

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-five  
14 (65) years of age or suffers from a developmental  
15 disability as defined in W.S. 35-1-613(a)(ii) and is  
16 provided:

17

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

22

1           (ii) Through assisted living programs, skilled  
2 nursing facilities, nursing homes, residential care homes,  
3 home care services 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 assessor shall assess the property of each  
22 senior health care district.

23

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

10

11           **35-2-1204. Applicability.**

12

13 A senior health care district shall be operated,  
14 administered and is otherwise subject to the provisions  
15 that govern a rural health care district under Wyoming  
16 statutes, title 35, chapter 2, article 7, except W.S.  
17 35-2-701, 35-2-705 and 35-2-708 shall not apply. W.S.  
18 35-2-711 through 35-2-722 shall not apply to W.S.  
19 35-2-1203. The question of approval of the issuance of  
20 bonds for senior health care purposes pursuant to W.S.  
21 35-2-709(a) shall be submitted to electors only at a  
22 general election.

23

1           **Section 2.** W.S. 18-8-301(a)(intro), (c)(ii)(B), (C),  
2 by creating a new subparagraph (D) and (d), 22-29-103(a) by  
3 creating a new paragraph (xiii) and by renumbering (xiii)  
4 as (ix), 35-2-403(c), 35-2-424(a), 35-2-426, 35-2-428,  
5 35-2-703(a)(ix), 35-2-709(a), 35-2-710(a), 35-2-712 and  
6 39-13-104(e) by creating a new paragraph (xiv) are amended  
7 to read:

8

9           **18-8-301. Additional powers; requirements and**  
10 **conditions; approval by governing body.**

11

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

20

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

23

1 (ii) With the approval and consent of:

2

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

5

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

8

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

11

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

23

1           22-29-103. Applicability to special districts;  
2 general provisions.

3  
4           (a) This act applies to the following districts as  
5 specified in subsection (b) of this section:

6  
7                   (xiii) Senior health care districts;

8  
9                   ~~(xiii)~~(ix) Other districts as specified by law.

10  
11           35-2-403. Body corporate; name and style; powers  
12 generally; rules and regulations of trustees; definitions  
13 of certain terms.

14  
15           (c) In addition to subsection (a) of this section,  
16 each district may engage in activities authorized under:

17  
18                   (i) W.S. 18-8-301 subject to requirements and  
19 conditions specified therein;

20  
21                   (ii) W.S. 35-2-1202(a) for the purpose of  
22 providing senior health care as defined in W.S.  
23 35-2-1201(b). This paragraph shall not be construed to



1 authorize an increase to the district mill level beyond the  
2 limits established in W.S. 35-2-414.

3

4       **35-2-424. Securities for acquiring and improving**  
5 **hospitals and related facilities; issuance authorized;**  
6 **lines of credit and tax and revenue anticipation notes.**

7

8       (a) The trustees of a hospital district established  
9 pursuant to W.S. 35-2-401, are hereby authorized to issue  
10 revenue bonds, notes and warrants or other revenue  
11 securities, hereinafter referred to as securities, for the  
12 purpose of acquiring, erecting, constructing,  
13 reconstructing, improving, remodeling, furnishing and  
14 equipping hospitals and related facilities including any  
15 facilities for senior health care as defined under W.S.  
16 35-2-1201(b), and acquiring a site or sites therefor, from  
17 time to time hereafter as the trustees may determine.

18

19       **35-2-426. Securities for acquiring hospitals and**  
20 **related facilities; not a general obligation of hospital**  
21 **district or trustees; payable from special fund.**

22

1 The securities to be issued hereunder shall not constitute  
2 a general obligation of the hospital district, nor of the  
3 trustees, but shall be payable solely from a special fund  
4 to contain the net revenue to be derived from the operation  
5 of the hospitals and related facilities including any  
6 facilities for senior health care as defined under W.S.  
7 35-2-1201(b), such revenues being defined as those  
8 remaining after paying the costs of operating and  
9 maintaining said facilities.

10

11 **35-2-428. Securities for acquiring hospitals and**  
12 **related facilities; obligation of trustees to holders; suit**  
13 **for default, misuse of funds.**

14

15 The obligation of the trustees to the holders of the  
16 securities shall be limited to applying the funds, as set  
17 forth above, to the payment of interest and principal on  
18 said securities, and the securities shall contain a  
19 provision to that effect. In the event of default in the  
20 payment of said securities or the interest thereon, and in  
21 the event that the trustees are misusing such funds or not  
22 using them as provided by this act and the resolution  
23 authorizing the securities, or in the event of any other

1 breach of any protective covenant or other contractual  
2 limitation, then such holders, or any of them, may bring  
3 suit against the trustees in the district court of the  
4 county in which the hospital or any of its related  
5 facilities including senior health care facilities, are  
6 located for the purpose of restraining the trustees from  
7 using such funds for any purpose other than the payment of  
8 the principal and interest on such securities in the manner  
9 provided, or for any other appropriate remedy.

10

11 **35-2-703. Body corporate; name and style; powers**  
12 **generally; rules and regulations of trustees.**

13

14 (a) Each district so established is a body corporate  
15 and shall be designated by the name of the .... rural  
16 health care district. The district name shall be entered  
17 upon the commissioners' records and shall be selected by  
18 the board of county commissioners of the county in which  
19 the greater area of land within the district is located. In  
20 the name so selected, the district through its governing  
21 board may:

22

23 (ix) Engage in activities authorized under:

1

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

4

5           (B) W.S. 35-2-1202(a) for the purpose of  
6 providing senior health care as defined in W.S.  
7 35-2-1201(b). This paragraph shall not be construed to  
8 authorize an increase to the district mill level beyond the  
9 limits established in W.S. 35-2-708.

10

11           **35-2-709. Bond issue.**

12

13           (a) The board of county commissioners at the request  
14 of the board of trustees of any rural health care district  
15 may submit to the electors of the district the question of  
16 whether the board of trustees shall be authorized to issue  
17 the bonds of the district in a certain amount, not to  
18 exceed two percent (2%) of the assessed value of the  
19 taxable property in the district, and bearing a certain  
20 rate of interest, not exceeding ten percent (10%) per  
21 annum, payable and redeemable at a certain time, not  
22 exceeding twenty-five (25) years, for the purchase of real  
23 property, for the construction or purchase of improvements

1 and for equipment for rural health care purposes or senior  
2 health care purposes as defined in W.S. 35-2-1201(b). The  
3 question shall be submitted at an election called,  
4 conducted, canvassed and returned in the manner provided  
5 for bond elections by the Political Subdivision Bond  
6 Election Law, W.S. 22-21-101 through 22-21-112.

7

8       **35-2-710. Securities for acquiring and improving**  
9 **hospitals and related facilities; issuance authorized;**  
10 **lines of credit and tax and revenue anticipation notes.**

11

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

21

22       **35-2-712. Securities for acquiring hospitals and**  
23 **related facilities; not a general obligation of rural**

1 health care district or trustees; payable from special  
2 fund.

3

4 The securities issued pursuant to W.S. 35-2-711 through  
5 35-2-722 shall not constitute a general obligation of the  
6 rural health care district, nor of the trustees, but shall  
7 be payable solely from a special fund to contain the net  
8 revenue to be derived from the operation of the hospitals  
9 and related facilities including any facilities for senior  
10 health care as defined under W.S. 35-2-1201(b), the  
11 revenues being defined as those remaining after paying the  
12 costs of operating and maintaining the facilities.

13

14 **39-13-104. Taxation rate.**

15

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

20

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

23

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

2

3

(END)