

Approved 2-3-83  
Date 2-3-83

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. on February 1, 1983 in room 423-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department  
Bill Wolff, Legislative Research Department  
Bruce Hurd, Revisor's Office

Conferees appearing before the committee:

One visitor, Jerry Slaughter, Kansas Medical Society.

Meeting called to order by Chairman

Written testimony passed out to committee in regard to HB 2005, and  
HB 2006 from Kansas Hospital Association. (See Attachment No. 1.)

Hand out provided to committee on Governor's Budget Recommendation  
Supplemental Explanation on Public Assistance Programs and Policy changes.

Discussion and action took place on bills as follows:

Page 7, New Section 2, paragraph (c), lines 253 through 263, Rep. Green  
made the motion to amend this as shown on ballooned copy of HB 2002, (See  
Attachment No. 2.) Rep. Long seconded the motion, and motion was adopted.

Page 16, Section 26, line 576, motion by Rep. Friedeman to amend as shown  
in the balloon copy attached. Rep. Harder seconded, and motion adopted.  
(See Attachment No. 2.)

Page 16, Section 27, strike Section 27 from HB 2002 as shown on balloon  
attached, and renumber the subsequent sections. Motion to do so was made  
by Rep. Roenbaugh, seconded by Rep. Green, and motion adopted.

Motion by Rep. Friedeman and seconded by Rep. Walker report HB 2002,  
as amended favorably. Motion adopted.

Balloon copy of HB 2003, (See Attachment No. 3.), page 16, in lines 569  
and 572 change \$5,000 to \$10,000, a motion adopted on a previous day.

Page 18, Section 25, beginning with line 676, striking language as shown  
in the balloon copy attached, continuing to page 19. Motion was made by  
Rep. Green to adopt amendments as shown in balloon, Rep. Spaniol seconded,  
and motion carried.

Motion by Rep. King and seconded by Rep. Buehler report that HB 2003, as  
amended favorably. Motion adopted.

On HB 2178, this replaces Section 27., in HB 2002 with separate bill  
(HB 2178). Motion was made by Rep. Wagnon, seconded by Rep. Hassler,  
report HB 2178 as amended favorably. Motion adopted.

HB 2004. Motion by Rep. Green, seconded by Rep. Kline report HB 2004  
adopted favorably. Motion adopted.

CONTINUATION SHEET

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

HB 2005, Motion by Rep. Walker, seconded by Rep. Wagnon report favorably on this bill. Motion adopted.

Motion by Rep. Hassler, seconded by Rep. Roenbaugh on HB 2006 report favorably on this bill. Motion adopted.

Chair advised committee the six bills we passed today would probably be heard on the floor on either February 4th or February 7th, 1983.

Chair also asked that any member who would like to carry a bill to inform him of same.

No meeting will be necessary on February 2, since that part of agenda completed this date.

Adjournment at 2:15 p.m.

TESTIMONY OF THE  
KANSAS HOSPITAL ASSOCIATION  
CITY HOSPITAL LEGISLATION

House Bill 2005

This bill applies the definition of "hospital" from the county bill to city hospitals. Again, we are concerned that language this specific might prohibit hospitals from providing needed human service functions in their communities, such as home health and wellness programs and adult day care.

House Bill 2006

This bill relates to the donation of a hospital for city hospital purposes. We have the same concern regarding the definition of "hospital" in Section 1 as noted above.

Also, the bill makes K.S.A. 12-1615 applicable only to cities, rather than cities and counties. While we are not sure that this is necessary, we have no great problems with counties being struck from the bill. Presently, we are aware of only two hospitals operating under K.S.A. 12-1615, and they are city hospitals. Both of these hospitals have been operating under this section for many years and are very happy with how it has worked. However, they do not have any problem with counties being excluded from the application of K.S.A. 12-1615.

We appreciate the opportunity to express our concerns on these bills.

