SENATE JOINT RESOLUTION 5

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

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FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 9, SECTION 14 OF THE
CONSTITUTION OF NEW MEXICO TO PERMIT THE STATE TO ESTABLISH BY
LAW A PROGRAM THAT PERMITS THE TAXATION AND REVENUE DEPARTMENT
TO ENTER INTO AGREEMENTS WITH CERTAIN TAXPAYERS TO FORGIVE TAX
LIABILITIES UNDER CERTAIN CIRCUMSTANCES.

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

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1   as provided in Subsections A through [F] G of this section.

2   A.   Nothing in this section prohibits the state or

3   any county or municipality from making provision for the care

4   and maintenance of sick and indigent persons.

5   B.   Nothing in this section prohibits the state from

6   establishing a veterans' scholarship program for Vietnam

7   conflict veterans who are post-secondary students at

8   educational institutions under the exclusive control of the

9   state by exempting such veterans from the payment of tuition.

10   For the purposes of this subsection, a "Vietnam conflict

11   veteran" is any person who has been honorably discharged from

12   the armed forces of the United States, who was a resident of

13   New Mexico at the original time of entry into the armed forces

14   from New Mexico or who has lived in New Mexico for ten years or

15   more and who has been awarded a Vietnam campaign medal for

16   service in the armed forces of this country in Vietnam during

17   the period from August 5, 1964 to the official termination date

18   of the Vietnam conflict as designated by executive order of the

19   president of the United States.

20   C.   The state may establish by law a program of

21   loans to students of the healing arts, as defined by law, for

22   residents of the state who, in return for the payment of

23   educational expenses, contract with the state to practice their

24   profession for a period of years after graduation within areas

25   of the state designated by law.

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1   D.   Nothing in this section prohibits the state or a

2 county or municipality from creating new job opportunities by

3 providing land, buildings or infrastructure for facilities to

4 support new or expanding businesses if this assistance is

5 granted pursuant to general implementing legislation that is

6 approved by a majority vote of those elected to each house of

7 the legislature. The implementing legislation shall include

8 adequate safeguards to protect public money or other resources

9 used for the purposes authorized in this subsection.   The

10 implementing legislation shall further provide that:

11   (1)   each specific county or municipal project

12 providing assistance pursuant to this subsection need not be

13 approved by the legislature but shall be approved by the county

14 or municipality pursuant to procedures provided in the

15 implementing legislation; and

16   (2)   each specific state project providing

17 assistance pursuant to this subsection shall be approved by

18 law.

19   E.   Nothing in this section prohibits the

20 legislature from establishing a program that permits the

21 taxation and revenue department to enter into an agreement with

22 a taxpayer to accept less than full payment of a tax liability

23 of the taxpayer if:

24   (1)   the legislature establishes requirements

25 with which the taxpayer shall comply to be eligible to enter

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1   into the agreement with the taxation and revenue department;

2   and

3   (2)   the legislature establishes the

4   circumstances under which the taxation and revenue department

5   may accept less than full payment of a tax liability.

6   [E.] F.   Nothing in this section prohibits the

7   state, a county or a municipality from:

8   (1)   donating land owned by the state, county

9   or municipality for the construction on it of affordable

10   housing;

11   (2)   donating an existing building owned by the

12   state, county or municipality for conversion or renovation into

13   affordable housing; or

14   (3)   providing or paying the costs of

15   infrastructure necessary to support affordable housing

16   projects.

17   [F.] G.   The provisions of Subsection [E] F of this

18   section are not self-executing.   Before the described

19   assistance may be provided, enabling legislation shall be

20   enacted by a majority vote of the members elected to each house

21   of the legislature.   This enabling legislation shall:

22   (1)   define "affordable housing";

23   (2)   establish eligibility criteria for the

24   recipients of land, buildings and infrastructure;

25   (3)   contain provisions to ensure the

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1   successful completion of affordable housing projects supported

2   by assistance authorized pursuant to Subsection [E] F of this

3   section;

4   (4)   require a county or municipality providing

5   assistance pursuant to Subsection [E] F of this section to give

6   prior formal approval by ordinance for a specific affordable

7   housing assistance grant and include in the ordinance the

8   conditions of the grant; and

9   (5)   require prior approval by law of a

10   specific affordable housing assistance grant by the state."

11   Section 2.   The amendment proposed by this resolution

12   shall be submitted to the people for their approval or

13   rejection at the next general election or at any special

14   election prior to that date that may be called for that

15   purpose.

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