



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

March 8, 1957.

Honorable Warren G. Tabor
County Attorney
Hockley County
Levelland, Texas

OPINION NO. (WW-54)

RE: Creation of Special
Hospital District by
Commissioners' Court
within Hockley County.

Dear Sir:

Your request for an opinion relates to the authority of the Commissioners' Court of Hockley County to create a Special Hospital District within the county.

The Texas courts have repeatedly held that the Commissioners' Court is a court of limited jurisdiction and can only exercise such powers as are authorized by the Constitution and statutes of this State, either by express terms or by necessary implication. Sec. 18, Art. V, Tex. Const; Bland v. Orr, 90 Tex. 492; 39 S.W. 558 (1887); Childress County v. State, 127 Tex. 343; 92 S.W.2d, 1011 (1936); El Paso County v. Elam, 106 S.W.2d, 393 (Tex. Civ.App. 1937).

Attorney General's Opinion R-1507 (1948), a copy of which is enclosed, holds that the County Commissioners' Court of Bexar County is not authorized to create a Hospital or Health District covering the geographical limits of Bexar County. Subsequent to the release of this opinion, the Constitution of Texas was amended so as to authorize the creation of county-wide hospital districts in counties having a population in excess of 190,000 inhabitants and in Galveston County. Sec. 4, Art. IX, Tex. Const.

The foregoing Constitutional provision only authorizes the establishment of county-wide hospital districts in Galveston County and in those counties having a population in excess of 190,000 inhabitants; moreover, there is no Constitutional or statutory provision that would authorize the creation of a Special Hospital District in part of Hockley County or any other County in this State. Therefore, it is our opinion that Hockley County does not have authority to establish a Special Hospital District.

SUMMARY

The Commissioners' Court is a court of limited jurisdiction and is not authorized by the Constitution or statutes of this State, either expressly or by necessary implication, to create a Special Hospital District within Hockley County.

Yours very truly,

WILL WILSON
Attorney General

By *B. H. Timmins, Jr.*
B. H. Timmins, Jr.
Assistant Attorney General

BHT:jl

Enclosure

APPROVED:

OPINION COMMITTEE

H. Grady Chandler
Chairman