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SENATE BILL 59

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

BILLY J. McKIBBEN

AN ACT

RELATING TO TAXATION; INCREASING THE RATE OF THE CIGARETTE TAX; DISTRIBUTING ADDITIONAL REVENUES TO THE CANCER CENTER AND TO THE MEDICAL TRUST FUND FOR CANCER AND OTHER MEDICAL RESEARCH AT THE UNIVERSITY OF NEW MEXICO; AMENDING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

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

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

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county and municipality recreational fund in an amount equal to [~~four and three-quarters~~] three and eighty-nine hundredths percent of the net receipts, exclusive of penalties and interest, attributable to the cigarette tax.

Underscored material = new
[bracketed material] = delete

1 B. A distribution pursuant to Section 7-1-6.1 NMSA
2 1978 shall be made to the county and municipal cigarette tax
3 fund in an amount equal to [~~nine and one-half~~] seven and
4 seventy-eight hundredths percent of the net receipts,
5 exclusive of penalties and interest, attributable to the
6 cigarette tax.

7 C. A distribution pursuant to Section 7-1-6.1 NMSA
8 1978 shall be made to the cancer center at the university of
9 New Mexico school of medicine in an amount equal to [~~four and~~
10 ~~three-quarters~~] fourteen and seventy-seven hundredths percent
11 of the net receipts, exclusive of penalties and interest,
12 attributable to the cigarette tax.

13 D. A distribution pursuant to Section 7-1-6.1 NMSA
14 1978 shall be made to the New Mexico finance authority in an
15 amount equal to [~~seven and one-eighth~~] five and eighty-four
16 hundredths percent of the net receipts, exclusive of penalties
17 and interest, attributable to the cigarette tax.

18 E. A distribution pursuant to Section 7-1-6.1 NMSA
19 1978 shall be made to the university of New Mexico school of
20 medicine medical trust fund in an amount equal to seven and
21 one-fourth percent of the net receipts, exclusive of penalties
22 and interest, attributable to the cigarette tax. "

23 Section 2. Section 7-12-3 NMSA 1978 (being Laws 1971,
24 Chapter 77, Section 3, as amended) is amended to read:

25 "7-12-3. EXCISE TAX ON CIGARETTES--RATES.--

. 119687. 1

Underscored material = new
[bracketed material] = delete

1 A. For the privilege of selling, giving or
2 consuming cigarettes in New Mexico, there is levied an excise
3 tax at the rate of [~~one and five hundredths cents (\$.0105)~~]
4 one and three-tenths cents (\$.013) for each cigarette sold,
5 given or consumed in this state.

6 B. The tax imposed by this section shall be
7 referred to as the "cigarette tax". "

8 Section 3. Section 24-20-1 NMSA 1978 (being Laws 1993,
9 Chapter 358, Section 3) is amended to read:

10 "24-20-1. MEDICAL TRUST FUND FOR CANCER AND OTHER
11 MEDICAL RESEARCH- - APPROPRIATION. - -

12 A. There is created at the university of New
13 Mexico school of medicine a "medical trust fund" to be
14 administered by the school of medicine. The fund shall
15 consist of balances transferred to the fund from the dedicated
16 health research fund and any other distributions, transfers
17 and deposits that may be made to the fund. Earnings from
18 investment of the medical trust fund are appropriated to the
19 university of New Mexico school of medicine for cancer and
20 other medical research, including research focusing on
21 pulmonary, respiratory or other diseases that are or may be
22 affected by the use of cigarettes.

23 B. The university of New Mexico school of medicine
24 shall report annually to the commission on higher education,
25 the department of health and the legislative finance committee

1 regarding the use of the earnings on the medical trust fund."

2 Section 4. EFFECTIVE DATE. --

3 A. The effective date of the provisions of Section
4 1 of this act is August 1, 1998.

5 B. The effective date of the provisions of
6 Sections 2 and 3 of this act is July 1, 1998.

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Underscored material = new
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 January 23, 1998
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8 Mr. President:
9

10 Your COMMITTEES' COMMITTEE, to whom has been referred
11

12 SENATE BILL 59
13

14 has had it under consideration and finds same to be GERMANE, in
15 accordance with constitutional provisions, and thence referred to the
16 WAYS & MEANS COMMITTEE.
17

18
19 Respectfully submitted,
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25 _____
Manny M. Aragon, Chairman

Underscored material = new
~~[bracketed material]~~ = delete

Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

S0059CC1

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 7, 1998

7
8 Mr. President:

9
10 Your WAYS AND MEANS COMMITTEE, to whom has been referred

11
12 SENATE BILL 59

13
14 has had it under consideration and reports same with recommendation
15 that it DO NOT PASS, but that

16
17
18 SENATE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR

19 SENATE BILL 59

20
21 DO PASS, and thence referred to the FINANCE COMMITTEE.

