

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin Littlejohn at
Chairperson

1:30 a.m./p.m. on JANUARY 27, 1983 in room 423-S of the Capitol.

All members were present except: Representative Helgerson, Excused

Committee staff present: Emalene Correll, Legislative Research Department
Bill Wolff, Legislative Research Department
Bruce Hurd, Revisor's Office
Sue Hill, Secy. to Committee

Conferees appearing before the committee:

Visitor's register, (See Attachment No. 1.)

Chairman called meeting to order.

Discussion on HB 2002, and HB 2003 takes place today.

Committee will direct their attention to Sec. 5., page 4, and suggestions were offered for clarification of these items that have been a problem for some groups testifying on this bill.

Chair and Staff read from their notes on some language editing to committee and after hearing this and discussion, it was agreed that the theory is trying to give the County commissioners as much lee-way as possible.

Avis Swartzman the revisor for Interim was in committee and answered questions of committee members in relation to concerns with Sec. 5.

It is the consensus of the committee to leave Sec. 5. as it presently is written.

Discussion on Sec. 7.(c), Budget section was discussed.

Chair read a possible revision by line changes. Then read how the corrected version would read.

Motion by Rep. Green, and seconded by Rep. Walker to ask staff for a balloon of this for discussion on Tuesday, February 1, 1983. Motion carried.

Sec. 27. was discussed in regard to making the bill non-uniform if left in.

Motion by Rep. King, seconded by Rep. Green to strike all of Sec. 27., and remember Sec. 28, and Sec. 29. and that a new bill be drafted to amend K.S.A. 1982 Supp. 79-1947 as set out in Sec. 27. Motion carried.

Committee attention was then directed to discussion of HB 2003. The balloon committee requested of Mr. Stollard's presentation on Sec. 3. was passed out. (Attachment No. 2.)

Discussion of this included comments by Ms. Swartzman regarding the Interim committee's discussion and action.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 1:30 a.m./p.m. on January 27, 1983

The entire section was again reviewed by Staff.

Motion by Rep. Spaniol and seconded by Rep. Wagnon to leave Sec. 3. in HB 2003 in it's present form. Motion carried on voice vote. Abstaining were: Rep. Friedeman, Rep. Niles, Rep. Branson, Rep. Harder, and Rep. Cribbs.

Discussion then reverted back to HB 2002, regarding protest petition for Revenue Bond section.

Rep. Spaniol made conceptional motion that Staff provide such an amendment, and motion was seconded by Rep. Kline. Motion carried.

Discussion on HB 2003, page 16, Sec. 20. (2), in regard to increasing the \$5,000 to \$10,000 sale by board. Motion was made by Rep. Friedeman and seconded by Rep. Spaniol to amend Sec. 20, line 569 to strike \$5,000, and insert \$10,000. Line 572, strike \$5,000 and insert \$10,000. Further discussion held, then motion carried.

Final discussion of possible action was scheduled for Monday, January 31, however because several members would not be present, this has been rescheduled for Tuesday, February 1, 1983.

Meeting adjourned at 3:06 p.m.

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amended

0048 acquired through the issuance of bonds, the levy of taxes, the
 0049 receipt of grants, donations, gifts, bequests, interest earned on
 0050 investments authorized by this act and state or federal aid and
 0051 from fees and charges for use of and services provided by the
 0052 hospital;

0053 (d) "existing hospital" means a hospital established under the
 0054 provisions of article 21 of chapter 80 of Kansas Statutes Anno-
 0055 tated prior to the effective date of this act and being maintained
 0056 and operated on the effective date of this act;

0057 (e) "political subdivision" means a township, a city or a
 0058 hospital district established under the provisions of article 21 of
 0059 chapter 80 of Kansas Statutes Annotated prior to the effective date
 0060 of this act or established under this act;

0061 (f) "qualified elector" means any person who has been a bona
 0062 fide resident within the territory included in the taxing district of
 0063 a hospital for 30 days prior to the date of any annual meeting or
 0064 election provided for in this act and who possesses the qualifica-
 0065 tions of an elector provided for in the laws governing general
 0066 elections.

0067 Sec. 2. (a) Any existing hospital district and any existing
 0068 hospital established under the laws of this state prior to the
 0069 effective date of this act are hereby continued in existence and
 0070 shall be governed in accordance with the provisions of this act,
 0071 and any existing board shall be deemed to be the board for
 0072 purposes of this act unless and until a new board is selected in
 0073 accordance with the provisions of this act.

