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HOUSE JOINT RESOLUTION 1

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Nathan "Nate" Cote

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF
NEW MEXICO TO ALLOW A COUNTY OR MUNICIPALITY UPON A UNANIMOUS
VOTE OF ALL MEMBERS OF THE GOVERNING BODY TO EXPEND FUNDS OR
USE PUBLIC RESOURCES TO BENEFIT A PRIVATE INDIVIDUAL, AN
ASSOCIATION OR A PRIVATE OR PUBLIC CORPORATION TO PROTECT AND
PROMOTE THE PUBLIC'S HEALTH, SAFETY OR WELFARE.

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

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1 private enterprise for the construction of any railroad except
2 as provided in Subsections A through [G] H of this section.

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

6 B. Nothing in this section prohibits the state from
7 establishing a veterans' scholarship program for Vietnam
8 conflict veterans who are post-secondary students at
9 educational institutions under the exclusive control of the
10 state by exempting such veterans from the payment of tuition.
11 For the purposes of this subsection, a "Vietnam conflict
12 veteran" is any person who has been honorably discharged from
13 the armed forces of the United States, who was a resident of
14 New Mexico at the original time of entry into the armed forces
15 from New Mexico or who has lived in New Mexico for ten years or
16 more and who has been awarded a Vietnam campaign medal for
17 service in the armed forces of this country in Vietnam during
18 the period from August 5, 1964 to the official termination date
19 of the Vietnam conflict as designated by executive order of the
20 president of the United States.

21 C. The state may establish by law a program of
22 loans to students of the healing arts, as defined by law, for
23 residents of the state who, in return for the payment of
24 educational expenses, contract with the state to practice their
25 profession for a period of years after graduation within areas

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1 of the state designated by law.

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

12 (1) each specific county or municipal project
13 providing assistance pursuant to this subsection need not be
14 approved by the legislature but shall be approved by the county
15 or municipality pursuant to procedures provided in the
16 implementing legislation; and

17 (2) each specific state project providing
18 assistance pursuant to this subsection shall be approved by
19 law.

20 E. Nothing in this section prohibits the state, or
21 the instrumentality of the state designated by the legislature
22 as the state's housing authority, or a county or a municipality
23 from:

24 (1) donating or otherwise providing or paying
25 a portion of the costs of land for the construction on it of

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1 affordable housing;

2 (2) donating or otherwise providing or paying
3 a portion of the costs of construction or renovation of
4 affordable housing or the costs of conversion or renovation of
5 buildings into affordable housing; or

6 (3) providing or paying the costs of financing
7 or infrastructure necessary to support affordable housing
8 projects.

9 F. The provisions of Subsection E of this section
10 are not self-executing. Before the described assistance may be
11 provided, enabling legislation shall be enacted by a majority
12 vote of the members elected to each house of the legislature.
13 This enabling legislation shall:

14 (1) define "affordable housing";

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

17 (3) contain provisions to ensure the
18 successful completion of affordable housing projects supported
19 by assistance authorized pursuant to Subsection E of this
20 section;

21 (4) require a county or municipality providing
22 assistance pursuant to Subsection E of this section to give
23 prior formal approval by ordinance for a specific affordable
24 housing assistance grant and include in the ordinance the
25 conditions of the grant;

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

3 (6) require the governing body of the
4 instrumentality of the state, designated by the legislature as
5 the state's housing authority, to give prior approval, by
6 resolution, for affordable housing grants that are to be given
7 by the instrumentality.

8 G. Nothing in this section prohibits the state from
9 establishing a veterans' scholarship program, for military war
10 veterans who are post-secondary students at educational
11 institutions under the exclusive control of the state and who
12 have exhausted all educational benefits offered by the United
13 States department of defense or the United States department of
14 veterans affairs, by exempting such veterans from the payment
15 of tuition. For the purposes of this subsection, a "military
16 war veteran" is any person who has been honorably discharged
17 from the armed forces of the United States, who was a resident
18 of New Mexico at the original time of entry into the armed
19 forces or who has lived in New Mexico for ten years or more and
20 who has been awarded a southwest Asia service medal, global war
21 on terror service medal, Iraq campaign medal, Afghanistan
22 campaign medal or any other medal issued for service in the
23 armed forces of this country in support of any United States
24 military campaign or armed conflict as defined by congress or
25 by presidential executive order or any other campaign medal

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1 issued for service after August 1, 1990 in the armed forces of
2 the United States during periods of armed conflict as defined
3 by congress or by executive order.

4 H. Nothing in this section prohibits a county or
5 municipality from expending public money or using public
6 resources in furtherance of a project that may benefit a
7 private individual, an association or a public or private
8 corporation to protect the public's health, safety or welfare;
9 provided that funding for such a project shall be provided only
10 with money that is authorized and presently available for
11 immediate expenditure. A project funded pursuant to this
12 subsection shall:

13 (1) be approved by a unanimous vote of all the
14 members elected to the governing body of the county or
15 municipality; and

16 (2) further a public purpose that is designed
17 to enhance the quality of life of the residents of the county
18 or municipality."

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