Honorable Thomas D. Broad,
Secretary-Treasurer,
State Board of Architectural Examiners,
Burt Building,
Dallas, Texas

Dear Sir:

Your request for an opinion upon the above subject matter is as follows:

"We refer to House Bill No. 269 amending and re-enacting Chapter 274, page 406, Section 1, Acts of the Forty-eighth Legislature and extending the time for registering under this Act without examination.

"The original Act provided that the practice of Architecture at the time of application be a man's principal means of livelihood. It also provided that he be 21 years of age. House Bill No. 269 does not mention these provisions. Are we to presume that these conditions are still in effect or does House Bill No. 269 specifically take the place of the original measure and set aside those provisions which are not now mentioned in it."

Section 35 of Article III of the Constitution declares:

"No bill, except general appropriation bills which may embrace the various subjects and accounts, for and on account of which moneys are appropriated, shall
shall contain more than one subject, which shall be expressed in its title.

Under this section it has been many times held that where the title to a bill is affirmatively misleading or deceptive it does not state the subject within the meaning of the Constitution, and such bill, if passed by the Legislature is ineffective. Gulf Ins. Co. v. James, 185 S. W. (2d) 966; Walker v. State, 116 S. W. (2d) 1076; City of Cross Plains v. Radford, 73 S. W. (2d) 1093; Sutherland v. Board of Trustees, 161 S. W. 489 (writ ref.,)

The title to House Bill No. 269 is as follows:

"An act to amend and re-enact Chapter 274, page 406, Section 1, Acts of the 48th Legislature, so that an additional period is provided in which practicing architects who were practicing on May 22, 1937, may register and receive a certificate without examination; and declaring an emergency."

It will be noted the title specifically names the respect in which Section 1 (the only section in the original act) is to be amended, that is, "so that an additional period in which practicing architects who were practicing on May 22, 1937, may register and receive a certificate without examination."

The act has gone beyond this expressed subject of amending Chapter 274 in that it has amended the chapter in other respects. In order that this may be graphically shown we quote the relevant portions of the amended and the amending Sections 1 as follows:

Section 1 of Chapter 274:

"That any person of good moral character who, on May 22, 1937, was practicing architecture in the State of Texas, as his or her principal vocation and had been so engaged in the practice of architecture for a period of at least six (6) months prior to May 22, 1937, and who shall present to the
Board of Architectural Examiners of this State an affidavit to that effect, shall be entitled to receive from said Board, . . ." (portion underscored is omitted)

Section 1 of House Bill No. 269:

"That any person of good moral character, who on May 22, 1937, was practicing architecture in Texas, or who was a citizen of Texas and was practicing architecture in the employ of an American Company in a foreign country and had been engaged in the practice of architecture six (6) months prior to May 22, 1937, and who shall present to the Board of Architectural Examiners of this State an affidavit to that effect shall be entitled to receive from said Board. . . ." (portion underscored is added.)

We have underscored those portions of Chapter 274 which have been omitted in House Bill No. 269, and likewise those provisions of House Bill 269 that have been added. Normally an amendment of a statute can be made by omission as well as by addition. It cannot be said that the portions omitted in the process were insubstantial. They are of the substance of the law. They were written with meticulous care.

We need not decide the question of the effect of House Bill No. 269 upon Chapter 274 of the 48th Legislature because we have reached the conclusion that House Bill No. 269, as passed, is void and has no effect whatever; for which reason, of course, Chapter 274 of the 48th Legislature remains unaffected as the law.

**SUMMARY**

House Bill 269 of the 50th Legislature, amending Chapter 274 of the 48th Legislature with respect to registration and examination of architects is void.
because of a misleading and deceptive title declaring the purpose and extent of the amendment proposed.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By Coie Speer
Assistant

APPROVED:

PRICE DANIEL
ATTORNEY GENERAL