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23 Respectfully submitted,

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25 . 119687. 1

Underscored material = new
[bracketed material] = delete

Underscored material = new
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Carlos R. Cisneros, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Duran, Kidd, Leavell, Wilson

Absent: None

S0059WM1

SENATE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR
SENATE BILL 59

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

AN ACT

RELATING TO TAXATION; INCREASING THE RATE OF THE CIGARETTE
TAX; DISTRIBUTING ADDITIONAL REVENUES FOR SUPPORT OF CERTAIN
PROGRAMS AND PURPOSES; AMENDING SECTIONS OF THE NMSA 1978;
MAKING APPROPRIATIONS.

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

Section 1. [NEW MATERIAL] CHILD HEALTH FUND CREATED--
PURPOSE--ADMINISTRATION.--The "child health fund" is created
in the state treasury and shall be administered by the human
services department. The fund consists of cigarette tax
revenue distributed to the fund pursuant to Section 7-1-6.11
NMSA 1978. Money in the fund shall be appropriated by the
legislature to the department to provide child health services
pursuant to the Child Health Act, if enacted into law by the
forty-third legislature. Money in the fund shall not revert

. 123099. 1

Underscored material = new
[bracketed material] = delete

1 at the end of any fiscal year.

2 Section 2. A new section of the Public Assistance Act is
3 enacted to read:

4 "[NEW MATERIAL] **MEDICAID SERVICES FUND CREATED--PURPOSE--**
5 **ADMINISTRATION.--**The "medicaid services fund" is created in
6 the state treasury and shall be administered by the human
7 services department. The fund consists of cigarette tax
8 revenue distributed to the fund pursuant to Section 7-1-6.11
9 NMSA 1978. Money in the fund shall be appropriated by the
10 legislature to the department to provide medical services to
11 those medicaid clients who were eligible for services as of
12 July 1, 1997 in part due to their income being no more than
13 one hundred eighty-five percent of the federal poverty level.
14 Money in the fund shall not revert at the end of any fiscal
15 year."

16 Section 3. Section 7-1-6.11 NMSA 1978 (being Laws 1983,
17 Chapter 211, Section 16, as amended) is amended to read:

18 "7-1-6.11. **DISTRIBUTIONS OF CIGARETTE TAXES.--**

19 A. A distribution pursuant to Section 7-1-6.1 NMSA
20 1978 shall be made to the county and municipality recreational
21 fund in an amount equal to [~~four and three quarters~~] two and
22 forty-two hundredths percent of the net receipts, exclusive of
23 penalties and interest, attributable to the cigarette tax.

24 B. A distribution pursuant to Section 7-1-6.1 NMSA
25 1978 shall be made to the county and municipal cigarette tax

Underscored material = new
[bracketed material] = delete

1 fund in an amount equal to [~~nine and one-half~~] four and eighty-
 2 four hundredths percent of the net receipts, exclusive of
 3 penalties and interest, attributable to the cigarette tax.

4 C. A distribution pursuant to Section 7-1-6.1 NMSA 1978
 5 shall be made to the cancer center at the university of New
 6 Mexico school of medicine in an amount equal to [~~four and three-~~
 7 ~~quarters~~] nine and fifteen hundredths percent of the net
 8 receipts, exclusive of penalties and interest, attributable to
 9 the cigarette tax.

10 D. A distribution pursuant to Section 7-1-6.1 NMSA 1978
 11 shall be made to the New Mexico finance authority in an amount
 12 equal to [~~seven and one-eighth~~] three and sixty-three hundredths
 13 percent of the net receipts, exclusive of penalties and interest,
 14 attributable to the cigarette tax.

