



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

June 11, 1957

Honorable Price Daniel
Governor of Texas
Capitol Station
Austin 11, Texas

Opinion No. WW-152

Re: Whether or not the
provisions of H.B. 695
will repeal the provi-
sions of the recently
enacted S.B. 303.

Dear Governor Daniel:

You have requested our opinion on the effect of House Bill 695 of the 55th Legislature upon Senate Bill 303, Acts of the 55th Legislature, in the event House Bill 695 should be signed and become law.

Senate Bill 303 reorganized the State Youth Development Council and established the Texas Youth Council, provided for its organization and prescribed its duties with reference to administering the State's correction facilities for delinquent children and stated as its purpose:

"The purpose of this Act is to create a Texas Youth Council to administer the state's correctional facilities for delinquent children, to provide a program of constructive training aimed at rehabilitation and re-establishment in society of children adjudged delinquent by the courts of this state and committed to the Texas Youth Council, and to provide active parole supervision of such delinquent children until officially discharged from custody of the Texas Youth Council. It is the further purpose of this Act to delegate to the Texas Youth Council the supervision of the Corsicana State Home (State Orphan Home), the Texas Blind, Deaf and Orphan School, and the Waco State Home."

House Bill 695 which passed both Houses of the Legislature on the 21st of May, 1957, is a codification of various Acts of the Legislature and amendments thereto on the organization of the State Youth Development Council and laws relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relation courts.

Article 1 of House Bill 695 re-establishes the State Youth Development Council as the agency existed and would have continued to exist, absent the enactment of Senate Bill 303 of the 55th Legislature. The organization, powers and duties provided in House Bill 695 are different from the organization, powers and duties of the Texas Youth Council prescribed in Senate Bill 303. Therefore, the provisions of House Bill 695 of the 55th Legislature and Senate Bill 303 of the 55th Legislature are in irreconcilable conflict.

When two acts of the same session of the same Legislature cannot be harmonized or reconciled, that statute which is the latest enactment will operate to repeal the prior statute of the same session to the extent of any conflict in their terms. Ex parte de Jesus de la O., 227 S.W.2d 212 (Tex. Crim. 1950); Wright v. Broeter, 145 Tex. 142, 196 S.W.2d 82 (1946); Townsend v. Terrell, 118 Tex. 463, 16 S.W.2d 1063 (1929); Stevenson v. State, 70 Tex. Crim. 565, 159 S.W. 505 (1913); Parshall v. State, 138 S.W. 759 (Tex. Crim. 1911); 39 Texas Jurisprudence 147; 59 Corpus Juris 929; Attorney General's Opinion V-990 (1950).

Section 3 of House Bill 695 states:

"Nothing contained in this Act shall be construed to repeal or in any manner effect the validity of any law passed by the 55th Legislature in its Regular Session."

Since the provisions of House Bill 695 and Senate Bill 303 are in irreconcilable conflict, it is impossible to construe the two Acts together, and, therefore, if House Bill 695 is signed into law, it will either operate as a repeal of Senate Bill 303, or nullify the provisions of both House Bill 695 and Senate Bill 303.

SUMMARY

The provisions of House Bill 695 of the 55th Legislature, if signed into law, will either operate as a repeal of Senate Bill 303 of the 55th Legislature or nullify the provisions of both House Bill 695 and Senate Bill 303,

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operate as a repeal of Senate Bill 303 of the 55th Legislature or nullify the provisions of both House Bill 695 and Senate Bill 303, since their provisions are in irreconcilable conflict.

Yours very truly,

WILL WILSON
Attorney General of Texas

By *John Reeves*
John Reeves
Assistant

JR:jl

APPROVED:

OPINION COMMITTEE

H. Grady Chandler, Chairman

C. K. Richards

J. C. Davis, Jr.

REVIEWED FOR THE ATTORNEY GENERAL

BY:

Geo. P. Blackburn