



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable V. J. Campbell
County Attorney
Garza County
Post, Texas

Dear Sir:

Opinion No. 0-5471
Re: Effective date of Chapter
362 (S. B. 319), Acts of
the 48th Legislature.

In your letter of recent date you request our opinion concerning the effective date of Chapter 362 (Senate Bill 319), Acts of the 48th Legislature, 1943.

While you emphasize the point that the Governor of Texas filed the Bill with the Secretary of State without his signature of approval or objection, this fact is of no significance under the circumstances controlling our answer to your question.

This Act originated as Senate Bill 319 and passed out of the Senate on April 5, 1943, by a record vote of 24 yeas and 0 nays. It was amended by the House and finally sent back to the Senate as amended on April 29, 1943, by a record vote of 136 yeas, 0 nays. The Senate on May 11, 1943, finally concurred in the House amendments and adopted the Act. But this final Senate action was not taken by a record but by a viva voce vote. See page 637, 1943 Vernon's Texas Session Law Service.

Since Senate action on final passage was not taken by a record vote showing that two-thirds of all members elected to the Senate approved the Act, its emergency clause was of no effect, and it did not go into force until ninety days after adjournment of the Legislature. Section 39, Article III, Constitution of Texas. Ex parte May, 40 S. W. (2d) 811; Caples v. Cole, 102 S. W. (2d) 173. Our Opinion No. 0-5185.

Honorable V. J. Campbell, page 2

The 48th Legislature adjourned on May 11, 1943. The Act in question became effective ninety full days after adjournment. Copus v. Chorn, 150 S. W. (2d) 70, 153 S. W. (2d) 498.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Elbert Hooper*
Elbert Hooper
Assistant

KH:db

RECORDED SEP 17 1943

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

