

Approved _____

14
2-~~17~~-85
Date _____

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at _____
Chairperson

1:30 a.m./p.m. on February 11, _____, 1985 in room 423-S of the Capitol.

All members were present except:

Rep. Edwin Bideau, excused

Committee staff present:

Emalene Correll, Research
Bill Wolff, Research
Norman Furse, Revisor
Sue Hill, Secy. to Committee

Conferees appearing before the committee:

Michael Byington, Kansas Assoc. for the blind and visually handicapped.
Tom Bell, Kansas Hospital Association

Visitor's register, (see Attachment No. 1.)

Chairman called meeting to order, and introduced Mr. Michael Byington, who presented committee with (Attachments No. 2, and No. 3.) (see for details). Attachment No. 2 is a statement of the problem, and their proposed solution, Attachment No. 3 is essentially the draft of the bill request he explained. This bill, if introduced would strengthen consumer advisory capacity in reference to the Division of Services for the blind, and also give visually impaired and blind consumers the opportunity to increase the level of consumer in-put to other divisions of the state. Basically it sets the structure for a Consumer Advisory Commission for the blind and visually impaired, and that commission would be staffed by persons who are already located within Kansas Division Services for the blind. There is virtually no fiscal note on this request.

After Mr. Byington's remarks, chair asked wishes of committee. Rep. Buehler moved this bill request be honored, and the bill be introduced. Motion seconded by Rep. Cribbs. After questions by committee member, i.e., why is this request before Public Health and Welfare committee rather than Governmental Organization committee? He replied he felt there were not enough changes in organization for it to go there. Vote then taken, and motion carried.

Mr. Tom Bell, Kansas Hospital Association was recognized, and had a bill request. He presented a printed request to members, see (Attachment No. 4.), for details. This bill would allow hospitals, in cases when a gift or bequest is received by a hospital, to transfer that gift or bequest to a private tax exempt foundation which has been established for the charitable support of health care. If the gift or bequest was given specifically for hospital operations only, then it would of course be used only for that purpose. This bill would serve to allow the County and District Hospitals the flexibility necessary to operate a bit more effectively. He then answered questions from committee, i.e., yes, this requests speaks to County and District Hospitals only, and does not apply to non-governmental hospitals. Chair asked wishes of members of committee in regard to this request. Rep. Neufeld moved the request be honored, and the bill be introduced, seconded by Rep. Pottorff, motion carried.

Chair than noted that a fiscal note on HB 2052 was given as hand-out today, see (Attachment No. 5.), for details.

Briefings on several bills began.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 11, 1985

HB 2078, Emalene Correll gave briefing on this bill, saying it would set up definitions that relate to the provision of various assistance programs by Secy. of Health and Environment. Page 3, of the bill says that General Assistance may be limited to transitional assistance in some instances. She then explained General Assistance Unrestricted, i.e., persons over 50 years of age, and under 18 years of age, those in medical care treatment centers, those under mental illness treatment (those unemployable), and gave further explanation of HB 2078.

Briefing on HB 2079 by Norman Furse, and he called attention to page 2, lines 62 through 63, which indicate the changes being made. It would eliminate the requirement that families receiving aid to dependent children would be part of the public list maintained by the Secretary of SRS. He then described some further changes which are technical in nature, and would make them conform to changes in lines 62 and 63. He then answered questions from committee.

Briefing on HB 2145 by Norman Furse, as he explained the changes are a fine tuning measure. The stricken language lines 28 through 31, is technical, and is reinserted in lines 35 through 38. There is new language in lines 32 through 34, and it is basically for clarification. It speaks to any person who has a felony conviction, or is convicted of any act which is described in K.S.A. 21-4301. He spoke then to the language in regard to infectious and contagious diseases, has had parental rights terminated, etc., giving specifics as to why language changes were necessary. There was further in-depth briefing on the bill, and a number of questions from committee members.

