

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 18, 1983 in room 526-S of the Capitol.

All members were present except:

Senator Bogina

Committee staff present:

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

Conferees appearing before the committee:

Senator Merrill Werts  
Jim Snyder, Kansas Funeral Directors Association  
Mack Smith, Executive Secretary, State Board of Embalming  
Wayne Stratton, Attorney, Kansas Hospital Association

Others present: see attached list

Senator Meyers called the meeting to order and asked the committee to turn its attention to HCR 5011 and HB 2455. She stated that HCR 5011 is a companion to HB 2455, and asked Senator Werts to comment on HCR 5011.

HCR 5011 - requirements for reciprocal licenses - State Embalming Board

Senator Werts stated that HCR 5011 was introduced by the Joint Committee on Administrative Rules and Regulations after review of the regulations of the State Board of Embalming. This bill changes the standards for a reciprocal embalmer's license to require that the individual seeking licensure in Kansas has been actively engaged as a licensed embalmer in another state for 1 rather than 3 years before seeking reciprocal licensing in Kansas. It also modified the regulation to delete the requirement that an applicant seeking a reciprocal license in Kansas take a written or oral examination on the Kansas Rules and Regulations, since there was no statutory authority for that requirement. HB 2455 gives that statutory authority.

Mack Smith, Executive Secretary, State Board of Embalming, testified in support of HCR 5011, and stated that this bill is an attempt to make the regulations conform to the statutes. It allows the board to give written examinations to people coming into the state, otherwise people would be coming in and practicing with no prior knowledge of the state's laws.

Jim Snyder, Kansas Funeral Directors Association, testified in support of HCR 5011 and stated that he agreed with Mr. Smith's testimony.

HB 2455 - State Embalming Board - examination of out-of-state funeral director

Senator Meyers asked for conferees on HB 2455. There were none and the hearing was concluded on HCR 5011 and HB 2455.

Senator Morris moved that HB 2455 and HCR 5011 be reported favorably. Senator Ehrlich seconded the motion and it carried.

Senator Francisco moved that HCR 5011 and HB 2455 be placed on the Consent Calendar. Senator Gordon seconded the motion and it carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S, Statehouse, at 10 a.m. ~~p.m.~~ on March 18, 19 83

Senator Meyers asked the committee to turn its attention to the hospital bills. She stated that copies of a balloon showing amendments to HB 2002 and 2003 had been distributed to committee members. (Attachment #1). These amendments were worked out by Senator Montgomery because the amendments suggested earlier did not speak to the problems of both Senator Angell and Senator Montgomery.

Emalene Correll, Legislative Research Department, said that under the existing law, any county could form a county hospital because the county statutes are not uniform, so HB 2002 is not a change in that regard.

Senator Meyers said the concern she had heard expressed was as follows: if we started amending the bills for 2 or 3 hospitals, it would open the door to many more requests for amendments, and soon we would be back where we started, with no uniform act. Senator Montgomery said that he thought the amendments would solve any problems that he has heard of, and that he didn't think this would make the bill any less workable.

Senator Francisco observed that he thought the committee should adopt the amendments and leave the bill in committee, then let the hospitals look into it during the interim and come back next year.

Senator Montgomery said that he is very concerned about getting the bills through. This is the second year of work on these bills.

Wayne Stratton, Attorney, KHA, stated that this is a bill which has been worked out through many discussions. KHA is not unsympathetic, but questions what the changes will do to other hospital districts in the state. He said it should be sent to the other hospital administrators to get their reaction and felt that it deserved further study. Mr. Stratton declared that he was concerned that all sides haven't been heard, and some people might feel very strongly about the amendments.

Senator Morris moved that the amendment to HB 2003, submitted by Dan Morgan, Association of General Contractors of Kansas, allowing the 5% bid bond in addition to a certified check in bidding for hospital construction projects, be reported favorably. Senator Ehrlich seconded the motion and it carried.

It was the consensus of the committee not to amend the bills, and to leave all of the hospitals bills in committee until next year.

Senator Hayden moved that the minutes of March 17, 1983, be approved. Senator Ehrlich seconded the motion and it carried.

The meeting was adjourned.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-18-83

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Steve [unclear]

AP

DAN MORGAN

AGC of KS

Donald A. Wilson

Ks. Hosp Assoc.

Rebecca Kuper

Ks Hosp Assoc.

