

CHAPTER 126

HEALTH AND ENVIRONMENT

HOUSE BILL 97-1116

BY REPRESENTATIVE Swenson;
also SENATOR Hopper.

AN ACT

CONCERNING PARTICIPATION IN FINANCING ON BEHALF OF MULTISTATE HEALTH INSTITUTIONS THROUGH THE "COLORADO HEALTH FACILITIES AUTHORITY ACT".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-25-102, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-25-102. Legislative declaration. The general assembly hereby finds and declares that, for the benefit of the people of the state of Colorado and the improvement of their health, welfare, and living conditions, it is essential that the people of this state have adequate medical care and health facilities; THAT IT IS IMPORTANT THAT MEDICAL CARE AND HEALTH FACILITIES ARE MADE READILY AVAILABLE BY NETWORKS AND ORGANIZATIONS OF HEALTH INSTITUTIONS, WHETHER SUCH NETWORKS AND ORGANIZATIONS ARE LOCATED WITHIN THE STATE OF COLORADO OR HAVE FACILITIES LOCATED BOTH WITHIN AND OUTSIDE THE STATE OF COLORADO; THAT IT IS A BENEFIT TO THE PEOPLE OF THE STATE OF COLORADO TO SERVE SUCH MULTISTATE INSTITUTIONS IN THAT HEALTH CARE-RELATED EMPLOYMENT OPPORTUNITIES WILL BE CREATED THEREBY; that it is essential that health institutions WITH HEALTH FACILITIES OR HEADQUARTERS within the state be provided with appropriate additional means to assist in the development and maintenance of public health, health care, hospitals, and related facilities WHEREVER SUCH INSTITUTIONS ARE LOCATED IN ORDER THAT MORE ADEQUATE MEDICAL CARE AND HEALTH FACILITIES CAN BE PROVIDED BY SUCH HEALTH INSTITUTIONS TO THE PEOPLE OF THE STATE OF COLORADO; that it is the purpose of this article to provide a measure of assistance to enable health institutions in the state to refund or refinance

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

outstanding indebtedness incurred for health facilities and to provide additional facilities and structures which are greatly needed to accomplish the purposes of this article; THAT THE EXEMPTION FROM ALL TAXATION AND ASSESSMENTS IN THE STATE OF COLORADO OF BONDS AND NOTES ISSUED PURSUANT TO THE PROVISIONS OF THIS ARTICLE BENEFIT ONLY THE RESIDENTS OF THE STATE OF COLORADO; all to the public benefit and good as provided in this article. It is the intent of the general assembly to create the Colorado health facilities authority to lend money to health institutions and to authorize the authority to acquire, construct, reconstruct, repair, alter, improve, extend, own, lease, and dispose of properties to the end that the authority may be able to promote the health and welfare of the people of this state, TO DEVELOP HEALTH CARE-RELATED EMPLOYMENT OPPORTUNITIES FOR THE PEOPLE OF THIS STATE, and to vest such authority with powers to enable such authority to accomplish such purpose; however, it is not the intent of the general assembly to authorize the authority to operate any such health facility. This article shall be liberally construed to accomplish the intentions expressed in this section.

SECTION 2. 25-25-103 (6) (a) and (7) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-25-103. Definitions. As used in this article, unless the context otherwise requires:

(6) (a) "Health facility" or "facility", in the case of a participating health institution, means any structure or building, WHETHER SUCH STRUCTURE OR BUILDING IS LOCATED WITHIN THE STATE OR WHETHER SUCH STRUCTURE OR BUILDING IS LOCATED OUTSIDE THE STATE IF AN OUT-OF-STATE HEALTH INSTITUTION THAT OPERATES SUCH STRUCTURE OR BUILDING, OR AN AFFILIATE OF SUCH INSTITUTION, ALSO OPERATES A HEALTH FACILITY WITHIN THIS STATE, suitable for use as a hospital, clinic, nursing home, home for the aged or infirm, or other health care facility; laboratory; pharmacy; laundry; nurses', doctors', or interns' residences; administration building; research facility; maintenance, storage, or utility facility; auditorium; dining hall; food service and preparation facility; mental or physical health care facility; dental care facility; nursing school; medical or dental teaching facility; mental or physical health facilities related to any such structure or facility; or any other structure or facility required or useful for the operation of a health institution, including but not limited to offices, parking lots and garages, and other supporting service structures; and any equipment, furnishings, appurtenances, or other assets, tangible or intangible, including but not limited to assets related to the medical practice of a health care professional, that are necessary or useful in the development, establishment, or operation of a participating health institution; and the acquisition, preparation, and development of all real and personal property necessary or convenient as a site or sites for any such structure or facility.

(7) (a) "Health institution" means any limited liability company controlled directly or indirectly by one or more nonprofit entities, any private nonprofit hospital, corporation, association, or institution, or any public hospital or institution authorized or permitted by law, whether directly or indirectly through one or more affiliates, to provide or operate health facilities in this state OR OUTSIDE THIS STATE IF SUCH ENTITY, OR AN AFFILIATE OF SUCH ENTITY, ALSO OPERATES AND IS ENGAGED IN A FINANCING OR REFINANCING ON BEHALF OF A HEALTH FACILITY WITHIN THIS STATE, and also means any cooperative hospital service organization which is described in

section 501 (e) of the "Internal Revenue Code of 1986", as amended, or any similar corporation, whether or not such corporation is exempt from federal income taxation pursuant to said section 501 (e). "Health institution" also includes any network of health care providers, however organized; any integrated health care delivery system; any joint venture or partnership between or among health care providers; any health care purchasing alliance; any health insurers and third-party administrators that are participants in a system, network, joint venture, or partnership that provides health services; any organization that, as its primary purpose, provides supporting services to one or more health institutions; ANY HEALTH CARE PROVIDER OR SUCH OTHER HEALTH CARE-RELATED ORGANIZATION, OR AN AFFILIATE OF SUCH ORGANIZATION, WHOSE REGIONAL OR NATIONAL HEADQUARTERS ARE LOCATED IN THIS STATE; provided that such network, system, joint venture, partnership, alliance, PROVIDER, or organization is a nonprofit entity or is controlled by one or more nonprofit entities.

SECTION 3. 25-25-107 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

25-25-107. General powers of the authority. (1) In addition to any other powers granted to the authority by this article, the authority shall have the following powers:

(r) TO ASSIST, COORDINATE, AND PARTICIPATE WITH OTHER ISSUERS OF TAX-EXEMPT BONDS AND PUBLIC OFFICIALS IN OTHER STATES IN CONNECTION WITH FINANCING ON BEHALF OF A MULTISTATE HEALTH INSTITUTION;

(s) IN CONNECTION WITH FINANCING ON BEHALF OF A MULTISTATE HEALTH INSTITUTION:

(I) TO DETERMINE OR AGREE UPON WHO WILL BE ASSISTING, COORDINATING, OR PARTICIPATING ISSUERS OF TAX-EXEMPT BONDS IN OTHER STATES;

(II) TO DETERMINE OR AGREE UPON WHAT THE TERMS OR CONDITIONS OF THE FINANCING WILL BE WITH ASSISTING, COORDINATING, OR PARTICIPATING ISSUERS OF TAX-EXEMPT BONDS IN OTHER STATES; AND

(III) TO CHARGE FEES TO, APPORTION FEES AMONG, OR AGREE UPON FEES WITH ASSISTING, COORDINATING, OR PARTICIPATING ISSUERS OF TAX-EXEMPT BONDS IN OTHER STATES.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 24, 1997