Briefing on HB 2186 by Emalene Correll, and she stated this bill amends a statute under which those counties in which there is a joint board of health, and applies to those counties where the joint board, such as; Topeka/Shawnee, Lawrence/Douglas, Kansas City/Wyandotte, Wichita/Sedgwick County, Salina/Saline, etc. exist. The major amendment is on page 2, line 58, the new language means, instead of the joint board of health having to sit as the governing body for the mental health services clinics set up, they could create another board to do this. She continued with an in-depth explanation of HB 2186.

Briefing on HB 2052 by Norman Furse, calling attention to the fiscal impact in regard to this bill would be an estimated \$16,000. Language changes in the bill change the word "hospital" to "medical care facility", further, it requires persons licensed to practice medicine and surgery keep records of all pregnancies lawfully terminated in a location other than a medical care facility by such licensed persons, and give annually a written report to the Sec. of Health and Environment. He explained further language and technical changes.

After briefings and questions were completed, chair noted hearing dates on several bills, and explained that there would be bill action taken generally on Thursdays, unless a bill requires minor discussion, and in that case it would possibly have action taken the same day it is heard.

Chair adjourned meeting at 2:20 p.m.

Date: 2-11-85 (9)

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	TOPEKA
Thomas E. Kelly	KBI	Topeka
Jim Green	KBI	Topeka
Phelen Ohlsson	KBI	Topeka
Sharon Heatherman	Ks. Health Care Assn.	Topeka
Tom Bell	Ks. Hosp. Assn.	Topeka
Michael Byington	Ks. Assn for the Blind and Visually Impaired, Inc.	Topeka
Allan Cot	Intern - Sen. Karr	Lawrence

Attn. #1.
2-11-85

Attn. #2
2-11-5

Kansas Association for the Blind and Visually Impaired, Inc.

February 4, 1985

TO: Senate Public Health and Welfare

FROM: Michael J. Byington, Registered Lobbyist

SUBJECT: Request for Bill: Kansas Commission for the Blind and
Visually Impaired (Virtually no fiscal note)

PROBLEMS

1. The Kansas Division of Services for the Blind is not as responsive to consumer needs as it should be, and is not operating as efficiently as it could be. This is not a problem of manpower as much as it is one of failing to be aware of issues where consumer input can be of help. If consumers are not made aware of what is happening with services they use until after the fact, their input becomes that of reactionary complaining rather than constructive planning input. The Kansas Association for the Blind and Visually Impaired wants to see better opportunities for constructive planning input rather than reactionary complaining.

Services for the Blind used to have a large Consumer Advisory Committee which met at least quarterly. People came voluntarily, however, and no mileage expenses or state paradigm was ever paid participants. No structure for input ever came from these meetings. They were always chaired by the Division Director. Usually some program administrator within the Division would present a lecture on how wonderful his or her particular program was, and consumers in attendance were expected to say, "Yes, you are doing a wonderful job." There was not a lot of room for constructive input. Over the past two to three years, however, even though these Consumer Advisory Committee meetings were well attended, the Division has lost interest in receiving even the degree of input which was afforded it through them. The Consumer Advisory Committee has met once in the past two plus years, and as usual, the Division Director chaired the meeting; the minutes from the meeting did not even list the names of the people in attendance by the input given. They read, "A participant at the meeting suggested . . . Dr. Schutz (the Division Director) answered . . . Another person in attendance asked . . . Dr. Schutz answered . . . etc." The Division has now re-structured the Consumer Advisory Committee to a nine member body which has its first meeting scheduled later this month. This re-structured committee is still far from adequate for the receipt of consumer input which will allow the Division of Services for the Blind to be more responsive and efficient. It has been given extremely little direction; its duties and powers have not been well defined, and it does not even contain a majority of blind or visually impaired individuals. A strong, well

structured, advisory committee is needed, one which will have specific powers and duties legislatively defined.

This author and the membership of the Kansas Association for the Blind and Visually Impaired Inc. can give many examples of ways in which Services for the Blind could have used tax dollars more efficiently through an increased degree of strong consumer input and consultation. In this written document, however, only one example shall be set forth. For a number of years, blind and visually impaired consumers have been advocating for the Division of Services for the Blind to obtain equipment which could allow informational documents and confidential information for consumers to be provided in a form privately accessible to the consumer -ie- Braille, tape recorded, or large print. Services for the Blind, last year, attempted to be responsive to consumer needs; the Division bought some high quality Braille printing equipment, and hired a person to run it. They did not ask for consumer input or advocacy, however, as to how their Braille Production programming should work or be set up. As there was not one single blind employee in the Services for the Blind Central Office who used Braille at the time all of his was going on, it might have been thought that such input would be useful, but nonetheless, the Division did not realize it was needed. They asked for no consumer help in writing the job description for the individual to run the equipment, and they asked for no consumer advocacy assistance in getting an appropriate computer to drive the very good Braille printing equipment they had obtained. Instead they bought the computer which State Purchasing wanted them to buy even though it was not one recommended by the Braille printing equipment manufacturer, and they hired a person to run it who had an extremely limited knowledge of both Braille, and the computer programming skills needed. A strong consumer advisory group having complete and timely knowledge of the Division's well-meaning attempts, could have pulled in the advocacy services necessary to get the more appropriate computer equipment. (In this case, getting the computer through a contract the State currently has with Zenith rather than through a contract currently held with Radio Shack would have solved many problems.) Also, the blind and visually impaired of this state are generally well organized and have a good informational network going. They could have helped the Division analyze consumer needs for Braille, taped, and large print materials, and write a job description to obtain a person capable to meet consumer needs. The result of not having sought this consumer input, however, is that the state has several thousand dollars of Braille printing equipment, and a full time employee to run it as well as produce materials on tape or in large print; yet to date, no Braille is being produced and very little taped materials and large print are being produced. Consumer input would have gotten blind consumers more bang for no more tax payer's bucks.

2. The structure of the Kansas Department of Social and Rehabilitation Services, within which the Division of Services for the Blind is housed, actually inadvertently limits the access of certain blind groups served to the Kansas Legislature. This is a problem not with the umbrella system of human services in and of itself; but again rather a problem of a lack of consumer input.

There are again many examples of the above which can be provided by members of the Kansas Association for the Blind and Visually Impaired. A recent example, however, can be found in the blind vending stand program. This is the program through which the Kansas Division of Services for the Blind trains, places, and licenses blind vendors such as Mr. Wistuba here at the Capitol. The individuals licensed through this program are well trained restaurant managers, and independent businesspersons. They pay rent to the state for their locations and equipment in the form of an assessment fee. This is a money-making program for the state in that the individuals in it pay taxes far in excess of the money the state spends on them. This year, the vendors in this program needed some changes made in Kansas law in order to expand potential program revenue. The specifics of their need is not the important issue here, however, but rather, what they had to do to get this need to the attention of the Kansas Legislature. The Vendor's private, not for profit corporation, The Randolph-Sheppard Vendor's of Kansas Inc., like many other groups, of course, registered a lobbyist, but, as the program operates under licensure of the Kansas Division of Services for the Blind, that lobbyist of course attempted to work cooperatively with her Services for the Blind program supervisor in reference to the introduction of the needed legislation. With the best of intentions, the program supervisor communicated the legislative need to the Division Director. As it is his job to do, the Division Director communicated the need to the Commissioner of Rehabilitation Services. She in turn, communicated the need to the Secretary of Social and Rehabilitation Services. He brought the needed legislation to the attention of the appropriate legislative committee chairperson, but somewhere along the way up the administrative ladder, some of the information had not gotten transmitted. The Secretary thus could not answer some of the Committee chair's questions about the legislation and thus sent questions back to the Commissioner of Rehabilitation Services who sent them back to the Division Director who sent them back to the program supervisor. Meanwhile, the fact that the vendors had registered a lobbyist who could have answered many of the questions also got lost in the administrative mish-mash. That lobbyist called the Committee Chair involved and, I believe, was able to answer many of his questions. At that point, he said he would be glad to have the Committee consider introduction of the bill if and when the Secretary of S.R.S. brings it back to him. There needs to be a strong consumer advisory committee which can bring things to the attention of the Secretary of S.R.S., the Governor, and/or the Kansas Legislature without getting lost in all the red tape.

