

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Jan Meyers at
Chairperson

10 a.m./~~p.m.~~ on March 15, 1983 in room 526-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Emalene Correll, Legislative Research Department
Norman Furse, Revisor of Statutes office

Conferees appearing before the committee:

Brad Smoot, Attorney General's office
Rebecca Kupper, Kansas Hospital Association
Clarence Bergmeier, Chairman, Clay County Hospital
Wayne W. Ryan, General Counsel, Clay County Hospital
Earl Cordell, Soldier, Kansas
Wayne Stallard, Attorney, Community Hospital District No. 1

Others present: see attached list

Senator Meyers stated that the committee would hear testimony on HB 2002, which creates a uniform county hospital act.

HB 2002 - Counties, establishment and operation of hospitals. Re
Proposal No. 9

Brad Smoot, Attorney General's office, testified in support of HB 2002, and distributed testimony stating that this bill is a response, in part, to the Attorney General's request that the Legislature rewrite the numerous, conflicting and confusing sections of the current statutes. This bill resolves most of the legal confusion caused by existing laws. Mr. Smoot noted two changes made by the House Committee, one amending New Section 7(c), and the other deleting New Section 27, and stated that Attorney General Stephan supports HB 2002 and feels it is a step toward better local government. (Attachment #1).

Rebecca Kupper, Kansas Hospital Association, testified in support of HB 2002, 2006, and 2178, and distributed testimony stating that KHA supports the passage of these bills, with the understanding that there will be association membership meetings to discuss the implications of the bill at greater length. After a thorough review, KHA may come back to the Legislature next year to express further concerns about this legislation. (Attachment #2).

Clarence Bergmeier, Chairman, Clay County Hospital, introduced Wayne W. Ryan, General Counsel, for the hospital, who testified that Clay County Hospital does not oppose codification of Kansas Hospital laws if it is done without impairment of presently vested public property rights, and without arbitrarily dissolving a legally existing political sub-division. Mr. Ryan distributed testimony which states the sections of the bill which Clay County does oppose; gives the background of CCH; and lists proposed amendments to Sections 5, 6, and 7 of the bill. Mr. Ryan noted that there are several inconsistent and basic conflicts in the bill which would provoke litigation in the future if not remedied. (Attachment #3).

In answer to Mr. Ryan's questioning of the reason for the Attorney General's involvement, Senator Meyers said that the statutes have been

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10 a.m./~~p.m.~~ on March 15, 1983

confusing and overlapping, and the Attorney General is often asked by the hospitals to interpret them.

Earl Cordell, Soldier, Kansas, submitted testimony which stated his concern about paying double hospital taxes if a new hospital is built in Jackson County, in addition to the hospital they now have in Onaga. (Attachment #4).

Wayne Stallard, Attorney for Community Hospital District No. 1, submitted testimony stating their objection to HB 2002. Mr. Stallard also distributed copies of a balloon showing proposed amendments, which would give taxpayers in the district hospital opportunity to decide whether they are to be in a new county hospital; would not allow double taxation for the same services; and directs the tax base for a new hospital would take. Attached to the balloon were copies of a questionnaire which was sent to district hospitals regarding the proposed amendments. (Attachment #5). Mr. Stallard also distributed a copy of a letter from Lee A. Johnson, Stallings & Johnson, Attorneys at Law, Caldwell, Kansas, to Senator Joe Warren, expressing his concern about HB 2002 and 2003. (Attachment #6).

There was discussion concerning boundaries of a district hospital, double taxation, and the right of taxpayers to vote on a county hospital.

It was stated that the purpose of this bill is to get some uniform statutes that apply to districts and counties, because there is confusion in trying to interpret the law.

Mr. Stallard said that to use a county line as the basis of all hospital district boundaries just won't work in the State of Kansas.

Senator Hayden asked if there was an organization of district or county superintendents. Mr. Stallard replied that the KHA has represented all of the hospitals.

Senator Meyers announced that the hearing on HB 2003 would be tomorrow.

Senator Ehrlich moved that the minutes of March 14, 1973, be approved. Senator Hayden seconded the motion and it carried.

