



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

July 17, 1969

Honorable Preston Smith  
Governor of Texas  
Austin, Texas

Opinion No. M- 433

Re: Construction of  
Article 4513, V.C.S.,  
as amended by H.B.  
358, Acts of the  
61st Legislature,  
Regular Session,  
1969

Dear Governor Smith:

Your request for an opinion asks the following question:

"Do the members presently serving on the Board of Nurses Examiners continue to serve until the expiration of their terms; or does Section 1 of House Bill 358 require the appointment of a new Board of Nurses' Examiners?"

Article 4513, Vernon's Civil Statutes, as amended by Section 1 of House Bill 358, Acts of the 61st Legislature, Regular Session, 1969, reads as follows:

"The Governor shall biennially appoint a Board of Nurse Examiners to consist of six members and the term of office of those so appointed shall be two for six years; two for four years; and two for two years. The terms of office for members of the Board shall expire on January 31 of odd-numbered years. Each member of said Board shall be a registered nurse at least twenty-five years of age, of good moral character

and 'a graduate of an accredited school of professional nursing,' and three members shall have at least three years' teaching experience in educational work among nurses. One of the two persons appointed every two years shall be a person with at least 'three years' teaching experience in education work among nurses'."

Prior to the amendment, Article 4513 read as follows:

"The Governor shall biennially appoint a Board of Nurse Examiners to consist of six members, and the term of office of those so appointed shall be two for six years; two for four years; and two for two years. Each member of said Board shall be a registered, graduate nurse at least twenty-five years of age, of good moral character and a graduate of a School of Nursing connected with a general hospital or sanitarium of good standing presided over by a graduate nurse, where a two or more years' training with a systematic course of instruction is given, and shall have at least three years' teaching experience in educational work among nurses. The members of the Board and the Educational Secretary shall each make and subscribe to the official oath, and the same shall, within thirty days after their appointment, be filed with the Secretary of State."

It is noted that the changes made by Section 1 of House Bill 358, Acts of the 61st Legislature, Regular Session, 1969, do not abolish the Board of Nurse Examiners, but instead merely provides for a definite termination date for the term of office for the Board members and provides certain changes in the qualification of Board members. Neither the caption of House Bill 358

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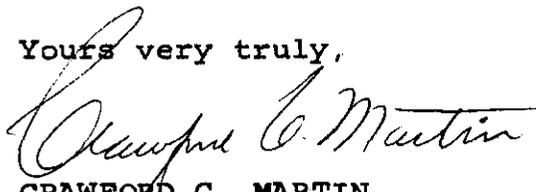
nor the emergency clause nor any other section express any intent by the Legislature to abolish the present Board. See Compere v. State, 107 Tex.Crim. 95, 295 S.W. 614 (1927).

Section 30a of Article XVI of the Constitution of Texas provides board members may hold office for no more than six (6) years. The Legislature may neither shorten nor extend a term of office set by the Constitution. Attorney General's Opinion No. M-296 (1968). You are therefore advised that the members presently serving on the Board continue to serve until the expiration of the term for which they were appointed.

#### S U M M A R Y

Article 4513, Vernon's Civil Statutes, as amended by Section 1 of House Bill 358, Acts of the 61st Legislature, Regular Session, 1969, does not abolish the present Board of Nurse Examiners and the members presently serving on the Board continue to serve until the expiration of the term for which they were appointed.

Yours very truly,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

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APPROVED:  
OPINION COMMITTEE

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