



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 7, 1977

ATTORNEY GENERAL OPINION NO. 77-79

The Honorable Robert V. Talkington
State Senator
3rd Floor - State Capitol Building
Topeka, Kansas 66612

Re: County Hospitals--Board of Trustees--Exercise Home Rule Powers

Synopsis: A county board of commissioners may by charter resolution provide for the appointment of more than five trustees for a county hospital established and operated pursuant to K.S.A. 19-1801, et seq.

* * *

Dear Senator Talkington:

You request the opinion of this office asking whether a board of county commissioners may pursuant to K.S.A. 19-101 and -101a increase the number of trustees required to be appointed under K.S.A. 19-1803.

K.S.A. 19-101a provides in pertinent part:

(a) Counties are hereby empowered to transact all county business and perform such powers of local legislation and administration as they deem appropriate, subject only to the following limitations, restrictions or prohibitions: *First*, counties shall be subject to all acts of the legislature which apply uniformly to all counties. . . ."

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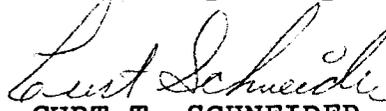
K.S.A. 19-1803 is part of the general county hospital enabling legislation which applies *inter alia* to

"[a]ny county having less than forty thousand (40,000) inhabitants except a county having a population of not less than five thousand (5,000) nor more than twelve thousand (12,000) which has within its boundaries a city of the third class in which is located a hospital" [K.S.A. 19-1801]

It is clear thus that this act does not uniformly apply to all counties. And, we note that the questioned action by the board of county commissioners does not contravene the remaining specified limitations, restrictions or prohibitions found in K.S.A. 19-101a.

Accordingly, it is the opinion of this office that a county may lawfully provide by charter resolution pursuant to K.S.A. 19-101a for the appointment of more than the statutory number of five trustees for a county hospital as specified in K.S.A. 19-1803.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

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