The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-15-83

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

NAME AND ADDRESS	ORGANIZATION
Doris Cross, Council Grove, Ks	Juniata E H U
Veria Stegner " " "	" " "
Harriett Johnson Wilsey	" " "
Dorothy Hailey Council Grove Ks	" " "
Mildred Schaeff " "	" "
Philip Biggs " "	" "
Anna May Olson " "	" "
Carol A. Schaeff " "	" "
Grace Anshard " "	" "
Lucille Litke Council Grove, Ks	" "
Danna Muller " " "	" "
Frances Cordell	Housewife Soldier, Ks
E A / Cordell	Farmer Soldier, KANS
Joseph Engelsen	Community Hospital, Onaga Ks.
Wald. Falkenstein	Community Hospital, Onaga, Ks.
Rev. Ralph Peters	Congregational Church, Onaga ^{K.S.}
Fred Allen	K. A. C.
Fred Siefert	A. G.
Wm. J. Strutz	K. H. T.
Wm. M. Stallard, Atty, Com Hosp.	First, Onaga, Ks
Wm. W. Ryan	Clayton's Korner
Alvin De	Org
Jan Johnson Topeka	Budget Division

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-15-83

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Tim McFarland	1205 Roe Drive Clay Center	Clay County Hospital Board
Harold Holtz	525 Crawford	Clay County Comm.
Margaret Bergmeier	Longford	Human Resources Board
James Peterson	Wesley	Clay Co Hospital Board
Steve Koershan	Topoka	AP
Rebecca Kupper	"	KHA
Jan Robinson	Clay Center KS	Clay County Hospital
Dr. J. Dehmer MD	Clay Center KS	"
AL GRACIE	LENEXA, KA	GUS BOGINA GUEST

3-15-83 #1



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL
2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

March 15, 1983

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

The Honorable Jan Meyers
Chairperson, Senate Public Health and
Welfare Committee
Room 128-S, Statehouse
Topeka, Kansas 66612

Dear Chairperson Meyers and Members:

Attorney General Stephan asks that I extend his sincere thanks for this opportunity to comment regarding 1983 House Bill No. 2002, as amended, concerning county hospitals. He also asks that I note the fine efforts of the Interim Committee which prepared this bill. We know of the countless hours of work involved in its preparation and it is our view that this legislation is very responsive to the needs of Kansas counties and their public hospitals. We endorse House Bill No. 2002.

As many of the Committee members are aware, this Bill is a response, at least in part, to the Attorney General's request that the Legislature rewrite the numerous, conflicting and confusing sections of the current statutes. K.S.A. 19-1801 et seq. The Attorney General has been required to advise on the many difficult legal problems inherent in the more than one hundred statutes concerning county hospitals.

1983 House Bill No. 2002 resolves most of the legal confusion caused by existing laws. It clarifies the lines of authority between the county commission and the board of hospital trustees. It clarifies the financing of capital improvements including medical clinics and long term care facilities. It resolves complex legal debates over application of the cash basis law, the law governing the investment of idle funds, the law concerning private donations and loans to medical students. The Bill has been carefully drafted and considered. It warrants this Committee's endorsement.

We do note two changes made by the House Committee. First, there was opposition to new Section 7(c). That subsection creates a new local budget drafting procedure which authorizes the county commission to ultimately determine the budget of the hospital.

Atch. 1

Jan Meyers
Page Two
March 15, 1983

It was felt by some that the original language granted to county commissions authority to "line item" appropriate or veto the proposed hospital budget submitted by the hospital board of trustees. This was believed to be a significant departure from the current practice of the certifying of an amount to the county now accomplished pursuant to K.S.A. 19-1804.

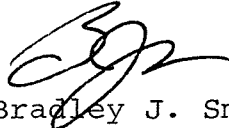
After a careful examination of this provision, the Committee amended new Section 7(c), clearly indicating that this section does not grant "line item veto" power to county commissions. The county will continue to identify a single total amount for hospital purposes for which the county hospital tax will be levied. That amount will be the "hospital fund" of the county budget. Although further breakdown in the budget documents may identify special purposes for which the hospital proposes to use such funds, the law does not restrict the trustees of the hospital from moving funds from one purpose to another within their appropriated fund. The Kansas budget law does not restrict transfers within a fund of the county by a county officer authorized to expend money from such fund. See K.S.A. 79-2925(b).

Secondly, please note the elimination of new Section 27. That section made technical amendments to K.S.A. 1982 Supp. 79-1947. The inclusion of an amendment to a statute which is non-uniform in its application to counties has the effect of making the entire bill non-uniform and subject to charter resolution under county home rule. The Committee, in an effort to insure the uniformity of HB 2002, deleted this section.

