

HOUSE BILL NO. HB0062

Senior health care special districts.

Sponsored by: Joint Labor, Health & Social Services Interim  
Committee

A BILL

for

1 AN ACT relating to special districts; providing for the  
2 establishment of senior health care districts; providing  
3 for the management and control of the districts; specifying  
4 senior health care district board powers and duties;  
5 providing taxing and bonding authority; granting additional  
6 powers to the boards of trustees for hospital districts and  
7 special rural health care districts as specified; making  
8 conforming amendments; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 35-2-1201 through 35-2-1204 are  
13 created to read:

14

15

ARTICLE 12

## 1 SENIOR HEALTH CARE DISTRICTS

2

3 35-2-1201. Senior health care districts;  
4 establishment; definitions.

5

6 (a) A senior health care district may be established  
7 under the procedures for petitioning, hearing and election  
8 of special districts as set forth in the Special District  
9 Elections Act of 1994.

10

11 (b) As used in this article "senior health care"  
12 means "health care" as defined in W.S. 35-22-402(a)(viii)  
13 that is delivered to a person who is at least sixty (60)  
14 years of age, a disabled adult who is at least eighteen  
15 (18) years of age, or a person with medical or behavioral  
16 health care needs as determined by appropriate medical  
17 assessments and is provided:

18

19 (i) By a person or facility licensed, certified  
20 or otherwise authorized by the laws of this state in the  
21 ordinary course of business or practice of a profession to  
22 provide health care services;

23

1           (ii) Through home care services, assisted living  
2 programs, skilled nursing facilities, nursing homes,  
3 residential care homes or other related facilities; or

4

5           (iii) As specified under W.S. 18-15-111(a)(i)  
6 through (iii).

7

8           **35-2-1202. Body corporate; name and style; powers**  
9 **generally; rules and regulations of trustees.**

10

11           (a) Each district is a body corporate and shall be  
12 designated by the name of the .... senior health care  
13 district. The district name shall be entered upon the  
14 commissioners' records and shall be selected by the  
15 commissioners of the county in which the greater area of  
16 land within the district is located. In the name so  
17 selected, the district through its trustees may:

18

19           (i) Direct the affairs of the district in the  
20 same manner as a rural health care district under W.S.  
21 35-2-703(a)(i) through (xi) for the purpose of providing  
22 senior health care;

23

1           (ii) Provide directly or by contract for the  
2 provision of programs or services under this article.  
3 Contracts under this section shall:

4

5           (A) Require the provider, if an  
6 organization or agency, to be incorporated under the laws  
7 of this state as a nonprofit corporation prior to the  
8 receipt of any funds;

9

10           (B) Specify the manner in which the funds  
11 are expended and the programs or services provided; and

12

13           (C) Require the provider of the programs or  
14 services to present an annual budget for review to  
15 determine compliance with this article and for approval by  
16 the district.

17

18           **35-2-1203. Administration of finances; assessment and**  
19 **levy of taxes.**

20

21           (a) The board of trustees of a senior health care  
22 district shall administer the finances of the district  
23 according to the provisions of the Uniform Municipal Fiscal

1 Procedures Act, except that an annual audit in accordance  
2 with W.S. 16-4-121 is not required. Each senior health care  
3 special district shall comply with the provisions of W.S.  
4 9-1-507(a)(iii).

5

6 (b) The assessor shall assess the property of each  
7 senior health care district.

8

9 (c) The board of county commissioners, at the time of  
10 making the levy for county purposes shall levy a tax for  
11 that year upon the taxable property in the district in its  
12 county for its proportionate share based on assessed  
13 valuation of the estimated amount of funds needed by each  
14 senior health care district but in no case shall the tax  
15 for the district exceed in any one (1) year the amount of  
16 two (2) mills on each dollar of assessed valuation of the  
17 property.

18

19 **35-2-1204. Applicability.**

20

21 A senior health care district shall be operated,  
22 administered and is otherwise subject to the provisions  
23 that govern a rural health care district under Wyoming

1 statutes, title 35, chapter 2, article 7, except W.S.  
2 35-2-701, 35-2-705 and 35-2-708 shall not apply. W.S.  
3 35-2-711 through 35-2-722 shall not apply to W.S.  
4 35-2-1203. The question of approval of the issuance of  
5 bonds for senior health care purposes pursuant to W.S.  
6 35-2-709(a) shall be submitted to electors only at a  
7 general election.

