

SENATE BILL No. 395

By Committee on Ways and Means

1-24

1 AN ACT concerning the university of Kansas hospital authority; requiring
2 prior approval by the legislature or the legislative coordinating council
3 when the legislature is not in session, when purchasing, leasing,
4 trading, exchanging or otherwise acquiring, constructing, repairing,
5 remodeling or renovating any real property or facility outside of the
6 state of Kansas; amending K.S.A. 76-3308 and repealing the existing
7 section.
8

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

10 Section 1. K.S.A. 76-3308 is hereby amended to read as follows: 76-
11 3308. (a) The authority shall have all the powers necessary to carry out the
12 purposes and provisions of this act, including, without limitation, the
13 following powers to:

14 (1) Have the duties, privileges, immunities, rights, liabilities and
15 disabilities of a body corporate and a political instrumentality of the state;

16 (2) have perpetual existence and succession;

17 (3) adopt, have and use a seal and to alter the same at its pleasure;

18 (4) sue and be sued in its own name;

19 (5) make and execute contracts, guarantees or any other instruments
20 and agreements necessary or convenient for the exercise of its powers and
21 functions including, without limitation, to make and execute contracts with
22 hospitals or other health care businesses to operate and manage any or all
23 of the hospital facilities or operations and to incur liabilities and secure the
24 obligations of any entity or individual;

25 (6) borrow money and to issue bonds evidencing the same and pledge
26 all or any part of the authority's assets therefor;

27 (7) purchase, lease, trade, exchange or otherwise acquire, maintain,
28 hold, improve, mortgage, sell, lease and dispose of personal property,
29 whether tangible or intangible, and any interest therein; and to purchase,
30 lease, trade, exchange or otherwise acquire real property or any interest
31 therein, and to maintain, hold, improve, mortgage, lease and otherwise
32 transfer such real property, so long as such transactions do not conflict
33 with the mission of the authority as specified in this act;

34 (8) incur or assume indebtedness to, and enter into contracts with the
35 Kansas development finance authority, which is authorized to borrow
36 money and provide financing for the authority;

1 (9) develop policies and procedures generally applicable to the
2 procurement of goods, services and construction, based upon sound
3 business practices;

4 (10) contract for and to accept any gifts, grants and loans of funds,
5 property, or any other aid in any form from the federal government, the
6 state, any state agency, or any other source, or any combination thereof,
7 and to comply with the provisions of the terms and conditions thereof;

8 (11) acquire space, equipment, services, supplies and insurance
9 necessary to carry out the purposes of this act;

10 (12) deposit any moneys of the authority in any banking institution
11 within or without the state or in any depository authorized to receive such
12 deposits, one or more persons to act as custodians of the moneys of the
13 authority, to give surety bonds in such amounts in form and for such
14 purposes as the board requires;

15 (13) procure such insurance, participate in such insurance plans or
16 provide such self insurance or both as it deems necessary or convenient to
17 carry out the purposes and provisions of this act; the purchase of
18 insurance, participation in an insurance plan or creation of a self-insurance
19 fund by the authority shall not be deemed as a waiver or relinquishment of
20 any sovereign immunity to which the authority or its officers, directors,
21 employees or agents are otherwise entitled;

22 (14) appoint, supervise and set the salary and compensation of a
23 president of the authority who shall be appointed by and serve at the
24 pleasure of the board;

25 (15) fix, revise, charge and collect rates, rentals, fees and other
26 charges for the services or facilities furnished by or on behalf of the
27 authority, and to establish policies and procedures regarding any such
28 service rendered for the use, occupancy or operation of any such facility;
29 such charges and policies and procedures not to be subject to supervision
30 or regulation by any commission, board, bureau or agency of the state; and

31 (16) do any and all things necessary or convenient to carry out the
32 authority's purposes and exercise the powers given in this act.

33 (b) The authority may create, own in whole or in part, or otherwise
34 acquire or dispose of any entity organized for a purpose related to or in
35 support of the mission of the authority.

36 (c) The authority may participate in joint ventures with individuals,
37 corporations, governmental bodies or agencies, partnerships, associations,
38 insurers or other entities to facilitate any activities or programs consistent
39 with the public purpose and intent of this act.

40 (d) The authority may create a nonprofit entity or entities for the
41 purpose of soliciting, accepting and administering grants, outright gifts and
42 bequests, endowment gifts and bequests and gifts and bequests in trust
43 which entity or entities shall not engage in trust business.

1 (e) In carrying out any activities authorized by this act, the authority
2 may provide appropriate assistance, including the making of loans and
3 providing time of employees, to corporations, partnerships, associations,
4 joint ventures or other entities, whether or not such corporations,
5 partnerships, associations, joint ventures or other entities are owned or
6 controlled in whole or in part, directly or indirectly, by the authority.

7 (f) Effective with the transfer date, all moneys of the authority shall
8 be deposited in one or more banks or trust companies in one or more
9 special accounts. All banks and trust companies are authorized to give
10 security for such deposits if required by the authority. The moneys in such
11 accounts shall be paid out on a warrant or other orders of the treasurer of
12 the authority or any such other person or persons as the authority may
13 authorize to execute such warrants or orders.

14 (g) Notwithstanding any provision of law to the contrary, the
15 authority, effective with the transfer date, may invest the authority's
16 operating funds in any obligations or securities as authorized by the board.
17 The board shall adopt written investment guidelines.

18 (h) The authority is authorized to negotiate contracts with one or
19 more qualified parties to provide collection services. The selection of a
20 collection services provider shall be based on responses to a request for
21 proposals from qualified professional firms and shall be administered in
22 accordance with policies adopted by the board.

23 (i) Notwithstanding any provision of law to the contrary, no abortion
24 shall be performed, except in the event of a medical emergency, in any
25 medical facility, hospital or clinic owned, leased or operated by the
26 authority. The provisions of this subsection are not applicable to any
27 member of the physician faculty of the university of Kansas school of
28 medicine when such abortion is performed outside the scope of such
29 member's employment on property not owned, leased or operated by the
30 authority. As used in this subsection, "medical emergency" means a
31 condition that, in reasonable medical judgment, so complicates the medical
32 condition of the pregnant woman as to necessitate the immediate abortion
33 of her pregnancy to avert the death of the woman or for which a delay
34 necessary to comply with the applicable statutory requirements will create
35 serious risk of substantial and irreversible physical impairment of a major
36 bodily function. No condition shall be deemed a medical emergency if
37 based on a claim or diagnosis that the woman will engage in conduct
38 which would result in her death or in substantial and irreversible physical
39 impairment of a major bodily function.

40 (j) *Notwithstanding the provisions of subsections (a) through (i) or*
41 *any other provision of K.S.A. 76-3301 through 76-3323, and amendments*
42 *thereto, to the contrary, on the effective date of this act, the authority,*
43 *whether acting on its own or by joint venture, shall not purchase, lease,*

1 *trade, exchange or otherwise acquire, construct, repair, remodel or*
2 *renovate any real property or facility outside of the state of Kansas*
3 *without prior approval of the legislature by a legislative enactment or the*
4 *legislative coordinating council when the legislature is not in session.*
5 *Action by the legislative coordinating council shall be approved by an*
6 *affirmative vote of five members thereof. When reviewing the proposed*
7 *action by the authority described in this subsection and making decisions*
8 *regarding such action, the legislative coordinating council shall consider*
9 *the findings and mission of the authority established in K.S.A. 76-3302,*
10 *and amendments thereto.*

11 Sec. 2. K.S.A. 76-3308 is hereby repealed.

12 Sec. 3. This act shall take effect and be in force from and after its
13 publication in the Kansas register.