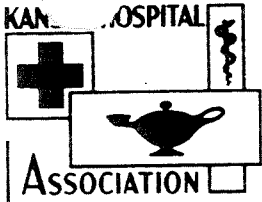
In summary, Attorney General Stephan supports 1983 House Bill No. 2002, as amended by the House Committee. The Bill is a step toward better local government in Kansas and deserves your attention and support.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN


Bradley J. Smoot
Deputy Attorney General

BJS:hle



Donald A. Wilson
President

TESTIMONY OF THE KANSAS HOSPITAL ASSOCIATION
BEFORE THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
March 15, 1983

House Bills 2002, 2006, 2178

The Kansas Hospital Association appreciates the opportunity to comment on the three bills before you today. As you are aware, there have been two interim studies on public hospital laws, and we have spent much time working with these committees. We have appreciated the cooperation of the committees and staff as these bills have gone through the process.

On March 4 of this year, our subcommittee on district hospital laws and the chairman of our county hospital law subcommittee met via conference call to establish the KHA position on these bills, as amended by the House Public Health and Welfare Committee. The Association's position is to support these bills in their present form. This action was approved by our Executive Committee.

✓ We support their passage this Session, with the understanding that in the interim we will have membership meetings to discuss the implications of these bills at greater length. After a thorough review, we may come back to the Legislature next year to express further concerns our members may have with this legislation.

We, therefore, urge this committee to recommend passage of House Bills 2002, 2006 and 2178.

Atch. 21

IN AND BEFORE THE KANSAS SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

SENATOR JAN L. MEYERS, Chairperson

Hearing on House Bill No. 2002
Tuesday, March 15, 1983
Room 526-S - 10:00 A.M.

* * * *

COUNTY HOSPITAL, Clay County, Kansas
617 Liberty Street
Clay Center, Kansas 67432
Phone: 913-632-2144

CLARENCE BERGMEIER, *Chairman*

JAMES PEDERSON

RUTH BROWNE

ELEANOR THOMAS

TIM McFARLAND

Board of Trustees

JON J. ROBISON, *Chief Executive Officer*

WAYNE W. RYAN, of Law Firm of
RYAN and RYAN, P.A.,
Clay Center, Kansas

General Counsel

* * * *

COUNTY COMMISSIONERS, Clay County, Kansas

VERNON WENDELKEN, *Chairman*

HAROLD HOLTZ

MARVIN SIEBOLD

* * * *

Active Medical Staff of Clay County Hospital
Consisting of Eight (8) M.D.'s

PETER J. DALUM, M.D. (appearing)

709 Liberty Street
Clay Center, Kansas 67432

S T A T E M E N T

Pursuant to the Request of the Chairwoman of the Kansas Senate Public Health and Welfare Committee, the COUNTY HOSPITAL OF CLAY COUNTY, KANSAS, makes the Following Statement in Connection with the Committee's Hearing on H.B. No. 2002

1. Said CLAY COUNTY HOSPITAL does not oppose codification of Kansas Hospital laws if same is done without impairment of presently vested public property rights, and without arbitrarily dissolving a legally existing political sub-division.
2. Said CLAY COUNTY HOSPITAL does oppose efforts to:
 - A) Create management and control of the County Hospital by any means other than have the Governing Body (TRUSTEES) elected in the usual manner of the representative form of government. (Section 5)
 - B) Cause a tax to be determined and levied by any source other than the duly elected Board of Trustees of the County Hospital. (Section 6)
 - C) Require the preparation of an operating budget by any source other than the duly elected Board of Trustees of the County Hospital. (Section 7)
 - D) Allow or authorize the unrestricted délegation of the powers of the duly elected governing body -- i.e., Board of Trustees. (Section 5)
3. CLAY COUNTY HOSPITAL (Background):
 - A) Prior to the enactment of Chapter 114, Laws 1953, now:
 - K.S.A. 19-1888
 - K.S.A. 19-1889
 - K.S.A. 19-1890the only hospital in Clay County was the Clay Center, Kansas CITY HOSPITAL (Second class city).
 - B) K.S.A. 19-1888 provided in substance authority for the City governing body to submit to a city election the proposition of donating city hospital property to the County to become county hospital.
 - C) K.S.A. 19-1889 provided County election to establish a County Hospital, conveyance of City Hospital property to the County, authorize a tax levy for County Hospital (K.S.A. 79-1947).
 - D) K.S.A. 19-1890 - Creation of Board of Trustees as governing body of County Hospital, and providing for the election of subsequent trustees; defining geographical areas [two (2) Trustees residents from within City of Second Class -- three (3) residents of County from outside City of Second Class].

