

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 4

BY REVENUE AND TAXATION COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 3C, ARTICLE VIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO HOSPITALS AND HEALTH SERVICES TO AUTHORIZE PUBLIC HOSPITALS, ANCILLARY TO THEIR OPERATIONS AND IN FURTHERANCE OF HEALTH CARE NEEDS IN THEIR SERVICE AREAS, TO INCUR INDEBTEDNESS OR LIABILITY TO PURCHASE, CONTRACT, LEASE OR CONSTRUCT OR OTHERWISE ACQUIRE FACILITIES, EQUIPMENT, TECHNOLOGY AND REAL PROPERTY FOR HEALTH CARE OPERATIONS, PROVIDED THAT NO AD VALOREM TAX REVENUES SHALL BE USED FOR SUCH ACTIVITIES; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 3C, Article VIII, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 3C. HOSPITALS AND HEALTH SERVICES -- AUTHORIZED ACTIVITIES AND FINANCING. Provided that no ad valorem tax revenues shall be used for activities authorized by this section, public hospitals, ancillary to their operations and in furtherance of health care needs in their service areas, may: (i) incur indebtedness or liability to purchase, contract, lease or construct or otherwise acquire facilities, equipment, technology and real property for health care operations as provided by law; (ii) acquire, construct, install and equip facilities or projects to be financed for, or to be leased, sold or otherwise disposed of to persons, associations or corporations other than municipal corporations and may, in the manner prescribed by law, finance the costs thereof; (iii) engage in shared services and other joint or cooperative ventures; ~~(iii)~~ enter into joint ventures and partnerships; ~~(iv)~~ form or be a shareholder of corporations or a member of limited liability companies; ~~(v)~~ have members of its governing body or its officers or administrators serve as directors, managers, officers or employees of any venture, association, partnership, corporation or limited liability company as authorized by this section; ~~(vi)~~ own interests in partnerships, corporations and limited liability companies. Any obligations incurred pursuant to this section shall be payable solely from charges, rents or payments derived from the existing facilities and the facilities or projects financed thereby and shall not be secured by the full faith and credit or the taxing power of the county, hospital taxing district, the state, or any other political subdivision; and provided further, that any county or public hospital taxing district contracting such

1       indebtedness shall own its just proportion to the whole amount so  
2       invested. The authority granted by this section shall be exercised  
3       for the delivery of health care and related service and with the  
4       prior approval of the governing body of the county, hospital dis-  
5       trict or other governing body of a public hospital. No provisions  
6       of this Constitution including, but not limited to Sections 3 and 4  
7       of Article VIII, and Section 4 of Article XII, shall be construed as  
8       a limitation upon the authority granted under this section.

9       SECTION 2. The question to be submitted to the electors of the State of  
10      Idaho at the next general election shall be as follows:

11      "Shall Section 3C, Article VIII, of the Constitution of the State of  
12      Idaho be amended to authorize public hospitals, ancillary to their oper-  
13      ations and in furtherance of health care needs in their service areas, to  
14      incur indebtedness or liability to purchase, contract, lease or construct  
15      or otherwise acquire facilities, equipment, technology and real property  
16      for health care operations, provided that no ad valorem tax revenues shall  
17      be used for such activities?".

18      SECTION 3. The Legislative Council is directed to prepare the state-  
19      ments required by Section 67-453, Idaho Code, and file the same.

20      SECTION 4. The Secretary of State is hereby directed to publish this  
21      proposed constitutional amendment and arguments as required by law.