1-26-83

*(Attachment  
no. 1.)*

## House Bill No. 2002

By Special Committee on Hospital Laws

Re Proposal No. 9

12-20

0018 AN ACT relating to counties; concerning the establishment and  
0019 operation of hospitals and related facilities; amending K.S.A.  
0020 19-261 and K.S.A. 1982 Supp. 79-1947, and repealing the  
0021 existing sections; also repealing K.S.A. 19-1801 to 19-1820c,  
0022 inclusive, 19-1827, 19-1846 to 19-1848a, inclusive, 19-1856a,  
0023 19-1856b, 19-1860 to 19-1860h, inclusive, 19-1861 to 19-  
0024 1863d, inclusive, 19-1865 to 19-1880, inclusive, and 19-1885 to  
0025 19-18,132, inclusive.

section

0026 *Be it enacted by the Legislature of the State of Kansas:*

0027 New Section 1. As used in this act:

0028 (a) "Board" means a hospital board which is selected in  
0029 accordance with the provisions of this act and which is vested  
0030 with the management and control of a county hospital;

0031 (b) "commission" means the board of county commissioners  
0032 of any county;

0033 (c) "hospital" means a medical care facility as defined in  
0034 K.S.A. 65-425 and includes within its meaning any clinic, school  
0035 of nursing, long-term care facility and child-care facility operated  
0036 in connection with the operation of the medical care facility.

0037 (d) "hospital moneys" means, but is not limited to, moneys  
0038 acquired through the issuance of bonds, the levy of taxes, the  
0039 receipt of grants, donations, gifts, bequests, interest earned on  
0040 investments authorized by this act and state or federal aid and  
0041 from fees and charges for use of and services provided by the  
0042 hospital.

0043 New Sec. 2. (a) Any existing county hospital established  
0044 under the laws of this state prior to the effective date of this act is  
0045 hereby continued in existence and shall be governed in accord-

(Attachment  
no. 2.)



0231 ter, a reorganization meeting shall be held and officers shall be  
0232 selected as provided in this subsection. No bond need be required  
0233 of any member of the board except the treasurer.

0234 (b) The treasurer, before entering upon the duties of office,  
0235 shall give an official bond in an amount to be determined by the  
0236 commission.

0237 (c) The board shall hold meetings at least once each month,  
0238 and shall keep and maintain a complete record of all its proceed-  
0239 ings. Such records shall be available for inspection by the com-  
0240 mission on request. A simple majority of the members serving on  
0241 the board shall constitute a quorum for the transaction of busi-  
0242 ness. Within 15 days after completion of the audit provided for by  
0243 article 11 of chapter 75 of Kansas Statutes Annotated, the board  
0244 shall file with the commission a written report of the management  
0245 of the hospital and a copy of the audit report rendered by the  
0246 accountant performing the audit. The commission shall keep and  
0247 maintain a copy of such report as a part of the public records of  
0248 the county. Prior to June 1 of each year, the board shall prepare a  
0249 budget showing the amount it deems necessary to operate, equip,  
0250 maintain and improve the hospital for the ensuing fiscal year and  
0251 the amount of that portion thereof that it deems necessary to be  
0252 raised by the tax authorized under section 6, and shall submit its

0253 proposed budget to the commission. ~~The commission shall con-~~  
0254 ~~sider and approve, amend or modify such proposed budget.~~ If the  
0255 commission does not approve the proposed budget within 10  
0256 days after receipt thereof, it shall return the ~~amended or modified~~  
0257 budget to the board. Upon receipt of the ~~amended or modified~~  
0258 budget, the board shall consider ~~the~~ amendments or modifica-  
0259 ~~tions made by the commission~~ and may consult with the com-  
0260 mission concerning the budget. Within 10 days after receipt of  
0261 the ~~amended or modified~~ budget, the board shall resubmit its  
0262 proposed budget, with or without amendment or modification, to  
0263 the commission. Within 10 days after resubmission of the pro-  
0264 posed budget, the commission shall approve, or amend or modify  
0265 and approve as amended or modified, such proposed budget. The  
0266 commission shall adopt the proposed budget as approved and  
0267 shall make the same a part of the regular county budget.