The above sections constitute the base creation for the CLAY COUNTY HOSPITAL, being:

- a Political Sub-Division,
- a Municipal Corporation,
- a Political Entity;

and its uniqueness, when compared to other County Hospitals, is: "Its Board of Trustees is elected," -- and -- "Said Board prepares its own budget and levies its own tax."

4. SUBSEQUENT ENABLING LEGISLATION:

- A) K.S.A. 19-1890a, (Chapter 169, Laws 1965) provided and directed the County to convey and transfer all real and personal property owned by County in connection with the County Hospital to -- The Board of Trustees to be held by said Trustees for the use and benefit of the County Hospital.
- B) K.S.A. 19-1890b, (Chapter 169, Laws 1965) provides for preparation of annual budget by Board of Trustees, certification thereof to County Clerk for spreading of a legal levy to finance same. All in same manner by boards of education.
- C) K.S.A. 19-1890c, (Chapter 142, Laws 1967) provides board authority in Board of Trustees to rent, lease or let any property now owned or hereafter acquired -- for the development of the hospital complex. Terms of rental 15 years, and re-rent if deemed advisable.
- D) K.S.A. 19-1890d, (Chapter 142, Laws 1967) provides for use of lease moneys. Primary purpose to provide for upgrading complex property, i.e.: improvements and/or purchase of equipment for use therein.

The above summary (including laying the original ground work) spans nearly forty (40) years, which includes thirty (30) years of development and operation of the CLAY COUNTY HOSPITAL by elected Board Members, together with the community-minded citizens, including County Commissioners, and a dedicated Medical Staff. The rewards of all these efforts being a Health Care Provider Complex consisting of:

- A) A Modern 55-Bed Hospital, debt-free, with plans for major expansion.
- B) Medical Arts Building (1968), a facility to accommodate up to six (6) doctors, cost of \$93,500.00, none of which was tax money.
- C) A New 96-Bed Nursing Home (Medicalodge), no tax money involved, financed by industrial revenue bonds.
- D) New Modern Pharmacy, located on County Hospital land, under lease by pharmacy.

All the above structures and health provider facilities are within a 600-foot radius of the CLAY COUNTY HOSPITAL.

5. Counsel, in drafting the following statement of position, draws upon over forty (40) years of experience in assisting in the compiling of several comprehensive Kansas codes, including -- "Kansas Probate Code" and "Kansas Corporation Code," and with full knowledge and consent of said Hospital Board of Trustees, Clay County Commissioners and active Medical Staff, submits as follows:

A) The development and compiling of a comprehensive workable county hospital code (suggested by our Supreme Court in the Thomas Co. vs. Finney case), to replace the present 122 statutes relating to county hospitals, (Interim Comm. report for Proposal No. 9, page 146), is an undertaking that requires more study.

B) Fully realizing the hazard of submitting amendments to said H.B. No. 2002 (16 pages and 27 sections), by one other than a learned bill drafter, the country lawyer submits the following, if the Committee cannot see fit to pass the bill over for further study and consideration in a future legislative session:

(1) That section 5 of the bill be amended to provide for an elected governing body (not to be determined by the Commission); that no delegation of the powers of an elected board be authorized.

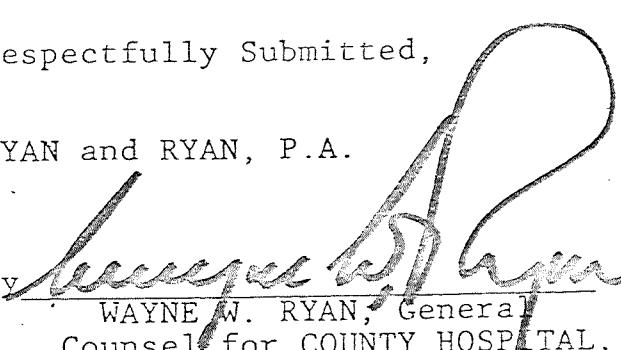
(2) That sections 6 and 7 of said bill be amended to provide that an operating annual tax levy, and the annual operating budget, be the obligation and duty of an elected board and not the Commission.

(3) There are several inconsistent and basic conflicts in said bill which will provoke and invite litigation in the future if not remedied.

DATED March 15, 1983.

Respectfully Submitted,

RYAN and RYAN, P.A.

By 
 WAYNE W. RYAN, General
 Counsel for COUNTY HOSPITAL,
 Clay County, Kansas

*"Long Range Planning Does not Deal With Future Decisions But
 With the Future of Present Decisions"*

March 15, 1983

To: Senate Public Health and Welfare Committee

I am a life-long resident of Jackson County, Kansas. I have been a resident in Community Hospital District which has its hospital at Onaga ever since the district was formed. The Onaga hospital has provided good service to our community.

My neighbors and I have helped pay for the Onaga hospital which serves our needs. We do not feel that we should be taxed for any new hospital in Holton.

In 1957 a proposal for a Jackson County hospital was defeated by election. We hear rumors that another Jackson County hospital proposal is being considered.

I have built a new house on my farm and the valuation has been placed higher than I ever expected. Now will I have to pay double hospital taxes? If the law allows such double taxation it shouldn't. I speak for our community when I say don't tax us double.

Earl Cordell

Earl Cordell
Rural Route
Soldier, Kansas 66540

Honorable Members of the Senate Public Health and Welfare Committee:

1. Double Taxation.

Kansas has approximately twenty-two operating hospital districts, and if HB 2002 is not amended there will be at least 22 and more possible situations within the state where double taxation can arise.

2. Operating Hospital Districts:

- a. Provide equal and comparable services as county hospitals.
- b. Have built and now maintain their facilities.
- c. And their taxpayers should have a chance to decide if they wish to be a part of a new county hospital.

3. District Hospitals should be formed where county hospital procedure cannot be successfully followed.

4. Solution:

Adopt proposed amendment to HB 2002 attached hereto.

Reasons:

- a. Gives taxpayers in the district hospital opportunity to decide whether they are to be in a new county hospital.
- b. Will not allow double taxation for same services.
- c. Does not deny a new hospital; only directs the tax base form it will take--County or District.

5. Home Rule Effects on Counties:

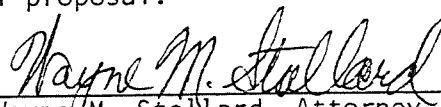
- a. Amendment of County Home Rule Statute 19-101a takes nothing away from any existing and operating county hospital.
- b. Only effect in home rule is to set out the procedure for establishing a new county hospital where a district hospital is in the county.

6. Questionnaire Sent to District Hospitals Regarding Amendments.

Community Hospital District No. 1 of Pottawatomie and Jackson Counties sent questionnaires on March 7, 1983, to the district hospitals and received responses as are attached hereto. In such a short time for reply it is evident that the concerns of this district are shared by other district hospitals in the state.

7. Community Hospital District No. 1 of Pottawatomie and Jackson Counties comprises about one-third of Pottawatomie County and one-eighth of Jackson County. It maintains a 25 bed hospital. Since formation in 1955 it has completed two building programs and a third building program is about to be completed. The district facilities have a value of between 2½ to 3 million dollars.

Our Jackson County taxpayers are presently concerned that they will be included in a new Jackson County hospital proposal.



 Wayne M. Stallard, Attorney for Community
 Hospital District No.1 Pottawatomie and
 Jackson Counties, Kansas.

0045 ance with the provisions of this act and any existing hospital
0046 board shall be deemed to be the board for purposes of this act
0047 unless and until a new board is appointed or elected as provided
0048 in this act.

0049 (b) This act shall not affect any judicial proceeding pending
0050 or any contract, tax levy, bond issuance or other legal obligation
0051 existing on the effective date of this act.