0074 (b) This act shall not affect any judicial proceeding pending
 0075 or any contract, tax levy, bond issuance or other legal obligation
 0076 existing on the effective date of this act.

0077 Sec. 3. (a) Any two or more adjoining political subdivisions
 0078 are hereby authorized to join in the establishment of a hospital
 0079 district and in the acquisition, construction or reconstruction,
 0080 improvement, enlargement, remodeling or repairing of a hospital
 0081 within such hospital district and in the operation and mainte-
 0082 nance of any such hospital.

0083 (b) Upon the presentation to the board of commissioners of
 0084 the county in which such political subdivisions, or the greater

RECOMMENDATION CONCERNING House Bill 2003 BEFORE THE PUBLIC HEALTH AND
 WELFARE COMMITTEE: BY THE COMMUNITY HOSPITAL # 1 BOARD OF DIRECTORS,
 MR. HAL FALKENSTEIN, CHAIRMAN OF THE BOARD, ONAGA, KANSAS; JOSEPH ENGLEKEN,
 ADMINISTRATOR, AND MR. WAYNE STALLARD, ATTORNEY.

RECOMMENDATIONS:

Section 3 should contain:

"No territory shall be included within the boundaries of a hospital
 district created hereunder which territory is in any other hospital
 district. No territory included within the boundaries of a hospital
 created hereunder shall thereafter be included within the boundaries
 of any other hospital district or county hospital as provided in
 Chapter 19 of K.S.A."

(Attachment
 No. 2.)

0085 portion of the area thereof, are located, of a petition setting forth
0086 the boundaries of the proposed hospital district and requesting
0087 the formation of such hospital district signed by not less than
0088 51% of the persons who will become qualified electors of the
0089 proposed district upon its establishment and who reside within
0090 the limits of each political subdivision proposing to join in the
0091 establishment of the hospital district, the sufficiency of such
0092 petitions to be determined by an enumeration taken and verified
0093 for this purpose by some person who will become a qualified
0094 elector of the proposed district, it shall be the duty of the board of
0095 county commissioners, at its next regular meeting, to examine the
0096 petition. If the board of county commissioners finds that the
0097 petition is regular and in due form as is provided in this section,
0098 such board shall enter an order in its proceedings establishing the
0099 hospital district. If any political subdivision within the area of
0100 the proposed district owns and is operating a hospital at the time
0101 the petitions are filed, the petitions shall be accompanied by a
0102 copy of a resolution adopted by the governing body of the
0103 political subdivision within such district which owns the hospi-
0104 tal, which resolution shall state that the political subdivision
0105 agrees to convey the hospital together with all the hospital
0106 equipment and the tract of land upon which the hospital is
0107 located to and for the use of the proposed hospital district. The
0108 governing body of the political subdivision is hereby authorized
0109 and directed to adopt such a resolution and to make such con-
0110 veyance.

0111 ~~Sec. 4. Upon the establishment of a hospital district, the~~
0112 ~~board of county commissioners shall cause a notice to be pub-~~
0113 ~~lished, once each week for two consecutive weeks, in a newspa-~~
0114 ~~per of general circulation in the hospital district stating that a~~
0115 ~~meeting of the qualified electors of such hospital district will be~~
0116 ~~held at the time and place fixed in the notice for the purpose of~~
0117 ~~electing five persons as the first board for such district. The last~~
0118 ~~publication of such notice shall be made not more than six days~~
0119 ~~prior to the date fixed for the holding of the meeting. The cost of~~
0120 ~~such publication shall be borne equally by the political subdivi-~~
0121 ~~sions joining in the establishment of the hospital district and paid~~

0566 year.

0567 Sec. 20. (a) The board of any hospital is hereby authorized to:

0568 (1) Sell personal property of the hospital in the value of less than
0569 \$5,000, either in the open market or upon bids in the manner
0570 provided in subsection (b); and

0571 (2) subject to the provisions of subsection (b), sell and convey
0572 any real or personal property of the hospital in the value of \$5,000
0573 or more.

