

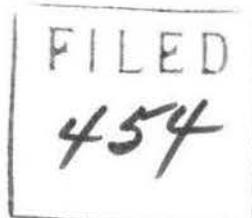
CONSTITUTIONAL LAW:
CONSTITUTIONAL AMENDMENT:

The effective date of the Judicial Reform Amendment, Senate Joint Resolution No. 16, 75th General Assembly, is January 1, 1972.

OPINION NO. 454

September 11, 1970

Honorable James C. Kirkpatrick
Secretary of State
State Capitol Building
Jefferson City, Missouri 65101



Dear Mr. Kirkpatrick:

This is in response to your request for an opinion as to the effective date of Senate Joint Resolution No. 16, passed by the 75th General Assembly and more popularly known as the Judicial Reform Amendment, which was submitted to the people as a constitutional amendment on August 4, 1970, and subsequently adopted.

In your letter, you pointed out the possible conflict between the Missouri Constitution and Section 31.1 of Senate Joint Resolution No. 16. Article XII, Section 2(b) of the Constitution provides that constitutional amendments shall take effect at the end of thirty days after the election adopting them. Section 31.1 of Senate Joint Resolution No. 16, 75th General Assembly, provides:

"The effective date of this amendment shall be January 1, 1972. If at its submission, the provisions of this amendment are favorably adopted by the qualified voters, during the period from such adoption and until the effective date hereunder, the general assembly may enact such laws and make such appropriations as may be necessary to give effect to its provisions. The supreme court may promulgate rules as authorized by this article prior to the effective date of the amendment."

In resolving this apparent conflict, we note the following language in State ex rel. Board of Fund Commissioners v. Holman, 296 S.W.2d 482, 491 (Mo. En Banc 1956), which is as follows:

". . . And of course 'a clause in a constitutional amendment will prevail over a provision of the constitution or earlier amendment inconsistent therewith, since an amendment to the constitution becomes a part of the fundamental law, and its operation and effect cannot be limited or controlled by previous constitutions or laws that may be in conflict with

Honorable James C. Kirkpatrick

it.' 16 C.J.S., Constitutional Law, § 26, p.
99; State ex rel. Lashly v. Becker, 290 Mo.
560, 235 S.W. 1017, 1020."

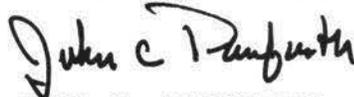
Therefore, it is our opinion that the amendment adopted by the people on August 4, 1970, takes precedence over Article XII, Section 2(b) of the Missouri Constitution, thereby making the effective date of the Judicial Reform Amendment January 1, 1972.

CONCLUSION

The effective date of the Judicial Reform Amendment, Senate Joint Resolution No. 16, 75th General Assembly, is January 1, 1972.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Richard L. Wieler.

Yours very truly,



JOHN C. DANFORTH
Attorney General