0052 New Sec. 3. Any county ~~may~~ establish a hospital in the fol-
0053 lowing manner:

0054 The commission may, and upon being presented with a peti-
0055 tion signed by not less than 5% of the qualified electors of the
0056 county requesting the establishment and maintenance of a hos-
0057 pital shall, adopt a resolution authorizing the issuance of general
0058 obligation bonds for the purpose of constructing, purchasing,
0059 leasing or otherwise acquiring a hospital building or buildings,
0060 equipping the same, and acquiring the necessary site or sites
0061 therefor, or for any or all such purposes and for the purpose of
0062 paying a portion of the principal and interest on bonds issued
0063 under the authority of K.S.A. 12-1774, and amendments thereof.
0064 Prior to the issuance of such bonds, the question of issuing the
0065 same shall be submitted to a vote of the qualified electors of the
0066 county at a regular county primary or county general election or,
0067 if no regular county election is to be held within six months from
0068 the date of adoption of the resolution, at a special election called
0069 for the purpose of submitting such question, and no bonds shall
0070 be issued until a majority of the qualified electors voting on the
0071 question at such election vote in favor of the issuance of such
0072 bonds. The election shall be held at the usual places in such
0073 county for electing county officers and the vote shall be can-
0074 vassed in the same manner as that for county officers. Such
0075 question shall not be submitted to the electors of the county at
0076 any election more than once in any one year. All general obliga-
0077 tion bonds authorized by this section shall be issued, registered
0078 and sold in the manner provided by article 1 of chapter 10 of the
0079 Kansas Statutes Annotated, and acts amendatory thereof and
0080 supplemental thereto, and shall bear interest at a rate not to
0081 exceed the maximum rate prescribed by K.S.A. 10-1009. and

, except a county having within its boundaries
any territory of a hospital district operating
and maintaining a hospital under chapter 80 of
the Kansas Statutes Annotated,

0082 amendments thereof, and none of the debt limitations provided
0083 by law shall apply to bonds issued under this section.

0084 New Sec. 4. (a) (1) The governing body of any city which is
0085 operating and maintaining a city hospital, upon the recommen-
0086 dation of the hospital board, or (2) the board of any hospital
0087 district which is operating and maintaining a district hospital
0088 may donate, transfer and convey the hospital, together with all
0089 real and personal property used in connection with the operation
0090 of the hospital to the county in which the hospital is located, to be
0091 owned, managed, operated and maintained as a county hospital.
0092 The question of donating, transferring and conveying any such
0093 hospital property to a county for county hospital purposes, shall
0094 first be submitted to a vote of the qualified electors of the city at a
0095 regular city election or at an annual meeting of the qualified
0096 electors of the hospital district, whichever is applicable, or the
0097 governing body of the city or the board of the hospital district
0098 may call a special election for the purpose of submitting such
0099 question to the qualified electors. Any such election called by the
0100 governing body of a city shall be noticed and governed in all
0101 respects and the results declared in accordance with the provi-
0102 sions of K.S.A. 10-120, and amendments thereof. Any such spe-
0103 cial election called by the board of a hospital district shall be
0104 noticed in accordance with the provisions of K.S.A. 10-120, and
0105 amendments thereof, and the election returns shall be made to the
0106 secretary of the board and canvassed by the board.

0107 (b) Whenever the governing body of any city or the board of
0108 any hospital district, having been authorized to do so by a
0109 majority vote of the qualified electors of such city or hospital
0110 district, whichever is applicable, voting upon the proposition as
0111 provided by subsection (a), shall present to the commission an
0112 offer to donate, transfer and convey to the county the hospital
0113 property and facilities operated and maintained by such city or
0114 hospital district, whichever is applicable, to be owned, managed,
0115 maintained and operated as a county hospital, the commission
0116 shall submit to the qualified electors of the county at the next
0117 general election to be held in the county, or if no general election
0118 is to be held within six months from the date of presentation of

In a county having within its boundaries ter-
ritory of an existing hospital district operating
and maintaining a hospital under chapter 80 of the
Kansas Statutes Annotated, the provisions of this
section for establishing and maintaining a county
hospital may be followed if a majority of the qual-
ified electors who reside within the bounds of the
existing hospital district within the county seek-
ing the county hospital first vote at an election
to be included in the county hospital should it be
established within a period of two years from the
date of such election. Such election shall be
held in conformity with article 26 of chapter 25
of the Kansas Statutes Annotated and acts amend-
atory of the provisions thereof and supplemental
thereto.

HOUSE BILL NO. 2002 be further amended:

By amending the county home rule statute 19-101a
to exclude from home rule:

(13) Counties having within their boundaries
any territory of a hospital district operating
under the provisions of chapter 80 of the Kansas
Statutes Annotated may not exempt from or effect
changes in any statute prescribing the procedure
for the establishment of hospitals and health re-
lated facilities.

