maintain educational~~  
22 ~~reforms as provided by law; and~~

23 [~~(2) in fiscal years 2013 through 2016 an~~  
24 ~~amount equal to one-half percent of the average of the year-end~~  
25 ~~market values of the fund for the immediately preceding five~~

.203121.2

underscoring material = new  
~~[bracketed material] = delete~~

1 ~~calendar years; provided that any additional distribution from~~  
2 ~~the permanent school fund pursuant to this paragraph shall be~~  
3 ~~used to implement and maintain educational reforms as provided~~  
4 ~~by law] an additional annual distribution of one percent of the~~  
5 ~~average of the year-end market values of the fund for the~~  
6 ~~immediately preceding five calendar years shall be made, unless~~  
7 ~~suspended pursuant to Subsection H of this section. The amount~~  
8 ~~of the additional distribution pursuant to this subsection from~~  
9 ~~the permanent school fund shall be used to increase the minimum~~  
10 ~~instructional hours and days in a school year as provided by~~  
11 ~~law.~~

12 H. The legislature, by a three-fifths' vote of the  
13 members elected to each house, may suspend any additional  
14 distribution provided for in Subsection G of this section."

15 SECTION 2. The amendment proposed by this resolution  
16 shall be submitted to the people for their approval or  
17 rejection at the next general election or at any special  
18 election prior to that date that may be called for that  
19 purpose.