

HOUSE JOINT RESOLUTION 14

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLES 4 AND 9 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE BY LAW A PROGRAM TO PROVIDE STATE FUNDING TO PARENTS OR LEGAL GUARDIANS OF SCHOOL-AGE CHILDREN FOR HOME SCHOOL OR PRIVATE SCHOOL.

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

SECTION 1. It is proposed to amend Article 4, Section 31 of the constitution of New Mexico to read:

"Except as otherwise provided in Article 9, Section 14 of this constitution, no appropriation shall be made for charitable, educational or other benevolent purposes to any person, corporation, association, institution or community not under the absolute control of the state, but the legislature may, in its discretion, make appropriations for the charitable institutions and hospitals, for the maintenance of which annual

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1 appropriations were made by the legislative assembly of
2 nineteen hundred and nine."

3 SECTION 2. It is proposed to amend Article 9, Section 14
4 of the constitution of New Mexico to read:

5 "Neither the state nor any county, school district or
6 municipality, except as otherwise provided in this
7 constitution, shall directly or indirectly lend or pledge its
8 credit or make any donation to or in aid of any person,
9 association or public or private corporation or in aid of any
10 private enterprise for the construction of any railroad except
11 as provided in Subsections A through [H] I of this section.

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

15 B. Nothing in this section prohibits the state from
16 establishing a veterans' scholarship program for Vietnam
17 conflict veterans who are post-secondary students at
18 educational institutions under the exclusive control of the
19 state by exempting such veterans from the payment of tuition.
20 For the purposes of this subsection, a "Vietnam conflict
21 veteran" is any person who has been honorably discharged from
22 the armed forces of the United States, who was a resident of
23 New Mexico at the original time of entry into the armed forces
24 from New Mexico or who has lived in New Mexico for ten years or
25 more and who has been awarded a Vietnam campaign medal for

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1 service in the armed forces of this country in Vietnam during
2 the period from August 5, 1964 to the official termination date
3 of the Vietnam conflict as designated by executive order of the
4 president of the United States.

5 C. The state may establish by law a program of
6 loans to students of the healing arts, as defined by law, for
7 residents of the state who, in return for the payment of
8 educational expenses, contract with the state to practice their
9 profession for a period of years after graduation within areas
10 of the state designated by law.

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

21 (1) each specific county or municipal project
22 providing assistance pursuant to this subsection need not be
23 approved by the legislature but shall be approved by the county
24 or municipality pursuant to procedures provided in the
25 implementing legislation; and

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1 (2) each specific state project providing
2 assistance pursuant to this subsection shall be approved by
3 law.

4 E. Nothing in this section prohibits the state, or
5 the instrumentality of the state designated by the legislature
6 as the state's housing authority, or a county or a municipality
7 from:

8 (1) donating or otherwise providing or paying
9 a portion of the costs of land for the construction on it of
10 affordable housing;

11 (2) donating or otherwise providing or paying
12 a portion of the costs of construction or renovation of
13 affordable housing or the costs of conversion or renovation of
14 buildings into affordable housing; or

15 (3) providing or paying the costs of financing
16 or infrastructure necessary to support affordable housing
17 projects.

18 F. The provisions of Subsection E of this section
19 are not self-executing. Before the described assistance may be
20 provided, enabling legislation shall be enacted by a majority
21 vote of the members elected to each house of the legislature.
22 This enabling legislation shall:

23 (1) define "affordable housing";

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

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1 (3) contain provisions to ensure the
2 successful completion of affordable housing projects supported
3 by assistance authorized pursuant to Subsection E of this
4 section;

5 (4) require a county or municipality providing
6 assistance pursuant to Subsection E of this section to give
7 prior formal approval by ordinance for a specific affordable
8 housing assistance grant and include in the ordinance the
9 conditions of the grant;

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

12 (6) require the governing body of the
13 instrumentality of the state, designated by the legislature as
14 the state's housing authority, to give prior approval, by
15 resolution, for affordable housing grants that are to be given
16 by the instrumentality.

17 G. Nothing in this section prohibits the state from
18 establishing a veterans' scholarship program, for military war
19 veterans who are post-secondary students at educational
20 institutions under the exclusive control of the state and who
21 have exhausted all educational benefits offered by the United
22 States department of defense or the United States department of
23 veterans affairs, by exempting such veterans from the payment
24 of tuition. For the purposes of this subsection, a "military
25 war veteran" is any person who has been honorably discharged

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1 from the armed forces of the United States, who was a resident
2 of New Mexico at the original time of entry into the armed
3 forces or who has lived in New Mexico for ten years or more and
4 who has been awarded a southwest Asia service medal, global war
5 on terror service medal, Iraq campaign medal, Afghanistan
6 campaign medal or any other medal issued for service in the
7 armed forces of this country in support of any United States
8 military campaign or armed conflict as defined by congress or
9 by presidential executive order or any other campaign medal
10 issued for service after August 1, 1990 in the armed forces of
11 the United States during periods of armed conflict as defined
12 by congress or by executive order.

13 H. Nothing in this section prohibits the state from
14 expending state funds or resources for the purpose of providing
15 essential services primarily for residential purposes if the
16 assistance is granted pursuant to general implementing
17 legislation approved by a majority vote of those elected to
18 each house of the legislature. The implementing legislation
19 shall provide for accessibility to essential services primarily
20 for residential purposes and include safeguards to protect
21 public money and other public resources used for the purposes
22 authorized in this subsection. As used in this subsection,
23 "essential services" means infrastructure that allows internet,
24 energy, water, wastewater or other similar services as provided
25 by law.

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I. The state may establish by law a program to provide state funding to parents or legal guardians for the education of school-age children; provided that funding shall not include proceeds or income earned from lands granted to the state for public school purposes. Grants may be used for school-age children who:

(1) are home schooled at the elementary or secondary school level by the child's parent or legal guardian;
or

(2) attend a private nonsectarian, nondenominational elementary or secondary school."

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.