

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION 9

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF
NEW MEXICO TO ALLOW PUBLIC ASSISTANCE IN THE DEVELOPMENT OF
INFRASTRUCTURE THAT ALLOWS ESSENTIAL HOUSEHOLD ELECTRIC,
INTERNET, NATURAL GAS, WATER, WASTEWATER AND OTHER SERVICE
CONNECTIONS TO DOMICILES UPON THE ENACTMENT BY A MAJORITY VOTE
OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE OF
IMPLEMENTING LEGISLATION.

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,

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underscored material = new
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1 association or public or private corporation or in aid of any
2 private enterprise for the construction of any railroad except
3 as provided in Subsections A through [G] H of this section.

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

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

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

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1 profession for a period of years after graduation within areas
2 of the state designated by law.

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

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

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

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

25 (1) donating or otherwise providing or paying

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

1 a portion of the costs of land for the construction on it of
2 affordable housing;

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

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

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

15 (1) define "affordable housing";

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

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

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

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1 conditions of the grant;

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

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

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

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

5 H. Nothing in this section prohibits the state from
6 expending state funds for the purpose of providing essential
7 household services if the assistance is granted pursuant to
8 general implementing legislation approved by a majority vote of
9 those elected to each house of the legislature. The
10 implementing legislation shall include adequate safeguards to
11 protect public money or other resources used for the purposes
12 authorized in this subsection. As used in this section,
13 "essential household services" means infrastructure that allows
14 internet, electric, natural gas, water, wastewater or other
15 services provided by law to be connected to a domicile."

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