*Handwritten blue ink mark, possibly a signature or initials, in a diamond shape.*

returned

returned

returned

0564 remaining in any fund of the county hospital after termination of  
 0565 its operation and after payment and performance of any obliga-  
 0566 tion thereof shall be transferred to the county general fund. Any  
 0567 records of a county hospital remaining after the closing and  
 0568 termination of operation thereof shall be transferred to the cus-  
 0569 tody of the county clerk.

0570 Sec. 26. On July 1, 1984, K.S.A. 19-261 shall be and is hereby  
 0571 amended to read as follows: 19-261. The board of county com-  
 0572 missioners of any county may provide as a county function or  
 0573 may contract with any city, person, firm; or corporation *or with*  
 0574 *the board of a county hospital located in the county* for the  
 0575 furnishing of ambulance services within all or any part of their  
 0576 ~~respective counties~~ *the county* upon such terms and conditions,  
 0577 and for such compensation as may be agreed upon which shall be  
 0578 payable from the county general fund. The board of county  
 0579 commissioners shall not provide ambulance service under the  
 0580 provisions of this act in any part of the county which receives  
 0581 adequate ambulance service, but the county shall reimburse any  
 0582 taxing district which provides ambulance services to such district  
 0583 with its proportionate share of the county general fund budgeted  
 0584 for ambulance services within the county. Such reimbursement  
 0585 shall be based on the amount that assessed tangible taxable  
 0586 valuation of the taxing district bears to the total taxable tangible  
 0587 valuation of the county, but in no event shall such *taxing* district  
 0588 receive from the county more than the district's cost of furnishing  
 0589 such ambulance services.

0590 ~~Sec. 27. On July 1, 1984, K.S.A. 1982 Supp. 79-1947 shall be~~  
 0591 ~~and is hereby amended to read as follows: 79-1947. The authority~~  
 0592 ~~of the board of county commissioners of any county to fix a rate of~~  
 0593 ~~levy annually for the following county purposes; is hereby lim-~~  
 0594 ~~ited as follows:~~

- 0595 Roads and bridges (not under county unit system): Construction,  
 0596 reconstruction, improvement, repair, maintenance, and acquisi-  
 0597 tion of rights-of-way ..... 5.00 mills
- 0599 Roads and bridges (under the county unit system): Construction,  
 0600 reconstruction, improvement, repair, maintenance, and acquisi-  
 0601 tion of rights-of-way ..... 10.00 mills
- 0603 Library: Establish and maintain, as authorized by K.S.A. 12-1220, or  
 0604 contract for library service as authorized by K.S.A. 12-1230 ... 1.50 mills
- 0606 Library: Establish and maintain within counties designated as an