Wagne Stilton

Atty. Ks Hosp Assoc

Jon Robinson Clay Center KS

Clay County Hospital

KEITH R LANDIS

CHRISTIAN SCIENCE COMMITTEE  
ON PUBLICATION FOR KANSAS

Nack Smith

Embal. Bd

Jim Snyder

KFDA

Sen. Don Montgomery

KS Senate

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Public Health and Welfare

Recommends that House Concurrent Resolution No. 5011

"A CONCURRENT RESOLUTION concerning requirements for reciprocal licenses issued by the state board of embalming; modifying Kansas administrative regulation 63-1-5 as adopted by the state board of embalming and filed with the revisor of statutes on December 3, 1982, and modifying K.A.R. 1982 Supp. 63-2-11."

Be adopted and, because the committee is of the opinion that the resolution is of a noncontroversial nature, be placed on the consent calendar.

\_\_\_\_\_Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2455 (As Amended by House Committee)

"AN ACT concerning the state board of embalming; providing for examination of a funeral director from another state; amending K.S.A. 1982 Supp. 65-1721 and repealing the existing section."

Be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

-----Chairperson

3-18-83 #1

WAYNE M. STALLARD

CHRIS FLATTERY

ATTORNEYS AT LAW

307 LEONARD STREET

PHONE 913 889-4231

ONAGA, KANSAS 66521

March 17, 1983

Stallard Res.: 913 889-4522

Flattery Res.: 913 889-4540

Senator Don Montgomery  
21st District  
Senate Chamber  
State Capitol  
Topeka, Kansas 66612

Dear Senator Montgomery:

I enclose a redraft of HB 2002 which will take care of the detachment of district territory from a district hospital that votes to join a new county hospital. In effect this is the only useful purpose that Section 23 of HB 2003 could have. I did not detail the detachment portion of the amendment originally for I knew the section for detachment was in HB 2003, but it can be included in our amendment and Section 23 of HB 2003 can be deleted completely.

If you will note in my letter of November 29, 1982, I questioned whether or not Section 23 of HB 2003 was needed. Why territory of a district hospital across the county line should have a right to detach can only make sense if there is a county hospital to be established in the county in which they reside. Without that issue, the purpose of the section can only give residents in that territory a lever to detach whenever someone is mad about something. Section 23 should be forgotten.

By taking care of the detachment problem in the amendment in HB 2002 (counties) we have provided for the situation where territory desires to go to a new county hospital. We have not taken care of a situation where territory from an existing hospital desires to attach to an adjoining district hospital. This can be accomplished fairly simply by rewriting Section 22 of HB 2003. I enclose a proposed amendment to HB 2003 by replacing Section 22 and making it possible that any territory adjoining and desiring attachment to another hospital district may do so with the consent of both boards and the county commissioners where the hospital is located that attachment is desired. In effect Section 22 provides a convenient method by which adjoining hospital districts can agree on attachment and detachment of territory plus it is a workable attachment section for such territory not already included in a hospital district.

I have avoided a specific calendar date for the effectiveness of the attachment order and suggest that the date of the attachment order be the effective date, but by adding " For tax purposes attachment and detachment provided herein shall be effective as provided in K.S.A. 79-1807," this will work out tax and budget problems.

*AKH 1*

Senator Montgomery

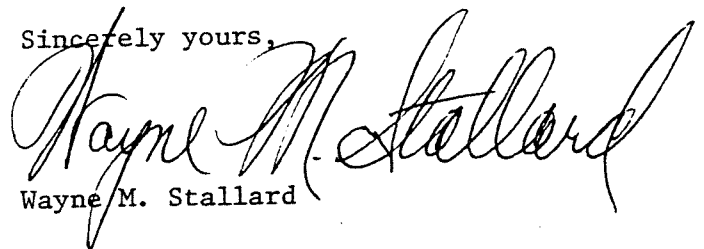
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March 17, 1983

Also enclosed is a redraft of the amendment to HB 2003, subsection (c) which prohibits a newly formed hospital district from including territory of an existing hospital district without a vote of the existing hospital district. Present law, for the most part, takes care of this situation by saying that you cannot be in more than one hospital district. Without amending 2003, there is no limit as to how many district hospitals a territory could be in or no limit on the amount of raids for tax value that could be made by newly formed districts.

Hopefully the enclosed amendments will make more simple the committee's task in working out a feasible bill for all parties concerned.

Sincerely yours,

A handwritten signature in cursive script that reads "Wayne M. Stallard". The signature is written in black ink and is positioned above the typed name.

