

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

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

ARTICLE 12
SENIOR HEALTH CARE DISTRICTS

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

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

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

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

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

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

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

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

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

(A) Require the provider, if an organization or agency, to be incorporated under the laws

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

of this state as a nonprofit corporation prior to the receipt of any funds;

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

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

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

(a) The board of trustees of a senior health care district shall administer the finances of the district according to the provisions of the Uniform Municipal Fiscal Procedures Act, except that an annual audit in accordance with W.S. 16-4-121 is not required. Each senior health care special district shall comply with the provisions of W.S. 9-1-507(a)(iii).

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

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

35-2-1204. Applicability.

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

A senior health care district shall be operated, administered and is otherwise subject to the provisions that govern a rural health care district under Wyoming statutes, title 35, chapter 2, article 7, except W.S. 35-2-701, 35-2-705 and 35-2-708 shall not apply. W.S. 35-2-711 through 35-2-722 shall not apply to W.S. 35-2-1203. The question of approval of the issuance of bonds for senior health care purposes pursuant to W.S. 35-2-709(a) shall be submitted to electors only at a general election.

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

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

(a) Subject to the requirements of this section, any county memorial hospital, special hospital district established under W.S. 35-2-401 through 35-2-438, ~~and~~ rural health care district established under W.S. 35-2-701 through 35-2-709 and senior health care district established under W.S. 35-2-1201 through 35-2-1203 may, either within the county of its establishment or without, within this state or without:

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

(ii) With the approval and consent of:

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

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

(d) No county memorial hospital, special hospital district, ~~or~~ rural health care district or senior health care district shall exercise any authority granted by subsection (a) of this section in any Wyoming municipality in which a hospital currently exists unless and until that hospital has been given an opportunity to participate with the undertaking hospital, special hospital district, ~~or~~ rural health care district or senior health care district. This subsection shall not apply to any entity which is organized for the purpose of selling administrative services to health care providers.

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

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

(xiii) Senior health care districts;

~~(xiii)~~ (xiv) Other districts as specified by law.

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

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

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

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

(a) The trustees of a hospital district established pursuant to W.S. 35-2-401, are hereby authorized to issue revenue bonds, notes and warrants or other revenue securities, hereinafter referred to as securities, for the purpose of acquiring, erecting, constructing, reconstructing, improving, remodeling, furnishing and equipping hospitals and related facilities including any facilities for senior health care as defined under W.S. 35-2-1201(b), and acquiring a site or sites therefor, from time to time hereafter as the trustees may determine.

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

The securities to be issued hereunder shall not constitute a general obligation of the hospital district, nor of the trustees, but shall be payable solely from a special fund to contain the net revenue to be derived from the operation of the hospitals and related facilities including any

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

facilities for senior health care as defined under W.S. 35-2-1201(b), such revenues being defined as those remaining after paying the costs of operating and maintaining said facilities.

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

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

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

(a) Each district so established is a body corporate and shall be designated by the name of the rural health care district. The district name shall be entered upon the commissioners' records and shall be selected by

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

the board of county commissioners of the county in which the greater area of land within the district is located. In the name so selected, the district through its governing board may:

(ix) Engage in activities authorized under:

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

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

35-2-709. Bond issue.

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

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

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

The securities issued pursuant to W.S. 35-2-711 through 35-2-722 shall not constitute a general obligation of the rural health care district, nor of the trustees, but shall be payable solely from a special fund to contain the net revenue to be derived from the operation of the hospitals and related facilities including any facilities for senior health care as defined under W.S. 35-2-1201(b), the revenues being defined as those remaining after paying the costs of operating and maintaining the facilities.

39-13-104. Taxation rate.

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

ORIGINAL HOUSE
BILL NO. HB0062

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ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk