

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 February 7, 1984 in room 526-S of the Capitol.

All members were present except:

Senator Roitz

Committee staff present:

Emalene Correll, Legislative Research Department
Bill Wolff, Legislative Research Department

Conferees appearing before the committee:

Dick Hummel, Kansas Health Care Association
Virginia Hammond, Cedar Crest Nursing Home, Haviland, Kansas
Eleanor Brown, LPN, Frankfort Community Care Home, Frankfort, Kansas
JoAnn Farrar, Director of Nursing, Homestead Villa, Hoisington, Kansas
Eva Fortney, Director of Nursing, Kaw Valley Manor, Bonner Springs, Kansas
Barbara Walker, President, Nurses Council of Kansas Health Care, Olathe, Ks.
Pam Kern, Director of Nursing Services, Cherry Village, Great Bend, Kansas
Glema Smith, Kansas Federation of Licensed Practical Nurses
Diane Bottorf, Assistant Director, Kansas State Nursing Association
Marilyn Bradt, Kansans for the Improvement of Nursing Homes
Dr. Lois Scibetta, Kansas State Board of Nursing

Others present: see attached list

SB 586 - concerning medication aides; providing for registration thereof

Dick Hummel, KHCA, distributed testimony to the committee stating that they support SB 586, which would place some controls on the practice of medication aides and permit their administration of insulin, and listed reasons for their support of this bill. (Attachment #1).

Virginia Hammond, Administrator, Cedar Crest Nursing Home, Haviland, Kansas, distributed testimony stating that they supported both concepts of SB 586 pertaining to denial/supervision of Medication Aide Certificates and insulin administration. She said that instruction of injections for insulin had been included in the medication aide training program since 1977, and they had been giving the insulin injections satisfactorily until 1982, when they were disallowed by DH&E. She feels this bill would be beneficial and cost effective to their residents and to the state of Kansas. (Attachment #2).

Eleanor Brown, LPN, Frankfort Community Care Home, Frankfort, Kansas, distributed testimony stating her support for SB 586. She declared that she favors having the power and ability to revoke a medication aide's certificate for cause, and said they are not asking to administer all injectible medications - just daily insulin injections. (Attachment #3).

JoAnn Farrar, RN, Director of Nursing, Homestead Villa, Hoisington, Kansas, distributed testimony in support of SB 586, and described an incident that had occurred at their facility two years ago, which made her aware that there was no regulation providing for revocation or suspension of an MA's certification. She said the number of nurses in rural communities and the nursing home industry is very low, and asked that competent, trained medication aides be allowed to administer insulin. (Attachment #4).

Eva Fortney, Director of Nursing, Kaw Valley Manor, Bonner Springs, Kansas, testified in favor of SB 586. She said that physicians train their girls to give shots all the time, and insulin should be allowed to be administered by CMAs.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

room 526-S, Statehouse, at 10 a.m. ~~PM~~ on February 7, 1984.

Barbara Walker, President, Nurses Council of Kansas Health Care, Olathe, Kansas, testified in support of SB 586. She said there is a need there, and they do have this problem through the state. She feels that CMAs are very competent to administer insulin, and supports mandating certification of MAs.

Pam Kern, RN, Director of Nursing Services at Cherry Services, Cherry Village, Great Bend, Kansas, testified in support of SB 586, and said they are one of the few remaining family-owned nursing homes in Kansas. Nursing homes are required to have all of their nurse aides certified, and medication aides are required to have 195 hours in instruction and testing before they can administer medications. She stated that insulin is routinely injected, and their nurse is not there in the evenings. If the medication aide is adequately trained to recognize the reaction, she can be trained to administer the injection. She recommends SB 586 for passage and sees no compromise in the quality of care.

Glema Smith, Kansas Federation of Licensed Practical Nurses, read testimony from Joanne Carr and members of KFLPN stating that they oppose SB 586, and listing the reasons for their opposition. (Attachment #5).

Diane Bottorf, Assistant Director, KSNA, distributed testimony to the committee stating that KSNA opposes SB 586. She said that MAs generally have minimal formal education, are low paid, and often have difficulty obtaining other types of employment, and in contrast, nursing students are required to take courses in chemistry, physiology and pharmacology before they are allowed to administer drugs to patients. KSNA believes that perpetuating the role of medication aides by registering them and allowing them to give insulin is an unsafe practice which may jeopardize the lives and well-being of our older citizens in nursing homes. (Attachment #6).

Marilyn Bradt, KINH, testified in opposition to SB 586, and distributed testimony stating that KINH has consistently expressed opposition to the category of Medication Aides, and believes that medications should be administered by licensed nurses only. (Attachment #7).

Dr. Lois Scibetta, KSBN, testified in opposition to SB 586, and distributed testimony stating that KSBN is in favor of some type of supervision for MAs, such as re-certification, but is not in favor of the registration of the group, or allowing the CMAs to administer insulin. (Attachment #8).

In answer to a question from the committee, Dr. Scibetta said there are 11 members on the Kansas State Board of Nursing.

There were questions from the committee concerning wages of nurses, certification of MAs, safety of administering insulin injections, and the authority MAs now have in making independent judgments about medicine.

Senator Ehrlich asked Pam Kern to submit a written statement of her testimony.

The following people asked to be recorded as voting "no" on SB 586: Peggy Erickson, Director of Nursing, Central Kansas Medical Center, Great Bend; Lillian Akins, Barton County Health Department, Great Bend; Mrs. Clayton Williamson, Great Bend; and Eunice Proctor, Nursing Service, Pratt Regional Medical Center, Pratt, Kansas.

Rebecca Kupper, KHA, distributed copies of the amendments to HB 2002 and HB 2003, which the Kansas Hospital Association is proposing, so that the committee would have time to review them in advance of the hearing tomorrow. (Attachment #9).

Senator Meyers said the committee would hear from others wishing to testify on SB 586 at a later date.

Senator Francisco moved that the minutes of February 2 and 3, 1984, be approved. Senator Vidricksen seconded the motion and it Page 2 of 7 carried. The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 2-7-84

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

D. Lois F. Scibetta

KSBDN

Jo Ann Peavler

Glema J. Smith

KFLPN

Eleanor Brewer, Dermidion, Ks.

Frankfort Comm. Care Home

Shirley Anderson LPN Frankfort, Ks

Frankfort Care Home

EVA FORNEY

Kan Valley, Meas. Control App.

Barbara Walker

Platte God Sr. Center

VIRGINIA HAMMOND, HAWLAND, Ks 67059

Cedar Crest of HAWLAND

Jo Ann Farnow, RN, Herington, Ks

Hornstead Villa, Herington

Sister Ellen Anderson

Ks Catholic Conference

Marilyn Bradt

KINH

Dale Hummel

KAHA

John Schneider

SRS

Dorothy Kow

Cherry Village Frnt Bend

C McShane

Cherry Village, Frnt Bend

Charles Hamm

Kan Dept of H & E

Lynelle King

Ks State Nurses Assn.

Rebecca Kupper

KHA

KEITH B LOUISIS

CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS

Charlotta Galla

ARC

Harley Alton

PBET

Martha Oshert

P. Bank - MP

Kristy Puckner

MBT - morph.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 2-7-84

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Conce Norton McPherson
Gornio Chapman McPherson
Jim Kramer ✓
PAT SCHAFFER TAPCA
Bob Meyer Bpca
Diane Bottom
D. Habel Tapca
Jon Jantz McPherson
T. L. Dole Moken

McPherson County Pkts
Bank of America McPherson
McPherson Bank & Trust
BUDGET
Dulcan
KSNA
K.D. H
Jantz Implement
Home Tail Sewing Co. P

#1 - 2-7-84

Member of



Kansas Health Care Association

TESTIMONY PRESENTED BEFORE THE
SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

By

Dick Hummel, Executive Director
Kansas Health Care Association

February 7, 1984

SENATE BILL NO. 586

AN ACT concerning medication aides, providing for the registration thereof; authorizing the administration of certain medications thereby; granting certain powers and imposing certain duties upon the secretary of health and environment.

Senator Meyers and Committee Members:

On behalf of the Kansas Health Care Association, a voluntary non-profit organization representing over 200 Kansas licensed adult care homes, profit and non-profit and single as well as multi-facility ownership interests, thank you for this opportunity to comment.

We support the dual thrust of S.B. 586; first to place some controls on the practice of medication aides, and second to permit their administration of insulin.

Realizing that medication aides are not an unfamiliar topic to this committee, we'd none-the-less like to submit a brief, historical background of the program before discussing the bill.

TRAINING/FUNCTION OF MEDICATION AIDES

Medication aides have been trained and certified in Kansas since 1978. Approximately 2,600 medication aides are employed in Kansas adult care homes.

The Kansas State Department of Health and Environment is responsible for the medication aide program; training is administered by the Department of Education.

The medication aide course is generally 60-70 clock hours in length; prior to enrollment in the medication aide course a person must be certified as a nurses aide (90 hour course).

"We Care"

ALch. 1



By Kansas Department of Health and Environment regulation, medication aides are now only permitted to administer oral medications. At one time their training included the administration of parenteral medications (intramuscular, intravenous, sub-cutaneous), and finally insulin properties and techniques.

S.B. 586

1. Medication Aide Practice.

Right now, other than for the new requirement for continuing education as a control, a medication aide certificate is a life-time proposition.

We support the reasons given in the bill (lines 0027-0044) for revoking or denying the renewal of a certificate.

✓ 2. Insulin Administration. (Lines 0049-0053).

Medication aides have been and can be taught to safely administer insulin, something that even individuals in their own homes are taught to do.

Medication aides generally receive more direct training in drugs and pharmacology than most nurses.

Intermediate care facilities, rural ones in particular, will benefit from this change if approved. Such facilities must maintain, as a minimum, a professional or practical nurse fulltime on the day shift.

Two nursing personnel, one of whom must be a licensed nurse or certified medication aide, must be on duty at all times. In other words, at least a medication aide on the second and third shifts.

Situations have arisen wherein an insulin injection is needed by a resident during those shifts and either the nurse or physician has had to be called in to do it; in another example brought to our attention the resident was transferred to the hospital for the injection.

Medication aides have proven to be an important, competent and vital adjunct to our long-term health care team.

We support, however, some controls over their practice and the limited expansion of duties to include the administration of insulin.

Your favorable reporting of S.B. 586 is respectfully requested.

RECEIVED JAN - 5 1984

December 21, 1983

Kansas Health Care Association
Legal & Legislative Committee
221 Southwest 33rd Street
Topeka, Kansas

To Whom it May Concern:

It is our professional opinion, that with the proper training from perhaps a qualified registered nurse, medication aides should be allowed to administer insulin. Self administration is a common practice for our incoming diabetic resident.

This would help to contain costs for the facility, hence for the state.

However, proper training should be stressed to make this a safe and effective procedure for nursing homes.

I would appreciate your support of measure.

Tom Todd BPH
Tom Todd, Registered Pharmacist

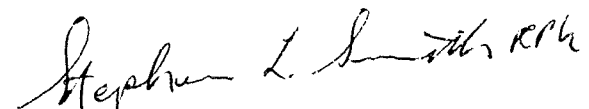
Ernest B. Hall Jr. M.D.
Ernest Hall, Medical Doctor

To Whom it may Concern:

Regarding the administration of insulin in the
Nursing Home.

We would be in favor of Medication Aides being trained
to give insulin in the Nursing Homes due to the expense
involved in overtime for Licensed Nurses.

We would like to stress that special training in
administration, methods of storage to prevent mix-
up, and instruction on the effects of insulin as
well as an understanding of Diabetes Mellitus, be
passed first by Medication aides before they are
cleared to perform.



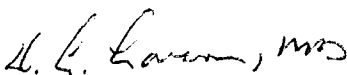
Stephen Smith, R.P.H.

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passed first by Medication aides before they are
cleared to perform.



Dr. D. Larsen, M.D.

A2 - 2-7-84

CEDAR CREST NURSING HOME

P.O. Box 263
Haviland, Kansas 67059
Phone 862-5291
Virginia Hammond, Administrator

SENATE BILL NO. 586, MEDICATION AIDES

Senator Meyers and Committee Members:

On behalf of Nursing Homes in Western Kansas, I appreciate this opportunity to present comments on the above captioned Bill pertaining to the denial/supervision of Medication Aide Certificates and to insulin administration by trained Medication Aides.

We endorse both concepts of the bill. We have requested a registry and continued education requirement for our medication aides and feel that this will be beneficial to our residents.

Our Medication Aides currently are required to complete successfully a forty (40) hour course of class room study and twenty (20) hours practicum as well as having to pass an examination administered by Department of Health and Education, State of Kansas before allowed to administer medications in our facilities. As you are aware this course contains training in the Roles and Responsibilities of a Medication Aide, forms of medication available, abbreviations used in nursing homes, a math course, review of Drug Standards, and resources available for drug information. They are taught the anatomy and physiology of each system of the human body, along with the medications used for each system, each medications side effects, implications of care, and the drugs uses. They are taught how to prepare and administer medication by checking labels correctly, how to record medications given, the narcotic schedule and the control of narcotics. Their practicum consists of twenty (20) hours of actual clinical experience under the direct supervision of a Registered Nurse in their home facility.

The instruction of injections for insulin had been included in the medication aide training program since 1977 and they had been giving the insulin injections satisfactorily until 1982, when the Kansas Department of Health and Environment disallowed injections by certified medication aides. I feel the trained medication aide was as qualified by their course to administer the insulin injections as I am by the training I received in administering insulin in my LPN course.

Families and diabetics living in the community are taught to give insulin by Home Health Nurses in four hours or less. They are giving themselves the injections in unsanitary conditions and not understanding the nature of their illness fully nor understanding the action of the medication. Some of these people have poor eyesight, poor coordination yet are surviving the injections.

Atch. 2

CEDAR CREST NURSING HOME

P.O. Box 263
Haviland, Kansas 67059
Phone 862-5291
Virginia Hammond, Administrator

I feel if an eighty year old man can give his own insulin then a trained medication aide can efficiently and effectively administer the same insulin injection in a much safer and sanitary manner.

Because of the unavailability of Licensed Personnel in rural communities it is imperative that our medication aides be trained effectively in administering the insulin injections and be allowed to administer them. Our licensed nurses are now working an average nine hour day and usually ten hour days in order to comply with regulations. Not only would it be cost effective to the resident and the State of Kansas for the trained Medication Aide to administer the insulin injection than to call back a Licensed Nurse to administer the insulin injection, it would also be beneficial to the resident for his health and well being. By not allowing the trained medication aide to administer insulin situations could be created where the law could be broken in order for the resident to receive his medication at the proper time.

Again, I support this bill and thank you for the opportunity of expressing the needs of Western Kansas Nursing Homes who take pride in delivering excellent care to the residents in our facilities.

Good Morning - Ladies and Gentlemen - Members of the Legislature.

I am Eleanor Brown, L.P.N. from the Frankfort Community Care Home, at Frankfort, Kansas. I attended the Manhattan Area Vocational Technical School in 1970-1971, graduating in September 1971.

I worked at the Community Memorial Hospital from January 1972 until November 1974 as a Staff L.P.N. I, then started to work at the Frankfort Care Home and I am still employed there. My duties at the Care Home are: Assistant to the Health Service Supervisor, Social Services Designee, L.P.N. at Large for Nurse Council of Kansas Health Care Association.

✓ In regard to Senate Bill 586, I am here today to try and explain why we feel medication aides should be allowed to give diabetic insulin injections after they are properly trained, which they are now except for the individuals that received training over the past several years.

We had an elderly resident from our home town that came to us, requiring insulin be given on a sliding scale and the only way we could do this was to have the nursing staff on from 6:00 A.M. till 8:00 P.M. at night. Doctor attempted to change her insulin schedule but it wasn't successful, therefore, she had to be hospitalized and then she was not returned to us because they were going to send her to a skilled home. We are an intermediate rated home. This lady has her family all living in our town. This causes them much inconvenience and they cannot visit everyday like they were when she was in our care home. We paid to train these medication aides and when this decision was handed down, our medication aides felt hurt. They told us we did not have faith in them. We assured them it wasn't because of our lack of faith. Our medication aides are responsible and well-trained employees. I am also in favor of having the power and ability to revoke a medication aide's certificate if she is not living up to the requirements of the responsibilities of her duties.

When you live in a rural area such as we live in, you need good medication aides, who are responsible because we can't afford to call a nurse to come in or, Heaven Forbid, a Doctor. Our aides need to have that responsibility and we have taken this away when we disallow insulin injections which any diabetic child can do in his own home.

We are not asking for all injectable medications - just the privilege of giving daily insulin injections.

Thank you for letting me take part of your valuable time to listen to me.

Atch. 3

My name is JoAnn Farrar. I am a Registered Nurse and presently employed as Director of Nursing at the Homestead Villa, an intermediate care nursing home in Hoisington, Kansas.

Senate Bill No. 586 is of great personal interest to me because of an incident that occurred at our facility approximately two years ago. A Certified Medication Aide was suspected of ingesting and possibly selling medications and narcotics intended for residents. With the assistance of the local authorities we were able to prove this and she was subsequently arrested for possession and theft of narcotics. After her arrest I called the Department of Health and Environment to report the theft and to ask if this CMA's certification could be revoked or suspended pending the outcome of her case. I was informed that "there is no regulation providing for revocation or suspension of a certification for ANY reason." If she had been licensed, it would have been reported to the State Board of Nursing and action taken to revoke or suspend her license. As a registered nurse, whose license would have been "on the line" under the same circumstances, I felt this was unfair. What was to prevent her from obtaining employment at another nursing home and taking drugs from them? Subsequently, I called my State Senator and asked if something could be done to protect the elderly and the nursing profession. As caretakers of the elderly it is our responsibility to see that our residents receive the best possible care. In order to accomplish this, we must have this legislation to prevent incompetent, negligent or criminal types from obtaining employment in positions that literally control the lives of our elderly. This bill does not allow indiscriminate removal of a name from the registry, but, will impress upon any certified person the scope of their responsibilities.

Speaking as a nurse in a rural community of Western Kansas, the shortage of nurses is acute. While the list of licensed professional nurses may be numerous, we must be REALISTIC about the matter. The FACT is that the number of working nurses in rural communities is low and in the nursing home industry VERY LOW. For this reason, and the fact that intermediate care facilities "shall provide a registered nurse or licensed practical nurse on the day shift 7 days a week..." (KAR 28-39-87) the administration of Insulin by a CMA would relieve the burden of having a nurse return to a facility in the evening to administer Insulin. Opponents to this have stated that if a medication aide is allowed to give Insulin, the next step will be to allow the administration of other injectables. This is NOT the case. At the inception of the Certified Medication Aide, the course approved by the Department of Health and Environment provided instruction in the administration of Insulin and administration of Insulin was allowed by CMAs until May 1, 1982. During this period of time no mention was made of administering other injectables by the nursing profession or any other interested party. Approximately 99% of our residents have been diabetic before entering the nursing home and have been administering their own Insulin or it has been administered by un-trained family members or friends. AS A MATTER OF FACT, other agencies are allowing Insulin to be administered by non-certified aides at the present time.

As the most regulated industry in the United States, with the least amount of money provided for resident care, we are asking that competent, trained persons be allowed to administer Insulin, knowing that under other circumstances, its administration would not be regulated by government.

#5 2-7-84

**KANSAS FEDERATION OF LICENSED
PRACTICAL NURSES, INC.**

Affiliated with NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES, INC.

Joanne B. Carr, L.P.N., President
7342 Roe Circle
Shawnee Mission, Kansas 66208
(913) 722-2858

TO: SENATOR EHRLICH AND MEMBERS OF
PUBLIC HEALTH AND WELFARE COMMITTEE
FROM: JOANNE CARR AND MEMBERS OF KANSAS FEDERATION
OF LICENSED PRACTICAL NURSES, INC.

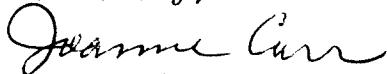
In regard to Senate Bill 586, an Act concerning medication aides. For the following reasons, Licensed Practical Nurses oppose this bill: While acknowledging the wisdom of maintaining a register to better screen medication aides, we question the wisdom of the need for medication aides. LPNs have a greater understanding of pharmacology than a Med-aide can learn in 44 hours.

We also question the wisdom of a Med-Aide administering Insulin; How safe is this for the consumer? In the environment of one's own home where one might administer one's own Insulin, conditions of both the patient and surroundings differ from those found in most Nursing Care facilities, making it necessary for the Nursing attendant to be as well qualified as possible to care for the patient needing the Insulin.

We also question the possibility that "Registration" is a step above "Certification". This seems to elevate the Med Aide far above the educational attainment the 44 hours provides. For the safety of the consumer and the standards of Nursing in the area of Nursing Care facilities, I and Kansas Federation of Licensed Practical Nurses, Inc. go on record as being opposed to Senate Bill 586.

Thank you for your time.

Sincerely,



Joanne Carr

Pres. KFLPN

Feb. 5

KSNA

the voice of Nursing in Kansas

Statement of Kansas State Nurses' Association
By Diane Bottorff, R.N., Assistant Director
Before the Senate Public Health & Welfare Committee

February 7, 1984
In Opposition to SB 586, registering medication aides and
allowing them to administer insulin.

Madam Chairperson and members of the committee, my name is Diane Bottorff. I am an assistant director of the Kansas State Nurses' Association, the professional association for registered nurses in Kansas. I come to you today representing the association, but I also speak to you from two other perspectives: 1.) as a nurse with master's level preparation in gerontological nursing and 2.) as the granddaughter of an elderly insulin - dependent diabetic who resides in a Kansas nursing home.

There are two components to SB 586, the registration of medication aides and the provision which would allow medication aides to give insulin, KSNA strongly opposes both of these.
✓ First, I will speak to the registration of medication aides.

KSNA has consistently opposed the use of medication aides because of the inherent dangers of this practice. Medication aides after only 8 days of training are placed in a very responsible position, giving medication to numbers of elderly residents many of whom have multiple health problems, and each of whom may be taking as many as four to seven different medications per day. These medication aides generally have had minimal formal education, are low paid and often have had difficulty obtaining other types of employment. They can not be expected after 8 days in a medication aide course to have the knowledge base to recognize when a resident in their care manifests untoward effects from medications. In contrast, to the medication aides' training, nursing students are required to take courses in chemistry, physiology and pharmacology before they are even allowed to administer drugs to patients. They must be familiar with untoward effects and know the interactions between the drugs they are giving and other drugs.

Atch. 6

It seems rather inconsistent to have a licensed nurse giving medications to an elderly person in a hospital one day then the next when that person is moved to a nursing home, suddenly it's all right for a non-licensed person to give the medications. Is the elderly person less deserving of care when the setting changes? Perhaps the answer to this question says something about how we regard our older citizens.

Medication aides may be regarded as a cost cutting measure, but we must not confuse safe care practices with cost containment. Nurses who administer medications are not just spending time going through the technical procedure but also are observing, assessing, intervening, educating, nurturing and evaluating the resident and his care.

Registering medication aides further legitimizes and perpetuates this role and would make it more difficult to discontinue. Granted, the bill does attempt to safeguard consumers by listing causes for removal of the medication aides from the register. However, safe care can best be guaranteed for residents in nursing homes by insisting that medication administration be performed by licensed personnel only.

✓ The second component of this bill would expand the scope of practice of medication aides. It would allow medication aides to administer a drug, insulin, which is potentially lethal. There are several types of insulin which can add to the potential for error. Too much or too little insulin or the wrong type can prove to be fatal.

Lines 0052 and 0053 speak of a course in insulin administration. There is no reference to the length of the course or its content. Insulin administration itself is a technical skill which, as you may be aware, can be mastered by diabetics or their family members. However, there is more to administering insulin than injecting the drug into the body. In addition, most persons are in a nursing home because of physical or mental disabilities which make it impossible for them to manage their own care.

Management of diabetes requires careful balancing of insulin, diet, and exercise. In the elderly diabetic, the management may be complicated by the presence of other disease states, physical limitations, and the interaction of drugs prescribed for these various conditions. Certain drugs can alter blood sugar levels, and thus, the expected response to insulin may not occur. Furthermore, in the elderly person, presence of decreased kidney function can lead to excessive lowering of the blood sugar (hypoglycemia). Hypoglycemic reactions can be more dangerous in older persons. The elderly often exhibit symptoms of low blood sugar, related to lack of glucose to the brain, such as confusion or lack of coordination. This occurs in place of the usual response of nervousness and sweating seen in younger persons. Elderly persons in nursing homes may not be able to recognize symptoms of low blood sugar themselves and must rely on knowledgeable caregivers to identify these symptoms and to treat them properly. Medication aides could not be expected to have the knowledge base to do this.

In balancing the care of the elderly insulin dependent diabetic, nutritional needs must be addressed also. Food intake may be altered by decreased sense of taste or smell and by factors such as drugs, decreased activity and lowered metabolism. All of these can alter the body's requirements for insulin and must be assessed on a day to day basis. Again, this is beyond the scope of knowledge and training of the medication aide.

In summary, we ask you to give SB 586 an unfavorable vote based on the belief that perpetuating the role of medication aides by registering them and allowing them to give insulin is an unsafe practice which may jeopardize the lives and wellbeing of our older citizens in nursing homes.



Kansans for Improvement of Nursing Homes, Inc.

913 Tennessee, #2

LAWRENCE, KANSAS 66044

842-3088 — Area Code 913

February 7, 1984

TESTIMONY SUBMITTED TO
THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
CONCERNING SENATE BILL 586

KINH has consistently expressed opposition to the category of medication aide; we continue to believe that medications should be administered by licensed nurses only. On that basis we oppose any action, such as registration by the Secretary of Health and Environment, which appears to sanction the medication aide.

We are made even more uneasy by the provision of SB 586 which permits the medication aide to administer insulin. KINH is persuaded by substantial professional opinion that administration of injectable medications, including insulin, by medication aides is unsafe and poses a potentially life-threatening hazard to nursing home residents.

We urge you to oppose SB 586.

Atch. 7

48-2-2-84



KANSAS STATE BOARD OF NURSING

BOX 1098, 503 KANSAS AVENUE, SUITE 330
TOPEKA, KANSAS 66601

Telephone 913/296-4929

TO: The Honorable Jan Meyers, Chairman, and Members of the Public Health and Welfare Committee

FROM: Lois Rich Scibetta, ^{LS} Ph.D., R.N., Executive Administrator

DATE: February 6, 1984

RE: Senate Bill 586

Thank you Madam Chairman for the opportunity to present testimony regarding Senate Bill 586. The Board opposes this Bill in its current form for the following reasons;

- (1) The Board does not believe that Medication Aides should be "registered," per se. Groups requesting registration are usually cleared through the Statewide Health Planning Coordinating Council. A list of certified aides would be acceptable.
- (2) The Board strongly objects to item (c) page 2, where a Medication Aide is allowed to administer insulin. The Board considers this procedure unsafe, and not in the best interest of the public. Professional experience and judgement are required in terms of assessment of the patients condition, including when to administer insulin, when to withhold it, etc.

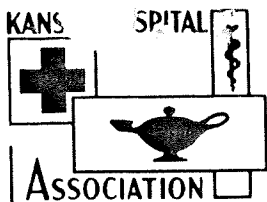
The Board of Nursing is in favor of some type of supervision for Medication Aides, i.e., recertification of Medication Aides. It is not in favor of the registration of the group, or allowing the CMA's to administer insulin.

