

FORTY-EIGHTH LEGISLATURE
FIRST SESSION

March 13, 2007

SENATE FLOOR AMENDMENT number ___1___ to HOUSE BILL 1015

Amendment sponsored by Senator

1. On page 1, line 12, after "COUNTIES", insert "; PROVIDING FOR COUNTY OVERSIGHT AND APPROVAL AUTHORITY".

2. On page 1, between lines 14 and 15, insert the following section:

"Section 1. Section 4-48B-12 NMSA 1978 (being Laws 1981, Chapter 83, Section 12, as amended) is amended to read:

"4-48B-12. TAX LEVIES AUTHORIZED.--

A. The county commissioners are authorized to impose a mill levy and collect annual assessments against the net taxable value of the property in a county to pay the cost of operating and maintaining county hospitals or to pay to contracting hospitals in accordance with a health care facilities contract and in class A counties to pay for the county's transfer to the county-supported medicaid fund pursuant to Section 27-10-4 NMSA 1978 as follows:

(1) in class A counties, as defined in Section 4-44-1 NMSA 1978, the mill levy shall not exceed a rate of six dollars fifty cents (\$6.50), or any lower maximum amount required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon a mill levy imposed pursuant to this paragraph, on each one thousand dollars (\$1,000) of net taxable value of property allocated to the county; however, if the county uses any portion, not to exceed one dollar fifty cents (\$1.50), of the rate authorized by this paragraph to meet the requirement of Section 27-10-4 NMSA 1978, the provisions of Section 7-37-7.1 NMSA 1978 do not apply to the portion of the rate necessary to produce the revenues required,

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provided that the portion of the rate does not exceed one dollar fifty cents (\$1.50); and

(2) in other counties, the mill levy shall not exceed four dollars twenty-five cents (\$4.25), or any lower maximum amount required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon a mill levy imposed pursuant to this paragraph, on each one thousand dollars (\$1,000) of net taxable value of property allocated to the county.

B. The mill levies provided in Paragraphs (1) and (2) of Subsection A of this section shall be made at the direction of the county commissioners, but only to the extent that the county commissioners deem it necessary to operate and maintain county hospitals, to pay the amounts required in the performance of any health care facilities contracts made pursuant to the Hospital Funding Act and to provide for a class A county's transfer to the county-supported medicaid fund pursuant to Section 27-10-4 NMSA 1978.

C. In the event that the mill levy provided for in Paragraph (1) of Subsection A of this section is not authorized by the electorate or the resulting mill levy proceeds are not remitted to the entity operating the hospital within a reasonable time period, any lease for operation of the hospital between a county and a state educational institution named in Article 12, Section 11 of the constitution of New Mexico may, at the option of the state educational institution, be terminated immediately. Except as provided in Subsection D of this section, in the event that the mill levy provided for in Paragraph (1) of Subsection A of this section is authorized, an amount not less than the amount that would be produced by a mill levy at the rate of four dollars (\$4.00), or any lower amount that would be required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon this rate, on each one thousand dollars (\$1,000) of net taxable value of property allocated to the county shall be provided from the proceeds

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of the mill levy to the state educational institution operating the hospital for hospital purposes unless the institution determines that the amount is not necessary.

D. A class A county imposing the mill levy provided for in Paragraph (1) of Subsection A of this section may enter into a mutual agreement with a state educational institution named in Article 12, Section 11 of the constitution of New Mexico operating the hospital permitting the transfer to the county-supported medicaid fund by the county pursuant to Section 27-10-4 NMSA 1978 of not to exceed the amount that would be produced by a mill levy at a rate of one dollar fifty cents (\$1.50) applied to the net taxable value of property allocated to the county for the prior property tax year and also not to exceed the amount that would be produced by imposition of the county health care gross receipts tax.

E. The county commission of a class A county with a population of five hundred thousand or more persons shall:

(1) review and approve all requests or plans of a hospital of a state educational institution named in Article 12, Section 11 of the constitution of New Mexico to seek changes to the amount or term of a mill levy imposed pursuant to Paragraph (1) of Subsection A of this section prior to the hospital seeking the change in statute or ordinance;

(2) annually, before adoption of the budget by a hospital described in Paragraph (1) of this subsection for the subsequent year, review the proposed budget and the actual expenditures as available for the current and prior fiscal year; and

(3) conduct audits as it deems necessary of the expenditures by a hospital described in Paragraph (1) of this subsection from the revenue raised pursuant to the mill levy imposed in Paragraph (1) of Subsection A of this section to assure that the use of the funding is in accordance with the proposed uses

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identified to the public when the mill levy was presented to the voters.

[~~E.~~] F. The distribution of the mill levy authorized at the rates specified in Subsection A of this section shall be made to county and contracting hospitals as authorized in the Hospital Funding Act.""

3. Renumber the succeeding section accordingly.

4. On page 2, line 21, strike "sixteen" and insert in lieu thereof "twelve".

5. On page 3, line 17, strike "fifteen" and insert in lieu thereof "eleven".

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____