

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 229

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

AN ACT

RELATING TO PUBLIC FINANCE; AUTHORIZING THE NEW MEXICO FINANCE
AUTHORITY TO ISSUE ADDITIONAL REVENUE BONDS FOR THE REGIONAL
CANCER TREATMENT CENTER AT THE GILA REGIONAL MEDICAL CENTER;
PROVIDING FOR DISTRIBUTION OF ONE PERCENT OF THE CIGARETTE TAX
REVENUES FOR THE RURAL COUNTY CANCER TREATMENT FUND; CREATING
THE RURAL COUNTY CANCER TREATMENT FUND; MAKING APPROPRIATIONS.

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

Section 1. TEMPORARY PROVISION--NEW MEXICO FINANCE
AUTHORITY REVENUE BONDS--PURPOSE--APPROPRIATION.--

A. The New Mexico finance authority may issue and
sell revenue bonds in compliance with the New Mexico Finance
Authority Act for a term not exceeding twenty years in an
amount not exceeding two million five hundred thousand dollars
(\$2,500,000) for the purpose of designing, constructing,

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1 equipping and furnishing additions and improvements to a
2 regional cancer treatment center at the Gila regional medical
3 center in Grant county and subsequently rural cancer treatment
4 facilities in class B counties.

5 B. The authority may issue and sell revenue bonds
6 authorized by this section when the chair of the board of
7 county commissioners of Grant county certifies the need for
8 issuance of the bonds. The net proceeds from the sale of the
9 bonds are appropriated to the local government division of the
10 department of finance and administration for the purposes
11 described in Subsection A of this section.

12 C. The cigarette tax proceeds distributed to the
13 authority pursuant to Subsection H of Section 7-1-6.11 NMSA
14 1978 shall be pledged irrevocably for the payment of the
15 principal, interest, premiums and related expenses on the bonds
16 and for payment of the expenses incurred by the authority
17 related to the issuance, sale and administration of the bonds.

18 D. The cigarette tax proceeds distributed to the
19 authority pursuant to Subsection H of Section 7-1-6.11 NMSA
20 1978 shall be deposited each month in a separate fund or
21 account of the authority.

22 E. Upon payment of all principal, interest and
23 other expenses or obligations related to the bonds, the
24 authority shall certify to the secretary of taxation and
25 revenue that all obligations for the bonds issued pursuant to

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1 this section have been fully discharged and shall direct the
 2 secretary of taxation and revenue to cease distributing
 3 cigarette tax proceeds to the authority pursuant to Subsection
 4 H of Section 7-1-6.11 NMSA 1978 and to distribute those
 5 cigarette tax proceeds to the general fund.

6 F. Any law authorizing the imposition, collection
 7 or distribution of the cigarette tax or that affects the
 8 cigarette tax shall not be amended, repealed or otherwise
 9 directly or indirectly modified so as to impair or reduce debt
 10 service coverage for any outstanding revenue bonds that may be
 11 secured by a pledge of those cigarette tax revenues, unless the
 12 revenue bonds have been discharged in full or provisions have
 13 been made for a full discharge.

14 G. The authority may additionally secure the
 15 revenue bonds issued pursuant to this section by a pledge of
 16 money in the public project revolving fund with a lien priority
 17 on the money in the public project revolving fund as determined
 18 by the authority.

19 H. The authority may purchase revenue bonds issued
 20 pursuant to this section with money in the public project
 21 revolving fund pursuant to the provisions of Section 6-21-6
 22 NMSA 1978.

23 Section 2. Section 7-1-6.11 NMSA 1978 (being Laws 1983,
 24 Chapter 211, Section 16, as amended) is amended to read:

25 "7-1-6.11. DISTRIBUTIONS OF CIGARETTE TAXES.--

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1 A. A distribution pursuant to Section 7-1-6.1 NMSA
2 1978 shall be made to the county and municipality recreational
3 fund in an amount equal to one and [~~thirty-six~~] thirty-five
4 hundredths percent of the net receipts, exclusive of penalties
5 and interest, attributable to the cigarette tax.

6 B. A distribution pursuant to Section 7-1-6.1 NMSA
7 1978 shall be made to the county and municipal cigarette tax
8 fund in an amount equal to two and [~~seventy-two~~] sixty-nine
9 hundredths percent of the net receipts, exclusive of penalties
10 and interest, attributable to the cigarette tax.

