



**THE ATTORNEY GENERAL  
OF TEXAS  
AUSTIN, TEXAS**

**PRICE DANIEL  
ATTORNEY GENERAL**

0-571

**Honorable Sidney Latham  
Secretary of State  
Austin, Texas**

**Dear Sir:**

**Opinion No. 0-5410  
Re: Effective date of bill filed  
in the office of Secretary of  
State within ten days (Sun-  
days excepted) from date pre-  
sented to Governor.**

You have recently requested the opinion of this department as to whether our Opinion No. 0-5185 with reference to the effective date of House Bill No. 52, Acts of the 48th Legislature, overrules our Opinion No. 0-571 as to the effective date of House Bill No. 170, Acts of the 46th Legislature.

Both bills carried emergency clauses with provisions that such bills should become effective from and after passage. The respective bills passed the two houses with a two-thirds record vote. Both were filed in the Office of the Secretary of State without the Governor's signature, and within ten days (Sunday excepted) from the time each bill was presented to the Governor.

Under the circumstances as outlined it was the holding in Opinion No. 0-571 that a bill became law only after the expiration of ten days (Sundays excepted) from the day it was presented to the Governor. In Opinion No. 0-5185 it was held, under the same circumstances, that the bill became effective upon its being filed in the Office of the Secretary of State, when the bill was so filed within ten days from the date it was presented to the Governor. It is in the respect pointed out that there is an obvious conflict between the two opinions.

For the reasons stated in our Opinions Nos. 0-5310, 0-5327 and 0-5185, our Opinion No. 0-571 is hereby expressly overruled.

**Yours very truly,**

**Approved Jul 1, 1943  
GERALD C. MANN**

**ATTORNEY GENERAL OF TEXAS**

**BY: E. G. Pharr**