



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

May 20, 1988

Mrs. Verla L. McTaggart
Chairman
Menard County Hospital
District
P. O. Box 608
Menard, Texas 76859

LO-88-59

Dear Mrs. McTaggart:

Thank you for your letter. Chapter 402 of the Texas Government Code lists the persons who are authorized to request an opinion from the attorney general. The attorney general is prohibited from giving legal advice to other persons. Members of hospital district boards are not among the authorized requestors.

Although we cannot provide legal advice, we can give you guidance in regard to the county attorney. The duties of county attorneys are established by the constitution and by the legislature. Tex. Const. art. V, §21. See generally Attorney General Opinions JM-176 (1984); H-343 (1974). We find nothing in the constitution or statutes that would require the Menard County Attorney to provide legal advice to the Menard County Hospital District.

The Menard County Hospital District was created by a special act. Acts 1975, 64th Leg., ch. 665, at 2001, amended by Acts 1977, 65th Leg., ch. 700, at 1751, and Acts 1986, 69th Leg., 3rd C.S., ch. 3, at 3. Section 12(e)(2) of that act authorizes the Menard County Hospital District to employ an attorney. The act does not require or authorize the county attorney to represent the district. In contrast, in hospital districts created under article 4494n, the county or district attorney is required to represent the hospital district. V.T.C.S. art. 4494n, §12.

Section 41.007 of the Local Government Code provides:

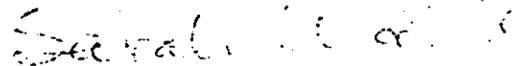
A district or county attorney, on request, shall give to a county or precinct official of his district or county a written opinion

Mrs. Verla L. McTaggart
May 20, 1988
Page 2

or written advice relating to the official
duties of that official.

That provision requires a county official to advise county
or precinct officials. A county and a county hospital
district are separate legal entities, and officials of a
county hospital districts are not among the officials a
county attorney is required to advise. See Attorney General
Opinion M-1001.

Very truly yours,



Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc

3404