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HOUSE BILL 1280

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Springer, Rodne, Takko, and Smith

Read first time 01/18/11. Referred to Committee on Local Government.

1            AN ACT Relating to public health district authority as it relates  
2 to gifts, grants, conveyances, bequests, and devises of real or  
3 personal property; and amending RCW 70.44.060.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 70.44.060 and 2010 c 95 s 1 are each amended to read  
6 as follows:

7            All public hospital districts organized under the provisions of  
8 this chapter shall have power:

9            (1) To make a survey of existing hospital and other health care  
10 facilities within and without such district.

11            (2) To construct, condemn and purchase, purchase, acquire, lease,  
12 add to, maintain, operate, develop and regulate, sell and convey all  
13 lands, property, property rights, equipment, hospital and other health  
14 care facilities and systems for the maintenance of hospitals,  
15 buildings, structures, and any and all other facilities, and to  
16 exercise the right of eminent domain to effectuate the foregoing  
17 purposes or for the acquisition and damaging of the same or property of  
18 any kind appurtenant thereto, and such right of eminent domain shall be  
19 exercised and instituted pursuant to a resolution of the commission and

1 conducted in the same manner and by the same procedure as in or may be  
2 provided by law for the exercise of the power of eminent domain by  
3 incorporated cities and towns of the state of Washington in the  
4 acquisition of property rights: PROVIDED, That no public hospital  
5 district shall have the right of eminent domain and the power of  
6 condemnation against any health care facility.

7 (3) To lease existing hospital and other health care facilities and  
8 equipment and/or other property used in connection therewith, including  
9 ambulances, and to pay such rental therefor as the commissioners shall  
10 deem proper; to provide hospital and other health care services for  
11 residents of said district by facilities located outside the boundaries  
12 of said district, by contract or in any other manner said commissioners  
13 may deem expedient or necessary under the existing conditions; and said  
14 hospital district shall have the power to contract with other  
15 communities, corporations, or individuals for the services provided by  
16 said hospital district; and they may further receive in said hospitals  
17 and other health care facilities and furnish proper and adequate  
18 services to all persons not residents of said district at such  
19 reasonable and fair compensation as may be considered proper:  
20 PROVIDED, That it must at all times make adequate provision for the  
21 needs of the district and residents of said district shall have prior  
22 rights to the available hospital and other health care facilities of  
23 said district, at rates set by the district commissioners.

24 (4) For the purpose aforesaid, it shall be lawful for any district  
25 so organized to take, condemn and purchase, lease, or acquire, any and  
26 all property, and property rights, including state and county lands,  
27 for any of the purposes aforesaid, and any and all other facilities  
28 necessary or convenient, and in connection with the construction,  
29 maintenance, and operation of any such hospitals and other health care  
30 facilities, subject, however, to the applicable limitations provided in  
31 subsection (2) of this section.

32 (5) To contract indebtedness or borrow money for corporate purposes  
33 on the credit of the corporation or the revenues of the hospitals  
34 thereof, and the revenues of any other facilities or services that the  
35 district is or hereafter may be authorized by law to provide, and to  
36 issue and sell: (a) Revenue bonds, revenue warrants, or other revenue  
37 obligations therefor payable solely out of a special fund or funds into  
38 which the district may pledge such amount of the revenues of the

1 hospitals thereof, and the revenues of any other facilities or services  
2 that the district is or hereafter may be authorized by law to provide,  
3 to pay the same as the commissioners of the district may determine,  
4 such revenue bonds, warrants, or other obligations to be issued and  
5 sold in the same manner and subject to the same provisions as provided  
6 for the issuance of revenue bonds, warrants, or other obligations by  
7 cities or towns under the municipal revenue bond act, chapter 35.41  
8 RCW, as may hereafter be amended; (b) general obligation bonds therefor  
9 in the manner and form as provided in RCW 70.44.110 and 70.44.130, as  
10 may hereafter be amended; or (c) interest-bearing warrants to be drawn  
11 on a fund pending deposit in such fund of money sufficient to redeem  
12 such warrants and to be issued and paid in such manner and upon such  
13 terms and conditions as the board of commissioners may deem to be in  
14 the best interest of the district; and to assign or sell hospital  
15 accounts receivable, and accounts receivable for the use of other  
16 facilities or services that the district is or hereafter may be  
17 authorized by law to provide, for collection with or without recourse.  
18 General obligation bonds shall be issued and sold in accordance with  
19 chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue  
20 obligations may be issued and sold in accordance with chapter 39.46  
21 RCW. In connection with the issuance of bonds, a public hospital  
22 district is, in addition to its other powers, authorized to grant a  
23 lien on any or all of its property, whether then owned or thereafter  
24 acquired, including the revenues and receipts from the property,  
25 pursuant to a mortgage, deed of trust, security agreement, or any other  
26 security instrument now or hereafter authorized by applicable law:  
27 PROVIDED, That such bonds are issued in connection with a federal  
28 program providing mortgage insurance, including but not limited to the  
29 mortgage insurance programs administered by the United States  
30 department of housing and urban development pursuant to sections 232,  
31 241, and 242 of Title II of the national housing act, as amended.

