



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

October 21, 1975

ATTORNEY GENERAL OPINION NO. 75-401

Mr. James A. Williams
Attorney for the Bucklin
District Hospital
First National Bank Building
Post Office Box 39
Dodge City, Kansas 67801

Re: Townships--Hospital Districts--Expenditures

Synopsis: Under existing law, a hospital district organized under K.S.A. 80-2113 has no authority to expend funds of the district to construct or purchase a residence for the hospital administrator or other persons employed by the district.

* * *

Dear Mr. Williams:

As counsel for the Bucklin District Hospital, Ford County, Kansas, a hospital district created pursuant to K.S.A. 80-2113 *et seq.*, you advise that as a result of a housing scarcity in the City of Bucklin, the city of third class within the district, the directors are considering the purchase or construction of a residence for the hospital administrator.

As you point out, the matter is not squarely covered in any statute, and accordingly, you request my opinion whether such an undertaking is within the legal authority of the district. You advise that the rental value of the residence would be considered as part of the administrator's salary.

The basic powers of the district are set forth at K.S.A. 1974 Supp. 80-2117 thus:

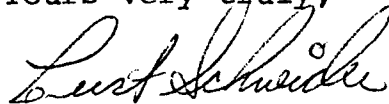
Mr. James A. Williams
Page Two
October 21, 1975

"Every hospital district organized under the provisions of this act is hereby authorized to maintain, operate, improve, equip, lease, rent, enlarge, construct or reconstruct a public hospital, medical or dental clinics for use in connection therewith and a home for the aged as the same is defined in K.S.A. 19-2106, within such hospital district."

The powers of the board of directors are enumerated more fully at K.S.A. 1974 Supp. 80-2123. It is the settled rule that the powers of the hospital district are wholly statutory, and that the district has only those powers expressly granted by statute, and those additional powers reasonably and necessarily to be implied therefrom. There is, of course, no express statutory authority for construction of a residence for the administrator or other employees of the board. Nor, in my judgment, is there any basis for a reasonable implication of such authority. The physical properties which the district is authorized to construct are those specified in K.S.A. 1974 Supp. 80-2117: "a public hospital, medical and dental clinics for use in connection therewith and a home for the aged" Although the board of directors is empowered to "fix the compensation of an administrator of the hospital," K.S.A. 1974 Supp. 80-2123, this affords little basis for implication of additional authority for capital outlay and investment in other physical properties, not a part of the physical plant of the hospital itself, to be used to house the administrator or other employees of the district.

Accordingly, it is my opinion that under existing law, the board of directors of a hospital district organized under K.S.A. 80-2113 *et seq.* has no authority to expend funds of the district for the purchase or construction of a residence for its hospital administrator or for other employees of the district.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj