

Approved March 20, 1984
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

10 a.m./~~p.m.~~ on March 19, 19⁸⁴ in room 526-S of the Capitol.

All members were present except:

Senator Francisco and Hayden, excused

Senators Chaney, Bogina, absent

Committee staff present:

Emalene Correll, Legislative Research Department

Bill Wolff, Legislative Research Department

Norman Furse, Revisor of Statutes office

Conferees appearing before the committee:

None

Others present: see attached list

HB 2002 - Counties, establishment and operation of hospitals

Emalene Correll, Legislative Research Department, reviewed each section in the balloon amendments on HB 2002 and explained the changes and proposed amendments. (Attachment #1).

Senator Johnston expressed displeasure at amending the bill to accommodate one county hospital. There was discussion concerning the reason for amending the bill this way. Senator Meyers said unless we amend the bill we have a non-uniform statute. Mrs. Correll stated that this one bill will replace 149 different statutes which were enacted for specific hospital situations. We don't have a county hospital law in this state, and there are a number of issues that are unclear concerning tax levy limits; title to property; the role of commissioners and boards, etc. and this bill clarifies that.

Senator Gordon moved that the amendments proposed to HB 2002 be adopted. Senator Ehrlich seconded the motion. The motion carried.

Senator Ehrlich moved that HB 2002 be reported favorably, as amended. Senator Morris seconded the motion. The motion carried. Senator Johnston voted "nay".

Senator Gordon moved that the minutes of March 14, 15, and 16, 1984, be approved. Senator Ehrlich seconded the motion and it carried.

The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-19-84

(PLEASE PRINT)
NAME AND ADDRESS

Marla Luckert
Rep. MARVIN P. H. JOHNSON
Frank Gentry
Stephen R. Wiechman
AROLD R. ENOM
Lynette King

ORGANIZATION

Kansas Hospital Ass'n - Attorney
KS. LEG
KS Hosp Assoc
KS. Assn. of Counties
KS. Assn. of ALTERNATIVE MED
KSNK

As Amended by House Committee

Session of 1983

HOUSE BILL No. 2002

By Special Committee on Hospital Laws

Re Proposal No. 9

12-20

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. 79-1047; 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.

and K.S.A. 1983 Supp. 19-101a
sections

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.

and amendments thereto

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.

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

Atch. 1

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

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

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

0054 The commission may, and upon being presented with a peti-
0055 tion signed by not less than 5% of the qualified electors of the
0056 county requesting the establishment and maintenance of a hos-
0057 pital shall, adopt a resolution authorizing the issuance of general
0058 obligation bonds for the purpose of constructing, purchasing,
0059 leasing or otherwise acquiring a hospital building or buildings,
0060 equipping the same, and acquiring the necessary site or sites
0061 therefor, or for any or all such purposes and for the purpose of
0062 paying a portion of the principal and interest on bonds issued
0063 under the authority of K.S.A. 12-1774 and amendments [thereof].

0064 Prior to the issuance of such bonds, the question of issuing the
0065 same shall be submitted to a vote of the qualified electors of the
0066 county at a regular county primary or county general election or,
0067 if no regular county election is to be held within six months from
0068 the date of adoption of the resolution, at a special election called
0069 for the purpose of submitting such question, and no bonds shall
0070 be issued until a majority of the qualified electors voting on the
0071 question at such election vote in favor of the issuance of such
0072 bonds. The election shall be held at the usual places in such
0073 county for electing county officers and the vote shall be can-
0074 vassed in the same manner as that for county officers. Such
0075 question shall not be submitted to the electors of the county at
0076 any election more than once in any one year. All general obliga-
0077 tion bonds authorized by this section shall be issued, registered
0078 and sold in the manner provided by article 1 of chapter 10 of the

0079 Kansas Statutes Annotated and acts amendatory [thereof and
0080 supplemental thereto] and shall bear interest at a rate not to
0081 exceed the maximum rate prescribed by K.S.A. 10-1009 and

, except a county having within its boundaries any ter-
ritory of a hospital district operating and maintaining
a hospital under sections 1 to 32, inclusive, of 1984
House Bill No. 2003 and amendments thereto

thereto

of the provisions

32 Amendments [thereof, and none] of the debt limitations provided
33 by law shall apply to bonds issued under this section.

34 New Sec. 4. (a) (1) The governing body of any city which is
35 operating and maintaining a city hospital, upon the recommen-
36 dation of the hospital board, or (2) the board of any hospital
37 district which is operating and maintaining a district hospital
38 may donate, transfer and convey the hospital, together with all
39 real and personal property used in connection with the operation
40 of the hospital [to the county in which the hospital is located, to be
41 owned, managed, operated and maintained as a county hospital.
42 The question of donating, transferring and conveying any such
43 hospital property to a county for county hospital purposes] shall
44 first be submitted to a vote of the qualified electors of the city at a
45 regular city election or at an annual meeting of the qualified
46 electors of the hospital district, whichever is applicable, or the
47 governing body of the city or the board of the hospital district
48 may call a special election for the purpose of submitting such
49 question to the qualified electors. Any such election called by the
50 governing body of a city shall be noticed and governed in all
51 respects and the results declared in accordance with the provi-
52 sions of K.S.A. 10-120 [and amendments [thereof]]. Any such spe-
53 cial election called by the board of a hospital district shall be
54 noticed in accordance with the provisions of K.S.A. 10-120 [and
55 amendments [thereof]] and the election returns shall be made to the
56 secretary of the board and canvassed by the board.

