

1 HOUSE JOINT RESOLUTION 15

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLES 4, 9 AND 12 OF THE CONSTITUTION OF
12 NEW MEXICO, WITH THE APPROVAL OF CONGRESS, TO ALLOW FOR THE
13 DISTRIBUTION OF PUBLIC SCHOOL FUNDING TO PARENTS OR LEGAL
14 GUARDIANS OF SCHOOL-AGE CHILDREN FOR HOME SCHOOL OR PRIVATE
15 SCHOOL, INCLUDING PRIVATE VIRTUAL SCHOOLS.
16

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

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

20 "Except as otherwise provided in Articles 9 and 12 of this
21 constitution, no appropriation shall be made for charitable,
22 educational or other benevolent purposes to any person,
23 corporation, association, institution or community, not under
24 the absolute control of the state, but the legislature may, in
25 its discretion, make appropriations for the charitable

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1 institutions and hospitals, for the maintenance of which annual
2 appropriations were made by the legislative assembly of
3 nineteen hundred and nine."

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

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

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

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

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1 more and who has been awarded a Vietnam campaign medal for
2 service in the armed forces of this country in Vietnam during
3 the period from August 5, 1964 to the official termination date
4 of the Vietnam conflict as designated by executive order of the
5 president of the United States.

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

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

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

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1 implementing legislation; and

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

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

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

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

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

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

24 (1) define "affordable housing";

25 (2) establish eligibility criteria for the

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1 recipients of land, buildings and infrastructure;

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

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

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

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

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

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

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

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1 by law.

2 I. Nothing in this section prohibits the state from
3 providing public school funding to parents or legal guardians
4 whose school-age children:

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

7 (2) attend a private elementary or secondary
8 school; or

9 (3) attend a private virtual school defined by
10 law."

11 **SECTION 3.** It is proposed to amend Article 12, Section 1
12 of the constitution of New Mexico to read:

13 "A [~~uniform~~] system of free public schools sufficient for
14 the education of, and open to, all the children of school age
15 in the state shall be established and maintained."

16 **SECTION 4.** It is proposed to amend Article 12, Section 3
17 of the constitution of New Mexico to read:

18 "The schools, colleges, universities and other educational
19 institutions provided for by this constitution shall forever
20 remain under the exclusive control of the state, and no part of
21 the proceeds arising from the sale or disposal of any lands
22 granted to the state by congress, or any other funds
23 appropriated, levied or collected for educational purposes,
24 shall be used for the support of any sectarian, denominational
25 or private [~~school~~] college or university."

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SECTION 5. 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.

SECTION 6. The amendment proposed by this resolution shall take effect only with the consent of the United States congress.