32 (6) To raise revenue by the levy of an annual tax on all taxable  
33 property within such public hospital district not to exceed fifty cents  
34 per thousand dollars of assessed value, and an additional annual tax on  
35 all taxable property within such public hospital district not to exceed  
36 twenty-five cents per thousand dollars of assessed value, or such  
37 further amount as has been or shall be authorized by a vote of the  
38 people. Although public hospital districts are authorized to impose

1 two separate regular property tax levies, the levies shall be  
2 considered to be a single levy for purposes of the limitation provided  
3 for in chapter 84.55 RCW. Public hospital districts are authorized to  
4 levy such a general tax in excess of their regular property taxes when  
5 authorized so to do at a special election conducted in accordance with  
6 and subject to all of the requirements of the Constitution and the laws  
7 of the state of Washington now in force or hereafter enacted governing  
8 the limitation of tax levies. The said board of district commissioners  
9 is authorized and empowered to call a special election for the purpose  
10 of submitting to the qualified voters of the hospital district a  
11 proposition or propositions to levy taxes in excess of its regular  
12 property taxes. The superintendent shall prepare a proposed budget of  
13 the contemplated financial transactions for the ensuing year and file  
14 the same in the records of the commission on or before the first day of  
15 November. Notice of the filing of said proposed budget and the date  
16 and place of hearing on the same shall be published for at least two  
17 consecutive weeks, at least one time each week, in a newspaper printed  
18 and of general circulation in said county. On or before the fifteenth  
19 day of November the commission shall hold a public hearing on said  
20 proposed budget at which any taxpayer may appear and be heard against  
21 the whole or any part of the proposed budget. Upon the conclusion of  
22 said hearing, the commission shall, by resolution, adopt the budget as  
23 finally determined and fix the final amount of expenditures for the  
24 ensuing year. Taxes levied by the commission shall be certified to and  
25 collected by the proper county officer of the county in which such  
26 public hospital district is located in the same manner as is or may be  
27 provided by law for the certification and collection of port district  
28 taxes. The commission is authorized, prior to the receipt of taxes  
29 raised by levy, to borrow money or issue warrants of the district in  
30 anticipation of the revenue to be derived by such district from the  
31 levy of taxes for the purpose of such district, and such warrants shall  
32 be redeemed from the first money available from such taxes when  
33 collected, and such warrants shall not exceed the anticipated revenues  
34 of one year, and shall bear interest at a rate or rates as authorized  
35 by the commission.

36 (7) To enter into any contract with the United States government or  
37 any state, municipality, or other hospital district, or any department

1 of those governing bodies, for carrying out any of the powers  
2 authorized by this chapter.

3 (8) To sue and be sued in any court of competent jurisdiction:  
4 PROVIDED, That all suits against the public hospital district shall be  
5 brought in the county in which the public hospital district is located.

6 (9) To pay actual necessary travel expenses and living expenses  
7 incurred while in travel status for (a) qualified physicians or other  
8 health care practitioners who are candidates for medical staff  
9 positions, and (b) other qualified persons who are candidates for  
10 superintendent or other managerial and technical positions, which  
11 expenses may include expenses incurred by family members accompanying  
12 the candidate, when the district finds that hospitals or other health  
13 care facilities owned and operated by it are not adequately staffed and  
14 determines that personal interviews with said candidates to be held in  
15 the district are necessary or desirable for the adequate staffing of  
16 said facilities.

17 (10) To employ superintendents, attorneys, and other technical or  
18 professional assistants and all other employees; to make all contracts  
19 useful or necessary to carry out the provisions of this chapter,  
20 including, but not limited to, (a) contracts with private or public  
21 institutions for employee retirement programs, and (b) contracts with  
22 current or prospective employees, physicians, or other health care  
23 practitioners providing for the payment or reimbursement by the public  
24 hospital district of health care training or education expenses,  
25 including but not limited to debt obligations, incurred by current or  
26 prospective employees, physicians, or other health care practitioners  
27 in return for their agreement to provide services beneficial to the  
28 public hospital district; to print and publish information or  
29 literature; and to do all other things necessary to carry out the  
30 provisions of this chapter.

31 (11) To solicit and accept gifts, grants, conveyances, bequests,  
32 and devises of real or personal property, or both, in trust or  
33 otherwise, and to sell, lease, exchange, invest, or expend gifts or the  
34 proceeds, rents, profits, and income therefrom, and to enter into  
35 contracts with for-profit or nonprofit organizations to support the  
36 purposes of this subsection, including, but not limited to, contracts

1 providing for the use of district facilities, property, personnel, or  
2 services.

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