



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

April 9, 1963

Honorable John Connally
Governor of Texas
Austin, Texas

Opinion No. C-55

Re: Whether House Bill 496 is in
compliance with Section 35 of
Article III of the Texas
Constitution.

Dear Governor Connally:

The question posed by your opinion request is as follows:

"Will you please advise me if this bill (House Bill 496, 58th Legislature), complies with the provisions of Article 3, Section 35 of the Constitution of Texas?"

Section 35, Article III of the Constitution of Texas reads as follows:

"No bill (except general appropriation bills, which may embrace the various subjects and accounts, for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof, as shall not be so expressed."

The title of House Bill 496, 58th Legislature, is as follows:

"AN ACT changing the name and function of the 'Legion Branch of the San Antonio State Tuberculosis Hospital'; repealing all laws in conflict herewith; and declaring an emergency."

The body of the Bill provides for the change of name from "Legion Branch of the San Antonio State Tuberculosis Hospital" to "Legion Annex of the Kerrville State Hospital"; places the Hospital under the control and management of the Board for Texas State Hospitals and Special Schools; provides that the function of the Hospital will be to provide care for persons suffering from mental illness; provides that appropriations

heretofore made to the Legion Branch of the San Antonio State Tuberculosis Hospital shall be available for the use and benefit of the Legion Annex of the Kerrville State Hospital; and validates in behalf of the Legion Annex Hospital all contracts heretofore entered into by the Legion Branch Hospital. The Bill further provides that the Board for Texas State Hospitals and Special Schools may contract with the Veterans Administration for the use of the facilities now occupied by the Legion Branch Hospital; repeals all laws in conflict, and declares an emergency.

It is well settled that Section 35 of Article III of the Constitution of Texas will be liberally construed. Although this provision is mandatory, it is sufficient if there is substantial compliance. Gunter v. T.L. & M. Co., 82 Tex. 496, 17 S.W. 840 (1891); Sutherland v. Board of Trustees of Bishop Ind. School Dist., 261 S.W. 489 (Tex.Civ.App. 1924); Texas Liquor Control Board v. Warfield, 111 S.W.2d 862 (Tex.Civ.App. 1937); Gulf Ins. Co. v. James, 143 Tex. 424, 185 S.W.2d 966 (1945).

The title of House Bill 496 describes the bill as changing the name and function of the Legion Branch Hospital. "Function" is defined as "the action for which a person or thing is specially fitted, used, or responsible or for which a thing exists: the activity appropriate to the nature or position of a person or thing . . . can signify in common the acts, activity or operations expected of a person or thing by virtue of his or its nature, structure, status, or position. . . ." Webster's Third New International Dictionary (Unabridged). From this definition, we feel that the term "function" is broad enough to cover the provisions of the Bill which were not specifically named in the title.

The entire Bill is devoted to the subject of the Legion Branch of the San Antonio State Tuberculosis Hospital, therefore it does not fall under the prohibition against bills containing more than one subject.

In our opinion, House Bill 496 passed by the 58th Legislature complies with the provisions of Section 35 of Article III of the Constitution of Texas.

SUMMARY

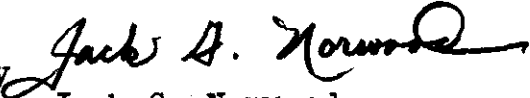
House Bill 496, passed by the 58th Legislature is in compliance with the provisions of Section 35

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of Article III of the Constitution of Texas.

Yours very truly,

WAGGONER CARR
Attorney General

By 
Jack G. Norwood
Assistant

JGN:wb

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman
Albert Jones
Jerry Brock
Mary Kate Wall

APPROVED FOR THE ATTORNEY GENERAL

BY: Stanton Stone