To: Community Hospital District No. 1
Attention: Joseph Engelken, M.P.A., Administrator
Onaga, Kansas 66521

1. We are against double taxation of the same taxpayers in a territory for like hospital services. YES NO

2. We are in favor of the adoption of an amendment to HB 2002 (Counties) prohibiting the establishment of a county hospital in a county where lies territory of a district hospital operating and maintaining a hospital without residents of the district hospital territory within the county having first a right to decide by election whether they wish to be a part of a county hospital. YES NO

3. We are in favor of district hospitals being formed where the county hospital procedure cannot be successfully followed. YES NO

4. We are in favor of the adoption of an amendment to HB 2003 (District Hospitals) prohibiting inclusion of territory of an existing hospital district operating and maintaining a hospital within newly formed hospital districts unless such be authorized by election within the existing hospital district, thus preventing double taxation. YES NO

REMARKS:

Dated this 11th day of March, 1983.

Hospital District No. 1, Sumner Co., Ks.
Name of District Hospital Caldwell, Kansas

By: Lee A. Johnson
Attorney
(Title)

To: Community Hospital District No. 1
Attention: Joseph Engelken, M.P.A., Administrator
Onaga, Kansas 66521

1. We are against double taxation of the same taxpayers in a territory for like hospital services. YES NO
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3. We are in favor of district hospitals being formed where the county hospital procedure cannot be successfully followed. YES NO
4. We are in favor of the adoption of an amendment to HB 2003 (District Hospitals) prohibiting inclusion of territory of an existing hospital district operating and maintaining a hospital within newly formed hospital districts unless such be authorized by election within the existing hospital district, thus preventing double taxation. YES NO

REMARKS:

Dated this 9 day of March, 1983.

Mead District

Name of District Hospital

By: Michael Thomas

Admin

(Title)

To: Community Hospital District No. 1
Attention: Joseph Engelken, M.P.A., Administrator
Onaga, Kansas 66521

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3. We are in favor of district hospitals being formed where the county hospital procedure cannot be successfully followed. YES NO
4. We are in favor of the adoption of an amendment to HB 2003 (District Hospitals) prohibiting inclusion of territory of an existing hospital district operating and maintaining a hospital within newly formed hospital districts unless such be authorized by election within the existing hospital district, thus preventing double taxation. YES NO

REMARKS:

I have marked yes to all of the above. A district hospital is easier to run, as you only answer to your board of directors + not County Commissioners, who have enough county business to take care of, and do not have the time to devote to hospital business.
Dated this 10 day of March, 1983.

ASHLAND DISTRICT
Name of District Hospital

By: Hazel Thomas

Administrator

(Title)

To: Community Hospital District No. 1
Attention: Joseph Engelken, M.P.A., Administrator
Onaga, Kansas 66521

1. We are against double taxation of the same taxpayers in a territory for like hospital services. YES NO

2. We are in favor of the adoption of an amendment to HB 2002 (Counties) prohibiting the establishment of a county hospital in a county where lies territory of a district hospital operating and maintaining a hospital without residents of the district hospital territory within the county having first a right to decide by election whether they wish to be a part of a county hospital. YES NO

3. We are in favor of district hospitals being formed where the county hospital procedure cannot be successfully followed. YES NO

4. We are in favor of the adoption of an amendment to HB 2003 (District Hospitals) prohibiting inclusion of territory of an existing hospital district operating and maintaining a hospital within newly formed hospital districts unless such be authorized by election within the existing hospital district, thus preventing double taxation. YES NO

REMARKS:

Dated this 11 day of March, 1983.

Orisell Memorial Hosp. Dist I
Name of District Hospital

By: Joseph Engelken R.N.
Administrator
(Title)

To: Community Hospital District No. 1
Attention: Joseph Engelken, M.P.A., Administrator
Onaga, Kansas 66521

1. We are against double taxation of the same taxpayers in a territory for like hospital services. YES NO

2. We are in favor of the adoption of an amendment to HB 2002 (Counties) prohibiting the establishment of a county hospital in a county where lies territory of a district hospital operating and maintaining a hospital without residents of the district hospital territory within the county having first a right to decide by election whether they wish to be a part of a county hospital. YES NO

3. We are in favor of district hospitals being formed where the county hospital procedure cannot be successfully followed. YES NO

4. We are in favor of the adoption of an amendment to HB 2003 (District Hospitals) prohibiting inclusion of territory of an existing hospital district operating and maintaining a hospital within newly formed hospital districts unless such be authorized by election within the existing hospital district, thus preventing double taxation. YES NO

REMARKS:

Dated this 9th day of March, 1983.

