



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

March 18, 1957.

Honorable George Moffett,
Chairman, Senate Committee on Agriculture,
Senate of Texas,
Austin, Texas

OPINION WW-61

Re: Constitutionality of Senate
Bill No. 308 of the 55th
Legislature Amending
Section 8, Chapter 443,
Acts of the 45th Legislature
Regular Session, to include
all Counties of the State
of Texas.

Dear Sir:

You have requested an opinion on the constitutionality of Senate Bill 308 of the 55th Legislature. In your request you asked the following questions:

"1) Does S.B. No. 308 conform to the test of constitutionality as written and submitted to your department herewith?

"2) And if it does not, in your judgment, conform to this test, then there arises the following question: Wherein does it differ in its deficiency of meeting the test of constitutionality from the Act which it seeks to amend?

"3) And finally, if S.B. No. 308 is not in your opinion constitutional, what suggested amendment could be made to the bill in order for it to meet the test of constitutionality?"

We shall answer your questions in the order submitted.

Senate Bill 308 of the 55th Legislature provides for the amendment of Section 8, Chapter 443, Acts of the 45th Legislature so as to extend the provisions of Chapter 443, known as the Agricultural Protective Act, to all the counties of the State of Texas; and declares an emergency. The Act in its present form is limited to those counties which comprise the Texas Citrus Fruit Zone as that area is designated in Section 1, Chapter 350, Acts of the 42nd Legislature.

Section 8 of Chapter 443, Acts of the 45th Legislature, Regular Session, as amended by Section 1 of Senate Bill 308 of the 55th Legislature, refers to Section 1 of Chapter 350, Acts of the 42nd Legislature. Your request indicates that this incorporation of Section 1, Chapter 350, Acts of the 42nd Legislature, results in the principal question in your mind as to the constitutionality of Senate Bill 308. This practice is an accepted legislative drafting procedure. The fact that Chapter 350, Acts of the 42nd Legislature only dealt with diseases of citrus trees and the shipment of nursery stock infected with the diseases of citrus trees would not prevent the incorporation of Section 1 of this Act into Chapter 443 of the Acts of the 45th Legislature which deals with agricultural commodities other than citrus fruit.

Therefore, an amendment which extends the coverage of Chapter 443 of the Acts of the 45th Legislature to the other counties in the State of Texas by adding to those already designated in Section 1 of Chapter 350 of the 42nd Legislature is also permissive. It is our opinion that Senate Bill 308 of the 55th Legislature is not unconstitutional for this reason. We have examined this Bill in the light of other possible constitutional questions and it is our opinion that Senate Bill 308 is constitutional. For this reason your first question must be answered in the affirmative.

In the light of our answer to your foregoing question, it becomes unnecessary to answer your second and third questions.

SUMMARY

Senate Bill 308 of the 55th Legislature is constitutional as submitted.

Very truly yours,

WILL WILSON
Attorney General of Texas

By

Wayland C. Rivers Jr.
Wayland C. Rivers, Jr.
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APPROVED:

OPINION COMMITTEE

By H. Grady Chandler
Chairman