15 E. A distribution pursuant to Section 7-1-6.1 NMSA 1978
 16 shall be made to the university of New Mexico school of medicine
 17 medical trust fund in an amount equal to three and fifty-two
 18 hundredths percent of the net receipts, exclusive of penalties
 19 and interest, attributable to the cigarette tax.

20 F. A distribution pursuant to Section 7-1-6.1 NMSA 1978
 21 shall be made to the medicaid services fund in an amount equal to
 22 ten and eighty-three hundredths percent of the net receipts,
 23 exclusive of penalties and interest, attributable to the
 24 cigarette tax.

25 G. Contigent upon passage of the Child Health Act by

Underscored material = new
 [bracketed material] = delete

1 the forty-third legislature, a distribution pursuant to Section
2 7-1-6.1 NMSA 1978 shall be made to the child health fund in an
3 amount equal to twenty-eight and four hundredths percent of the
4 net receipts, exclusive of penalties and interest, attributable
5 to the cigarette tax. "

6 Section 4. Section 7-12-3 NMSA 1978 (being Laws 1971,
7 Chapter 77, Section 3, as amended) is amended to read:

8 "7-12-3. EXCISE TAX ON CIGARETTES--RATES. --

9 A. For the privilege of selling, giving or consuming
10 cigarettes in New Mexico, there is levied an excise tax at the
11 rate of [~~one and five hundredths cents (\$.0105)~~] two and two-
12 tenths cents (\$.022) for each cigarette sold, given or consumed
13 in this state.

14 B. The tax imposed by this section shall be referred to
15 as the "cigarette tax".

16 Section 5. Section 24-20-1 NMSA 1978 (being Laws 1993,
17 Chapter 358, Section 3) is amended to read:

18 "24-20-1. MEDICAL TRUST FUND FOR CANCER AND OTHER MEDICAL
19 RESEARCH-- APPROPRIATION. --

20 A. There is created at the university of New Mexico
21 school of medicine a "medical trust fund" to be administered by
22 the school of medicine. The fund shall consist of balances
23 transferred to the fund from the dedicated health research fund
24 and any other distributions, transfers and deposits that may be
25 made to the fund. Earnings from investment of the medical trust

Underscored material = new
[bracketed material] = delete

1 fund are appropriated to the university of New Mexico school of
2 medicine for cancer and other medical research, including
3 research focusing on pulmonary, respiratory or other diseases
4 that are or may be affected by the use of cigarettes.

5 B. The university of New Mexico school of medicine
6 shall report annually to the commission on higher education, the
7 department of health and the legislative finance committee
8 regarding the use of the earnings on the medical trust fund."

9 Section 6. EFFECTIVE DATES. --

10 A. The effective date of the provisions of Section 3 of
11 this act is August 1, 1998.

12 B. The effective date of the provisions of Sections 1,
13 2 and 4 of this act is July 1, 1998.

Underscored material = new
[bracketed material] = delete

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~~SENATE BILL 59~~
SENATE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR
43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

AN ACT

RELATING TO TAXATION; INCREASING THE RATE OF THE CIGARETTE
TAX; DISTRIBUTING ADDITIONAL REVENUES FOR SUPPORT OF CERTAIN
PROGRAMS AND PURPOSES; AMENDING SECTIONS OF THE NMSA 1978;
MAKING APPROPRIATIONS.

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

Section 1. [NEW MATERIAL] CHILD HEALTH FUND CREATED--
PURPOSE-- ADMINISTRATION. --The "child health fund" is created
in the state treasury and shall be administered by the human
services department. The fund consists of cigarette tax
revenue distributed to the fund pursuant to Section 7-1-6.11
NMSA 1978. Money in the fund shall be appropriated by the
legislature to the department to provide child health services
pursuant to the Child Health Act, if enacted into law by the
forty-third legislature. Money in the fund shall not revert

Underscored material = new
[bracketed material] = delete

at the end of any fiscal year.

Section 2. A new section of the Public Assistance Act is enacted to read:

1 "[NEW MATERIAL] MEDICAID SERVICES FUND CREATED--PURPOSE--
2 ADMINISTRATION.--The "medicaid services fund" is created in
3 the state treasury and shall be administered by the human
4 services department. The fund consists of cigarette tax
5 revenue distributed to the fund pursuant to Section 7-1-6.11
6 NMSA 1978. Money in the fund shall be appropriated by the
7 legislature to the department to provide medical services to
8 those medicaid clients who were eligible for services as of
9 July 1, 1997 in part due to their income being no more than
10 one hundred eighty-five percent of the federal poverty level.
11 Money in the fund shall not revert at the end of any fiscal
12 year."

