



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 87- 151

Don Rash, Chairman
Board of County Commissioners
Seward County, Kansas
Liberal, Kansas 67901

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

Synopsis: K.S.A. 80-2506, as amended, requires a hospital
board member to be a resident of the territory
included in the taxing district of the hospital.
Accordingly, a board member who moves his or her
residence outside of the hospital's taxing district
may not remain on the hospital board. Cited
herein: K.S.A. 80-2506, as amended by L. 1987,
ch. 397, § 1.

Dear Mr. Rash:

As Chairman of the Seward County Board of County
Commissioners, you ask our opinion on whether a person may
remain on a hospital board pursuant to K.S.A. 80-2506, as
amended by L. 1987, ch. 397, § 1, even if that person moves
his or her residence outside of the county in which the
hospital lies. K.S.A. 80-2506, as amended, provides at
subsection (a):

"Every hospital shall be governed by a
board composed of members who are
qualified electors." (Emphasis added).

K.S.A. 80-2501, which contains definitions for terms used in
K.S.A. 80-2501 et seq., defines qualified elector in the
following manner:

"(f) 'qualified elector' means any person who has been a bona fide resident within the territory included in the taxing district of a hospital for 30 days prior to the date of any annual meeting or election provided for in this act and who possesses the qualifications of an elector provided for in the laws governing general elections." (Emphasis added).

The Kansas Constitution defines qualified elector at Article 5, § 1:

"Every citizen of the United States who has attained the age of eighteen years and who resides in the voting area in which he or she seeks to vote shall be deemed a qualified elector."

In addition, a qualified elector must be registered to vote. See Coney v. City of Topeka, 96 Kan. 46 (1915); Attorney General Opinions No. 78-307; 86-146 (copies enclosed).

In light of this information, it is our opinion that a person may serve on a hospital board pursuant to K.S.A. 80-2506, as amended, only if said person is a resident of the territory included in the taxing district of the hospital, possesses the constitutional qualifications of a qualified elector and is registered to vote. Accordingly, in our judgment, a hospital board member who moves his or her residence outside of the hospital's taxing district is no longer qualified to serve on the hospital board, and that board member's position should be deemed vacant.

In summary, K.S.A. 80-2506, as amended, requires a hospital board member to be a resident of the territory included in the taxing district of the hospital. Accordingly, a board member who moves his or her residence outside of the hospital's taxing district may not remain on the hospital board.

Very truly yours,


ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS


Barbara P. Allen
Assistant Attorney General