



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Hon. T. M. Trimble  
First Ass't State Superintendent  
State Department of Education  
Austin, Texas

Dear Sir:

Opinion No. 0-5814  
Re: Whether Section 1 of S.B. 192,  
Acts 39th Legislature of Texas,  
1925, was repealed by S. B. 18,  
Acts 48th Legislature of Texas,  
1943, and related matter

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"Article 2889a, an Act of the 40th Legislature, was repealed by Article 2889a, an Act of the 48th Legislature. Section 1 of Article 2889a, Acts of the 48th Legislature, provides that Section 1 only shall expire and be of no further force and effect after September 1, 1945. Since the Act of the 48th Legislature repealed the Act of the 40th Legislature, and since Section 1 of the Act of the 48th Legislature expired on September 1, 1945, does this mean that Section 1 of neither Act is in effect after September 1, 1945, or since Section 1 of the Act of the 48th Legislature expired on September 1, 1945 will Section 1 of the Act of the 40th Legislature be again effective after the expiration of that portion of the law referred to above?"

Senate Bill 192, 39th Legislature of Texas, 1925, (codified as Art. 2889a, Vernon's Annotated Texas Civil Statutes) reads as follows:

"RELATING TO THE ISSUANCE OF FIRST  
GRADE CERTIFICATES TO TEACHERS.

S. B. No. 192

Chapter 180

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"An Act providing for permanent first grade certificates; providing for the employment of teachers who have been engaged four years in teaching a special subject, without requiring that they have certificates; providing for the issuance of emergency certificates; providing for the issuance of permits to teach trades; making this Act cumulative of other laws; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"SECTION 1. Any person who for six years or more has been the holder of a State first grade certificate or its equivalent and who can furnish evidence of successful experience in teaching in the public schools for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a State permanent first grade certificate.

"Sec. 2. Any person who has been engaged in teaching a special subject in the public schools for a period of four years and who has been employed to teach the said subject during the last three years prior to September 1, 1925, shall be exempt from the requirement to hold a teacher's special certificate so long as he or she continues to be employed to teach the same subjects; provided that any person who has been engaged in the teaching of music, or writing and drawing in the public schools of Texas for ten years shall be exempt from the present law and be given a life certificate in that subject.

"Sec. 3. Any teacher who applies for a Texas teacher's certificate on credentials from another state may be granted by the State Superintendent an emergency certificate valid for four months, while the record is being completed, prior to determining the kind and class of certi-

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ificate, if any, to be issued to the applicant. The applicant shall be required to pay the same fee for the issuance of an emergency certificate as is required by law to be paid on application for other teacher's certificates.

"Sec. 4. Any person who is employed to teach any trade or industry in the public schools may, upon application to the State Superintendent, signed by the majority of the board of trustees of the school desiring his services, be issued a temporary permit to teach said trade without being required to hold the special certificate prescribed by law; provided that no permit may be granted for a longer term than two years and provided further that the fee for issuing said permit shall be the same as is required by law for the issuance of teacher's certificates.

"Sec. 5. The provisions of this Act are cumulative of the laws now in force regulating the issuance of teacher's certificates and all laws and parts of laws in conflict with the provisions expressed herein are hereby repealed.

"Sec. 6. The importance of this Act and the fact that there are some teachers thoroughly qualified, who have been teaching for more than ten years, and have not been required by law to obtain certificates, and that it is to the interest of the public schools of the State that such teachers may be re-employed, create an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three consecutive days in each House, and it is therefore here enacted that said rule be and hereby is suspended and that this Act shall be in force and effect from and after its passage.

"(Note.- The enrolled bill shows that the

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foregoing Act passed the Senate, no vote given; passed the House, 87 yeas, 28 nays).

"Approved April 2, 1925.

"Effective ninety (90) days after adjournment."