13 Section 3. Section 7-1-6.11 NMSA 1978 (being Laws 1983,
14 Chapter 211, Section 16, as amended) is amended to read:

15 "7-1-6.11. DISTRIBUTIONS OF CIGARETTE TAXES.--

16 A. A distribution pursuant to Section 7-1-6.1 NMSA
17 1978 shall be made to the county and municipality recreational
18 fund in an amount equal to [~~four and three-quarters~~] two and
19 forty-two hundredths percent of the net receipts, exclusive of
20 penalties and interest, attributable to the cigarette tax.

21 B. A distribution pursuant to Section 7-1-6.1 NMSA
22 1978 shall be made to the county and municipal cigarette tax
23 fund in an amount equal to [~~nine and one-half~~] four and
24 eighty-four hundredths percent of the net receipts, exclusive
25 of penalties and interest, attributable to the cigarette tax.

. 123099. 1

1 C. A distribution pursuant to Section 7-1-6.1 NMSA 1978
2 shall be made to the cancer center at the university of New
3 Mexico school of medicine in an amount equal to [~~four and three-~~
4 ~~quarters~~] nine and fifteen hundredths percent of the net
5 receipts, exclusive of penalties and interest, attributable to
6 the cigarette tax.

7 D. A distribution pursuant to Section 7-1-6.1 NMSA 1978
8 shall be made to the New Mexico finance authority in an amount
9 equal to [~~seven and one eighth~~] three and sixty-three hundredths
10 percent of the net receipts, exclusive of penalties and interest,
11 attributable to the cigarette tax.

12 E. A distribution pursuant to Section 7-1-6.1 NMSA 1978
13 shall be made to the university of New Mexico school of medicine
14 medical trust fund in an amount equal to three and fifty-two
15 hundredths percent of the net receipts, exclusive of penalties
16 and interest, attributable to the cigarette tax.

17 F. A distribution pursuant to Section 7-1-6.1 NMSA 1978
18 shall be made to the medicaid services fund in an amount equal to
19 ten and eighty-three hundredths percent of the net receipts,
20 exclusive of penalties and interest, attributable to the
21 cigarette tax.

22 G. Contigent upon passage of the Child Health Act by
23 the forty-third legislature, a distribution pursuant to Section
24 7-1-6.1 NMSA 1978 shall be made to the child health fund in an
25 amount equal to twenty-eight and four hundredths percent of the

Underscored material = new
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1 net receipts, exclusive of penalties and interest, attributable
2 to the cigarette tax. "

3 Section 4. Section 7-12-3 NMSA 1978 (being Laws 1971,
4 Chapter 77, Section 3, as amended) is amended to read:

5 "7-12-3. EXCISE TAX ON CIGARETTES--RATES. --

6 A. For the privilege of selling, giving or consuming
7 cigarettes in New Mexico, there is levied an excise tax at the
8 rate of [~~one and five hundredths cents (\$.0105)~~] two and two-
9 tenths cents (\$.022) for each cigarette sold, given or consumed
10 in this state.

11 B. The tax imposed by this section shall be referred to
12 as the "cigarette tax". "

13 Section 5. Section 24-20-1 NMSA 1978 (being Laws 1993,
14 Chapter 358, Section 3) is amended to read:

15 "24-20-1. MEDICAL TRUST FUND FOR CANCER AND OTHER MEDICAL
16 RESEARCH-- APPROPRIATION. --

17 A. There is created at the university of New Mexico
18 school of medicine a "medical trust fund" to be administered by
19 the school of medicine. The fund shall consist of balances
20 transferred to the fund from the dedicated health research fund
21 and any other distributions, transfers and deposits that may be
22 made to the fund. Earnings from investment of the medical trust
23 fund are appropriated to the university of New Mexico school of
24 medicine for cancer and other medical research, including
25 research focusing on pulmonary, respiratory or other diseases

Underscored material = new
[bracketed material] = delete

1 that are or may be affected by the use of cigarettes.