I will be happy to answer any questions which the Committee may have.

Thank you.

LS

49 - ~~2-6-84~~ 2-7-84



Memorandum

Donald A. Wilson
President

February 6, 1984

TO: Members of the Senate Public Health and Welfare Committee
FROM: Donald A. Wilson
SUBJECT: PUBLIC HOSPITAL LAWS

Attached are amendments to House Bill 2002 and 2003 the Kansas Hospital Association is proposing. A summary of these changes are also attached. These amendments are a result of the agreement reached by our 73 county and district hospitals during the interim. We understand that Clay County Hospital may have some other amendments to deliver to you in person.

We will appear before the Committee on Wednesday to discuss our proposed amendments. We wanted you to have these to review in advance of that meeting.

DAW:mkc
Attachments

Atch. 9

SUMMARY OF THE CONSENSUS
OF THE MEMBERS OF THE KANSAS
HOSPITAL ASSOCIATION REGARDING
HOUSE BILLS 2002 AND 2003

During the summer, members of the Kansas Hospital Association reviewed House Bills 2002 , 2003, 2004, 2005, 2006, 2007 and 2178. The members recommend and support some amendments to H.B. 2002 and 2003. The specific amendments are shown on the attached copies of H.B. 2002 and 2003.

Many of the amendments proposed by the Kansas Hospital Association are aimed at providing continuity between the present and proposed statutes so that there may be an orderly transition from past procedures. Secondly, the amendments guarantee that two hospitals with overlapping taxing districts cannot exist. Finally, a few changes are proposed which the hospitals feel will aid the operation of the hospitals.

Basically, the proposed amendments to House Bill 2002 provide:

1. A county hospital cannot be established if there is a district hospital within the county's boundaries unless the residents of the hospital district vote to be included within the county hospital. A favorable vote is only effective for two years. Any bond issues of the district will not be affected by the detachment. K.S.A. 19-101a, the Home Rule Statute, is amended to make it consistent with these provisions.

2. The proposed amendments to Section 5 would make a hospital board mandatory, even if there is a management or lease contract. The provision is also changed so that only the commission could lease the hospital, but the hospital board could enter into a management contract.

3. A provision is included allowing boards to continue operation as either elected or appointed boards until the electors, at a referendum, vote to switch from an elected to an appointed board or from an appointed to an elected board. Such an election will be held after 5 percent of the electors sign a petition requesting the election. The amendments to section 5 also provide that elections of hospital boards shall be on a nonpartisan basis.

4. The amendments allow elected boards to levy taxes, approve budgets, and issue bonds. Where the board is appointed the county commission would have these powers.

5. An amendment would require that only buildings or additions which use bond proceeds will require approval by the commission.

The proposed amendments to H.B. 2003 provide:

1. Section 3 is amended to make it clear that a hospital district is a municipal corporation.

2. Also, section 3 is amended so that no hospital district may be formed over another district.

3. Section 6 is amended to allow the number of board members to be changed only after majority vote at a special election called following a petition signed by 5 percent of the electors within the districts.

4. An amendment is proposed to section 16 which would provide that the county treasurer of the county in which the hospital is located has a duty to collect the taxes levied on behalf of the hospital district and transmit such taxes to the hospital treasurer. If a hospital district lies in more than one county, then the county treasurer of the counties in which the hospital is not located also have the duty to collect such taxes and transmit them to the hospital treasury.

5. An amendment is also included which would make the no-fund warrant statutes of K.S.A. 79-2925 to 79-2968 available for the hospital districts.

6. A provision is included which would allow territory to be transferred from one hospital district to another if there is approval of 51% of the electors, via petition, both in hospital boards and the county commission in the district where the hospital will be attached.

The Kansas Hospital Association appreciates your attention to these amendments.

HOUSE BILL No. 2002

By Special Committee on Hospital Laws

Re Proposal No. 9

12-20

and 19-101a,

0017 AN ACT relating to counties; concerning the establishment and
0018 operation of hospitals and related facilities; amending K.S.A.
0019 19-261, and K.S.A. 1982 Supp. 70-1047, and repealing the
0020 existing sections section; also repealing K.S.A. 19-1801 to
0021 19-1820c, inclusive, 19-1827, 19-1846 to 19-1848a, inclusive,
0022 19-1856a, 19-1856b, 19-1860 to 19-1860h, inclusive, 19-1861 to
0023 19-1863d, inclusive, 19-1865 to 19-1880, inclusive, and 19-
0024 1885 to 19-18,132, inclusive.

0025 *Be it enacted by the Legislature of the State of Kansas:*

0026 New Section 1. As used in this act:

0027 (a) "Board" means a hospital board which is selected in
0028 accordance with the provisions of this act and which is vested
0029 with the management and control of a county hospital;

0030 (b) "commission" means the board of county commissioners
0031 of any county;

0032 (c) "hospital" means a medical care facility as defined in
0033 K.S.A. 65-425 and includes within its meaning any clinic, school
0034 of nursing, long-term care facility and child-care facility operated
0035 in connection with the operation of the medical care facility.

0036 (d) "hospital moneys" means, but is not limited to, moneys
0037 acquired through the issuance of bonds, the levy of taxes, the
0038 receipt of grants, donations, gifts, bequests, interest earned on
0039 investments authorized by this act and state or federal aid and
0040 from fees and charges for use of and services provided by the
0041 hospital.

0042 New Sec. 2. (a) Any existing county hospital established
0043 under the laws of this state prior to the effective date of this act is
0044 hereby continued in existence and shall be governed in accord-

,except a county having within its boundaries any territory of a hospital district operating and maintaining a hospital under Article 21 of Chapter 80 of the Kansas Statutes Annotated,

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

In a county having within its boundaries territory of one or more existing hospital districts 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 qualified electors who reside within the bounds of each 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 or territories 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 or territories so detached shall be liable for payment of outstanding bonds of indebtedness of the district hospital or hospitals as may have been issued during the period of time such territory or territories was attached to said district hospital or hospitals. If such hospital district or districts have 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.

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

The commission may contract for the lease of any such hospital with any person, corporation, association or society upon such terms and conditions as the commission deems to be in the best interest of the county. However, all such leases shall provide for a hospital board pursuant to this act.

(b) All existing hospitals shall retain the election or appointment system in effect at the time of the adoption of this act, until the system is changed by referendum in accordance with this act.

such offer, then at a special election called for that purpose, the question of establishing, operating and maintaining a county hospital with such hospital property, which election shall be called, noticed, held and canvassed in the manner provided by K.S.A. 10-120, and amendments thereof.

If a majority of the votes cast at such election shall be in favor of the proposition so submitted, the commission shall enter an order in its proceedings establishing the hospital as a county hospital. Upon the selection, qualification and organization of the board of the county hospital, the governing body of such city or the board of the hospital district, whichever is applicable, shall convey its hospital and all the real and personal property owned by such city or hospital district and used in connection with the operation of such hospital to the county, such conveyance to be signed by the governing body and clerk of such city or the board of the hospital district and to take effect on the January 1 following the establishment of the county hospital. The governing body of such city or the board of the hospital district shall pay over to the county treasurer all the unencumbered moneys in any fund of the hospital of such city or hospital district on January 1, and the county treasurer shall place the moneys in the operation and maintenance fund of the county hospital.

~~shall~~ ~~management and control of any existing county hospital or any county hospital established under this act by a board/~~ ~~or~~ ~~may contract for the management and control of any such hospital with any person, corporation, association or society upon such terms and conditions as the commission deems to be in the best interest of the county.~~ ~~board~~ ~~hospital~~ ~~the county.~~ New section (b)

(c) Upon establishment of a county hospital under this act,

~~(b) If the commission determines that the management and control of the hospital should be vested in a board,~~ ~~the commission, by resolution, shall provide for the establishment thereof~~ ~~and shall provide either that the members be appointed by the commission or that the members be elected by the qualified electors of the county. If the commission determines that the board is to be elected, the procedure for holding such election shall be determined by the commission, by resolution. The laws~~

The board members shall be elected on a non partisan basis.

(c) The commission shall, upon being presented with a petition signed by not less than 5% of the qualified electors of the county requesting the manner of selection of the board be changed from an elected to an appointed board or from an appointed to an elected board, adopt a resolution authorizing the change. Prior to the resolution becoming effective, the question of changing the method of selection shall be submitted to a vote of the qualified electors of a county at a regular county primary or county general election or, if no regular county election is to be held within six months from the date of adoption of the resolution, at a special election called for the purpose of submitting such question, and the resolution shall not be effective until a majority of the qualified electors voting on the question at such election vote in favor of the question. The election shall be held at the usual places in such county for electing county officers and the vote shall be canvassed in the same manner as that for county officers. Such question shall not be submitted to the electors of the county at any election more than once in any one year.

0156 applicable to the procedure, manner and method provided for the
0157 election of county officers shall apply to the election of members
0158 of the board. The commission shall fix the number of board
0159 members and the terms of office for such members. The board
0160 shall be composed of five, seven or nine members and terms of
0161 office thereof shall be for not less than two years and not more
0162 than four years. Members of the board shall be residents of the
0163 county in which the hospital is located.

0164 d (d) Members serving on a board on the effective date of this
0165 act shall continue to serve until expiration of their respective
0166 terms and their successors shall be selected for terms fixed by
0167 resolution of the commission in accordance with the provisions
0168 of subsection (b). Members selected to serve on the board of any
0169 county hospital shall be selected for staggered terms so that not
0170 all terms of office of such members expire at the same time.

0171 e (d) Subject to the provisions of subsection (b), the commis-
0172 sion, by resolution, may modify the number of members to serve
0173 on the board. Whenever the number of members of a board is
0174 increased by resolution of the commission, the commission shall
0175 provide for the expiration of the terms of the members appointed
0176 to the new positions on the board to coincide with the expiration
0177 of the terms of the members serving on the board at the time of
0178 the creation of the new positions so that not more than a simple
0179 majority of the members of the board is selected at the same time.

0180 f (e) Vacancies in the membership of the board shall be filled
0181 by appointment by the commission. Any member appointed to
0182 fill a vacancy shall hold office until expiration of the term of the
0183 vacated office.

0184 g (f) Members of the board are subject to removal from office in
0185 the manner and for the causes prescribed by law for other county
0186 officers.

0187 New Sec. 6. (a) The commission may annually levy a tax for
0188 the purpose of operating, maintaining, equipping and improving
0189 any hospital managed and controlled under the provisions of this
0190 act and for the purpose of paying a portion of the principal and
0191 interest on bonds issued under the authority of K.S.A. 12-1774,
0192 and amendments thereof. The commission may levy such tax ir

, or, in the case of an elected board, the board,

, or, in the case of an elected board, the board,

0193 any amount not exceeding two mills in any year without a
 0194 election as provided in subsection (c) and such tax is not subject
 0195 to or within the limitations upon the levy of taxes imposed under
 0196 the provisions of K.S.A. 79-5001 to 79-5016, inclusive, and any
 0197 amendments of such sections. Any tax levied for the purpose of
 0198 paying the principal and interest upon any general obligation
 0199 bonds issued pursuant to this act is not subject to the two-mill
 0200 limitation imposed under the provisions of this subsection.

, or, in the case of an elected board, the board, 0201 (b) After a hospital has been established, the commission may

0202 issue additional general obligation bonds for the purposes of
 0203 constructing, purchasing or leasing and equipping a new hospital
 0204 separate and apart from an existing hospital, or an additional
 0205 hospital, or constructing and equipping an addition to an existing
 0206 hospital, or equipping and improving an existing hospital, or
 0207 acquiring the necessary site or sites therefor or for any or all such
 0208 purposes and for the purpose of paying a portion of the principal
 0209 and interest on bonds issued under the authority of K.S.A. 12-
 0210 1774, and amendments thereof.

, or, in the case of an elected board, the board, 0211 (c) The commission shall not levy any tax exceeding two mills

0212 under authority of subsection (a) or issue general obligation
 0213 bonds under authority of subsection (b) until the levy of such tax
 0214 or the issuance of such bonds has been authorized by resolution
 0215 of the commission and approved by a majority of the qualified
 0216 electors of the county voting on such question at a regular county
 0217 primary or county general election or, if no regular county elec-
 0218 tion is to be held within six months from the date of adoption of
 0219 the resolution, at a special election called by the commission for
 0220 the purpose of submitting such question to the qualified electors.
 0221 The increase in any tax levy authorized by any such election is
 0222 exempt from the limitations imposed under K.S.A. 79-5001 to
 0223 79-5016, inclusive, and any amendments of such sections.

0224 New Sec. 7. (a) Members of the board, within 10 days after
 0225 their selection, shall qualify by taking the oath or affirmation of
 0226 civil officers as provided in K.S.A. 54-106, and shall organize the
 0227 board by election of one of their number as chairperson, one as
 0228 secretary and one as treasurer, and by the election of such other
 0229 officer or officers as deemed necessary. Every two years therea

0230 ter, a reorganization meeting shall be held and officers shall be
0231 selected as provided in this subsection. No bond need be required
0232 of any member of the board except the treasurer.

0233 (b) The treasurer, before entering upon the duties of office,
0234 shall give an official bond in an amount to be determined by the
0235 commission.

