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SENATE MEMORIAL 55

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Elizabeth "Liz" Stefanics

A MEMORIAL

REQUESTING THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION
CONVENE A TASK FORCE TO STUDY ACCESS TO INFRASTRUCTURE FUNDING
FOR RURAL NONGOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS
AND THE IMPACT OF THE ANTI-DONATION CLAUSE OF THE CONSTITUTION
OF NEW MEXICO ON ACCESS TO INFRASTRUCTURE FUNDING.

WHEREAS, many rural nonprofit organizations and
nongovernmental agencies provide services for their communities
that are equivalent to those provided in non-rural communities
by government or municipal entities; and

WHEREAS, rural communities, by definition, lack the
governmental and municipal structure that would allow these
nonprofit organizations and nongovernmental agencies to
function as municipal or governmental entities; and

WHEREAS, these rural nonprofit organizations and

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

1 nongovernmental agencies serve a population that comprises one-
2 third of New Mexico's communities and one-fifth of its
3 residents; and

4 WHEREAS, the anti-donation clause of the constitution of
5 New Mexico limits access to capital infrastructure funding for
6 these rural nongovernmental agencies and nonprofit
7 organizations, creating hardships and inequities for these
8 entities and compromising the services offered in rural
9 communities; and

10 WHEREAS, many rural nonprofit organizations and
11 nongovernmental agencies are required to retain their nonprofit
12 or nongovernmental status by their foundational documents and
13 remain excluded by the anti-donation clause from accessing
14 state capital infrastructure funding in New Mexico; and

15 WHEREAS, other states, such as New York, have instituted
16 processes that address these inequities and enable capital
17 infrastructure funding for nonprofit organizations and
18 nongovernmental agencies providing equitable services in rural
19 communities;

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
21 OF NEW MEXICO that the department of finance and administration
22 be requested to convene a task force to study access to
23 infrastructure funding for nongovernmental entities and
24 nonprofit organizations and the impact of the anti-donation
25 clause on funding access; and

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

1 BE IT FURTHER RESOLVED that the task force be requested to
2 develop recommendations for providing equitable access to
3 infrastructure funding for nonprofit organizations and
4 nongovernmental entities that offer equivalent services in
5 rural communities as those provided to governmental or
6 municipal entities; and

7 BE IT FURTHER RESOLVED that the department of finance and
8 administration be requested to appoint members from the
9 economic development department, the house of representatives
10 and the senate, representatives of rural nonprofit
11 organizations and other persons with experience or knowledge
12 that would be useful to the task force; and

13 BE IT FURTHER RESOLVED that the task force be requested to
14 issue a report of its findings and recommendations by October
15 1, 2020; and

16 BE IT FURTHER RESOLVED that copies of this memorial be
17 transmitted to the secretary of finance and administration, the
18 secretary of economic development, the director of the center
19 for nonprofit excellence and the co-chairs of the New Mexico
20 legislative council.