

PROPOSING TO REPEAL AND REPLACE ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO, COMMONLY KNOWN AS THE ANTI-DONATION CLAUSE, TO ALLOW THE STATE, VIA IMPLEMENTING LEGISLATION, TO PROVIDE PUBLIC FUNDS TO BE USED FOR PUBLIC PURPOSES, AND TO REPEAL ARTICLE 4, SECTION 31 OF THE CONSTITUTION OF NEW MEXICO, WHICH PROHIBITS CERTAIN APPROPRIATIONS FOR CHARITABLE, EDUCATIONAL OR OTHER BENEVOLENT PURPOSES.

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

SECTION 1. It is proposed to amend Article 9 of the constitution of New Mexico by repealing Section 14 and adding a new Section 14 to read:

A. The state shall not directly or indirectly lend or pledge credit in the aid of or make any donation to any private organization except as otherwise provided in this constitution; provided that nothing in this section prohibits the state from using public funds for a public purpose.

B. To determine public purpose: the request for public funds should contain information on the benefit to the public intended by the project; whether public or private parties will be the primary beneficiaries; and to what degree the public interest will be served; and programs and projects that are administered by government in 2024 are recognized as serving a public purpose.

C. Before the described assistance may be provided, enabling legislation shall be enacted by the legislature.

SECTION 2. It is proposed to amend Article 4 of the constitution of New Mexico by repealing Section 31.

SECTION 3. 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.