0236 (c) The board shall hold meetings at least once each month,
0237 and shall keep and maintain a complete record of all its proceed-
0238 ings. Such records shall be available for inspection by the com-
0239 mission on request. A simple majority of the members serving on
0240 the board shall constitute a quorum for the transaction of busi-
0241 ness. Within 15 days after completion of the audit provided for by
0242 article 11 of chapter 75 of Kansas Statutes Annotated, the board
0243 shall file with the commission a written report of the management
0244 of the hospital and a copy of the audit report rendered by the
0245 accountant performing the audit. The commission shall keep and
0246 maintain a copy of such report as a part of the public records of
0247 the county. Prior to June 1 of each year, the board shall prepare a
0248 budget showing the amount it deems necessary to operate, equip,
0249 maintain and improve the hospital for the ensuing fiscal year and
0250 the amount of that portion thereof that it deems necessary to be
0251 raised by the tax authorized under section 6, and shall submit its
0252 proposed budget to the commission. ~~The commission shall con-~~
0253 ~~sider and approve, amend or modify such proposed budget.~~ If the
0254 commission does not approve the proposed budget within 10
0255 days after receipt thereof, it shall return the ~~amended or modified~~
0256 ~~budget to the board.~~ Upon receipt of the ~~amended or modified~~
0257 ~~returned budget,~~ the board shall consider the amendments or
0258 ~~modifications made by the commission~~ and may consult with the
0259 commission concerning the budget. Within 10 days after receipt
0260 of the ~~amended or modified~~ returned budget, the board shall
0261 resubmit its proposed budget, with or without amendment or
0262 modification, to the commission. Within 10 days after resubmis-
0263 sion of the proposed budget, the commission shall approve, or
0264 amend or modify and approve as amended or modified, such
0265 proposed budget. The commission shall adopt the proposed
0266 budget as approved and shall make the same a part of the regular

0267 county budget.

0268 New Sec. 8. (a) All hospital moneys, except moneys ac-
0269 quired through the issuance of revenue bonds, shall be paid to the
0270 treasurer of the board, shall be allocated to and accounted for in
0271 separate funds or accounts of the hospital, and shall be paid out
0272 only upon claims and warrants or warrant checks as provided in
0273 K.S.A. 10-801 to 10-806, inclusive, and K.S.A. 12-105a and 12-
0274 105b. The board may designate a person or persons to sign such
0275 claims and warrants or warrant checks.

0276 (b) The board may accept any grants, donations, bequests or
0277 gifts to be used for hospital purposes and may accept federal and
0278 state aid. Such moneys shall be used in accordance with the terms
0279 of the grant, donation, bequest, gift or aid and if no terms are
0280 imposed in connection therewith such moneys may be used to
0281 provide additional funds for any improvement for which bonds
0282 have been issued or taxes levied.

0283 (c) Hospital moneys shall be deemed public moneys and
0284 hospital moneys not immediately required for the purposes for
0285 which acquired may be invested in accordance with the provi-
0286 sions of K.S.A. 12-1675. Hospital moneys acquired through the
0287 receipt of grants, donations, bequests or gifts and deposited
0288 pursuant to the provisions of K.S.A. 12-1675 need not be secured
0289 as required under K.S.A. 9-1402.

0290 (d) Hospital moneys which are deposited to the credit of
0291 funds and accounts which are not restricted to expenditure for
0292 specified purposes may be transferred to the general fund of the
0293 hospital and used for operation of the hospital or to a special fund
0294 for additional equipment and capital improvements for the hos-
0295 pital.

0296 (e) The board shall keep and maintain complete financial
0297 records in a form consistent with generally accepted accounting
0298 principles, and such records shall be available for public inspec-
0299 tion at any reasonable time.

0300 New Sec. 9. Members of the board may be allowed compen-
0301 sation by the commission and, if allowed, such compensation
0302 shall be in an amount to be determined by the commission. All
0303 members may also be reimbursed for any actual and necessary

0304 personal expenses incurred as a member of the board, including
0305 an allowance for mileage, in the amount fixed under K.S.A. 1982
0306 Supp. 75-3203 for each mile actually traveled while engaged in
0307 hospital business. An itemized statement of all such expenses and
0308 money paid out shall be kept and maintained and shall be filed
0309 with the secretary and the commission, which shall keep and
0310 maintain the same as a part of the public records of the county.

0311 New Sec 10. (a) The board shall make and adopt such
0312 bylaws, rules and regulations for the management and control of
0313 the hospital as it deems necessary so long as the same are not
0314 inconsistent with this act, the statutes of the state of Kansas, the
0315 resolutions of the county and, if the hospital is located in a city,
0316 the ordinances of the city in which the hospital is located. The
0317 board shall have the exclusive control of the expenditures of all
0318 hospital moneys, except hospital moneys acquired through the
0319 issuance of revenue bonds, and all expenditures shall be subject
0320 to the approval of a majority of members appointed to the board.
0321 The board is charged with the supervision, care and custody of all
0322 hospital property. The board is authorized to appoint an admin-
0323 istrator, to fix the compensation thereof, and to remove such
0324 administrator. The board may also require personal or surety
0325 bonds of all hospital employees entrusted with the handling of
0326 hospital moneys, such bonds to be in an amount to be determined
0327 and approved by the board.

0328 (b) The board may establish and fund pension and deferred
0329 compensation plans and any other employee benefit plans for
0330 hospital employees and may procure contracts insuring hospital
0331 employees, their dependents, or any class or classes thereof,
0332 under a policy or policies covering one or more risks including,
0333 but not limited to, a policy or policies of life, disability income,
0334 health, accident, accidental death and dismemberment, and hos-
0335 pital, surgical and medical expense insurance or may provide for
0336 a plan of self-insurance for such purposes. The employee's con-
0337 tribution, if any, to the plan and to the premiums for insurance or
0338 for the expenses incurred by the board under a plan of self-in-
0339 surance may be deducted by the employer from the employee's
0340 salary when authorized in writing by the employee to do so.

0341 New Sec. 11. (a) The board may enter into written contracts
0342 for the lease of any hospital property to any person, corporation,
0343 society or association upon such terms and conditions as deemed
0344 necessary by the board.

0345 (b) The board may enter into written contracts for the lease of
0346 real property to be used for hospital purposes from any person,
0347 corporation, society or association upon such terms and condi-
0348 tions as deemed necessary by the board.

0349 (c) The board may enter into written contracts for the lease of
0350 personal property from any person, corporation, society or asso-
0351 ciation upon such terms and conditions as deemed necessary by
0352 the board. Any such contract may provide for the payment as
0353 compensation for use of such personal property a sum substan-
0354 tially equivalent to or in excess of the value of the personal
0355 property under an agreement that the hospital shall become, or
0356 for no further or a merely nominal consideration has the option of
0357 becoming, the owner of the personal property upon full compli-
0358 ance with the provisions of the contract. Us

0359 (d) The board may contract for the management of any hos-
0360 pital with any person, corporation, society or association upon
0361 such terms and conditions as deemed necessary by the board.

0362 (e) The board may operate and maintain an emergency medi-
0363 cal or ambulance service upon authorization by and under con-
0364 tract with the commission upon such terms and conditions as are
0365 specified by the commission.

0366 (f) The board may expend funds as deemed necessary for the
0367 recruitment of staff. Such expenditures may include the expend-
0368 iture of funds for the provision of loans or scholarships to aid in
0369 financing the education of persons who agree, upon completion
0370 of their education, to become members of the staff.

0371 (g) The board may sue in its own name or in the name of the
0372 hospital. The board may be sued and may defend any action
0373 brought against it or the hospital.

0374 (h) The board is not subject to the cash-basis law.

0375 New Sec. 12. Notwithstanding any contract entered into by
0376 the commission or the board for the management and control of
0377 the hospital with any person, corporation, association or society,

for which bond proceeds are to be used

0378 the commission may make such tax levies for the benefit of the
0379 hospital as are authorized by law.

0380 New Sec. 13. If the board and the owner of any real property
0381 desired by the board for hospital purposes cannot agree as to the
0382 price to be paid therefor, the board shall report the facts to the
0383 commission and condemnation proceedings may be instituted by
0384 the commission in the manner prescribed by article 5 of chapter
0385 26 of Kansas Statutes Annotated.

0386 New Sec. 14. No hospital building or addition shall be
0387 erected or constructed until the plans and specifications have
0388 been made therefor, adopted by the board and approved by the
0389 commission, and bids advertised for according to law for other
0390 county public buildings.

0391 New Sec. 15. If a county hospital is located in a city, the
0392 jurisdiction of the city in which the hospital is located shall
0393 extend over all lands used for hospital purposes, and all ordi-
0394 nances of such city shall be in full force and effect in and over the
0395 territory occupied by such county hospital.

0396 New Sec. 16. The commission may issue and sell revenue
0397 bonds for the purpose of purchasing, leasing or otherwise ac-
0398 quiring an existing hospital building or buildings and improving,
0399 remodeling or repairing and equipping the same, or for the
0400 purpose of constructing, equipping and furnishing an addition to
0401 an existing county hospital and, if necessary, acquiring a site
0402 therefor, or for the purpose of acquiring a site for constructing,
0403 equipping and furnishing a new hospital building or facility,
0404 separate and apart from an existing county hospital. Before any
0405 such bonds shall be issued, the commission shall publish a
0406 resolution declaring its intention to issue such bonds, stating the
0407 purpose for which such bonds are to be issued and the amount
0408 thereof. Such resolution shall be published once each week for
0409 three consecutive weeks in the official county newspaper, or if
0410 there is no official county newspaper, a newspaper published as
0411 provided in K.S.A. 64-101.

0412 New Sec. 17. At or prior to the issuance of revenue bonds
0413 under authority of this act, the commission and the board shall
0414 pledge either the gross or the net income and revenues of the

0415 hospital to the payment of principal and interest of such revenue
0416 bonds and shall covenant to fix, maintain and collect such fees
0417 and charges for the use of the hospital as will produce revenues
0418 sufficient to pay the reasonable cost of operating and maintaining
0419 the hospital and to provide and maintain an interest and sinking
0420 fund in an amount adequate to promptly pay both principal and
0421 interest on such bonds and to provide a reasonable reserve fund.
0422 The commission may agree to pay the cost of operation and
0423 maintenance of the hospital from any other revenues of the
0424 commission or of the board legally available for such purpose. In
0425 addition, the commission in its discretion may pledge to the
0426 payment of principal and interest of such revenue bonds the
0427 proceeds of any gift, grant, donation or bequest which may be
0428 received by the commission or board from any source.

0429 New Sec. 18. Revenue bonds issued under authority of this
0430 act shall not be an indebtedness of the county or the hospital or of
0431 the commission or the individual members of the commission, or
0432 the board or the individual members of the board, and shall not
0433 constitute an indebtedness within the meaning of any constitu-
0434 tional or statutory limitation upon the incurring of indebtedness.

0435 New Sec. 19. Revenue bonds issued under authority of this
0436 act shall have all of the qualities and incidents of negotiable
0437 instruments, may bear interest at a rate not exceeding the max-
0438 imum rate for revenue bonds prescribed in K.S.A. 10-1009, may
0439 bear such date, may mature at such time or times not exceeding 40
0440 years from their date, may be in such denomination or denomi-
0441 nations, may be in such form, either coupon or registered, may
0442 carry such registration and conversion privileges, may be exe-
0443 cuted in such manner, may be payable in such medium of
0444 payment and may be subject to such terms of redemption, with or
0445 without premium, as may be provided by resolution adopted by
0446 the commission, and such bonds shall not be registered with the
0447 state treasurer of the state of Kansas.

0448 Such bonds may be sold in such manner and at such price or
0449 prices not less than 95% of par and accrued interest to date of
0450 delivery as may be considered advisable by the commission.

0451 New Sec. 20. In order to secure the prompt payment of the

0452 principal and interest upon revenue bonds and the proper appli-
0453 cation of the revenue pledged thereto, the commission and the
0454 board are authorized to:

0455 (a) Covenant as to the use and disposition of the proceeds of
0456 the sale of such bonds;

0457 (b) covenant as to the operation of the hospital and the col-
0458 lection and disposition of the revenues derived from such opera-
0459 tion;

0460 (c) covenant as to the rights, liabilities, powers and duties
0461 arising from the pledge of any covenant and agreement into
0462 which it may enter in authorizing and issuing the bonds;

0463 (d) covenant and agree to carry such insurance on the hospital
0464 and the use and occupancy thereof as may be considered desir-
0465 able, and in its discretion to provide that the cost of such insur-
0466 ance shall be considered a part of the expense of operating the
0467 hospital;

0468 (e) fix charges and fees to be imposed in connection with and
0469 for the use of the hospital and the facilities supplied thereby,
0470 which charges and fees shall be considered to be income and
0471 revenues derived from the operation of the hospital, and to make
0472 and enforce such rules and regulations with reference to the use
0473 of the hospital for the accomplishment of the purposes of this act;

0474 (f) appoint a trustee to act under the terms of the resolution
0475 authorizing the issuance of the revenue bonds;

0476 (g) covenant against the issuance of any other obligations
0477 payable on a parity from the revenues to be derived from the
0478 hospital;

0479 (h) make covenants other than and in addition to those herein
0480 expressly mentioned of such character as may be considered
0481 necessary or advisable to effect the purposes of this act.

0482 All such agreements and covenants entered into by the com-
0483 mission shall be binding in all respects upon the commission and
0484 the board and their officers, agents, employees, and upon their
0485 successors, and all such agreements and covenants shall be en-
0486 forceable by appropriate action or suit at law or in equity which
0487 may be brought by any holder or holders of bonds issued here-
0488 under against the commission, or board, or their officials, ag

0489 employees, or their successors. The rents, charges and fees to be
0490 imposed under the provisions of this act shall not be limited by
0491 the provisions of any prior act.

0492 New Sec. 21. The proceeds derived from the sale of the
0493 revenue bonds herein authorized shall be deposited to the credit
0494 of the commission in a bank, banks or other depositories desig-
0495 nated by the commission and kept in a separate fund and used
0496 solely for the purpose for which the bonds are authorized. The
0497 commission is authorized to make all contracts and execute all
0498 instruments which in its discretion may be deemed necessary or
0499 advisable to provide for the purpose for which the bonds were
0500 issued, and to provide for the manner of disbursement of the
0501 funds for such purposes. Nothing contained in this act shall be
0502 construed as placing in the county general fund or other county
0503 fund any moneys collected under this act or requiring such
0504 action.