3. Blind and visually impaired people do not deal only with the Division of Services for the Blind. They deal also with other state services, and these need to be more accessible to, and usable by the blind and visually impaired. Consumer input is needed in reference to these other state services as well as within the Division of Services for the Blind.

Many blind people, for example, are able to engage in competitive employment, and have every desire to do so. The Kansas Department of Human Resources could thus undoubtedly make use of consumer input as to how Kansas Job Service Centers might better serve the blind and visually impaired.

Many of the blind and visually impaired of the state who fall toward the lower end of the income continuum depend on food stamps and Medicaid for their survival. These programs are, of course, not administered by Services for the Blind, however. They are administered by the Income Maintenance and Medical Services Section of S.R.S. Currently there is no functional administratively structured bridge between Services for the Blind and Income Maintenance and Medical Services, however, except at the level of the Secretary of S.R.S. The paperwork involved in remaining eligible for benefits is nonetheless quite challenging for the sighted, not to mention the blind. Consumer input is most definitely needed from the blind in order to assist Income Maintenance and Medical Services more accessible to and usable by the blind and visually impaired.

The two examples above are indeed nothing more than examples. There are many many state services which could become more accessible to and usable by the blind if consumer input were available to help.

SOLUTION TO PROBLEMS THROUGH LEGISLATION

A bill is needed such as the one currently proposed by the Kansas Association for the Blind and Visually Impaired. This bill would increase the level of consumer input in absolutely all areas covered by the Kansas Division of Services for the Blind. It would also create avenues for consumer input to other state services which serve the blind.

It should be pointed out that there is virtually no fiscal note in reference to this bill. A slight increase in mileage and paradigm costs would be the only potential fiscal effect. As Services for the Blind had re-structured its current weak advisory committee, and is now planning to pay its members mileage and paradigm, there may in fact actually prove to be no fiscal note whatsoever.

COOPERATION OFFERED

The Kansas Association for the Blind and Visually Impaired sincerely recognizes that Dr. Harder is doing a good job and that he consistently works to make more efficient use of the tax payer's dollar. We have the utmost respect for him and for Dr. Richard Schutz who directs the Division of Services for the Blind. It is thus with pleasure, and with the most sincere wish to work cooperatively and constructively to help in efforts toward greater efficiency in state sponsored human services that we ask for the introduction of this legislation. Thank you.

*Attn. # 2
2-11-85*

Kansas Association for the Blind and Visually Impaired, Inc.

DRAFT LEGISLATION: 1985 SESSION OF THE KANSAS LEGISLATURE

Sec. 1. (a) There is hereby established within the department of social and rehabilitation services the Kansas commission for the blind and visually impaired. The commission shall:

(1) Advocate services affecting the blind and visually impaired in the areas of public services, health care, education, vocational and employment opportunity;

(2) act as a bureau of information for the blind and visually impaired to state agencies and public institutions providing general health and mental health care, employment, vocational, and educational services, and and to local agencies and programs;

(3) collect, with the assistance of the staff of the division of services for the blind, facts, statistics, and other special studies of conditions affecting the health and welfare of the blind and visually impaired in Kansas;

(4) Provide for a mutual exchange of ideas and information on national, state, and local levels;

(5) provide, with the assistance of the staff of division of services for the blind, public education concerning prenatal and postnatal warning signs which may lead to blindness or visual impairment in the fetus or newborn child;

