

## HOUSE BILL NO. HB0181

Senior health care special districts.

Sponsored by: Representative(s) Barlow and Larsen and  
Senator(s) Baldwin and Schuler

A BILL

for

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

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

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13 **Section 1.** W.S. 35-2-1201 through 35-2-1203 are created  
14 to read:

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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:

(i) "Senior health care" includes care and services provided:

(A) 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 to a person who is sixty-five (65) years of age or more or to a person who suffers from a developmental disability as defined under W.S. 35-1-613(a)(ii);

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2 (B) Through assisted living programs,  
3 skilled nursing facilities, nursing homes, residential care  
4 homes, home care services and other related facilities;

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6 (C) As specified under W.S. 18-15-111(a).

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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 land  
16 within the district is located. In the name so selected, the  
17 district through its trustees may:

18

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

22

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

4

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

8

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

11

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

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16           **35-2-1203. Applicability.**

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18 A senior health care district shall be operated, administered  
19 and is otherwise subject to the provisions that govern a rural  
20 health care district under Wyoming statutes, title 35,  
21 chapter 2, article 7, except W.S. 35-2-701 and 35-2-705 shall  
22 not apply.

23

1           **Section 2.** W.S. 18-8-301(a)(intro), (c)(ii)(B), (C), by  
2 creating a new subparagraph (D) and (d), 22-29-103(a) by  
3 creating a new paragraph (xiii) and by renumbering (xiii) as  
4 (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) and 35-2-712 are  
6 amended to read:

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

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11           (a) Subject to the requirements of this section, any  
12 county memorial hospital, special hospital district  
13 established under W.S. 35-2-401 through 35-2-438, ~~and~~ rural  
14 health care district established under W.S. 35-2-701 through  
15 35-2-709 and senior health care district established under  
16 W.S. 35-2-1201 through 35-2-1206 may, either within the  
17 county of its establishment or without, within this state or  
18 without:

19

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

22

23           (ii) With the approval and consent of:

1

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

4

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

7

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

10

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

22

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

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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.

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

14  
15           (c) In addition to subsection (a) of this section, each  
16 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. 35-2-1201(b).

23

1           **35-2-424. Securities for acquiring and improving**  
2 **hospitals and related facilities; issuance authorized; lines**  
3 **of credit and tax and revenue anticipation notes.**

4  
5           (a) The trustees of a hospital district established  
6 pursuant to W.S. 35-2-401, are hereby authorized to issue  
7 revenue bonds, notes and warrants or other revenue  
8 securities, hereinafter referred to as securities, for the  
9 purpose of acquiring, erecting, constructing, reconstructing,  
10 improving, remodeling, furnishing and equipping hospitals and  
11 related facilities including any senior health care  
12 facilities as provided under W.S. 35-2-1207, and acquiring a  
13 site or sites therefor, from time to time hereafter as the  
14 trustees may determine.

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16           **35-2-426. Securities for acquiring hospitals and**  
17 **related facilities; not a general obligation of hospital**  
18 **district or trustees; payable from special fund.**

19  
20 The securities to be issued hereunder shall not constitute a  
21 general obligation of the hospital district, nor of the  
22 trustees, but shall be payable solely from a special fund to  
23 contain the net revenue to be derived from the operation of



1 the hospitals and related facilities including any senior  
2 health care facilities as provided under W.S. 35-2-1201(b),  
3 such revenues being defined as those remaining after paying  
4 the costs of operating and maintaining said facilities.

5

6 **35-2-428. Securities for acquiring hospitals and**  
7 **related facilities; obligation of trustees to holders; suit**  
8 **for default, misuse of funds.**

9

10 The obligation of the trustees to the holders of the  
11 securities shall be limited to applying the funds, as set  
12 forth above, to the payment of interest and principal on said  
13 securities, and the securities shall contain a provision to  
14 that effect. In the event of default in the payment of said  
15 securities or the interest thereon, and in the event that the  
16 trustees are misusing such funds or not using them as provided  
17 by this act and the resolution authorizing the securities, or  
18 in the event of any other breach of any protective covenant  
19 or other contractual limitation, then such holders, or any of  
20 them, may bring suit against the trustees in the district  
21 court of the county in which the hospital or any of its  
22 related facilities including senior health care facilities,  
23 are located for the purpose of restraining the trustees from

1 using such funds for any purpose other than the payment of  
2 the principal and interest on such securities in the manner  
3 provided, or for any other appropriate remedy.

4

5 **35-2-703. Body corporate; name and style; powers**  
6 **generally; rules and regulations of trustees.**

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8 (a) Each district so established is a body corporate  
9 and shall be designated by the name of the .... rural health  
10 care district. The district name shall be entered upon the  
11 commissioners' records and shall be selected by the board of  
12 county commissioners of the county in which the greater area  
13 of land within the district is located. In the name so  
14 selected, the district through its governing board may:

15

16 (ix) Engage in activities authorized under:

17

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

20

21 (B) W.S. 35-2-1202(a) for the purpose of  
22 providing senior health care as defined in W.S. 35-2-1201(b).

23

1           **35-2-709. Bond issue.**

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3           (a) The board of county commissioners at the request of  
4 the board of trustees of any rural health care district may  
5 submit to the electors of the district the question of whether  
6 the board of trustees shall be authorized to issue the bonds  
7 of the district in a certain amount, not to exceed two percent  
8 (2%) of the assessed value of the taxable property in the  
9 district, and bearing a certain rate of interest, not  
10 exceeding ten percent (10%) per annum, payable and redeemable  
11 at a certain time, not exceeding twenty-five (25) years, for  
12 the purchase of real property, for the construction or  
13 purchase of improvements and for equipment for rural health  
14 care purposes or senior health care purposes as defined in  
15 W.S. 35-2-1201(b). The question shall be submitted at an  
16 election called, conducted, canvassed and returned in the  
17 manner provided for bond elections by the Political  
18 Subdivision Bond Election Law, W.S. 22-21-101 through  
19 22-21-112.

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

1

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

11

12 **35-2-712. Securities for acquiring hospitals and**  
13 **related facilities; not a general obligation of rural health**  
14 **care district or trustees; payable from special 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 be  
19 payable solely from a special fund to contain the net revenue  
20 to be derived from the operation of the hospitals and related  
21 facilities including any senior health care facilities as  
22 provided under W.S. 35-2-1201(b), the revenues being defined

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

3

4 **Section 3.** This act is effective July 1, 2019.

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6

(END)