2 B. The university of New Mexico school of medicine
3 shall report annually to the commission on higher education, the
4 department of health and the legislative finance committee
5 regarding the use of the earnings on the medical trust fund."

6 Section 6. EFFECTIVE DATES. --

7 A. The effective date of the provisions of Section 3 of
8 this act is August 1, 1998.

9 B. The effective date of the provisions of Sections 1,
10 2 and 4 of this act is July 1, 1998.

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 13, 1998

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR
SENATE BILL 59

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Underscored material = new
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SWMC/SB 59

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Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

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FORTY-THIRD LEGISLATURE

SECOND SESSION

February 11, 1998

SENATE FLOOR AMENDMENT number _____ to SENATE WAYS AND MEANS
COMMITTEE SUBSTITUTE FOR
SENATE BILL 59

Amendment sponsored by Senator Billy J. McKibben

1. On page 3, line 14, after the period insert:

"Beginning in the month following the month that the New
Mexico finance authority certifies that all obligations for the
bonds issued pursuant to Laws 1993, Chapter 358, Section 4 have
been fully discharged, the distribution in this section to the New
Mexico finance authority shall cease and the distribution shall be
made in the same amount to the university of New Mexico school of
medicine medical trust fund."

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FORTY-THIRD LEGISLATURE
SECOND SESSION

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SWMC/SB 59

SB 59

Page 22

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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[bracketed material] = delete

123286.1

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 18, 1998

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8 Mr. Speaker:

9
10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred

12
13 SENATE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR
14 SENATE BILL 59, as amended

15
16 has had it under consideration and reports same WITHOUT
17 RECOMMENDATION, amended as follows:

18 1. On page 2, line 11, strike "medicaid clients who were
19 eligible for services" and insert in lieu thereof "individuals who
20 would have met the medicaid eligibility rules in place".,

21
22 and thence referred to the TAXATION AND REVENUE COMMITTEE.
23
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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

SWMC/SB 59

HBIC/CS/SB 59

Page 24

Respectfully submitted,

Fred Luna, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 3 Against

Yes: 9

No: Chavez, Corley, Lutz

Excused: Varela

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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4 February 18, 1998
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6
7 Mr. Speaker:
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9 Your TAXATION AND REVENUE COMMITTEE, to whom has been
10 referred

11 SENATE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR
12 SENATE BILL 59, as amended
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:
16

17 1. Strike House Business and Industry Committee Amendment 1.

18 2. On page 2, strike Section 2 in its entirety.
19

20 3. Renumber the succeeding sections accordingly.
21

22 4. On page 2, lines 21 and 22, strike "two and forty-two
23 hundredths" and insert in lieu thereof "three and thirteen
24 hundredths".
25

5. On page 3, lines 1 and 2, strike "four and eighty-four

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

SWMC/SB 59

HTRC/CS/SB 59

Page 26

hundredths" and insert in lieu thereof "six and one-fourth".

6. On page 3, line 7, strike "nine and fifteen hundredths" and insert in lieu thereof "eleven and twenty-one hundredths".

7. On page 3, lines 12 and 13, strike "three and sixty-three hundredths" and insert in lieu thereof "four and sixty-nine hundredths".

8. On page 3, lines 17 and 18, strike "three and fifty-two hundredths" and insert in lieu thereof "four and five hundredths".

9. On page 3, strike lines 20 through 24.

10. Reletter the succeeding subsection accordingly.

11. On page 4, line 3, strike "twenty-eight and four hundredths" and insert in lieu thereof "twenty-two and one-tenth".

12. On page 4, lines 11 and 12, strike "two and two-tenths cents (\$.022)" and insert in lieu thereof "one and sixty-five hundredths cents (\$.0165)".

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HTRC/CS/SB 59

Page 27

4 Respectfully submitted,

8 _____
9 Jerry W. Sandel, Chairman

11 Adopted _____ Not Adopted _____
12 (Chief Clerk) (Chief Clerk)

14 Date _____

16 The roll call vote was 8 For 3 Against

17 Yes: 8

18 No: Gubbels, Parsons, Russell

19 Excused: Crook, Stell

20 Absent: None

22 123642.1

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25 123286.1

Underscored material = new
[bracketed material] = delete