57 (b) Whenever the governing body of any city or the board of
58 any hospital district, having been authorized to do so by a
59 majority vote of the qualified electors of such city or hospital
60 district, whichever is applicable, voting upon the proposition as
61 provided by subsection (a), shall present to the commission an
62 offer to donate, transfer and convey to the county the hospital
63 property and facilities operated and maintained by such city or
64 hospital district, whichever is applicable, to be owned, managed,
65 maintained and operated as a county hospital, the commission
66 shall submit to the qualified electors of the county at the next
67 general election to be held in the county, or if no general election
68 is to be held within six months from the date of presentation of

thereto. NONE

In a county having within its boundaries territory of one or more existing hospital districts operating and maintaining a hospital under sections 1 to 32, inclusive, of 1984 House Bill No. 2003 and amendments thereto, 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 called by the commission and shall be noticed and governed in all respects and the results declared in accordance with the provisions of K.S.A. 10-120 and amendments thereto. 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 the 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.

thereto

0119 such offer, then at a special election called for that purpose, the
0120 question of establishing, operating and maintaining a county
0121 hospital with such hospital property, which election shall be
0122 called, noticed, held and canvassed in the manner provided by

0123 K.S.A. 10-120, and amendments thereof thereto

0124 If a majority of the votes cast at such election shall be in favor are

0125 of the proposition so submitted, the commission shall enter an
0126 order in its proceedings establishing the hospital as a county
0127 hospital. Upon the selection, qualification and organization of
0128 the board of the county hospital, the governing body of such city
0129 or the board of the hospital district, whichever is applicable, shall
0130 convey its hospital and all the real and personal property owned
0131 by such city or hospital district and used in connection with the
0132 operation of such hospital to the county, such conveyance to be
0133 signed by the governing body and clerk of such city or the board
0134 of the hospital district and to take effect on the January 1 follow-
0135 ing the establishment of the county hospital. The governing body
0136 of such city or the board of the hospital district shall pay over to
0137 the county treasurer all the unencumbered moneys in any fund of
0138 the hospital of such city or hospital district on January 1, and the
0139 county treasurer shall place the moneys in the operation and
0140 maintenance fund of the county hospital.

0141 New Sec. 5. (a) The commission may provide for the man- shall

0142 agement and control of any existing county hospital or any county
0143 hospital established under this act by a board or may contract for
0144 the management and control of any such hospital with any
0145 person, corporation, association or society upon such terms and
0146 conditions as the commission deems to be in the best interest of
0147 the county.

(b) The system for electing or appointing the board in effect on the effective date of this act shall continue until the system is changed by referendum under subsection (d).

0148 (b) If the commission determines that the management and
0149 control of the hospital should be vested in a board, the commis-
0150 sion, by resolution, shall provide for the establishment thereof
0151 and shall provide either that the members be appointed by the
0152 commission or that the members be elected by the qualified
0153 electors of the county. If the commission determines that the
0154 board is to be elected, the procedure for holding such election
0155 shall be determined by the commission, by resolution. The laws

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

on a nonpartisan basis

(d) The commission, 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, shall adopt a resolution providing for the change. The question of changing the method of selection shall be submitted to a vote of the qualified electors of the 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. 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. Such question shall not be submitted to the electors of the county at any election more than once in any one year.

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

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

(d) Subject to the provisions of subsection **(b)**, the commission, by resolution, may modify the number of members to serve on the board. Whenever the number of members of a board is increased by resolution of the commission, the commission shall provide for the expiration of the terms of the members appointed to the new positions on the board to coincide with the expiration of the terms of the members serving on the board at the time of the creation of the new positions so that not more than a simple majority of the members of the board is selected at the same time.

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

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

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

(e)

(c)

(f)

(c)

(g)

(h)

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

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

thereto

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

0193 any amount not exceeding two mills in any year without an
 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.

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 thereto

thereto

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.

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

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
 board by election of one of their number as chairperson, one as
 secretary and one as treasurer and by the election of such other
 0229 officer or officers as deemed necessary. Every two years thereaf-

and amendments thereto

230 ... a reorganization meeting shall be held and officers shall be
 231 selected as provided in this subsection. No bond need be required
 232 of any member of the board except the treasurer.