(6) encourage and assist local governments in the development of programming for or fully accessible to the blind and visually impaired;

(7) cooperate with public and private agencies and units of local, state, and federal governments in promoting coordination in programming for or fully accessible to the blind and visually impaired;

(8) serve as an advisory board to the governor on the needs of blind and visually impaired by preparing an annual report which reviews the status of the division of services for the blind, as well as all services offered by that division and other state departments and divisions serving the blind and visually impaired of Kansas either exclusively or as a mainstreamed portion of the general population of the state, and recommend priorities to the governor for the development and coordination of services to the blind and visually impaired;

(9) make recommendations for needed improvements, and and serve as an advisory board in regard to new legislation affecting the blind and visually impaired.

(b) Except as otherwise provided by this act, all budgeting purchasing, and related management functions of the Kansas commission for the blind and visually impaired shall be

*Attn. #3
2-11-85*

administered under the direction and supervision of the secretary of social and rehabilitation services and the division of services for the blind. Within the limitations of available appropriations, the secretary of social and rehabilitation services shall provide clerical and other assistance as may be required by the commission.

(c) The provisions of the Kansas sunset law apply to the Kansas Commission for the Blind and visually impaired established by this section, and the commission is subject to abolition thereunder.

Sec. 2. (a) The Kansas commission for the blind and visually impaired shall consist of 15 members, six of whom shall serve as representatives of key state agencies with which the blind and visually impaired often have interactions and shall serve solely for the purposes of giving and receiving information and advice, and nine of whom shall be appointed by the governor and shall be responsible for the policies and management of the commission. The membership shall further be comprised of the following:

(1) The six members who serve as representatives of key state agencies with which the blind and visually impaired often have interactions shall serve in ex officio capacities, and shall consist of the administrative head, or a designee, of: (A) the department of human resources, (B) vocational rehabilitation services, (C) income maintenance and medical services, (D) the state department of education, (E) the Kansas state school for the visually handicapped, and (F) administrative services of the department of social and rehabilitation services.

(2) The nine members appointed by the governor and responsible for the policies and management of the commission shall consist of six blind or legally blind individuals, at least three of whom are members of the Kansas Association for the Blind and Visually Impaired Inc. At least any one of these six members shall be a worker in a program administered under the Kansas industries for the blind. At least any one of these six members shall be an active member of the Randolph-Sheppard Vendors of Kansas Inc. and shall be engaging in the operation of a vending facility or facilities licensed by the division of services for the blind. One member shall be the parent of a blind or legally blind child. One member shall work in the field of library services for the blind and visually impaired. One member shall be a specialist in the field of low vision optometry.

(b) The members appointed by the governor shall serve on the commission for a term of three years.

(c) Any appointive position which becomes vacant prior to the expiration of a full term, shall be filled for a full three year term plus the amount of time necessary to make the appointment consistent with the annual anniversary of the time of year at which original appointments were made.

(d) The governor or a designee shall call the first meeting of the commission, at which time, and annually, the members of the commission shall elect one of its appointed members as a chairperson. The commission shall then meet at the

call of the chairperson, but no less than four times a year. The appointed members of the commission shall elect other officers as deemed necessary, set duties of officers, and set procedures for conducting commission meetings in a manner consistent with this act. A simple majority of the appointed membership of the commission shall constitute a quorum.

(e) Members of the commission shall receive no compensation. Ex officio members of the commission shall receive travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto which shall be paid by the respective departments of such members. Appointed members of the commission shall receive travel expenses and subsistence expenses or allowances for attendance at meetings of the commission and for the conducting of commission business authorized by the chairperson or the commission as provided in K.S.A. 3212 and amendments thereto.

Sec. 3. (a) The director of the division of services for the blind shall serve as commission staff.

