

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 310

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO TAXATION; AMENDING PROVISIONS OF THE SPECIAL
COUNTY HOSPITAL GROSS RECEIPTS TAX TO ALLOW IMPOSITION AND
USE OF THE TAX FOR AMBULANCE SERVICE AND A RURAL HEALTH
CLINIC; DECLARING AN EMERGENCY.

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

Section 1. Section 7-20E-13 NMSA 1978 (being Laws 1987,
Chapter 45, Section 3, as amended) is amended to read:

"7-20E-13. SPECIAL COUNTY HOSPITAL GROSS RECEIPTS TAX--
AUTHORITY TO IMPOSE--ORDINANCE REQUIREMENTS.--

A. The majority of the members of the governing
body may enact an ordinance imposing an excise tax on any
person engaging in business in the county for the privilege
of engaging in business. The rate of the tax shall be
one-eighth of one percent of the gross receipts of the person
engaging in business. The tax shall be imposed for a period

.131381.1

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

1 of not more than five years from the effective date of the
2 ordinance imposing the tax. Having once enacted an ordinance
3 under this section, the governing body may enact subsequent
4 ordinances for succeeding periods of not more than five
5 years; provided that each such ordinance meets the
6 requirements of the County Local Option Gross Receipts Taxes
7 Act with respect to the tax imposed by this section.

8 B. The tax imposed by this section may be referred
9 to as the "special county hospital gross receipts tax".

10 C. For the purposes of this section, "county"
11 means:

12 (1) a county:
13 (a) having a population of more than
14 ten thousand but less than ten thousand six hundred,
15 according to the last federal decennial census or any
16 subsequent decennial census, and having a net taxable value
17 for rate-setting purposes for the 1986 property tax year or
18 any subsequent year of more than eighty-two million dollars
19 (\$82,000,000) but less than eighty-two million three hundred
20 thousand dollars (\$82,300,000);

21 (b) that has imposed a rate of one
22 dollar fifty cents (\$1.50) to each one thousand dollars
23 (\$1,000) of net taxable value of property as defined in the
24 Property Tax Code for property taxation purposes in the
25 county and to each one thousand dollars (\$1,000) of the
assessed value of products severed and sold in the school
district as determined under the Oil and Gas Ad Valorem

.131381.1

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

1 Production Tax Act and the Oil and Gas Production Equipment
2 Ad Valorem Tax Act or has made an appropriation of funds or
3 has imposed another tax that produces an amount not less than
4 the revenue that would be produced by applying a rate of one
5 dollar fifty cents (\$1.50) to each one thousand dollars
6 (\$1,000) of net taxable value of property as defined in the
7 Property Tax Code for property taxation purposes in the
8 school district and to each one thousand dollars (\$1,000) of
9 the assessed value of products severed and sold in the school
10 district as determined under the Oil and Gas Ad Valorem
11 Production Tax Act and the Oil and Gas Production Equipment
12 Ad Valorem Tax Act. The proceeds of any tax imposed or
13 appropriation made shall be dedicated for current operations
14 and maintenance of a hospital owned and operated by the
15 county or operated and maintained by another party pursuant
16 to a lease with the county; and

17 (c) having qualified at any time under
18 this definition shall continue to be qualified as a county
19 and authorized to implement the provisions of this section;
20 and

21 (2) a class B county having a population of
22 more than seventeen thousand five hundred but less than
23 nineteen thousand according to the ~~[most recent]~~ 1990 federal
24 decennial census and having a net taxable value for property
25 tax rate-setting purposes of under ~~[two hundred million~~
~~dollars (\$200,000,000)]~~ three hundred million dollars
(\$300,000,000).

.131381.1

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

1 D. The governing body of a county described in
2 Paragraph (1) of Subsection C of this section shall, at the
3 time of enacting an ordinance imposing the rate of the tax
4 authorized in Subsection A of this section, dedicate the
5 revenue for current operations and maintenance of a hospital
6 owned and operated by the county or operated and maintained
7 by another party pursuant to a lease with the county, and the
8 use of these proceeds shall be for the care and maintenance
9 of sick and indigent persons and shall be an expenditure for
10 a public purpose. In any election held, the ballot shall
11 clearly state the purpose to which the revenue will be
12 dedicated, and the revenue shall be used by the county for
13 that purpose.

14 E. The governing body of a county described in
15 Paragraph (2) of Subsection C of this section shall, at the
16 time of enacting an ordinance imposing the rate of the tax
17 authorized in Subsection A of this section, dedicate the
18 revenue for county ambulance transport costs or for operation
19 of a rural health clinic. In any election held, the ballot
20 shall clearly state the purposes to which the revenue will be
21 dedicated, and the revenue shall be used by the county for
22 those purposes.

23 ~~[E.]~~ F. Any ordinance enacted under the provisions
24 of Subsection A of this section shall include an effective
25 date of either July 1 or January 1 in accordance with the
provisions of the County Local Option Gross Receipts Taxes
Act.

.131381.1

underscored material = new
[bracketed material] = delete

1 [F.] G. The ordinance shall not go into effect
2 until after an election is held and a simple majority of the
3 qualified electors of the county voting in the election votes
4 in favor of imposing the special county hospital gross
5 receipts tax. The governing body shall adopt a resolution
6 calling for an election within seventy-five days of the date
7 the ordinance is adopted on the question of imposing the tax.
8 The question may be submitted to the qualified electors and
9 voted upon as a separate question in a general election or in
10 any special election called for that purpose by the governing
11 body. A special election upon the question shall be called,
12 held, conducted and canvassed in substantially the same
13 manner as provided by law for general elections. If the
14 question of imposing a special county hospital gross receipts
15 tax fails, the governing body shall not again propose a
16 special county hospital gross receipts tax for a period of
17 one year after the election. A certified copy of any
18 ordinance imposing a special county hospital gross receipts
19 tax shall be mailed to the department within five days after
20 the ordinance is adopted in any election called for that
21 purpose.

22 [G.] H. A single election may be held on the
23 question of imposing a special county hospital gross receipts
24 tax as authorized in this section on the question of imposing
25 a special county hospital gasoline tax as authorized in the
Special County Hospital Gasoline Tax Act and on the question
of imposing a mill levy pursuant to the Hospital Funding

.131381.1

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Act."

Section 2. Section 7-20E-14 NMSA 1978 (being Laws 1987, Chapter 45, Section 8, as amended) is amended to read:

"7-20E-14. SPECIAL COUNTY HOSPITAL GROSS RECEIPTS TAX--
USE OF PROCEEDS.--The funds provided through the special
county hospital gross receipts tax shall be administered by
the governing body of the county. ~~[and]~~ In a county described
in Paragraph (1) of Subsection C of Section 7-20E-13 NMSA
1978, the funds shall be disbursed by the county treasurer to
a hospital within the county, subject to the approval by the
governing body of a budget or plan for use of the funds
submitted by that hospital's governing board."

Section 3. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect
immediately.