Senate Bill 18, 48th Legislature of Texas, 1943, (codified as Article 2889a, Vernon's Annotated Texas Civil Statutes) reads as follows:

"SCHOOL TEACHERS - SPECIAL CERTIFICATES

CHAPTER 379  
S. B. No. 18

"An Act amending Article 2889a of the Revised Civil Statutes of 1925, relating to the issuance of Special Certificates, and declaring an emergency.

"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"Section 1. That Article 2889a of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

"Article 2889a. Special Certificate.

"(1) Any person who for four years or more has been the holder of a State First Grade Certificate or its equivalent, and who can furnish evidence of successful experience in teaching in the public schools of Texas for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a State First Grade Certificate or its equivalent valid for three years. The provisions of sub-paragraph (1), Section 1, of this Act and sub-paragraph (1) of Section 1 only, shall expire and be of no further force and effect after September 1, 1945.

"(2) Any person who has been engaged in

teaching a special subject in the public school for a period of four years, and who has been employed to teach the said subject during the last three years prior to September 1, 1925, shall be exempt from the requirement to hold a Teacher's Special Certificate so long as she or he continues to be employed to teach the same subjects; provided that any person who has been engaged in the teaching of music or writing and drawing in the public schools of Texas for ten years shall be exempt from the present law and be given a life certificate in that subject.

"(3) Any teacher who applies for a Texas Teacher's Certificate on credentials from another state may be granted by the State Superintendent an emergency certificate valid for four months, while the record is being completed, prior to determining the kind and class of certificate, if any, to be issued to the applicant. The applicant shall be required to pay the same fee for the issuance of an emergency certificate as is required by law to be paid on application for other teacher's certificates.

"(4) Any person who is employed to teach any trade or industry in the public schools may, upon application to the State Superintendent, signed by the majority of the board of trustees of the school desiring his services, be issued a temporary permit to teach said trade without being required to hold the special certificate prescribed by law; provided that no permit may be granted for a longer term than two years and provided further that the fee for issuing said permit shall be the same as is required by law for the issuance of teacher's certificates.'

"Sec. 2. The provisions of this Act are cumulative of the laws now in force regulating the issuance of teacher's certificates and all laws and parts of laws in conflict with the provisions expressed herein are hereby repealed.

"Sec. 3. The fact that the present Act provides for a teacher to have been the holder of a First Grade Certificate for six years or more, creates an emergency

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and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

"Passed the Senate, February 2, 1943; Yeas 25, Nays 0; April 8, 1943, Senate refused to concur in House amendments and requested appointment of Conference Committee; April 13, 1943, House granted request; May 11, 1943, Senate adopted Conference Committee Report; Yeas 25, Nays 0; passed the House, April 7, 1943, with amendments; Yeas 114, Nays 0; April 13, 1943, House granted request of Senate for appointment of Conference Committee; May 10, 1943, House adopted Conference Committee Report by a viva voce vote.

"Approved May 17, 1943.

"Effective 90 days after May 11, 1943, date of adjournment."

We construe S. B. 18, supra, as a repeal of Section 1 of S. B. 192, supra. We see nothing in S. B. 18, supra, which would indicate that the Legislature intended to merely suspend Section 1 of S. B. 192, during the life of sub-paragraph 1 of Section 1 of S. B. 18, supra, instead of repealing said Section 1 of said S. B. 192.

It is our opinion that S. B. 18 of the 48th Legislature, supra, clearly repealed Section 1 of S. B. 192 of the 39th Legislature, supra.

It is our further opinion that neither Section 1 of S. B. 192, supra, nor sub-paragraph (1) of Section 1 of S. B. 18,

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supra (sub-paragraph (1) of Section 1 of S. B. 18 having expired on September 1, 1945) is in effect at this time.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Wm. J. Fanning*  
Wm. J. Fanning  
Assistant

WJF:BT

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1945  
*[Handwritten initials]*

APPROVED  
OPINION  
COMMITTEE  
BY *BLUTZ*  
CHAIRMAN