(b) The director of the division of services for the blind, in his/her capacity as commission staff, and with the advice and consent of the commission shall:

(1) promote accessibility of all government services to blind and visually impaired citizens of Kansas including those blind and visually impaired citizens who have multiple disabilities;

(2) identify agencies, both public and private, which provide community services, evaluate the extent to which they make services available and accessible to blind and visually impaired individuals and their families;

(3) provide for the mutual exchange of ideas and information on services for blind and visually impaired people between federal, state, and local governmental agencies and private organizations and individuals;

(4) survey the needs of the blind and visually impaired population in Kansas and assist the commission in the preparation of its reports to the governor;

(5) maintain a listing of persons qualified in various types of Braille, taping, and large print reproduction, and also a listing of various types of computer, electronic, and manual equipment used in the reproduction of Braille, tape recorded materials, and large print, and make this information available to federal, state, and local governmental agencies and private organizations and individuals;

(6) promote the training of Brailleists and readers for the blind and visually impaired;

(7) serve as an advocate for the rights of blind and visually impaired people and perform such other duties as may be required by law;

(8) provide, through the assistance of the staff of the division of services for the blind or by contract with other public or private organizations or individuals, Braille, taping, and large print reproduction services of state generated materials;

(9) provide, through the staff of the division of services for the blind, a comprehensive program of prevention of

blindness, restoration of sight, business enterprises opportunities, sheltered employment opportunities both in workshop settings and in the residences of blind and visually impaired Kansans, vocational rehabilitation counseling, rehabilitation teaching, rehabilitation for purposes of independent living, and special programming for the multiply handicapped blind and visually impaired of Kansas.

(c) Upon the creation of a vacancy in the position of director of the division of services for the blind, the commission shall select a replacement who is knowledgeable in reference to Braille, the tape recording of materials and the availability of taped materials, and visual, electronic, and audio aides used in assisting the blind and visually impaired to live and work productively and independently.

Sec. 4. The Kansas commission for the blind and visually impaired may request and receive from any department, division, board, bureau, agency of the state, or of any political sub-division thereof, such data as might be needed to enable it to properly carry out its activities under this act.

Sec. 5. The Kansas Commission for the blind and visually impaired is authorized to receive monies from any source, including federal funds, grants, gifts, and bequests which shall be expended for the purposes designated in this act.

Sec. 6. The governor is authorized to designate the division of services for the blind and the department of social and rehabilitation services to provide statewide services to the blind and visually impaired as specified in this act.

Sec. 7. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced against the division of services for the blind, the department of social and rehabilitation services, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties shall abate by the taking effect of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the division of services for the blind, the department of social and rehabilitation services or any officer effected even though the issues involved in such suit, action or proceeding might pertain to the Commission for the Blind and Visually Impaired.

Sec. 8. This act shall take effect and be in force from and after its publication on the statute book.

*Attn. #4
2-11-85*

HOUSE BILL _____

"AN ACT relating to hospitals and moneys received by them, amending K.S.A. 1984 Supp. 19-4608 and K.S.A. 80-2518 and repealing the existing sections."

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

Section 1. K.S.A. 1984 Supp. 19-4608 is hereby amended to read:

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

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

(c) Hospital moneys shall be deemed public moneys and hospital moneys not immediately required for the purposes for which acquired may be invested in accordance with the provisions of K.S.A. 12-1675 and amendments thereto. Hospital moneys

*Attn. #4
2-11-85*

acquired through the receipt of grants, donations, bequests or gifts and deposited pursuant to the provisions of K.S.A. 12-1675 and amendments thereto need not be secured as required under K.S.A. 9-1402 and amendments thereto.

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

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

(f) Notwithstanding subsections (a)-(e) of this section, the board may transfer any money or property a hospital receives by donation, contribution, gift, devise or bequest (gifts) to a Kansas not-for-profit corporation which meets each of the following requirements:

(i) the corporation is exempt from Federal income taxation under the provisions of Section 501(a) by reason of Section 501(c)(3) of the Internal Revenue Code of 1954 as amended;

(ii) the corporation has been determined to not be a private foundation within the meaning of Section 509(a)(1) of the Internal Revenue Code of 1954 as amended; and

(iii) the corporation has been organized for the purpose of the charitable support of health care, hospital and related services, including the support of ambulance, emergency medical care, first responder systems, medical and hospital staff recruitment, health education and training, both preferred and public, and other related purposes.

