



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

March 17, 1988

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 88- 39

Richard N. Raleigh  
City Attorney  
Box 248  
Medicine Lodge, KS 67104

Re: Townships and Township Officers -- Hospitals and  
Health Care Facilities; Hospitals -- Selection of  
Hospital Board Members

Synopsis: The method of selecting board members of hospital  
districts established under the provisions of  
K.S.A. 80-2101 et seq. (act repealed L. 1984,  
ch. 374) may be changed pursuant to K.S.A. 1987  
Supp. 80-2508. Cited herein: K.S.A. 80-2101  
et seq. (act repealed L. 1984, ch. 374);  
80-2501; 80-2502; 80-2504; 80-2507; K.S.A. 1987  
Supp. 80-2508.

\* \* \*

Dear Mr. Raleigh:

As attorney for the city of Medicine Lodge, you request our  
opinion concerning the selection of board members of Medicine  
Lodge Memorial Hospital.

We are informed that the hospital was established according to  
K.S.A. 80-2101 et seq. This act was repealed in 1984.  
The hospital is now governed by the provisions of K.S.A.  
80-2501 et seq. Under the original statutes, board  
members were chosen by appointment. You ask if and how the  
method of selecting board members may be changed to popular  
election, as provided in K.S.A. 1987 Supp. 80-2508.

The original statutes provided that the governing bodies of the participant city and township each appointed three members. Under the new statutes, K.S.A. 80-2502(a) provides:

"Any existing hospital district and any existing hospital established under the laws of this state prior to the effective date of this act are hereby continued in existence and shall be governed in accordance with the provisions of this act, and any existing board shall be deemed to be the board for purposes of this act unless and until a new board is selected in accordance with the provisions of the act." (Emphasis added).

"Existing hospital" is defined as a hospital established pursuant to K.S.A. 80-2101, et seq., and being operated and maintained on July 1, 1984. K.S.A. 80-2501(d). K.S.A. 80-2501(a) states as follows:

"Members of the board of every existing hospital shall be selected in accordance with the following:

(a) Every board which is being selected on the effective date of this act in the manner provided for in K.S.A. 80-2102, which section is repealed by this act, shall continue to be selected in such manner until changed in accordance with law." (Emphasis added).

The question is how may an existing hospital change its method of selecting board members?

Under the new statutes, board members are selected by one of four methods. K.S.A. 1987 Supp. 80-2508. The method of selection is determined by the qualified electors of the hospital district at the first annual meeting held upon establishment of the district. K.S.A. 80-2504(b). At this meeting the electors must also decide how many members should serve on the board, elect the members of the first board, and determine the date, time, and place of future annual meetings. K.S.A. 80-2504. The method of selecting hospital board members may be changed "by majority vote of the qualified electors voting at an annual meeting." K.S.A. 1987 Supp. 80-2508(b).

The new statutes provide that the method of selecting board members of existing hospital districts may be changed "in accordance with the provisions of this act," K.S.A. 80-2502(a), and "in accordance with law," K.S.A. 80-2507(a). Therefore, it is our opinion that the method of selection can be changed in accordance with K.S.A. 1987 Supp. 80-2508. Since existing hospital districts are governed by the new statutes, K.S.A. 80-2502, the district must hold annual meetings of the qualified electors in the district. K.S.A. 80-2512. At such an annual meeting, the qualified electors of the existing hospital district may change the method of selecting board members to one of the methods listed in K.S.A. 1987 Supp. 80-2508.

Very truly yours,



ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS



Rita L. Noll  
Assistant Attorney General

RTS:JLM:RLN:bas