

House Substitute for SENATE BILL No. 42

AN ACT concerning hospitals; relating to the hospital provider assessment; exempting rural emergency hospitals from such assessment; relating to the qualifications of hospital board members; requiring that a member be a qualified elector of the county where the hospital is located or a qualified elector of an adjacent county and owner of real property in the hospital taxing district and a majority of members be residents of the county where the hospital is located; amending K.S.A. 65-6209 and 80-2506 and repealing the existing sections.

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

Section 1. K.S.A. 65-6209 is hereby amended to read as follows: 65-6209. (a) A hospital provider that is a state agency, the authority, as defined in K.S.A. 76-3304, and amendments thereto, a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, ~~or~~ a critical access hospital, as defined in K.S.A. 65-468, and amendments thereto, *or a rural emergency hospital licensed under the rural emergency hospital act, K.S.A. 2022 Supp. 65-481 et seq., and amendments thereto,* is exempt from the assessment imposed by K.S.A. 65-6208, and amendments thereto.

(b) A hospital operated by the department in the course of performing its mental health or developmental disabilities functions is exempt from the assessment imposed by K.S.A. 65-6208, and amendments thereto.

Sec. 2. K.S.A. 80-2506 is hereby amended to read as follows: 80-2506. (a) Every hospital shall be governed by a board composed of members who are qualified electors *of the county where the hospital is located or of any county adjacent to such county and, if such member is a qualified elector of an adjacent county, such member shall own real property located in the territory included in the taxing district of the hospital.* The board shall be composed of three, five, seven or nine members. *A majority of the members of the board shall be residents of the county where the hospital is located.* Whenever the number of members of a board is increased, the expiration of the terms of the members selected for the new positions on the board shall be fixed 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.

(b) Upon presentation to the board of commissioners of the county ~~in which~~ *where* the hospital district, or the greater portion of the territory thereof, is located, of a petition requesting a change in the number of board members signed by not less than 5% of the qualified electors of the district, it shall be the duty of the board of county commissioners, at its next regular meeting, to examine the petition. The petition shall set forth the requested number of board members. If the board of county commissioners finds that the petition is sufficient and regular and in due form as is provided in this section, the board of county commissioners shall direct the county election officer of the county to prepare ballots for a special election, including ballots for that portion of the district located in any other county. The county election officers of each county shall present the question to the qualified voters of the district at the next general election in the counties, and the board of county commissioners of each county shall certify the results of the votes cast in the county to the board of county canvassers in the county ~~in which~~ *where* the ballots were prepared. The change in number shall become effective at the next election for board members if a majority of the qualified electors voting on the question vote in favor of the change in number of board members.

(c) Subject to the provisions of ~~subsection (b)~~ of K.S.A. 80-2508(b), and amendments thereto, members of the board of every existing hospital shall serve as members of such board for the terms for which they were selected and until their successors are selected and qualified. Except as provided by ~~subsection (a)(4)~~ of K.S.A. 80-2508(a)(4), and amendments

thereto, successors to such members shall be selected to serve for a term of three years.

(d) Terms of members of the first board of any hospital established under the provisions of this act shall be as provided for in ~~subsection (b)~~ of K.S.A. 80-2504(b), and amendments thereto, and shall be staggered so that terms of not more than a simple majority of the members expire at the same time. Thereafter, except as provided by ~~subsection (a)(4)~~ of K.S.A. 80-2508(a)(4), and amendments thereto, upon the expiration of terms of members first selected, successors to such members shall be selected to serve for terms of three years.

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

Sec. 3. K.S.A. 65-6209 and 80-2506 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body

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SENATE adopted

Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE

as amended \_\_\_\_\_

HOUSE adopted

Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*