The board shall have the right to transfer gifts in such amounts and subject to such terms, conditions, restrictions and limitations as the board shall determine. Before making any such transfer, the board shall have determined that the amount of money or the property to be transferred is not required by the hospital to maintain its operations and meet its obligations. The board shall further determine that the transfer is in the best interests of the hospital and the residents within the county the hospital has been organized to serve.

Section 2. K.S.A. 80-2518 is hereby amended to read:

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

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

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

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

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

(f) Notwithstanding subsections (a)-(e) of this section, the board may transfer any money or property a hospital receives by donation, contribution, gift, devise or bequest (gifts) to a Kansas not-for-profit corporation which meets each of the following requirements:

(i) the corporation is exempt from Federal income taxation under the provisions of Section 501(a) by reason of Section 501(c)(3) of the Internal Revenue Code of 1954 as amended;

(ii) the corporation has been determined to not be a private foundation within the meaning of Section 509(a)(1) of the Internal Revenue Code of 1954 as amended; and

(iii) the corporation has been organized for the purpose of the charitable support of health care, hospital and related services, including the support of ambulance, emergency medical care, first responder systems, medical and hospital staff recruitment, health education and training, both preferred and public, and other related purposes.

The board shall have the right to transfer gifts in such amounts and subject to such terms, conditions, restrictions and limitations as the board shall determine. Before making any such transfer, the board shall have determined that the amount of money or the property to be transferred is not required by the hospital to maintain its operations and meet its obligations. The board shall further determine that the transfer is in the best interests of the hospital and the residents within

the county the hospital has been organized to serve.

Section 3. K.S.A. 1984 Supp. 19-4608 and K.S.A. 80-2518
are hereby repealed.

Section 4. This Act shall take effect and be in force
upon and after its publication in the Kansas Register.

*Attn. #5
2-11-85*

The Honorable Marvin Littlejohn, Chairperson
Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse

425-5

Dear Representative Littlejohn:

SUBJECT: Fiscal Note for House Bill No. 2052 by
Representative Sutter, et al.

In accordance with K.S.A. 75-3715a, the following fiscal
note concerning House Bill No. 2052 is respectfully submitted to
your committee.

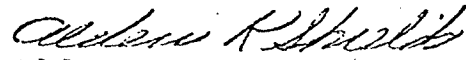
Provisions of H.B 2052 amend K.S.A. 65-445 as follows:

1. Every medical care facility is required to keep records of pregnancies terminated in such facilities and submit an annual report to the Secretary of Health and Environment,
2. Every person licensed to practice medicine and surgery is required to keep records of pregnancies terminated by such person in a location other than a medical care facility and submit an annual report to the Secretary of Health and Environment.
3. Six months after the pregnancy termination, the medical care facility, or person licensed to practice medicine and surgery is required to send a form to the person whose pregnancy has been terminated to determine if any medical complications have occurred. Returned forms, excluding names of persons whose pregnancy was terminated, are to be submitted at the time of submission of annual reports.

The Department of Health and Environment indicates that passage of HB 2052 would require an additional half-time research analyst position resulting in additional expenditures of state general funds in the amounts of \$14,000 for salaries and wages, excluding salary plan revision, and \$2,000 for other operating expenditures for printing forms and postage.

*Attn. #5
2-11-85*

Passage of HB No. 2052 would result in additional expenditures from the State General Fund totaling \$16,000 above and beyond the expenditure level recommended in the FY 1986 Governor's Budget Report, exclusive of amounts for salary plan revision. In addition, one half-time additional position would be required for the Department of Health and Environment.


Alden K. Shields
Director of the Budget

AKS:PS:sr