0505 New Sec. 22. The interest on the revenue bonds issued under
0506 this act shall be exempt from all state, county and municipal
0507 taxation in the state of Kansas, except inheritance taxes of the state
0508 of Kansas.

0509 New Sec. 23. Any officer or officers, board or boards, having
0510 charge of any sinking fund or any other fund of the state of
0511 Kansas, or any department, agency or institution thereof, or any
0512 county, municipality or other public corporation or political
0513 subdivision, may invest such funds in bonds issued under the
0514 provisions of this act. Any bank, trust or insurance company
0515 organized under the laws of the state of Kansas may invest in
0516 revenue bonds issued under the provisions of this act. Such
0517 bonds shall also be approved as collateral security for the deposit
0518 of any public funds and for the investment of trust funds.

0519 New Sec. 24. Title to any real or personal hospital property
0520 purchased or constructed from moneys derived from any bond
0521 issuance or tax levy and title to any hospital property derived
0522 from any grant, donation or gift shall be vested in the county
0523 where the hospital is located.

0524 New Sec. 25. Any commission may close and terminal
0525 operation of a county hospital in accordance with the following

0526 provisions:

0527 (a) Whenever the commission maintaining and operating the
0528 hospital shall determine, by resolution, that it is in the best
0529 interest of the county that operation of the hospital should be
0530 closed and terminated, or whenever a petition signed by not less
0531 than 5% of the qualified electors of a county requesting that
0532 operation of the hospital be closed and terminated is filed with
0533 the county clerk, there shall be submitted a proposition authoriz-
0534 ing the same to the qualified electors of the county at the next
0535 regular county election or, if no regular county election is to be
0536 held within six months from the date of adoption of the resolution
0537 or filing of the petition, at a special election called for the purpose
0538 of submitting such proposition. If a majority of the votes cast on
0539 the proposition are in favor thereof, the commission shall perform
0540 all acts necessary to close and terminate the operation of the
0541 county hospital.

0542 (b) If a majority of the votes cast at the election are in favor of
0543 the proposition submitted under the provisions of subsection (a),
0544 the commission may sell or donate and transfer and convey such
0545 hospital and all real and personal property owned by such county
0546 and used in connection with the operation of the hospital to a city
0547 in or near which the hospital is located subject to the approval
0548 and acceptance of such city, or to a hospital district established
0549 for such purpose, or to a nonprofit corporation to be owned,
0550 managed, maintained and operated as a hospital by such city,
0551 hospital district or corporation, or may dispose of all such real
0552 and personal property as authorized by law for the disposition of
0553 other county property. If the proposition submitted under sub-
0554 section (a) fails to receive a majority of the votes cast in favor
0555 thereof, the county hospital shall be continued in operation.

0556 (c) The commission and the board shall continue to pay the
0557 normal and usual operating expenses of the hospital, including
0558 such maintenance and repairs as are certified by the state fire
0559 marshal or the secretary of health and environment as being
0560 necessary for the safety of persons admitted to the hospital, until
0561 such time as operation of the hospital is terminated.

0562 (d) The board of any hospital closed under the provisions of

New Section 27.

K.S.A. 1982 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions, or prohibitions: (1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties;

0563 this section, is hereby abolished. The balance of any money—
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. 70-1047 shall be
0591 and is hereby amended to read as follows: 70-1047. 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-	5.00 mills
0597	tion of rights-of-way	
0598	Roads and bridges (under the county unit system): Construction;	
0600	reconstruction; improvement; repair; maintenance; and acquisi-	10.00
0601	tion of rights-of-way	
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

(2) Counties may not consolidate or alter county boundaries;

(3) Counties may not affect the courts located therein;

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness;

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected;

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271--74th Congress, or amendments thereof;

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers;

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties;

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government;

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto;

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute

and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto;

(12) Counties may not exempt from or effect changes in any statute prescribing the procedure for the establishment of hospitals. ~~and/or health-related facilities in counties in which there is located any territory of a hospital district operating under the provisions of article 21 of chapter 80 of the Kansas Statutes~~ ~~amended may not establish a county hospital or health-related facility under this section or pursuant to the provisions of 1983 House Bill No. 2002, and amendments thereto.~~

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived;

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto. Any charter resolution adopted by a county prior to July 1, 1983, exempting from or effecting changes in K.S.A. 19-430, and amendments thereto, is null and void.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 13-13a26, and amendments thereto, is null and void.

(17) Counties may not exempt from or effect changes in K.S.A. 71-301, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 71-301, and amendments thereto, is null and void.

(b) Counties shall apply the powers of local legislation granted in subsection (a) of this section by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) of this section and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) of this section is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

0606	Library: Establish and maintain within counties designated as an	
0607	urban area as permitted by section 17 of article 2 of the constitu-	
0608	tion of the state of Kansas; as authorized by K.S.A. 13-1220 or	
0609	contract for library service as authorized by K.S.A. 12-1230 ..	2.00 mills
0611	Extraordinary expense: As authorized by K.S.A. 10-236	2.50 mills
0613	Stream: Maintenance; as authorized by K.S.A. 1082 Supp. 82a-308	.50 mill
0615	Memorials: Establish; as authorized by K.S.A. 73-406	2.00 mills
0617	Memorials: Maintenance; as authorized by K.S.A. 73-40750 mill
0619	Memorials: Erection and equipment; as authorized by K.S.A. 73-427	.50 mill
0621	Parks: Establishment and maintenance; as authorized by K.S.A.	
0622	10-280350 mill
0624	Agriculture extension: Authorized by K.S.A. 2-610; Counties having	
0625	an assessed valuation of more than \$10,000,000	1.50 mills;
0627	or a rate sufficient to provide \$80,000; whichever amount is	
0628	greater;	
0630	Counties having an assessed valuation of not less than	
0631	\$20,000,000 and not more than \$40,000,000	2.00 mills;
0633	or a rate sufficient to provide \$75,000; whichever amount is	
0634	greater;	
0636	Counties having an assessed valuation of less than \$30,000,000 ..	2.50 mills;
0638	Airport: Joint operation; authorized by K.S.A. 3-12150 mill
0640	Cemetery: Maintenance; authorized by K.S.A. 10-310525 mill
0642	Cemetery: Abandoned; maintenance; authorized by K.S.A. 10-3106	.10 mill
0644	Depository bank failure: Authorized \$0683 by K.S.A. 10-2636 ...	1.00 mill
0646	Economic development: Authorized by K.S.A. 10-110350 mill
0648	Flood control: Maintenance; authorized by K.S.A. 10-3305	1.00 mill
0650	Geological survey: Authorized by K.S.A. 1082 Supp. 76-326a10 mill
0652	Highways: County connecting links; authorized by K.S.A. 68-582	1.00 mill
0654	Hospital: Authorized by K.S.A. 10-1801 Section 6 of 1052 House Bill	
0655	No. 2002	2.00 mills
0657	Lake and recreational grounds: Authorized by K.S.A. 10-2803e ..	.50 mill
0659	Lighting of highways and bridges: Authorized by K.S.A. 68-166 ..	.10 mill
0661	Memorial buildings: Authorized by K.S.A. 73-10775 mill
0663	Mental health centers: Operation; authorized by K.S.A. 19-4004 ..	1.00 mill
0665	Mental retardation services: Authorized by K.S.A. 10-4004	1.00 mill
0667	Buildings and facilities: Authorized by K.S.A. 10-400425 mill
0669	Mental health services: Contract: Authorized by K.S.A. 19-4011 ..	1.00 mill
0671	Contract: Mentally retarded: Authorized by K.S.A. 10-4011	1.00 mill
0673	Noxious weeds: Authorized by K.S.A. 2-1318	1.00 mill
0675	Deficiency levy for chemicals and materials50 mill
0677	Soil drifting fund: Authorized by K.S.A. 2-2007	1.00 mill

0670 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.

28 — 0682 — Sec. 28 27. On July 1, 1984, K.S.A. 19-261, 19-1801 to 19-
0683 1820c, inclusive, 19-1827, 19-1846 to 19-1848a, inclusive, 19-
0684 1856a, 19-1856b, 19-1860 to 19-1860h, inclusive, 19-1861 to 19-
0685 1863d, inclusive, 19-1865 to 19-1880, inclusive, and 19-1885 to
0686 19-18,132, inclusive, and K.S.A. 1082 Supp. 70-1047 shall be and
0687 are hereby repealed.

29 — 0688 — Sec. 29 28: This act shall take effect and be in force from and
0689 after July 1, 1984, and its publication in the statute book.

HOUSE BILL No. 2003

By Special Committee on Hospital Laws

Re Proposal No. 9

2-20

0017 AN ACT concerning certain political subdivisions as therein
0018 defined; relating to the establishment and operation of hospi-
0019 tals and related facilities; repealing K.S.A. 80-2101, 80-2102,
0020 80-2103, 80-2105, 80-2107 to 80-2116, inclusive, 80-2118, 80-
0021 2119, 80-2121, 80-2124, 80-2126, 80-2128 to 80-2132d, inclu-
0022 sive, 80-2134 to 80-2142, inclusive, 80-2144, 80-2146, 80-2148
0023 to 80-2154, inclusive, 80-2156 to 80-2165, inclusive, 80-2167,
0024 80-2169, 80-2171 to 80-2177, inclusive, 80-2179 to 80-2186,
0025 inclusive, 80-2187a, 80-2187c, 80-2187d, 80-2188, 80-2190,
0026 80-2192, 80-2194 to 80-2197, inclusive, 80-2199, 80-21,100,
0027 80-21,102 to 80-21,110, inclusive, 80-21,112, 80-21,114, 80-
0028 21,116 to 80-21,134, inclusive, and K.S.A. 1982 Supp. 80-2104,
0029 80-2106, 80-2117, 80-2120, 80-2122, 80-2123, 80-2125, 80-
0030 2127, 80-2131a, 80-2131b, 80-2132e to 80-2132i, inclusive,
0031 80-2133, 80-2143, 80-2145, 80-2147, 80-2155, 80-2166, 80-
0032 2168, 80-2170, 80-2178, 80-2187, 80-2187b, 80-2189, 80-2191,
0033 80-2193, 80-2198, 80-21,101, 80-21,111, 80-21,113 and 80-
0034 21,115.

0035 *Be it enacted by the Legislature of the State of Kansas:*

0036 Section 1. As used in this act:

0037 (a) "Board" means a hospital board which is selected in
0038 accordance with the provisions of this act and which is vested
0039 with the management and control of an existing hospital or a
0040 hospital established under the provisions of this act;

0041 (b) "hospital" means a medical care facility as defined in
0042 K.S.A. 65-425 and includes within its meaning any clinic, long-
0043 term care facility, child-care facility and emergency medical or
0044 ambulance service operated in connection with the operation of
0045 the medical care facility;

0046 (c) "hospital moneys" means, but is not limited to, moneys
0047 acquired through the issuance of bonds, the levy of taxes, the
0048 receipt of grants, donations, gifts, bequests, interest earned on
0049 investments authorized by this act and state or federal aid and
0050 from fees and charges for use of and services provided by the
0051 hospital;

0052 (d) "existing hospital" means a hospital established under the
0053 provisions of article 21 of chapter 80 of Kansas Statutes Anno-
0054 tated prior to the effective date of this act and being maintained
0055 and operated on the effective date of this act;

0056 (e) "political subdivision" means a township, a city or a
0057 hospital district established under the provisions of article 21 of
0058 chapter 80 of Kansas Statutes Annotated prior to the effective date
0059 of this act or established under this act;

0060 (f) "qualified elector" means any person who has been a bona
0061 fide resident within the territory included in the taxing district of
0062 a hospital for 30 days prior to the date of any annual meeting or
0063 election provided for in this act and who possesses the qualifica-
0064 tions of an elector provided for in the laws governing general
0065 elections.

0066 Sec. 2. (a) Any existing hospital district and any existing
0067 hospital established under the laws of this state prior to the
0068 effective date of this act are hereby continued in existence and
0069 shall be governed in accordance with the provisions of this act,
0070 and any existing board shall be deemed to be the board for
0071 purposes of this act unless and until a new board is selected in
0072 accordance with the provisions of this act.

0073 (b) This act shall not affect any judicial proceeding pending
0074 or any contract, tax levy, bond issuance or other legal obligation
0075 existing on the effective date of this act.

0076 Sec. 3. (a) Any two or more adjoining political subdivisions
0077 are hereby authorized to join in the establishment of a hospital
0078 district and in the acquisition, construction or reconstruction,
0079 improvement, enlargement, remodeling or repairing of a hospital
0080 within such hospital district and in the operation and mainte-
0081 nance of any such hospital.

0053 the county in which such political subdivisions, or the greater
 0054 portion of the area thereof, are located, of a petition setting forth
 0055 the boundaries of the proposed hospital district and requesting
 0056 the formation of such hospital district signed by not less than
 0057 51% of the persons who will become qualified electors of the
 0058 proposed district upon its establishment and who reside within
 0059 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-

as a municipal corporation.

(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 a majority of the qualified electors of the existing hospital district voting at an election 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."

0120 sions joining in the establishment of the hospital district and paid
0121 from the respective general funds thereof. At the time and place
0122 fixed for the holding of the meeting, the chairperson of the board
0123 of county commissioners, or a person designated by the chair-
0124 person, shall call such meeting to order and the qualified electors
0125 of the hospital district shall proceed to elect a chairperson and a
0126 secretary for the meeting. Thereupon, the qualified electors shall
0127 proceed to:

0128 (a) Provide for the establishment of a board to be vested with
0129 the management and control of the hospital and fix the number of
0130 members thereof in accordance with the provisions of subsection
0131 (a) of section 6;

0132 (b) elect by ballot the members of the first board to serve for
0133 designated terms of one, two and three years and until the
0134 selection and qualification of their successors who shall be se-
0135 lected in a manner to be determined at the meeting; and

0136 (c) determine the date, time and place of annual meetings of
0137 the qualified electors which date, time and place shall be incor-
0138 porated into the bylaws adopted by the board.