8

9 **Section 2.** W.S. 18-8-301(a)(intro), (c)(ii)(B), (C),  
10 by creating a new subparagraph (D) and (d), 22-29-103(a) by  
11 creating a new paragraph (xiii) and by renumbering (xiii)  
12 as (ix), 35-2-403(c), 35-2-424(a), 35-2-426, 35-2-428,  
13 35-2-703(a)(ix), 35-2-709(a), 35-2-710(a), 35-2-712 and  
14 39-13-104(e) by creating a new paragraph (xiv) are amended  
15 to read:

16

17 **18-8-301. Additional powers; requirements and**  
18 **conditions; approval by governing body.**

19

20 (a) Subject to the requirements of this section, any  
21 county memorial hospital, special hospital district  
22 established under W.S. 35-2-401 through 35-2-438, ~~and~~ rural  
23 health care district established under W.S. 35-2-701

1 through 35-2-709 and senior health care district  
2 established under W.S. 35-2-1201 through 35-2-1203 may,  
3 either within the county of its establishment or without,  
4 within this state or without:

5

6 (c) The authority granted under subsection (a) of  
7 this section shall only be exercised:

8

9 (ii) With the approval and consent of:

10

11 (B) The district board of trustees if a  
12 special hospital district; ~~and~~

13

14 (C) The board of trustees if a rural health  
15 care district; ~~and~~

16

17 (D) The board of trustees if a senior  
18 health care district.

19

20 (d) No county memorial hospital, special hospital  
21 district, ~~or~~ rural health care district or senior health  
22 care district shall exercise any authority granted by  
23 subsection (a) of this section in any Wyoming municipality

1 in which a hospital currently exists unless and until that  
2 hospital has been given an opportunity to participate with  
3 the undertaking hospital, special hospital district, ~~or~~  
4 rural health care district or senior health care district.  
5 This subsection shall not apply to any entity which is  
6 organized for the purpose of selling administrative  
7 services to health care providers.

8

9 **22-29-103. Applicability to special districts;**  
10 **general provisions.**

11

12 (a) This act applies to the following districts as  
13 specified in subsection (b) of this section:

14

15 (xiii) Senior health care districts;

16

17 ~~(xiii)~~(ix) Other districts as specified by law.

18

19 **35-2-403. Body corporate; name and style; powers**  
20 **generally; rules and regulations of trustees; definitions**  
21 **of certain terms.**

22



1 (c) In addition to subsection (a) of this section,  
2 each district may engage in activities authorized under:

3  
4 (i) W.S. 18-8-301 subject to requirements and  
5 conditions specified therein;

6  
7 (ii) W.S. 35-2-1202(a) for the purpose of  
8 providing senior health care as defined in W.S.  
9 35-2-1201(b). This paragraph shall not be construed to  
10 authorize an increase to the district mill level beyond the  
11 limits established in W.S. 35-2-414.

12  
13 **35-2-424. Securities for acquiring and improving**  
14 **hospitals and related facilities; issuance authorized;**  
15 **lines of credit and tax and revenue anticipation notes.**

16  
17 (a) The trustees of a hospital district established  
18 pursuant to W.S. 35-2-401, are hereby authorized to issue  
19 revenue bonds, notes and warrants or other revenue  
20 securities, hereinafter referred to as securities, for the  
21 purpose of acquiring, erecting, constructing,  
22 reconstructing, improving, remodeling, furnishing and  
23 equipping hospitals and related facilities including any

1 facilities for senior health care as defined under W.S.  
2 35-2-1201(b), and acquiring a site or sites therefor, from  
3 time to time hereafter as the trustees may determine.

4

5 **35-2-426. Securities for acquiring hospitals and**  
6 **related facilities; not a general obligation of hospital**  
7 **district or trustees; payable from special fund.**

8

9 The securities to be issued hereunder shall not constitute  
10 a general obligation of the hospital district, nor of the  
11 trustees, but shall be payable solely from a special fund  
12 to contain the net revenue to be derived from the operation  
13 of the hospitals and related facilities including any  
14 facilities for senior health care as defined under W.S.  
15 35-2-1201(b), such revenues being defined as those  
16 remaining after paying the costs of operating and  
17 maintaining said facilities.

