

ORIGINAL HOUSE  
BILL NO. 0113

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

AN ACT relating to public health; extending the critical access/rural hospital endowment challenge program; amending qualifications for receipt of funds; providing for segregation and specified use of a portion of existing funds; modifying reversion dates; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 35-1-1002(a)(iii)(A), (B) and by creating a new paragraph (vi), 35-1-1003 and 35-1-1004(a), (h) and by creating a new subsection (k) are amended to read:

**35-1-1002. Definitions.**

(a) As used in this article:

(iii) "Endowment gift" means an irrevocable gift or transfer to a Wyoming critical access or rural hospital foundation of money or other property, whether real, personal, tangible or intangible, and whether or not the donor or transferor retains an interest in the property, where the gift or the foundation's interest in the property is required to be used by the foundation exclusively for endowment purposes, provided:

(A) The gift was received or the transfer occurred during the period July 1, 2007, through June 30, ~~2012~~2014; or

(B) A commitment to make the gift or transfer was made in writing to the respective critical access or rural hospital foundation, which commitment was received during the period July 1, 2007, through June 30,

ORIGINAL HOUSE  
BILL NO. 0113

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

~~2012—2014~~, and the gift was received or the transfer occurred not later than June 30, ~~2013—2015~~.

(vi) "Unobligated," for purposes of W.S. 35-1-1003(b) and (d), means no commitment meeting the requirements of subparagraph (iii)(B) of this subsection was received prior to June 30, 2012.

**35-1-1003. Wyoming critical access or rural hospital endowment challenge account.**

(a) The Wyoming critical access or rural hospital endowment challenge account is created and, until June 30, 2013, shall consist of separate accounts, one (1) account for each Wyoming critical access or rural hospital.

(b) On June 30, 2012, from amounts which are within the challenge account, or as necessary within separate accounts which are unobligated, one million five hundred thousand dollars (\$1,500,000.00) shall be segregated within the endowment challenge account for distribution as provided in W.S. 35-1-1004(k).

~~(b)~~(c) The state treasurer shall invest funds within the account created under subsection (a) of this section and shall deposit the earnings from account investments to the general fund.

(d) Any unexpended and unobligated funds in excess of one million five hundred thousand dollars (\$1,500,000.00) from the amount appropriated to the separate accounts within the challenge account shall revert to the budget reserve account on June 30, 2012. Any unexpended funds remaining in the separate accounts within the challenge account shall revert to the budget reserve account on June 30, 2013. Of the one million five hundred thousand dollars

ORIGINAL HOUSE  
BILL NO. 0113

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

(\$1,500,000.00) segregated in the challenge account pursuant to subsection (b) of this section, any remaining funds in the account shall revert to the budget reserve account on June 30, 2015.

**35-1-1004. Endowment challenge account matching program; matching payments; agreements with foundations; annual reports.**

(a) Until June 30, 2012, funds within the challenge account shall be expended as provided in this subsection. Funds within a separate account which are obligated for commitments made prior to July 1, 2012 shall remain in the separate account to fulfill the obligation in accordance with this subsection until June 30, 2013. From and after July 1, 2012 funds in the challenge account shall be expended as provided in subsection (k) of this section. To the extent funds are available in the separate account of any critical access or rural hospital within the endowment challenge account, the state treasurer shall match endowment gifts actually received by that critical access or rural hospital's foundation. A match shall be paid under this subsection by the state treasurer at the time any accumulated amounts actually received by a critical access or rural hospital foundation total ten thousand dollars (\$10,000.00) or more. The match shall be made by transferring from the separate challenge account to the appropriate critical access or rural hospital board of trustees an amount equal to the amount accumulated by the foundation or, if the critical access or rural hospital was eligible to receive revenues from any tax imposed under W.S. 35-2-414(b) and (c) and a tax was not levied or was levied pursuant to one (1) but not both of those subsections, an amount equal to fifty percent (50%) of the amount accumulated by the foundation. The board shall immediately transfer all matching funds received to its

ORIGINAL HOUSE  
BILL NO. 0113

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

foundation. The critical access or rural hospital foundation shall match the funds received under this subsection with an equal amount of foundation funds to be managed in accordance with subsection (b) of this section.

(h) Each critical access or rural hospital shall on or before October 1 of each year submit a report to the state treasurer from its foundation on the endowment matching program under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from endowment program expenditures. The report required under this subsection shall be for each applicable fiscal year through June 30, ~~2014~~2015.

(k) From and after July 1, 2012, to the extent a critical access or rural hospital has not received matching funds under this article totaling at least two hundred fifty thousand dollars (\$250,000.00), and to the extent funds segregated under W.S. 35-1-1003(b) are available in the challenge account, the state treasurer shall match endowment gifts actually received by that critical access or rural hospital's foundation. A match shall be paid under this subsection by the state treasurer at the time any accumulated amounts actually received by a critical access or rural hospital foundation total ten thousand dollars (\$10,000.00) or more. The match shall be made by transferring from the challenge account to the appropriate critical access or rural hospital board of trustees an amount equal to the amount accumulated by the foundation or, if the critical access or rural hospital was eligible to receive revenues from any tax imposed under W.S. 35-2-414(b) and a tax was not levied pursuant to that subsection, an amount equal to fifty percent (50%) of the amount accumulated by the foundation. The board shall immediately transfer all matching funds received to its

ORIGINAL HOUSE  
BILL NO. 0113

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

foundation. The critical access or rural hospital foundation shall match the funds received under this subsection with an equal amount of foundation funds to be managed in accordance with subsection (b) of this section.

**Section 2.** 2007 Wyoming Session Laws, Chapter 217, Section 2(a) is amended to read:

**Section 2.**

(a) Four million dollars (\$4,000,000.00) is appropriated from the general fund to the critical access or rural hospital endowment challenge account as created under section 1 of this act. Of this appropriation, not more than two million dollars (\$2,000,000.00) shall be transferred to the challenge account as necessary during the fiscal period beginning July 1, 2007 and ending June 30, 2008. The remaining funds shall be transferred to the challenge account as necessary during the fiscal period beginning July 1, 2008 and ending June 30, 2009. Notwithstanding any other provision of law, any unexpended funds in excess of one million five hundred thousand dollars (\$1,500,000.00) from the amount appropriated under this subsection shall revert to the budget reserve account on ~~July 1, 2013~~ June 30, 2012. Any remaining funds in the account shall revert to the budget reserve account on June 30, 2015.

**Section 3.** 2007 Wyoming Session Laws, Chapter 217, Section 2(b) is repealed.

ORIGINAL HOUSE  
BILL NO. 0113

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

**Section 4.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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