WASHINGTON C. HOSP. DIST. HOSP. #1 (SUB. CO. DIST)
Name of District Hospital

By: ROGER D. WARREN, M.D.

ADMINISTRATOR
(Title)

To: Community Hospital District No. 1
Attention: Joseph Engelken, M.P.A., Administrator
Onaga, Kansas 66521

1. We are against double taxation of the same taxpayers in a territory for like hospital services. YES NO
2. We are in favor of the adoption of an amendment to HB 2002 (Counties) prohibiting the establishment of a county hospital in a county where lies territory of a district hospital operating and maintaining a hospital without residents of the district hospital territory within the county having first a right to decide by election whether they wish to be a part of a county hospital. YES NO
3. We are in favor of district hospitals being formed where the county hospital procedure cannot be successfully followed. YES NO
4. We are in favor of the adoption of an amendment to HB 2003 (District Hospitals) prohibiting inclusion of territory of an existing hospital district operating and maintaining a hospital within newly formed hospital districts unless such be authorized by election within the existing hospital district, thus preventing double taxation. YES NO

REMARKS:

As the above mentioned bills do not become effective until July 1, 1984, we favor letting them pass in their present form, then meeting during the interim to discuss any further changes needed. Yours is not the only concern around the state but others are willing to follow the position outlined above, which is also the position of KHA. We, as county and district hospitals, need to "get our act together" during the interim then go back to the legislature with a united stand and not do it piece-meal as you are proposing.

Dated this 11th day of March, 1983.

District #1, Rice County (Lyons)
Name of District Hospital

By: Robert L. Mullen

Administrator

(Title)

To: Community Hospital District No. 1
Attention: Joseph Engelken, M.P.A., Administrator
Onaga, Kansas 66521

1. We are against double taxation of the same taxpayers in a territory for like hospital services. YES NO

2. We are in favor of the adoption of an amendment to HB 2002 (Counties) prohibiting the establishment of a county hospital in a county where lies territory of a district hospital operating and maintaining a hospital without residents of the district hospital territory within the county having first a right to decide by election whether they wish to be a part of a county hospital. YES NO

3. We are in favor of district hospitals being formed where the county hospital procedure cannot be successfully followed. YES NO

4. We are in favor of the adoption of an amendment to HB 2003 (District Hospitals) prohibiting inclusion of territory of an existing hospital district operating and maintaining a hospital within newly formed hospital districts unless such be authorized by election within the existing hospital district, thus preventing double taxation. YES NO

REMARKS:

*I had my attorney look over this
their suggestion, and I agree, is to
allow the bill to pass in its present
form - then introduce modifications
next session. We certainly need to
get all the laws affecting us under one
Regulation*

Dated this 11th day of March, 1983.

St Luke Hospital & Nursing Home
Name of District Hospital

By: Sarah Penner

Administrator

(Title)

3-15-83 #6

copy

STALLINGS & JOHNSON

ATTORNEYS AT LAW
15 WEST FIRST AVENUE
CALDWELL, KANSAS 67022

P.O. Box 226
(316) 845-6414

DON B. STALLINGS
LEE A. JOHNSON

March 11, 1983

The Honorable Joe Warren
State Capitol Building,
Topeka, Kansas 66612

RE: House Bills 2002 and 2003

Dear Senator Warren:

I am writing to express my concern about the above-captioned House Bills, which have been assigned to the Senate Public Health and Welfare Committee. These two bills deal with the creation and operation of district hospitals and county hospitals. As attorney for Hospital District #1, Sumner County, Kansas, I am concerned that these bills do not adequately protect existing hospital districts from becoming a part of a new district or being subjected to double taxation for a newly created county hospital.

I am enclosing a photocopy of possible amendments to these two House Bills that would add the needed protection. I would urge you to propose and support such amendments.

Thank you for your consideration of this matter.

Yours truly,

STALLINGS & JOHNSON

Lee A. Johnson
Lee A. Johnson

LAJ/jl
enc.

Atch. 6