



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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ROBERT T. STEPHAN
ATTORNEY GENERAL

November 29, 1982

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ATTORNEY GENERAL OPINION NO. 82- 250

Granville M. Bush
Attorney at Law
111 East Avenue North
Lyons, Kansas 67554

Re: Townships and Township Officers -- Hospitals --
Signatures on Warrants

Synopsis: The administrator of a district hospital subject to the requirements of K.S.A. 80-2188 may not sign warrants or combination warrant checks. The signature of both the chairman and secretary of the board is required. Cited herein: K.S.A. 10-801, 10-803, 10-806, 80-2188.

* * *

Dear Mr. Bush:

You request the opinion of this office whether a district hospital administrator may sign warrants. You advise that the district in question is subject to K.S.A. 80-2188 which provides in pertinent part:

"All expenditures made by said board of directors shall be paid by warrants drawn on the treasurer and signed by the chairman and secretary of the board: Provided, That the board of directors may use a combination warrant and check upon which both a warrant and check are included in the same instrument in like manner as provided by K.S.A. 10-801 with respect to cities and such combination warrant and check shall be subject to the applicable provisions of K.S.A. 10-806."

K.S.A. 10-801 authorizes the use of combination warrant checks and provides:

"All warrants shall be drawn to the order of the person or party entitled to receive the same, and shall specify the nature of the claim or service for which they were issued and out of what fund payable: Provided, That any governing body may by resolution authorize and require the use of a combination warrant check. Warrants or warrant checks shall be prepared by the clerk, auditor, secretary, director of finances or finance department of the municipality or other officer or agency authorized by the governing body."

K.S.A. 10-803 governs the signing of warrants and warrant checks, providing in part, as follows:

"Warrants and warrant checks shall be signed by the chairman, mayor, president, trustee, director or other chief official, or in the absence of such officer, by the officer authorized by law to act in such officer's stead, and by the clerk, secretary or auditor or like officer" (Emphasis added.)

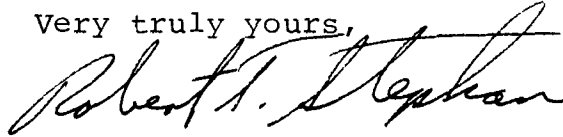
Thus, the legislature has authorized two methods of the payment of expenses incurred by the hospital district. First, the board of directors may make payment on warrants drawn on the treasurer and signed by both the chairman and secretary of the board of directors. Or, second, the board of directors may provide by resolution for the use of a combination warrant check. The combination warrant check is to be prepared by the officer designated by K.S.A. 10-801 and signed by both the officers designated in K.S.A. 10-803. In the case of a township hospital board of directors, those officers signing the warrant check would be the "chairman" and "secretary," as is also required for the ordinary warrant procedure. The use of the phrase "or other chief official" does not, in our judgment, refer to the superintendent or administrator of the hospital. In a previous opinion of the Kansas Attorney General, Attorney General Schneider said:

"The hospital administrator does not, in our opinion, fall within the class of individuals described in the first group above [referring to the officers noted in K.S.A. 10-803]. It is not sufficient that the checks are signed only by the administrator, for this does not comply, in our view, with K.S.A. 10-803, that two officers designated therein sign all warrants and warrant checks." VII Kan. Att'y Gen. Ops. 378, 380 (1972).

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Therefore, it is our opinion that the administrator of a district hospital subject to the requirements of K.S.A. 80-2188 may not sign warrants or combination warrant checks. The signature of both the chairman and secretary of the board is required.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Bradley J. Smoot
Deputy Attorney General

RTS:BJS:hle