0607	urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas, as authorized by K.S.A. 12-1220 or	
0608	contract for library service as authorized by K.S.A. 12-1230 ..	2.00 mills
0609	Extraordinary expense: As authorized by K.S.A. 19-236 .....	2.50 mills
0611	Stream: Maintenance, as authorized by K.S.A. 1982 Supp. 82a-308	.50 mill
0613	Memorials: Establish, as authorized by K.S.A. 73-406 .....	2.00 mills
0615	Memorials: Maintenance, as authorized by K.S.A. 73-407 .....	.50 mill
0617	Memorials: Erection and equipment, as authorized by K.S.A. 73-427	.50 mill
0619	Parks: Establishment and maintenance, as authorized by K.S.A.	
0621	19-2803 .....	.50 mill
0622	Agriculture extension: Authorized by K.S.A. 2-610: Counties having	
0624	an assessed valuation of more than \$40,000,000 .....	1.50 mills,
0625	or a rate sufficient to provide \$80,000, whichever amount is	
0627	greater;	
0628	Counties having an assessed valuation of not less than \$30,000,000	
0630	and not more than \$40,000,000 .....	2.00 mills,
0631	or a rate sufficient to provide \$75,000, whichever amount is	
0633	greater;	
0634	Counties having an assessed valuation of less than \$30,000,000 ..	2.50 mills
0636	Airport: Joint operation, authorized by K.S.A. 7-121 .....	.50 mill
0638	Cemetery: Maintenance, authorized by K.S.A. 19-3105 .....	.25 mill
0640	Cemetery: Abandoned, maintenance, authorized by K.S.A. 19-3106	.10 mill
0642	Depository bank failure: Authorized by K.S.A. 19-2636 .....	1.00 mill
0644	Economic development: Authorized by K.S.A. 19-4102 .....	.50 mill
0646	Flood control: Maintenance, authorized by K.S.A. 19-3305 .....	1.00 mill
0648	Geological survey: Authorized by K.S.A. 1982 Supp. 76-326a ....	.10 mill
0650	Highways: County connecting links, authorized by K.S.A. 68-582	1.00 mill
0652	Hospital: Authorized by K.S.A. 19-1801 Section 6 of 1982 House Bill	
0654	No. 2002 .....	2.00 mills
0655	Lake and recreational grounds: Authorized by K.S.A. 19-2803e ..	.50 mill
0657	Lighting of highways and bridges: Authorized by K.S.A. 68-166 ..	.10 mill
0659	Memorial buildings: Authorized by K.S.A. 73-407 .....	.75 mill
0661	Mental health centers: Operation, authorized by K.S.A. 19-4004 ..	1.00 mill
0663	Mental retardation services: Authorized by K.S.A. 19-4004 .....	1.00 mill
0665	Buildings and facilities: Authorized by K.S.A. 19-4004 .....	.25 mill
0667	Mental health services: Contract: Authorized by K.S.A. 19-4011 ..	1.00 mill
0669	Contract: Mentally retarded: Authorized by K.S.A. 19-4011 .....	1.00 mill
0671	Noxious weeds: Authorized by K.S.A. 2-1318 .....	1.00 mill
0673	Deficiency levy for chemicals and materials .....	.50 mill
0675	Soil drifting fund: Authorized by K.S.A. 2-2007 .....	1.00 mill
0677		

*2 mills*  
*HB 2178*

*27*

*28*

0679 Such rates or amounts are not intended to and shall not be  
 0680 construed to apply to counties not specifically authorized by law  
 0681 to make such levies.

0682 ~~Sec. 28.~~ On July 1, 1984, K.S.A. 19-261, 19-1801 to 19-1820c,  
 0683 inclusive, 19-1827, 19-1846 to 19-1848a, inclusive, 19-1856a,  
 0684 19-1856b, 19-1860 to 19-1860h, inclusive, 19-1861 to 19-1863d,  
 0685 inclusive, 19-1865 to 19-1880, inclusive, and 19-1885 to 19-  
 0686 18,132, inclusive, and K.S.A. 1982 Supp. 79-1947 shall be and are  
 0687 hereby repealed.

0688 ~~Sec. 29.~~ This act shall take effect and be in force from and  
 0689 after July 1, 1984, and its publication in the statute book.

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,

\$10,000

\$10,000

(Attachment No. 3.)



0640 election shall be in no way affected by the passage of this act, and  
0641 the bonds authorized at the election may be legally issued not-  
0642 withstanding the detachment of any portion of the taxing district  
0643 which was included at the date of the bond election.

0644 Sec. 24. (a) Any hospital, or board thereof, which holds no  
0645 property other than books, records and any remaining hospital  
0646 moneys may disorganize in the manner provided in this section.

0647 (b) When all debts and obligations of such hospital and board  
0648 have been paid, and the board finds it is in the best interests of  
0649 such hospital that its operation be closed and terminated, the  
0650 treasurer of the board shall proceed to apportion the funds of the  
0651 hospital among the political subdivisions or portions thereof  
0652 comprising the taxing district of the hospital. The treasurer shall  
0653 pay to each political subdivision comprising such district an  
0654 amount equal to the proportion that the assessed valuation of  
0655 each political subdivision or portion thereof bears to the total  
0656 assessed valuation of the district.

0657 (c) Upon the payment of funds in accordance with the provi-  
0658 sions of this section, the board shall pass a resolution closing and  
0659 terminating operation of the hospital, which resolution shall be  
0660 published once in a newspaper of general circulation in the area,  
0661 after which the taxing district of the hospital shall be considered  
0662 disorganized and all books and records of the district shall be  
0663 delivered to the custody of the board of county commissioners of  
0664 the county in which the greater portion of the hospital property  
0665 was located.


0666 Sec. 25. The board may issue and sell revenue bonds for the  
0667 purpose of acquiring an existing hospital building or buildings  
0668 and improving, remodeling or repairing and equipping the same,  
0669 or for the purpose of acquiring a site, constructing, equipping and  
0670 furnishing an addition to an existing hospital building, or for the  
0671 purpose of acquiring a site for constructing, equipping and fur-  
0672 nishing a new hospital building, separate and apart from an  
0673 existing hospital building. Before any such bonds shall be issued,  
0674 the board shall publish a resolution declaring its intention to  
0675 issue such bonds, stating the purpose for which such bonds are to

0676 be issued, and the amount thereof, ~~and stating that the question of~~

0677 ~~issuing the same will be submitted to a vote of the qualified~~  
0678 ~~electors at the next annual meeting thereof.~~ Such resolution shall  
0679 be published, once each week for two consecutive weeks, in a  
0680 newspaper of general circulation in the taxing district of the  
0681 hospital, ~~the last publication of such resolution to be made not~~  
0682 ~~more than six days prior to the holding of the meeting. Such~~  
0683 ~~resolution shall also be included in the notice of the annual~~  
0684 ~~meeting given by the board as required in subsection (b) of~~  
0685 ~~section 12. No revenue bonds shall be issued under authority of~~  
0686 ~~this section until the question of the issuance of the same has~~  
0687 ~~been submitted to the qualified electors at the annual meeting~~  
0688 ~~and a majority of those present at the meeting and voting on the~~  
0689 ~~question shall have declared by their votes to be in favor of the~~  
0690 ~~issuance of the same.~~

0691 Sec. 26. At or prior to the issuance of revenue bonds under  
0692 authority of this act, the board shall pledge either the gross or the  
0693 net income and revenues of the hospital to the payment of  
0694 principal and interest of such revenue bonds and shall covenant  
0695 to fix, maintain and collect such fees and charges for the use of  
0696 the hospital as will produce revenues sufficient to pay the rea-  
0697 sonable cost of operating and maintaining the hospital and to  
0698 provide and maintain an interest and sinking fund in an amount  
0699 adequate to promptly pay both principal and interest on such  
0700 bonds and to provide a reasonable reserve fund. The board may  
0701 agree to pay the cost of operation and maintenance of the hospital  
0702 from any other revenues of the hospital or of the board legally  
0703 available for such purpose. In addition, the board in its discretion  
0704 may pledge to the payment of principal and interest of such  
0705 revenue bonds the proceeds of any gift, grant, donation or be-  
0706 quest which may be received by the hospital or board from any  
0707 source.

0708 Sec. 27. Revenue bonds issued under authority of this act  
0709 shall not be an indebtedness of the taxing district of the hospital  
0710 or the hospital or of the board or the individual members of the  
0711 board, and shall not constitute an indebtedness within the mean-  
0712 ing of any constitutional or statutory limitation upon the incur-  
0713 ring of indebtedness.



After publication, such bonds may be issued unless a petition requesting an election on the proposition, signed by qualified electors equal in number to not less than 5% of the qualified electors of the district, is filed with the board within 20 days following the last publication of such resolution. If such a petition is filed, the board shall submit the proposition to the qualified voters at an election called for such purpose and held within 90 days after the last publication of the resolution, and no bonds shall be issued unless such proposition shall receive the approval of a majority of the votes cast thereon. Such election shall be called and held in the manner provided by the general bond law.