

HOUSE JOINT RESOLUTION 8

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Daniel P. Silva

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 9, SECTION 14 OF THE
CONSTITUTION OF NEW MEXICO TO PERMIT THE STATE AND LOCAL
GOVERNMENTS TO PROVIDE OR PAY THE COST OF LAND, BUILDINGS OR
NECESSARY FINANCING FOR AFFORDABLE HOUSING PROJECTS.

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
as provided in Subsections A through F of this section.

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

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

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

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

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1 county or municipality from creating new job opportunities by
2 providing land, buildings or infrastructure for facilities to
3 support new or expanding businesses if this assistance is
4 granted pursuant to general implementing legislation that is
5 approved by a majority vote of those elected to each house of
6 the legislature. The implementing legislation shall include
7 adequate safeguards to protect public money or other resources
8 used for the purposes authorized in this subsection. The
9 implementing legislation shall further provide that:

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

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

18 E. Nothing in this section prohibits the state, a
19 county or a municipality from:

20 (1) donating [~~land owned by the state, county~~
21 ~~or municipality~~] or otherwise providing or paying the costs of
22 land, for the construction on it of affordable housing;

23 (2) donating [~~an existing building owned by~~
24 ~~the state, county or municipality for~~] or otherwise providing
25 or paying the costs of construction or renovation of affordable

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1 residential housing or the costs of conversion or renovation of
2 buildings into affordable housing; or

3 (3) providing or paying the costs of financing
4 or infrastructure necessary to support affordable housing
5 projects.

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

11 (1) define "affordable housing";

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

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

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

23 (5) require prior approval by law of [~~a~~
24 ~~specific~~] an affordable housing assistance grant by the state."

25 Section 2. The amendment proposed by this resolution

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1 shall be submitted to the people for their approval or
2 rejection at the next general election or at any special
3 election prior to that date that may be called for that
4 purpose.

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