



Office of the Attorney General  
State of Texas

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ATTORNEY GENERAL

April 28, 1993

Honorable Delwin Jones  
Chairman  
House Redistricting Committee  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910

Letter Opinion No. 93-34

Re: Whether the Lubbock County Hospital District may contribute funds for construction of an international cultural center at Texas Tech University (RQ-502)

Dear Representative Jones:

You ask whether the Lubbock County Hospital District may contribute funds for construction of the Lubbock International Cultural Center. The Lubbock County Hospital District is a political subdivision formed pursuant to article IX, section 9 of the Texas Constitution. Acts 1967, 60th Leg., ch. 484, at 1095, *as amended by* Acts 1987, 70th Leg., ch. 905, at 3073 (authorizing creation of and stating powers of Lubbock County Hospital District).

You inform us that the Lubbock International Cultural Center, a non-profit corporation, will be housed on the campus of the Texas Tech University. The current general appropriations act appropriates \$1,500,000 to Texas Tech University for the International Cultural Center, subject to the following rider:

The amount appropriated above for Item 1.q., International Cultural Center, shall be expended for the establishment, support, and operation of educational programs at the Texas Tech University International Cultural Center. Such appropriation is contingent upon the establishment and construction of the International Cultural Center facility from private and non-state funding sources.

Acts 1991, 72d Leg., ch. 19, at 892, 893.

Construction of the center will be funded in part from the City of Lubbock hotel/motel tax and from donations. It will house the University's Office of International Affairs, and, among other things, will be used for educating area students from kindergarten through college age about other nations and cultures.

The hospital district's powers are defined by article IX, section 9 of the Texas Constitution and the laws under which it was established and operates. Article IX, section 9 provides in part:

The Legislature may by general or special law provide for the creation, establishment, maintenance and operation of hospital

districts . . . with power to issue bonds for the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same, *for hospital purposes*; . . . providing that any district so created shall assume full responsibility *for providing medical and hospital care for its needy inhabitants*; . . . .

Tex. Const. art. IX, § 9 (emphasis added); *see also* Tex. Const. art. IX, § 9A (legislature may determine the health care services a hospital district is required to provide).

The Lubbock County Hospital District was created pursuant to a special law adopted in 1967. Acts 1967, 60th Leg., ch. 484, at 1095. A 1987 amendment authorized the district to establish medical and other health facilities. Acts 1987, 70th Leg., ch. 905, at 3073.<sup>1</sup> The purpose clause of this law states in part:

The district authorized to be created by this Act is charged with the responsibility of establishing a hospital or a hospital system, including medical facilities or other health facilities, within its boundaries to furnish hospital and medical care to the residents of the district.

Acts 1987, 70th Leg., ch. 905, § 3, at 3073.

The district's powers as stated in the rest of the law are consistent with the purpose clause and with article IX, section 9. The Commissioners Court of Lubbock County has the duty to levy a tax on "all property subject to hospital district taxation for the benefit of the district" for the following purposes:

- (1) paying the interest on and creating a sinking fund for bonds which may have been assumed or which may be issued by the hospital district for hospital purposes, as herein provided;
- (2) providing for the operation and maintenance of the hospital or hospital system, including medical facilities or other health facilities;
- and (3) when requested by the board of hospital managers and approved by the commissioners court, for the purpose of making further improvements and additions to the hospital system, including medical facilities or other health facilities, and for the acquisition of necessary sites therefor . . . .

*Id.* § 5; *see also id.* § 7 (issuance of bonds).

The board of hospital managers is expressly authorized to appoint doctors to the staff and to employ "technicians, nurses and other employees . . . as may be deemed

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<sup>1</sup>In quoting from the 1987 amendment, this opinion omits the italics used to emphasize the language added to the law by that amendment.

advisable for the efficient operation of the hospital or hospital system." *Id.* § 8. The board may contract with any county "for care and treatment of such county's sick, diseased and injured persons." *Id.* It may also "cooperate and contract" with the United States government, the State of Texas, any municipality, other hospital district, or any private hospital in the hospital district on terms

deemed to further and assist the hospital district in performing its duty to provide medical and hospital care to needy inhabitants of the county.

*Id.* § 10.

The powers of the Lubbock County Hospital District all relate to the provision of medical and hospital care and of the facilities to provide such care. We find nothing in article IX, section 9 or the law establishing the hospital district that would authorize it to spend its funds for the construction of an international center such as the one you have described. We conclude that the Lubbock County Hospital District does not have authority to use its funds to construct the International Cultural Center to be located at Texas Tech University. Because the hospital district lacks statutory authority to make the expenditure, we need not address constitutional issues that might be raised by the "contribution" of the hospital district's funds to this project. *San Antonio Indep. Sch. Dist. v. Board of Trustees of the San Antonio Elec. & Gas Sys.*, 204 S.W.2d 22, 25 (Tex. Civ. App.--El Paso 1947, writ ref'd n.r.e.); see *Texas Nat'l Guard Armory Bd. v. McCraw*, 126 S.W.2d 627, 638 (Tex. 1939).

### S U M M A R Y

The Lubbock County Hospital District does not have authority to contribute its funds for the construction of the international cultural center at Texas Tech University.

Yours very truly,



Susan L. Garrison  
Assistant Attorney General  
Opinion Committee