0139 Sec. 5. Upon the selection and organization of the first board,
0140 the governing body of any political subdivision joining in the
0141 establishment of the hospital district which owns and is operat-
0142 ing a hospital at the time the petitions for the organization of such
0143 hospital district were filed, shall convey or lease its hospital and
0144 the tract of land upon which the hospital is located and all the
0145 hospital equipment to the hospital district established under the
0146 provisions of this act, which conveyance or lease shall take effect
0147 upon the delivery and acceptance of the hospital by the hospital
0148 district. The governing body of such political subdivision shall
0149 pay over to the treasurer of the hospital district all the unencum-
0150 bered moneys in the hospital fund of such political subdivision
0151 on January 1, and the treasurer shall place the moneys in the
0152 operation and maintenance fund of such hospital district. If any
0153 such political subdivision has accumulated and set aside funds
0154 for the construction of an addition to the hospital owned,
0155 operated and conveyed or leased by it or for the purpose of
0156 constructing and equipping a new hospital, or for other like

0157 purposes, the governing body of such political subdivision shall
 0158 pay over to the treasurer of the hospital district all such funds on
 0159 hand on January 1, and the treasurer of the hospital district shall
 0160 place the same in a special building fund to be used exclusively
 0161 for the purpose of constructing and equipping an addition to the
 0162 hospital or for the acquisition of a site and the construction and
 0163 equipping of a new hospital or for the acquisition of any other
 0164 hospital within the hospital district; and the funds may be used in
 0165 addition to any other funds of the hospital district raised for such
 0166 purposes by the issuance of bonds or the levying of taxes.

0167 Sec. 6. (a) Every hospital shall be governed by a board com-
 0168 posed of members who are qualified electors. The board shall be
 0169 composed of three, five, seven or nine members. ~~The number of~~
 0170 ~~members composing the board may be modified by majority vote~~
 0171 ~~of the qualified electors present and voting at any annual meeting~~
 0172 ~~thereof.~~ Whenever the number of members of a board is in-
 0173 creased, the expiration of the terms of the members selected for
 0174 the new positions on the board shall be fixed to coincide with the
 0175 expiration of the terms of the members serving on the board at the
 0176 time of the creation of the new positions so that not more than a
 0177 simple majority of the members of the board is selected at the
 0178 same time.

0179 c (b) The composition of the board of every existing hospital
 0180 shall continue in effect until changed in accordance with law.

0181 d (c) Subject to the provisions of subsection (b) of section 8,
 0182 members of the board of every existing hospital shall serve as
 0183 members of such board for the terms for which they were selected
 0184 and until their successors are selected and qualified. Successors
 0185 to such members shall be selected to serve for a term of three
 0186 years.

0187 e (d) Terms of members of the first board of any hospital
 0188 established under the provisions of this act shall be as provided
 0189 for in subsection (b) of section 4 and shall be staggered so that
 0190 terms of not more than a simple majority of the members expire at
 0191 the same time. Thereafter, upon the expiration of terms of mem-
 0192 bers first selected, successors to such members shall be selected
 0193 to serve for terms of three years.

New Section (b) Upon presentation to the board of
 commissioners of the county in which the political
 subdivision making up the hospital district, or the
 greater portion of the area thereof, are located, of
 a petition requesting a change in the number of board
 members signed by not less than 5% of the qualified
 electors of the district it shall be the duty of the
 board of county commissioners, at its next regular
 meeting, to examine the petition. The petition shall
 set forth the requested number of board members. If
 the board of county commissioners finds that the peti-
 tion is regular and in due form as is provided in this
 section, the board of county commissioners shall direct
 the county election officer of the county to pre-
 pare ballots for a special election, including ballots
 for that portion of the district located in any other
 county. The county election officers of each county
 shall present the question to the qualified voters of
 the district at the next general election in their re-
 spective counties, and the board of county commissioners
 of each such county shall certify the results of the
 votes cast in its county to the board of county can-
 vasses in the county in which the ballots were prepared.
 The change in number shall become effective at the
 next election for board members if a majority of the
 qualified electors voting on the question at such elec-
 tion vote in favor of the change in number of board
 members.

0194 (e) Vacancies in the membership of a board occasioned by
0195 death, removal, resignation or any reason other than expiration of
0196 a term shall be filled for the unexpired term by appointment by
0197 the chairperson of the board with the advice and consent of the
0198 remaining members of the board.

0199 Sec. 7. Members of the board of every existing hospital shall
0200 be selected in accordance with the following:

0201 (a) Every board which is being selected on the effective date
0202 of this act in the manner provided for in K.S.A. 80-2102, which
0203 section is repealed by this act, shall continue to be selected in
0204 such manner.

0205 (b) Every board which is being selected on the effective date
0206 of this act in the manner provided for in K.S.A. 80-2121, which
0207 section is repealed by this act, shall continue to be selected in
0208 such manner until changed in accordance with law.

0209 (c) Every board which is being selected on the effective date
0210 of this act in the manner provided for in K.S.A. 80-2141, which
0211 section is repealed by this act, shall continue to be selected in
0212 such manner until changed in accordance with law.

0213 (d) Every board which is being selected on the effective date
0214 of this act in the manner provided for in K.S.A. 80-2164, which
0215 section is repealed by this act, shall continue to be selected in
0216 such manner until changed in accordance with law.

0217 (e) Every board which is being selected on the effective date
0218 of this act in the manner provided for in K.S.A. 80-2187, which
0219 section is repealed by this act, shall continue to be selected in
0220 such manner until changed in accordance with law.

0221 (f) Every board which is being selected on the effective date
0222 of this act in the manner provided for in K.S.A. 80-21,109, which
0223 section is repealed by this act, shall continue to be selected in
0224 such manner until changed in accordance with law.

0225 (g) Every board which is being selected on the effective date
0226 of this act in the manner provided for in K.S.A. 80-2132g, which
0227 section is repealed by this act, shall continue to be selected in
0228 such manner.

0229 Sec. 8. (a) Subject to the limitations provided in this act, any

0231 selection of members of boards. The three methods are:

0232 (1) Elections of board members shall be held at the annual
0233 meeting of the qualified electors of the hospital district for the
0234 positions on the board which are to expire in such year and, if the
0235 number of members on the board is increased by majority vote of
0236 the qualified electors present at the meeting, for the new posi-
0237 tions.

0238 (2) Board members shall be appointed by the governing
0239 bodies of the political subdivisions joining in the operation and
0240 maintenance of the hospital.

0241 (3) (A) Elections of board members shall be held on the first
0242 Tuesday in April of each year for the positions on the board
0243 which are to expire in such year. All positions shall be at-large.
0244 Each board member shall take office on the May 1 following the
0245 date of election.

0246 (B) Any person desiring to become a candidate for board
0247 member shall file with the county election officer of the county in
0248 which the political subdivisions joining in the operation and
0249 maintenance of the hospital, or the greater portion of the area
0250 thereof, are located, before the filing deadline specified in K.S.A.
0251 25-2109, either a petition signed by not less than 50 electors
0252 eligible to vote for a candidate or a declaration of intent to
0253 become a candidate together with a filing fee in the amount of
0254 \$10.

0255 (C) The county election officer of the county specified in
0256 paragraph (B) shall prepare the ballots for such election including
0257 ballots for that portion of the district located in any other county.
0258 The county election officers of each county shall conduct the
0259 election in their respective counties, and the board of county
0260 canvassers of each such county shall certify the results of the
0261 votes cast in its county to the board of county canvassers in the
0262 county in which the ballots for the election were prepared.

0263 (D) Ballots shall be prepared in such manner that each voter is
0264 instructed to vote for the same number of candidates as the
0265 number of positions to be filled. Such instruction shall specify
0266 that the voter may vote for fewer than the total number of
0267 candidates for which the voter is qualified to vote.

0268 (E) Where not in conflict with this provision of this subsec-
0269 tion, the laws applicable to the election of city officers shall apply
0270 to the election of members of the board.

0271 (b) If the method of selection of members of the board of any
0272 hospital is the method provided for in provision (1) or provision
0273 (2) of subsection (a), such method of selection may be changed to
0274 the method provided for in provision (3) of subsection (a) by
0275 majority vote of the qualified electors voting at an annual meeting
0276 thereof. Whenever the method of selection of members of a board
0277 is changed to the method provided for in provision (3) of subsec-
0278 tion (a), the term of each member serving on the board at the time
0279 of the change of method of selection shall expire on May 1 of the
0280 year in which the term of such member is to expire.

0281 Sec. 9. (a) Members of the board, within 10 days after their
0282 selection, shall qualify by taking the oath or affirmation of civil
0283 officers as provided for in article 1 of chapter 54 of Kansas
0284 Statutes Annotated. Annually, the board shall organize by electing
0285 from its membership a chairperson and a vice-chairperson. The
0286 board shall appoint, from within or without its membership, a
0287 secretary and a treasurer who shall hold office at the pleasure of
0288 the board. No bond need be required of any member of the board
0289 except the treasurer.

0290 (b) The treasurer, before entering upon the duties of office,
0291 shall give an official bond in an amount to be determined by the
0292 board.

0293 (c) The board shall hold meetings at least once each month,
0294 and shall keep and maintain a complete record of all its proceed-
0295 ings and an accurate record of all qualified electors attending
0296 each meeting. Such records shall be available for public inspec-
0297 tion upon request. A simple majority of the members serving on
0298 the board shall constitute a quorum for the transaction of busi-
0299 ness.

0300 (d) The board shall make a report to the qualified electors at
0301 each annual meeting thereof, which report shall contain: (1) A
0302 statement of all receipts and expenditures during the calendar
0303 year immediately preceding such annual meeting; (2) a statement
0304 of the proceedings of the board which have been had since the

0305 last annual meeting; and (3) such other information as the board
0306 shall deem advisable.

0307 Sec. 10. Members of the board may be allowed compensation
0308 by majority vote of the qualified electors voting at an annual
0309 meeting and, if allowed, such compensation shall be in an
0310 amount determined by the qualified electors voting at the annual
0311 meeting. If compensation is allowed, the board may allow the
0312 secretary additional compensation. All members may also be
0313 reimbursed for any actual and necessary personal expenses in-
0314 curred as a member of the board, including an allowance for
0315 mileage, in the amount fixed under K.S.A. 1982 Supp. 75-3203 for
0316 each mile actually traveled while engaged in hospital business.
0317 An itemized statement of all such expenses and money paid out
0318 shall be kept and maintained and shall be filed with the secretary
0319 of the board who shall keep and maintain the same as a part of the
0320 public records of the hospital.

0321 Sec. 11. The board shall make and adopt such bylaws, rules
0322 and regulations for the management and control of the hospital as
0323 it deems necessary so long as the same are not inconsistent with
0324 this act, the statutes of the state of Kansas and the ordinances or
0325 resolutions of any political subdivision included in the area
0326 which constitutes the taxing district of the hospital. The board
0327 shall have the exclusive control of the expenditures of all hospital
0328 moneys and all expenditures shall be subject to the approval of a
0329 majority of the members of the board. The board is charged with
0330 the supervision, care and custody of all hospital property. The
0331 board is authorized to appoint an administrator, to fix the com-
0332 pensation thereof, and to remove such administrator. The board
0333 may expend funds for the recruitment of staff and such expendi-
0334 tures may include the expenditure of funds for the provision of
0335 loans or scholarships to aid in financing the education of persons
0336 who agree, upon completion of their education, to become mem-
0337 bers of the staff. The board may require personal or surety bonds
0338 of all hospital employees entrusted with the handling of hospital
0339 moneys, such bonds to be in an amount to be determined and
0340 approved by the board. The board may establish and fund pen-
0341 sion and deferred compensation plans and any other employee

0342 benefit plans for hospital employees and may procure contracts
0343 insuring hospital employees, their dependents, or any class or
0344 classes thereof, under a policy or policies covering one or more
0345 risks including, but not limited to, a policy or policies of life,
0346 disability income, health, accident, accidental death and dis-
0347 memberment, and hospital, surgical and medical expense insur-
0348 ance or may provide for a plan of self-insurance for such pur-
0349 poses. The employee's contribution, if any, to the plan and to the
0350 premiums for insurance and for any expenses incurred by the
0351 board under a plan of self-insurance may be deducted by the
0352 employer from the employee's salary when authorized in writing
0353 by the employee to do so.

0354 Sec. 12. (a) An annual meeting of the qualified electors who
0355 reside within the taxing district of the hospital shall be held on
0356 the date and at the time and place determined at the first meeting
0357 of the qualified electors in accordance with the provisions of
0358 subsection (c) of section 4 or determined at the first annual
0359 meeting of the qualified electors held after the effective date of
0360 this act. The date, time and place of annual meetings so deter-
0361 mined shall be incorporated into the bylaws adopted by the
0362 board.

0363 (b) The board shall give notice of every annual meeting by
0364 causing a notice to be published, once each week for two con-
0365 secutive weeks, in a newspaper of general circulation in the
0366 taxing district of the hospital, the last publication of such notice
0367 to be made not more than six days prior to the date of holding the
0368 meeting. All notices shall include the time and place of the
0369 meeting.

0370 Sec. 13. (a) The board of any hospital is hereby authorized to
0371 issue bonds of the taxing district of the hospital for the purpose of
0372 providing funds to be used for acquiring a site, constructing and
0373 equipping of a hospital building in the manner and subject to the
0374 requirements and limitations set forth in subsections (c), (d) and
0375 (e).

