



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

May 28, 1953

Hon. Allan Shivers
Governor of Texas
Austin, Texas

Letter Opinion No. MS-47

Re: Constitutionality of House
Bill 889.

Dear Governor:

You have requested an opinion on the constitutionality of House Bill 889 of the 53rd Legislature which amends "chapter 4, Acts of 1950, Fifty-first Legislature, First Called Session, Section 4, Subsection 5 and Section 2, Subsection 7, to extend the provisions thereof to incorporated or unincorporated cities, towns or villages within this State, the population of which has decreased to less than one thousand five hundred (1,500) inhabitants since taking and publishing the last preceding Federal Census."

House Bill 889 amends and publishes at length subsection 5 of section 4 and subsection 7 of section 2 of Acts 1950, 51st Legislature, First Called Session. Section 36 of Article III of the Constitution of Texas provides as follows:

"No law shall be revived or amended by reference to its title; but in such case the act revived, or the section or sections amended, shall be re-enacted and published at length."

In construing this provision in Ellison v. Texas Liquor Control Board, 154 S.W.2d 322 (Tex.Civ.App. 1941, error ref.) it was held that the setting out at length of a particular subsection of a prior act constituted a sufficient compliance of Section 36 of Article III since "subsections" as used by the Legislature for convenience constitute "sections" within the meaning of Section 36 of Article III of the Constitution of Texas. In view of the foregoing it is our opinion that House Bill 889 does not violate Section 36 of Article III of the Constitution of Texas and is a valid enactment.

Yours very truly,
JOHN BEN SHEPPERD
Attorney General

JR:am:wb

By John Reeves, Assistant