0574 (b) Before selling and conveying any real or personal property
0575 designated in provision (2) of subsection (a), the board shall
0576 negotiate a sale thereof and no such sale shall be completed and
0577 conveyance made until: (1) The board has solicited sealed bids by
0578 public notice inserted in one publication in a newspaper of
0579 general circulation in the taxing district of the hospital and such
0580 sale shall be to the highest responsible bidder after such notice,
0581 except such board may reject any or all bids, and, in any such
0582 case, new bids may be called for as in the first instance; and (2)
0583 the bid has been accepted and a resolution accepting the same has
0584 been made a part of the records of the board. Thereupon, the
0585 board, by its chairperson and secretary, is hereby authorized to
0586 make, execute and deliver a good and sufficient deed or deeds of
0587 conveyance to the purchaser or purchasers thereof.

0588 Sec. 21. Title to any real or personal hospital property shall
0589 be vested in the board.

0590 Sec. 22. Any one or more political subdivisions desiring to be
0591 attached to and become a part of any hospital district, or any
0592 remaining portion of any political subdivision which is a part of
0593 the hospital district desiring to be attached to and become a part
0594 of such a hospital district as one area, may do so in the manner
0595 provided in this section. Upon the presentation to the board of
0596 county commissioners, of the county in which the hospital is
0597 located, of a petition setting forth the boundaries of the area
0598 which desires to be attached to the taxing district of the hospital
0599 and signed by not less than 51% of the qualified electors of the
0600 area, to be determined by enumeration taken and verified for this
0601 purpose by some qualified elector of the area, it shall be the duty
0602 of the board of county commissioners, at its next regular meeting,

Section 22 relating to attachment to hospital districts should read as follows:

"Any territory adjoining and desiring to be attached to and become a part of any hospital district created under the authority of this act may do so in the manner hereinafter provided. Upon the presentation to the Board of County Commissioners of the county in which the greater portion of the territory of such hospital district is located, of a petition setting forth the boundaries of the area which desires to be attached to said hospital district and signed by not less than 51% of the qualified electors of said area who reside outside the limits of incorporated cities and signed by not less than 51% of the qualified electors who reside within the corporate limits of cities in said area, the sufficiency of such petition to be determined by an enumeration taken and verified for this purpose by some qualified elector of said area, it shall be the duty of the said Board of County Commissioners, at its next regular meeting to examine said petition. If said Board finds that the petition is regular and in due form as is herein provided, the Board shall enter an order in its proceedings attaching the area described in said petition to the existing hospital district; provided, that said petition shall be accompanied by a copy of a resolution adopted by the board of directors of said hospital district, which resolution shall state that said board desired such area to be attached to the hospital district. For tax purposes attachment hereof shall be effective as provided in K.S.A. 79-1807."

0603 to examine the petition. If the board of county commissioners
0604 finds that the petition is regular and in due form as provided in
0605 this section, the board shall enter an order in its proceedings
0606 attaching the area described in the petition to the existing taxing
0607 district, the attachment to take effect on January 1 next following
0608 the entry of the order. The petition shall be accompanied by a
0609 copy of a resolution adopted by the board, which resolution shall
0610 state that the board desires such area to be attached to the taxing
0611 district of the hospital.

0612 Sec. 23. Any territory or a portion thereof attached to a taxing
0613 district of a hospital which lies outside the county where the
0614 hospital is located may be detached from the taxing district in the
0615 manner provided in this section. Upon presentation to the board
0616 of county commissioners, of the county in which the hospital of
0617 any such taxing district is located, of a petition setting forth the
0618 boundaries of the area which desires to be detached from the
0619 district and signed by not less than 51% of the qualified electors
0620 of the area, to be determined by enumeration taken and verified
0621 for this purpose by some qualified elector of the area, it shall be
0622 the duty of the board of county commissioners, at its next regular
0623 meeting, to examine the petition. If the board of county commis-
0624 sioners finds that the petition is regular and in due form as
0625 provided in this section, the board shall enter an order in its
0626 proceedings detaching the area described in the petition from the
0627 taxing district, the detachment to take effect immediately upon
0628 entry of the order. The petition shall be accompanied by a copy of
0629 a resolution adopted by the board, which resolution shall state
0630 that the board desires such area to be detached from the taxing
0631 district of the hospital. If there are no qualified electors in the
0632 area, then the required petition may be signed by the landowners
0633 of not less than 51% of the area to be detached, the sufficiency of
0634 which shall be determined by the board of county commission-
0635 ers. Such area so detached shall not be liable for payment of
0636 outstanding bonded indebtedness of the taxing district of the
0637 hospital, except for payment of bonds issued during the period
0638 such area was attached to the district. If any such taxing district
0639 has authorized the issuance of bonds at a special election, the