11 C. A distribution pursuant to Section 7-1-6.1 NMSA
12 1978 shall be made to the cancer research and treatment center
13 at the university of New Mexico health sciences center in an
14 amount equal to one and [~~thirty-six~~] thirty-five hundredths
15 percent of the net receipts, exclusive of penalties and
16 interest, attributable to the cigarette tax.

17 D. A distribution pursuant to Section 7-1-6.1 NMSA
18 1978 shall be made to the New Mexico finance authority in an
19 amount equal to two and [~~four-hundredths~~] two-hundredths
20 percent of the net receipts, exclusive of penalties and
21 interest, attributable to the cigarette tax.

22 E. A distribution pursuant to Section 7-1-6.1 NMSA
23 1978 in an amount equal to fourteen and [~~fifty-two~~] thirty-
24 seven hundredths percent of the net receipts, exclusive of
25 penalties and interest, attributable to the cigarette tax,

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1 shall be made, on behalf of and for the benefit of the
 2 university of New Mexico health sciences center, to the New
 3 Mexico finance authority.

4 F. A distribution pursuant to Section 7-1-6.1 NMSA
 5 1978 in an amount equal to six and [~~eleven-hundredths~~] five-
 6 hundredths percent of the net receipts, exclusive of penalties
 7 and interest, attributable to the cigarette tax shall be made
 8 to the New Mexico finance authority for land acquisition and
 9 the planning, designing, construction and equipping of
 10 department of health facilities or improvements to such
 11 facilities.

12 G. A distribution pursuant to Section 7-1-6.1 NMSA
 13 1978 in an amount equal to fifteen and [~~ninety-five~~] seventy-
 14 nine hundredths percent of the net receipts, exclusive of
 15 penalties and interest, attributable to the cigarette tax shall
 16 be made to the New Mexico finance authority for deposit in the
 17 credit enhancement account created in the authority.

18 H. A distribution pursuant to Section 7-1-6.1 NMSA
 19 1978 in an amount equal to one percent of the net receipts,
 20 exclusive of penalties and interest, attributable to the
 21 cigarette tax shall be made, on behalf of and for the benefit
 22 of the rural county cancer treatment fund, to the New Mexico
 23 finance authority."

24 Section 3. Section 7-12-7 NMSA 1978 (being Laws 1971,
 25 Chapter 77, Section 7, as amended) is amended to read:

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1 "7-12-7. SALE OF STAMPS--PRICES.--

2 A. The department shall sell stamps to any person
3 who sells in New Mexico cigarettes manufactured by that person
4 and to any person who receives on consignment or buys unstamped
5 cigarettes for sale, gift or consumption in New Mexico,
6 provided such persons are registered with the department under
7 the provisions of Section 7-1-12 NMSA 1978. Stamps shall be
8 sold at their face value with the following discounts:

9 (1) [~~four~~] three percent less than the face
10 value of the first thirty thousand dollars (\$30,000) of stamps
11 purchased in one calendar month;

12 (2) [~~three~~] two percent less than the face
13 value of the second thirty thousand dollars (\$30,000) of stamps
14 purchased in one calendar month; and

15 (3) [~~two~~] one percent less than the face value
16 of all stamps purchased in excess of sixty thousand dollars
17 (\$60,000) in one calendar month.

18 B. If the face value of stamps sold in a single
19 sale is less than one thousand dollars (\$1,000), the discount
20 provided for in this section shall not be allowed.

21 C. Payment for stamps shall be made on or before
22 the twenty-fifth day of the month following the month in which
23 the sale of stamps by the department is made."

24 Section 4. [NEW MATERIAL] RURAL COUNTY CANCER TREATMENT
25 FUND CREATED--PURPOSE--APPROPRIATION.--The "rural county cancer

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1 treatment fund" is created in the New Mexico finance authority.
2 The fund is comprised of appropriations, donations,
3 distributions pursuant to Section 7-1-6.11 NMSA 1978 and money
4 earned from investment of the fund and otherwise accruing to
5 the fund. Money in the fund is appropriated to the New Mexico
6 finance authority to provide a revenue stream to finance the
7 construction of cancer treatment facilities in class B
8 counties. Balances remaining in the fund at the end of a
9 fiscal year shall not revert. The New Mexico finance authority
10 shall administer the fund, and money from the fund may be drawn
11 only on warrants signed by the executive director of the New
12 Mexico finance authority pursuant to vouchers signed by the
13 executive director.

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