Wayne M. Stallard

WMS/ss

Enclosures

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 territory 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 first at an election a majority of those voting of the qualified electors who reside within the bounds of the existing hospital district within the county seeking the county hospital vote 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 K.S.A. 25-2503(g) "Question submitted election". If such county hospital is established within a period of two years from the date of such election, the territory having voted at such election shall be detached from the district hospital effective on the second December 31st following the date of the order of the commission establishing the hospital as a county hospital. Such territory so detached shall be liable for payment of outstanding bonds of indebtedness of the district hospital as may have been issued during the period of time such territory was attached to said district hospital. If such hospital district has authorized the issuance of bonds at a special election, the election shall be in no way affected by the passage of this act, and the bonds authorized at the election may be legally issued notwithstanding the detachment of any portion of the hospital district which was included at the date of the bond election.

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 related facilities.

Proposed Amendment to HB 2003 by replacing Sec. 22 with the following:

Any territory adjoining and desiring to be attached to and become a part of any hospital district may do so in the manner provided in this section. Upon the presentation to the board of county commissioners, of the county in which the hospital is located, of a petition setting forth the boundaries of the area which desires to be attached to the taxing district of the hospital and signed by not less than 51% of the qualified electors of the territory, to be determined by enumeration taken and verified for this purpose by some qualified elector of the area, it shall be the duty of the board of county commissioners, at its next regular meeting, to examine the petition. If the board of county commissioners finds that the petition is regular and in due form as provided in this section, the board shall enter an order in its proceedings attaching the territory described in the petition to the existing taxing district. The petition shall be accompanied by a copy of a resolution adopted by the board, which resolution shall state that the board desires such territory to be attached to the taxing district of the hospital; and if such territory includes a part of territory of another hospital district, the petition shall also be accompanied by a copy of a resolution adopted by the board of such other hospital district stating their desire that such territory be detached from the taxing district of their hospital. For tax purposes attachment and detachment provided herein shall be effective as provided in K.S.A. 79-1807.

0083 the county in which such political subdivisions, or the greater  
0084 portion of the area thereof, are located, of a petition setting forth  
0085 the boundaries of the proposed hospital district and requesting  
0086 the formation of such hospital district signed by not less than  
0087 51% of the persons who will become qualified electors of the  
0088 proposed district upon its establishment and who reside within  
0089 the limits of each political subdivision proposing to join in the  
0090 establishment of the hospital district, the sufficiency of such  
0091 petitions to be determined by an enumeration taken and verified  
0092 for this purpose by some person who will become a qualified  
0093 elector of the proposed district, it shall be the duty of the board of  
0094 county commissioners, at its next regular meeting, to examine the  
0095 petition. If the board of county commissioners finds that the  
0096 petition is regular and in due form as is provided in this section,  
0097 such board shall enter an order in its proceedings establishing the  
0098 hospital district. If any political subdivision within the area of  
0099 the proposed district owns and is operating a hospital at the time  
0100 the petitions are filed, the petitions shall be accompanied by a  
0101 copy of a resolution adopted by the governing body of the  
0102 political subdivision within such district which owns the hospi-  
0103 tal, which resolution shall state that the political subdivision  
0104 agrees to convey the hospital together with all the hospital  
0105 equipment and the tract of land upon which the hospital is  
0106 located to and for the use of the proposed hospital district. The  
0107 governing body of the political subdivision is hereby authorized  
0108 and directed to adopt such a resolution and to make such con-  
0109 veyance.

0110 Sec. 4. Upon the establishment of a hospital district, the  
0111 board of county commissioners shall cause a notice to be pub-  
0112 lished, once each week for two consecutive weeks, in a newspa-  
0113 per of general circulation in the hospital district stating that a  
0114 meeting of the qualified electors of such hospital district will be  
0115 held at the time and place fixed in the notice for the purpose of  
0116 electing five persons as the first board for such district. The last  
0117 publication of such notice shall be made not more than six days  
0118 prior to the date fixed for the holding of the meeting. The cost of  
0119 such publication shall be borne equally by the political subdivi-

(c) Territory included within the boundaries of an existing hospital district operating and maintaining a hospital shall not be included in a newly formed hospital district as provided herein, unless if at an election a majority of those voting of the qualified electors of the existing hospital district vote to be included in such new hospital district. Such election shall be held in conformity with K.S.A. 25-2503(g) "Question submitted election".