



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

June 5, 1953

Hon. Allan Shivers  
Governor of Texas  
Capitol Station  
Austin, Texas

Letter Opinion No. MS-55

Re: Effect of House Concurrent  
Resolution 45 on the present  
law.

Dear Governor:

House Concurrent Resolution 45 attempts to amend Article 7066-b, V.C.S., by a resolution. Article III, Section 12 of our State Constitution provides "No law shall be passed, except by bill, and no bill shall be so amended in its passage through either House, as to change its original purpose."

H.C.R. 45 seeks to declare the construction to be placed upon said Article 7066-b and seeks to declare the legislative intent in the enactment, re-enactment and amendment thereof. A statute can not be amended by a resolution. It must be amended by re-enactment and publication at length, and by an act or bill which is subject to the veto power of the Governor. Art. III, Secs. 29, 30, 35 and 36, Tex. Const.; Humble Oil and Refining Company v. State, 104 S.W.2d 174 (Tex.Civ.App. error ref., 1936); Terrell Wells Swimming Pool, et al v. Rodriguez (Tex.Civ.App. error ref., 1944); and authorities therein cited.

It is therefore our opinion that H.C.R. 45 will not, if signed, or in the event it is not signed, have any effect upon said Article 7066-b which it purports to amend.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
W. V. Geppert  
Assistant

WVG:mg:wb