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

236 (c) The board shall hold meetings at least once each month,
 237 and shall keep and maintain a complete record of all its proceed-
 238 ings. Such records shall be available for inspection by the com-
 239 mission on request. A simple majority of the members serving on
 240 the board shall constitute a quorum for the transaction of busi-
 241 ness. Within 15 days after completion of the audit provided for by
 242 article 11 of chapter 75 of Kansas Statutes Annotated, the board
 243 shall file with the commission a written report of the management
 244 of the hospital and a copy of the audit report rendered by the
 245 accountant performing the audit. The commission shall keep and
 246 maintain a copy of such report as a part of the public records of
 247 the county. Prior to June 1 of each year, the board shall prepare a
 248 budget showing the amount it deems necessary to operate, equip,
 249 maintain and improve the hospital for the ensuing fiscal year and
 250 the amount of that portion thereof that it deems necessary to be
 251 raised by the tax authorized under section 6, and shall submit its
 252 proposed budget to the commission. ~~The commission shall con-~~
 253 ~~sider and approve; amend or modify such proposed budget. If the~~
 254 ~~commission does not approve the proposed budget within 10~~
 255 ~~days after receipt thereof, it shall return the amended or modified~~
 256 ~~budget to the board. Upon receipt of the amended or modified~~
 257 ~~returned budget, the board shall consider the amendments or~~
 258 ~~modifications made by the commission and may consult with the~~
 259 ~~commission concerning the budget. Within 10 days after receipt~~
 260 ~~of the amended or modified returned budget, the board shall~~
 261 ~~resubmit its proposed budget, with or without amendment or~~
 262 ~~modification, to the commission. Within 10 days after resubmis-~~
 263 ~~sion of the proposed budget, the commission shall approve, or~~
 264 ~~amend or modify and approve as amended or modified, such~~
 0264 ~~proposed budget. The commission shall adopt the proposed~~
 0265 ~~budget as approved and shall make the same a part of the regular~~

and acts amendatory of the provisions thereof or supple-
 mental thereto

or, in case of an elected board, to the county clerk

In the case of an elected board, submission of the budget to the commission shall not be required.

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.

, and amendments to these statutes

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.

and amendments thereto

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

0304sonal 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.

and amendments thereto

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.

and

all the members of

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.

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,

03 e commission may make such tax levies for the benefit of the
0378 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
pledge either the gross or the net income and revenues of the

or, in case of an elected board, the board

and amendments thereto

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.

and amendments thereto

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

0 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
may be brought by any holder or holders of bonds issued here-
under against the commission, or board, or their officials, agents,

0480 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~~
 23 where the hospital is located.

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

delete

052 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
05 such time as operation of the hospital is terminated.

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

0563 this section, is hereby abolished. The balance of any moneys
 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 acqui-
 0597 sition of rights-of-way 5.00 mills
- 0598 Roads and bridges (under the county unit system): Construction;
 0600 reconstruction; improvement; repair; maintenance; and acqui-
 0601 sition of rights-of-way 10.00 mills
- 0602 Library: Establish and maintain, as authorized by K.S.A. 19-1920, or
 0603 contract for library service as authorized by K.S.A. 19-1930 .. 1.50 mill
- 0604

0606	ary: 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. 12-1220 or	
0609	contract for library service as authorized by K.S.A. 12-1220	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. 73-407	.50 mill
0610	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	10-2893	.50 mill
0624	Agriculture extension: Authorized by K.S.A. 2-610; Counties having	
0625	an assessed valuation of more than \$40,000,000	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	\$30,000,000 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. 2-121	.50 mill
0640	Cemetery: Maintenance; authorized by K.S.A. 10-3105	.25 mill
0642	Cemetery: Abandoned; maintenance; authorized by K.S.A. 10-3106	.10 mill
0644	Depository bank failure: Authorized 0688 by K.S.A. 10-2636	1.00 mill
0646	Economic development: Authorized by K.S.A. 10-4102	.50 mill
0648	Flood control: Maintenance; authorized by K.S.A. 10-2305	1.00 mill
0650	Geological survey: Authorized by K.S.A. 1082 Supp. 76-226a	.10 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 1982 House Bill	
0655	No. 2002	2.00 mills
0657	Lake and recreational grounds: Authorized by K.S.A. 10-2893e	.50 mill
0650	Lighting of highways and bridges: Authorized by K.S.A. 68-166	.10 mill
0661	Memorial buildings: Authorized by K.S.A. 73-407	.75 mill
0663	Mental health centers: Operation; authorized by K.S.A. 10-4004	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. 10-4004	.25 mill
0660	Mental health services: Contract; Authorized by K.S.A. 10-4011	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. 2-1218	1.00 mill
0675	Deficiency levy for chemicals and materials	.50 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.

Sec. 27. K.S.A. 1983 Supp. 19-101a is hereby amended to read as follows: 19-101a. [See attached]

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. 1982 Supp. 70-1047 shall be and
 0687 are hereby repealed.

and K.S.A. 1983 Supp. 19-101a

29

0688 Sec. 29 ~~28~~ This act shall take effect and be in force from and
 06 er July 1, 1984, and its publication in the statute book.

19-101a. Home rule powers; limitations, restrictions and prohibitions; procedure. (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.

(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 or health-related facilities. 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 Annotated 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.

sections 1 to 25, inclusive, 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.