18

19 **35-2-428. Securities for acquiring hospitals and**  
20 **related facilities; obligation of trustees to holders; suit**  
21 **for default, misuse of funds.**

22

1 The obligation of the trustees to the holders of the  
2 securities shall be limited to applying the funds, as set  
3 forth above, to the payment of interest and principal on  
4 said securities, and the securities shall contain a  
5 provision to that effect. In the event of default in the  
6 payment of said securities or the interest thereon, and in  
7 the event that the trustees are misusing such funds or not  
8 using them as provided by this act and the resolution  
9 authorizing the securities, or in the event of any other  
10 breach of any protective covenant or other contractual  
11 limitation, then such holders, or any of them, may bring  
12 suit against the trustees in the district court of the  
13 county in which the hospital or any of its related  
14 facilities including any facilities for senior health care  
15 as defined under W.S. 35-2-1201(b), are located for the  
16 purpose of restraining the trustees from using such funds  
17 for any purpose other than the payment of the principal and  
18 interest on such securities in the manner provided, or for  
19 any other appropriate remedy.

20

21 **35-2-703. Body corporate; name and style; powers**  
22 **generally; rules and regulations of trustees.**

23

1           (a) Each district so established is a body corporate  
2 and shall be designated by the name of the .... rural  
3 health care district. The district name shall be entered  
4 upon the commissioners' records and shall be selected by  
5 the board of county commissioners of the county in which  
6 the greater area of land within the district is located. In  
7 the name so selected, the district through its governing  
8 board may:

9

10                   (ix) Engage in activities authorized under:

11

12                           (A) W.S. 18-8-301 subject to specified  
13 requirements and conditions;

14

15                           (B) W.S. 35-2-1202(a) for the purpose of  
16 providing senior health care as defined in W.S.  
17 35-2-1201(b). This paragraph shall not be construed to  
18 authorize an increase to the district mill level beyond the  
19 limits established in W.S. 35-2-708.

20

21                   **35-2-709. Bond issue.**

22

1           (a) The board of county commissioners at the request  
2 of the board of trustees of any rural health care district  
3 may submit to the electors of the district the question of  
4 whether the board of trustees shall be authorized to issue  
5 the bonds of the district in a certain amount, not to  
6 exceed two percent (2%) of the assessed value of the  
7 taxable property in the district, and bearing a certain  
8 rate of interest, not exceeding ten percent (10%) per  
9 annum, payable and redeemable at a certain time, not  
10 exceeding twenty-five (25) years, for the purchase of real  
11 property, for the construction or purchase of improvements  
12 and for equipment for rural health care purposes or senior  
13 health care purposes as defined in W.S. 35-2-1201(b). The  
14 question shall be submitted at an election called,  
15 conducted, canvassed and returned in the manner provided  
16 for bond elections by the Political Subdivision Bond  
17 Election Law, W.S. 22-21-101 through 22-21-112.

18

19           **35-2-710. Securities for acquiring and improving**  
20 **hospitals and related facilities; issuance authorized;**  
21 **lines of credit and tax and revenue anticipation notes.**

22

1 (a) The trustees of a rural health care district  
2 established pursuant to W.S. 35-2-701, are authorized to  
3 issue revenue bonds, notes and warrants or other revenue  
4 securities for the purpose of acquiring, erecting,  
5 constructing, reconstructing, improving, remodeling,  
6 furnishing and equipping hospitals and related facilities  
7 including facilities for senior health care as defined  
8 under W.S. 35-2-1201(b), and acquiring a site or sites as  
9 the trustees may determine.

10  
11 **35-2-712. Securities for acquiring hospitals and**  
12 **related facilities; not a general obligation of rural**  
13 **health care district or trustees; payable from special**  
14 **fund.**

15  
16 The securities issued pursuant to W.S. 35-2-711 through  
17 35-2-722 shall not constitute a general obligation of the  
18 rural health care district, nor of the trustees, but shall  
19 be payable solely from a special fund to contain the net  
20 revenue to be derived from the operation of the hospitals  
21 and related facilities including any facilities for senior  
22 health care as defined under W.S. 35-2-1201(b), the

1 revenues being defined as those remaining after paying the  
2 costs of operating and maintaining the facilities.

3

4 **39-13-104. Taxation rate.**

5

6 (e) There shall be annually levied and assessed upon  
7 the taxable value of property within the limits of the  
8 following special districts the following special district  
9 taxes when applicable:

10

11 (xiv) Not to exceed two (2) mills by a senior  
12 health care district as provided by W.S. 35-2-1203.

13

14 **Section 3.** This act is effective July 1, 2020.

15

16

(END)