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Office of the
SECRETARY OF STATE

John Hannah, Jr.
SECRETARY OF STATE

April 15, 1992

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The Honorable Dan Morales
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Supreme Court Building
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Opinion Committee

Dear General Morales:

Pursuant to Tex. Gov't Code Ann. § 402.042(b)(2) (Vernon 1990), the Office of the Secretary of State requests your opinion concerning the questions hereinafter set forth.

In its 71st Regular Session, the Texas Legislature enacted Senate Bill 907. Act of May 11, 1989, 71st Leg., R.S., ch. 206, 1989 Texas Gen. Laws 886 (current version at Tex. Health & Safety Code ch. 286 (Vernon Pamph. 1992)) (formerly codified at Tex.Rev. Civ. Stat. Ann. art. 4494q-1 (Vernon Pamph. 1992), repealed by Act of May 5, 1991, 72d Leg., R.S., ch. 14, § 285(b)(8), 1991 Tex. Gen. Laws 42, 240-41).

Senate Bill 907 primarily relates to the creation, administration, powers, duties, operation, and financing of hospital districts by general law. In setting forth the requirements for a petition to create a hospital district, section 2.02(c)(2) of Senate Bill 907 provides as follows:

The petition may provide . . . the method by which the directors are to be elected, whether at large, by place, or both so that a specific number of directors are elected at large.

Id. § 2.02(c)(2) (emphasis added).

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Section 3.02(c) of Senate Bill 907 also provides that:

If the directors are elected by place, the candidate for a place receiving the highest number of votes for election to that place is a director for the district. Those directors elected to fill even-numbered places at the initial election serve for a term of one year and those elected to fill odd-numbered places at the initial election of directors serve for a term of two years.

Id. § 3.02(c) (emphasis added).

In connection with the foregoing sections of Senate Bill 907, we would appreciate your opinion with respect to the following questions:

1. Does the use of the word "place" allow a hospital district to elect its directors from single-member districts?
2. If the answer to question 1 is affirmative, do the boundaries of single-member districts have to be coterminous with the boundaries of county commissioners' precincts?

My staff and I are available to assist your office should you have any questions concerning this matter.

Sincerely,



John Hannah, Jr.
Secretary of State

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