0376 (b) Such board is hereby authorized to issue bonds of the
0377 taxing district for the purpose of providing funds to be used to
0378 reconstruct, build an addition to, or improve or equip an existing

0379 hospital building, or the purchase of improved or unimproved
0380 real estate for the use of the hospital, or for any one or more of
0381 such purposes in the manner and subject to the requirements and
0382 limitations set forth in subsections (c), (d) and (e).

0383 (c) No bonds shall be issued under authority of this section
0384 unless and until the question of the issuance of same has been
0385 submitted to the qualified electors of such taxing district at a
0386 special election called for that purpose and a majority of those
0387 voting on the proposition shall have declared by their votes to be
0388 in favor of the issuance of the same. The board shall have power
0389 to call such special election, and notice thereof shall be given
0390 pursuant to the provisions of K.S.A. 10-120 and amendments
0391 thereof; and the election returns of all special or bond elections
0392 shall be made to the secretary and be canvassed by the board.

0393 (d) All bonds issued under the authority conferred by this
0394 section shall be issued, registered, sold, delivered and retired in
0395 accordance with the provisions of the general bond law, and such
0396 bonds and the interest thereon shall be paid by general tax to be
0397 levied upon all the taxable tangible property within the taxing
0398 district of the hospital, including all territories attached as pro-
0399 vided in section 21.

0400 (e) At no time shall the total bonded indebtedness of any such
0401 taxing district exceed 15% of the assessed value of all of the
0402 taxable tangible property within the district as shown by the
0403 assessment books of the year next preceding the one in which a
0404 new issue of bonds is proposed to be made.

0405 Sec. 14. No hospital building or addition shall be erected or
0406 constructed until the plans and specifications have been made
0407 therefor, adopted by the board, and bids advertised for according
0408 to law for county buildings.

0409 Sec. 15. The board shall have charge of the construction,
0410 erection, purchase and equipping of any hospital or addition to
0411 any hospital and shall employ an architect to prepare the plans
0412 and specifications, and to superintend the erection and construc-
0413 tion thereof. The architect may be paid out of the proceeds of any
0414 bonds issued to provide funds for the erection or construction of
0415 such hospital or hospital addition. The architect shall file such

0416 plans and specifications, together with an estimate of the cost
 0417 thereof, under oath, with the secretary of the board. No contract
 0418 shall be awarded at a price in excess of such estimated costs. After
 0419 considering and approving the plans and specifications prepared
 0420 and filed, the board shall advertise for three consecutive weeks,
 0421 in a newspaper of general circulation in the taxing district of the
 0422 hospital, for sealed proposals for the doing of such work, in
 0423 accordance with the plans and specifications therefor, and such
 0424 contract shall be let to the lowest responsible bidder, the board
 0425 reserving the right to reject any or all bids. Each bidder shall
 0426 accompany the bid with a certified check for 5% thereof payable
 0427 to the treasurer of the board, as a guaranty that if the contract is
 0428 awarded to such bidder, such bidder will enter into a contract
 0429 with the board to perform the same; and if such bidder fails to
 0430 enter into such contract when awarded, the amount deposited
 0431 shall be and become the property of the hospital, as liquidated
 0432 damages, and shall be paid into the operation and maintenance
 0433 fund of the hospital. The board may require the contractor to give
 0434 to it a bond guaranteeing the faithful performance of the contract.

0435 Sec. 16. (a) The board may determine and fix an annual tax to
 0436 be levied for the purpose of operating, equipping, maintaining
 0437 and improving the hospital. Subject to the provisions of subsec-
 0438 tion (b), such tax shall not exceed two mills or the amount

0439 authorized to be levied in the year ~~1982~~, whichever is the greater
 0440 amount. ~~The board shall determine the amount necessary to be~~
 0441 ~~raised by the levy and shall determine that portion thereof to be~~
 0442 ~~assessed against and levied by each political subdivision within~~
 0443 ~~the taxing district of the hospital and shall certify annually such~~
 0444 ~~amount to the clerk of each such political subdivision in suffi-~~
 0445 ~~cient time for the same to be made a part of the budget of each~~
 0446 ~~such political subdivision, but in no event later than August 1.~~
 0447 ~~The governing body of each such political subdivision shall make~~
 0448 ~~the same a part of its regular budget, which shall be certified to~~
 0449 ~~the county clerk of the county in which it is located as provided~~
 0450 ~~by law. The tax so collected shall be paid by the county treasurer~~
 0451 ~~to the treasurer of the board. Such tax levy shall be in addition to~~
 0452 all other tax levies authorized or limited by law and shall not be

, paying general expenses
 1983

The board shall certify such annual budget amounts of
 ad valorem tax so determined to be levied to the county
 clerk of the county wherein the hospital is located,
 if there is no hospital then to the county clerk where
 the greater portion of territory of the hospital dist
 is located, and the county so selected shall be the h
 county of the hospital district. The county clerk of
 the home county of each hospital district, the territ
 of which is located in more than one county, shall
 certify the final tax levy rate computed pursuant to
 K.S.A. 79-1803, as amended, of such hospital district
 to the county clerk of every other county in whic
 part of the territory of such hospital is locate

0453 subject to the aggregate tax levy limitation imposed by law upon
0454 the political subdivision.

0455 (b) No levy in excess of the limitation imposed under subsec-
0456 tion (a) shall be made unless and until the board shall adopt a
0457 resolution authorizing a levy therefor in excess thereof. Thereaf-
0458 ter such levy in an amount not to exceed that specified in the
0459 resolution may be made unless a petition in opposition thereto,
0460 signed by not less than 5% of the qualified electors of the taxing
0461 district, is filed with the county election officer of the county in
0462 which the greater portion of the area of such taxing district is
0463 located. In the event a petition in opposition to such levy is filed
0464 hereunder, no levy in excess of the amount previously authorized
0465 shall be made until the question of making the same has been
0466 submitted to the qualified electors of the taxing district at a
0467 special election called for that purpose and a majority of those
0468 voting thereon shall have voted in favor thereof. All such elec-
0469 tions shall be called and held in the manner provided for the
0470 calling and holding of elections upon the question of the issuance
0471 of bonds under the general bond law. ~~The tax so collected shall be~~
0472 ~~paid over by the county treasurer to the treasurer of the board~~
0473 ~~upon order of the board, which order shall be signed by the~~
0474 ~~chairperson and secretary of the board.~~

0475 Sec. 17. (a) The board may enter into written contracts for:
0476 (1) The lease of any hospital property to any person, corporation,
0477 society or association upon such terms and conditions as deemed
0478 necessary by the board;

0479 (2) the lease of real property to be used for hospital purposes
0480 from any person, corporation, society or association upon such
0481 terms and conditions as deemed necessary by the board;

0482 (3) the lease of personal property from any person, corpora-
0483 tion, society or association upon such terms and conditions as
0484 deemed necessary by the board. Any such contract may provide
0485 for the payment as compensation for use of such personal prop-
0486 erty a sum substantially equivalent to or in excess of the value of
0487 the personal property under an agreement that the hospital shall
0488 become, or for no further or a merely nominal consideration has
0489 the option of becoming, the owner of the personal property upon

(c) All taxes collected by the treasurer of the home county for a hospital district shall be distributed and paid to the treasurer of the board of such hospital district. Whenever any hospital district lies partly within two or more counties, it shall be the duty of the treasurer of the county, or counties, which are not the home county of the hospital district, to distribute to the hospital district all monies in such treasurer's possession belonging to such hospital district in the manner provided for distribution of taxes pursuant to K.S.A. 12-1678a and amendments thereto. The treasurer of the hospital district upon receiving such money shall issue a receipt to each of the following: The county treasurer and the county clerk of the county sending such money and the county treasurer and the county clerk of the home county of the hospital district. The county clerk of the county sending such money, upon receiving such a receipt, shall notify the board of county commissioners of such county, and it shall give the county treasurer proper credit therefor.

0490 full compliance with the provisions of the contract;

0491 (4) the management of any hospital with any person, corpo-
0492 ration, society or association upon such terms and conditions as
0493 deemed necessary by the board.

0494 (b) The board may sue in its own name or in the name of the
0495 hospital. The board may be sued and may defend any action
0496 brought against it or the hospital.

0497 (c) The board is not subject to the cash-basis law.

0498 Sec. 18. (a) All hospital moneys, except moneys acquired
0499 through the issuance of revenue bonds, shall be paid to the
0500 treasurer of the board, shall be allocated to and accounted for in
0501 separate funds or accounts of the hospital, and shall be paid out
0502 only upon claims and warrants or warrant checks as provided in
0503 K.S.A. 10-801 to 10-806, inclusive, and K.S.A. 12-105a and 12-
0504 105b. The board may designate a person or persons to sign such
0505 claims and warrants or warrant checks.

0506 (b) The board may accept any grants, donations, bequests or
0507 gifts to be used for hospital purposes and may accept federal and
0508 state aid. Such moneys shall be used in accordance with the terms
0509 of the grant, donation, bequest, gift or aid and if no terms are
0510 imposed in connection therewith such moneys may be used to
0511 provide additional funds for any improvement for which bonds
0512 have been issued or taxes levied.

0513 (c) Hospital moneys shall be deemed public moneys and
0514 hospital moneys not immediately required for the purposes for
0515 which acquired may be invested in accordance with the provi-
0516 sions of K.S.A. 12-1675. Hospital moneys acquired through the
0517 receipt of grants, donations, bequests or gifts and deposited
0518 pursuant to the provisions of K.S.A. 12-1675 need not be secured
0519 as required under K.S.A. 9-1402.

0520 (d) Hospital moneys which are deposited to the credit of
0521 funds and accounts which are not restricted to expenditure for
0522 specified purposes may be transferred to the general fund of the
0523 hospital and used for operation of the hospital or to a special fund
0524 for additional equipment and capital improvements for the hos-
0525 pital.

0526 (e) The board shall keep and maintain complete financial

0527 records in a form consistent with generally accepted accounting
 0528 principles, and such records shall be available for public inspec-
 0529 tion at any reasonable time.

0530 Sec. 19. ~~(a)~~^(b) During any budget year, the board of any hospital
 0531 is hereby authorized to issue no-fund warrants for the purpose of
 0532 raising money for financing any insufficiency in the operation
 0533 and maintenance budget of the hospital during such year and is
 0534 hereby authorized to expend such money for such purposes. In no
 0535 case shall the amount of no-fund warrants issued under this
 0536 section exceed the amount deemed necessary for such purposes.
 0537 Warrants issued under this section shall be issued, registered,
 0538 redeemed and shall bear interest in the manner and be in the form
 0539 prescribed by K.S.A. 79-2940.

0540 Prior to the issuance of any no-fund warrants under the au-
 0541 thority of this section, the board shall cause to be published once
 0542 in a newspaper of general circulation within the taxing district of
 0543 the hospital a notice of the intention of the board to issue such
 0544 no-fund warrants. If within 60 days after the publication of such
 0545 notice, a petition requesting an election on the question of the
 0546 issuance of the no-fund warrants signed by not less than 5% of
 0547 the qualified electors residing within the taxing district is filed
 0548 with the county election officer of the county in which the greater
 0549 portion of the taxing district of the hospital is located, the board
 0550 shall be required to submit the question of the issuance of such
 0551 no-fund warrants at an election held under the provisions of the
 0552 general bond law.

0553 ~~(b)~~^(c) Whenever no-fund warrants are issued under the authority
 0554 of this section, the board each year shall make a tax levy, in
 0555 addition to the tax levy authorized under section 16, sufficient to
 0556 pay not less than 25% of the total amount of the warrants issued
 0557 under this section and the interest thereon until all of the war-
 0558 rants and the interest thereon has been paid. If there is money
 0559 available from the operation of the hospital over and above the
 0560 amount needed for the adopted budget, such money shall be used
 0561 to pay for such warrants and the interest thereon, and the tax levy
 0562 shall be only the difference, if any, between the money available
 0563 to pay for such warrants and the interest thereon each year and

(a) Every hospital district shall be a municipality for the purpose of K.S.A. 79-2925 to 79-2968, and any amendments thereto.

0564 the amount of the warrants and interest thereon to be paid each
0565 year.

0566 Sec. 20. (a) The board of any hospital is hereby authorized to:
0567 (1) Sell personal property of the hospital in the value of less than
0568 ~~5,000~~ \$10,000, either in the open market or upon bids in the
0569 manner provided in subsection (b); and

0570 (2) subject to the provisions of subsection (b), sell and convey
0571 any real or personal property of the hospital in the value of ~~5,000~~
0572 \$10,000 or more.

0573 (b) Before selling and conveying any real or personal property
0574 designated in provision (2) of subsection (a), the board shall
0575 negotiate a sale thereof and no such sale shall be completed and
0576 conveyance made until: (1) The board has solicited sealed bids by
0577 public notice inserted in one publication in a newspaper of
0578 general circulation in the taxing district of the hospital and such
0579 sale shall be to the highest responsible bidder after such notice,
0580 except such board may reject any or all bids, and, in any such
0581 case, new bids may be called for as in the first instance; and (2)
0582 the bid has been accepted and a resolution accepting the same has
0583 been made a part of the records of the board. Thereupon, the
0584 board, by its chairperson and secretary, is hereby authorized to
0585 make, execute and deliver a good and sufficient deed or deeds of
0586 conveyance to the purchaser or purchasers thereof.

0587 Sec. 21. Title to any real or personal hospital property shall
0588 be vested in the board.

0589 Sec. 22. ~~Any one or more political subdivisions desiring to be~~
0590 ~~attached to and become a part of any hospital district, or any~~
0591 ~~remaining portion of any political subdivision which is a part of~~
0592 ~~the hospital district desiring to be attached to and become a part~~
0593 ~~of such a hospital district as one area, may do so in the manner~~
0594 provided in this section. Upon the presentation to the board of
0595 county commissioners, of the county in which the hospital is
0596 located, of a petition setting forth the boundaries of the area
0597 which desires to be attached to the taxing district of the hospital
0598 and signed by not less than 51% of the qualified electors of the
0599 area, to be determined by enumeration taken and verified for this
0600 purpose by some qualified elector of the area, it shall be the duty

territory adjoining and

any

0601 of the board of county commissioners, at its next regular meeting,
 0602 to examine the petition. If the board of county commissioners
 0603 finds that the petition is regular and in due form as provided in
 0604 this section, the board shall enter an order in its proceedings
 0605 attaching the area described in the petition to the existing taxing
 0606 district, ~~the attachment to take effect on January 1 next following~~
 0607 ~~the entry of the order.~~ The petition shall be accompanied by a
 0608 copy of a resolution adopted by the board, which resolution shall
 0609 state that the board desires such area to be attached to the taxing
 0610 district of the hospital.

0611 ~~Sec. 23. Any territory or a portion thereof attached to a taxing-~~
 0612 ~~district of a hospital which lies outside the county where the~~
 0613 ~~hospital is located may be detached from the taxing district in the~~
 0614 ~~manner provided in this section. Upon presentation to the board~~
 0615 ~~of county commissioners, of the county in which the hospital of~~
 0616 ~~any such taxing district is located, of a petition setting forth the~~
 0617 ~~boundaries of the area which desires to be detached from the~~
 0618 ~~district and signed by not less than 51% of the qualified electors~~
 0619 ~~of the area, to be determined by enumeration taken and verified~~
 0620 ~~for this purpose by some qualified elector of the area, it shall be~~
 0621 ~~the duty of the board of county commissioners, at its next regula-~~
 0622 ~~meeting, to examine the petition. If the board of county commis-~~
 0623 ~~sioners finds that the petition is regular and in due form as~~
 0624 ~~provided in this section, the board shall enter an order in its~~
 0625 ~~proceedings detaching the area described in the petition from the~~
 0626 ~~taxing district, the detachment to take effect immediately upon~~
 0627 ~~entry of the order. The petition shall be accompanied by a copy of~~
 0628 ~~a resolution adopted by the board, which resolution shall state~~
 0629 ~~that the board desires such area to be detached from the taxing~~
 0630 ~~district of the hospital. If there are no qualified electors in the~~
 0631 ~~area, then the required petition may be signed by the landowners~~
 0632 ~~of not less than 51% of the area to be detached, the sufficiency of~~
 0633 ~~which shall be determined by the board of county commission-~~
 0634 ~~ers. Such area so detached shall not be liable for payment of~~
 0635 ~~outstanding bonded indebtedness of the taxing district of the~~
 0636 ~~hospital, except for payment of bonds issued during the period~~
 0637 ~~such area was attached to the district. If any such taxing district~~

; 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 by the board
 of such other hospital stating its desire that such
 territory be detached from the taxing district of
 their hospital. For tax purposes, attachment and
 detachment as provided herein shall be effective as
 provided in K.S.A. 79-1807.

New Section 23.

If the board of directors of such hospital
 district and the owner of any property desired by
 said board for hospital purposes under this act
 cannot agree as to the price to be paid therefor,
 said board may institute condemnation proceedings
 and for such purpose is hereby granted the right
 to exercise the power of eminent domain in the
 manner prescribed by K.S.A. 26-501 to 26-516,
 inclusive, or acts amendatory thereof.

0638 ~~has authorized the issuance of bonds at a special election, the~~
0639 ~~election shall be in no way affected by the passage of this act, and~~
0640 ~~the bonds authorized at the election may be legally issued not~~
0641 ~~withstanding the detachment of any portion of the taxing district~~
0642 ~~which was included at the date of the bond election.~~

0643 Sec. 24. (a) Any hospital, or board thereof, which holds no
0644 property other than books, records and any remaining hospital
0645 moneys may disorganize in the manner provided in this section.

0646 (b) When all debts and obligations of such hospital and board
0647 have been paid, and the board finds it is in the best interests of
0648 such hospital that its operation be closed and terminated, the
0649 treasurer of the board shall proceed to apportion the funds of the
0650 hospital among the political subdivisions or portions thereof
0651 comprising the taxing district of the hospital. The treasurer shall
0652 pay to each political subdivision comprising such district an
0653 amount equal to the proportion that the assessed valuation of
0654 each political subdivision or portion thereof bears to the total
0655 assessed valuation of the district.

0656 (c) Upon the payment of funds in accordance with the provi-
0657 sions of this section, the board shall pass a resolution closing and
0658 terminating operation of the hospital, which resolution shall be
0659 published once in a newspaper of general circulation in the area,
0660 after which the taxing district of the hospital shall be considered
0661 disorganized and all books and records of the district shall be
0662 delivered to the custody of the board of county commissioners of
0663 the county in which the greater portion of the hospital property
0664 was located.

0665 Sec. 25. The board may issue and sell revenue bonds for the
0666 purpose of acquiring an existing hospital building or buildings
0667 and improving, remodeling or repairing and equipping the same,
0668 or for the purpose of acquiring a site, constructing, equipping and
0669 furnishing an addition to an existing hospital building, or for the
0670 purpose of acquiring a site for constructing, equipping and fur-
0671 nishing a new hospital building, separate and apart from an
0672 existing hospital building. Before any such bonds shall be issued,
0673 the board shall publish a resolution declaring its intention to

0675 be issued, and the amount thereof; and stating that the question of
0676 issuing the same will be submitted to a vote of the qualified
0677 electors at the next annual meeting thereof. Such resolution shall
0678 be published, once each week for two consecutive weeks, in a
0679 newspaper of general circulation in the taxing district of the
0680 hospital; the last publication of such resolution to be made not
0681 more than six days prior to the holding of the meeting. Such
0682 resolution shall also be included in the notice of the annual
0683 meeting given by the board as required in subsection (b) of
0684 section 12. No revenue bonds shall be issued under authority of
0685 this section until the question of the issuance of the same has
0686 been submitted to the qualified electors at the annual meeting
0687 and a majority of those present at the meeting and voting on the
0688 question shall have declared by their votes to be in favor of the
0689 issuance of the same. After publication, such bonds may be
0690 issued unless a petition requesting an election on the proposi-
0691 tion, signed by qualified electors equal in number to not less
0692 than 5% of the qualified electors of the district, is filed with the
0693 board within 20 days following the last publication of such
0694 resolution. If such a petition is filed, the board shall submit the
0695 proposition to the qualified voters at an election called for such
0696 purpose and held within 90 days after the last publication of the
0697 resolution, and no bonds shall be issued unless such proposition
0698 shall receive the approval of a majority of the votes cast thereon.
0699 Such election shall be called and held in the manner provided by
0700 the general bond law.

0701 Sec. 26. At or prior to the issuance of revenue bonds under
0702 authority of this act, the board shall pledge either the gross or the
0703 net income and revenues of the hospital to the payment of
0704 principal and interest of such revenue bonds and shall covenant
0705 to fix, maintain and collect such fees and charges for the use of
0706 the hospital as will produce revenues sufficient to pay the rea-
0707 sonable cost of operating and maintaining the hospital and to
0708 provide and maintain an interest and sinking fund in an amount
0709 adequate to promptly pay both principal and interest on such
0710 bonds and to provide a reasonable reserve fund. The board may
0711 agree to pay the cost of operation and maintenance of the hospital

0712 from any other revenues of the hospital or of the board legally
0713 available for such purpose. In addition, the board in its discretion
0714 may pledge to the payment of principal and interest of such
0715 revenue bonds the proceeds of any gift, grant, donation or be-
0716 quest which may be received by the hospital or board from any
0717 source.

0718 Sec. 27. Revenue bonds issued under authority of this act
0719 shall not be an indebtedness of the taxing district of the hospital
0720 or the hospital or of the board or the individual members of the
0721 board, and shall not constitute an indebtedness within the mean-
0722 ing of any constitutional or statutory limitation upon the incur-
0723 ring of indebtedness.

0724 Sec. 28. Revenue bonds issued under authority of this act
0725 shall have all of the qualities and incidents of negotiable instru-
0726 ments, may bear interest at a rate not exceeding the maximum rate
0727 for revenue bonds prescribed in K.S.A. 10-1009, may bear such
0728 date, may mature at such time or times not exceeding 40 years
0729 from their date, may be in such denomination or denominations,
0730 may be in such form, either coupon or registered, may carry such
0731 registration and conversion privileges, may be executed in such
0732 manner, may be payable in such medium of payment and may be
0733 subject to such terms of redemption, with or without premium, as
0734 may be provided by resolution adopted by the board, and such
0735 bonds shall not be registered with the state treasurer of the state
0736 of Kansas.

0737 Such bonds may be sold in such manner and at such price or
0738 prices not less than 95% of par and accrued interest to date of
0739 delivery as may be considered advisable by the board.

0740 Sec. 29. In order to secure the prompt payment of the princi-
0741 pal and interest upon revenue bonds and the proper application
0742 of the revenue pledged thereto, the board is authorized to:

0743 (a) Covenant as to the use and disposition of the proceeds of
0744 the sale of such bonds;

0745 (b) covenant as to the operation of the hospital and the col-
0746 lection and disposition of the revenues derived from such opera-
0747 tion;

0748 (c) covenant as to the rights, liabilities, powers and duties

0749 arising from the pledge of any covenant and agreement into
0750 which it may enter in authorizing and issuing the bonds;

0751 (d) covenant and agree to carry such insurance on the hospital
0752 and the use and occupancy thereof as may be considered desir-
0753 able, and in its discretion to provide that the cost of such insur-
0754 ance shall be considered a part of the expense of operating the
0755 hospital;

0756 (e) fix charges and fees to be imposed in connection with and
0757 for the use of the hospital and the facilities supplied thereby,
0758 which charges and fees shall be considered to be income and
0759 revenues derived from the operation of the hospital, and to make
0760 and enforce such rules and regulations with reference to the use
0761 of the hospital for the accomplishment of the purposes of this act;

0762 (f) appoint a trustee to act under the terms of the resolution
0763 authorizing the issuance of the revenue bonds;

0764 (g) covenant against the issuance of any other obligations
0765 payable on a parity from the revenues to be derived from the
0766 hospital;

0767 (h) make covenants other than and in addition to those herein
0768 expressly mentioned of such character as may be considered
0769 necessary or advisable to effect the purposes of this act.

0770 All such agreements and covenants entered into by the board
0771 shall be binding in all respects upon the board and its officers,
0772 agents, employees, and upon their successors, and all such
0773 agreements and covenants shall be enforceable by appropriate
0774 action or suit at law or in equity which may be brought by any
0775 holder or holders of bonds issued hereunder against the board, or
0776 its officials, agents, employees, or their successors. The rents,
0777 charges and fees to be imposed under the provisions of this act
0778 shall not be limited by the provisions of any prior act.

0779 Sec. 30. The proceeds derived from the sale of the revenue
0780 bonds herein authorized shall be deposited to the credit of the
0781 board in a bank, banks or other depositories designated by the
0782 board and kept in a separate fund and used solely for the purpose
0783 for which the bonds are authorized. The board is authorized to
0784 make all contracts and execute all instruments which in its
0785 discretion may be deemed necessary or advisable to provide for

0786 the purposes for which the bonds were issued, and to provide for
0787 the manner of disbursement of the funds for such purposes.
0788 Nothing contained in this act shall be construed as placing in the
0789 general fund of any political subdivision in the taxing district of
0790 the hospital or other fund thereof any moneys collected under
0791 this act or requiring such action.

0792 Sec. 31. The interest on the revenue bonds issued hereunder
0793 shall be exempt from all state, county and municipal taxation in
0794 the state of Kansas, except inheritance taxes of the state of Kansas.

0795 Sec. 32. Any officer or officers, board or boards, having
0796 charge of any sinking fund or any other fund of the state of
0797 Kansas, or any department, agency or institution thereof, or any
0798 county, municipality or other public corporation or political
0799 subdivision, may invest such funds in bonds issued under the
0800 provisions of this act. Any bank, trust or insurance company
0801 organized under the laws of the state of Kansas may invest in
0802 revenue bonds issued under the provisions of this act. Such
0803 bonds shall also be approved as collateral security for the deposit
0804 of any public funds and for the investment of trust funds.

0805 Sec. 33. On July 1, 1984, K.S.A. 80-2101, 80-2102, 80-2103,
0806 80-2105, 80-2107 to 80-2116, inclusive, 80-2118, 80-2119, 80-
0807 2121, 80-2124, 80-2126, 80-2128 to 80-2132d, inclusive, 80-2134
0808 to 80-2142, inclusive, 80-2144, 80-2146, 80-2148 to 80-2154, in-
0809 clusive, 80-2156 to 80-2165, inclusive, 80-2167, 80-2169, 80-2171
0810 to 80-2177, inclusive, 80-2179 to 80-2186, inclusive, 80-2187a,
0811 80-2187c, 80-2187d, 80-2188, 80-2190, 80-2192, 80-2194 to 80-
0812 2197, inclusive, 80-2199, 80-21,100, 80-21,102 to 80-21,110, in-
0813 clusive, 80-21,112, 80-21,114, 80-21,116 to 80-21,134, inclusive,
0814 and K.S.A. 1982 Supp. 80-2104, 80-2106, 80-2117, 80-2120, 80-
0815 2122, 80-2123, 80-2125, 80-2127, 80-2131a, 80-2131b, 80-2132e to
0816 80-2132i, inclusive, 80-2133, 80-2143, 80-2145, 80-2147, 80-2155,
0817 80-2166, 80-2168, 80-2170, 80-2178, 80-2187, 80-2187b, 80-2189,
0818 80-2191, 80-2193, 80-2198, 80-21,101, 80-21,111, 80-21,113 and
0819 80-21,115 are hereby repealed.

0820 Sec. 34. This act shall take effect and be in force from and
0821 after July 1, 1984, and its publication in the statute book.