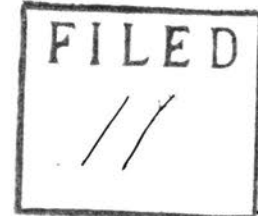


**IN RE: SECRETARY OF STATE: STATE PRINTING SESSION ACTS
IN FORMS PASSED BY LEGISLATURE INCORRECT GRAMMATICAL
ERRORS, MISS-SPELLED WORDS, ETC.**

665 R S Mo 1929

June 14, 1933.



Hon. Dwight H. Brown
Secretary of State
Jefferson City, Missouri

Dear Sir:

This letter is in answer to your request for an opinion with reference to your duty in printing and publishing the Session Acts of the Legislature, and in particular with reference to making corrections in said Acts.

We call your attention to Sec. 665 R. S. 1929, which among other things provides:

"Said Secretary shall direct and superintend the printing thereof, collate with and correct by the original rolls the proof sheets of the printed copies; and, when the printing is completed, he shall note all errors which have been committed, and cause errata thereof to be annexed, together with an attestation, under his hand, that he has collated the laws and resolutions therein contained with the original rolls in his office, and corrected the same thereby."

This Statute means that the Secretary of State shall compare critically the printed laws with the original bills in his possession, so as to bring the printed copy and the original bill into harmony, word for word.

The rule as to the duty of the Secretary of State in having such laws printed is set out in 59 C. J. page 595, Sec. 141, in the following language:

"It is proper for the Secretary of State to publish true copies of the enrolled

bills as received on their passage, including grammatical errors, misspelled words, wrong punctuation, duplications, and other inaccuracies, and so to certify for his own protection."

In *Fowler v. State*, 196 S. W. 961, the Texas Court of Criminal Appeals said that the laws as printed and published should be true copies of the original bills. We quote from that decision I. O. 953:

"It will be noticed in certifying the compilation of the acts of the Legislature to be as they appear before him and of record in his office, the Secretary of State, among other things, states:

'The laws printed in this volume are true copies of the enrolled bills received in the office of the secretary of state after their approval by the Governor.

'Grammatical errors, misspelled, punctuation, duplications, etc., appearing herein, are in strict compliance with the law which requires that the printed acts of the Legislature be true copies of the enrolled bills, and are not the result of carelessness on the part of proof readers or printers.

'The public can have access at any time to the original bills filed in this office.'

"This is not intended to be a criticism of the Legislature for the matters indicated in said note, but as a protection to the secretary of state and those who had charge of publishing bills passed by the Legislature. So it will be seen from the above statement that this act is precisely as the Legislature passed it

with whatever grammatical errors, inaccuracies, or incongruities there may be in it. So there was no mistake in placing the act as approved by the Governor into the acts of the Legislature as reported by the secretary of state. "

It has been held that where the original bills use the term, 'one half of per centum,' that the actual meaning of such a phrase was 'one half of one per centum,' and that the printing of the original bill and inserting therein the word 'one' did not invalidate the bill because the two expressions mean the same thing. Goldsmith v. Railroad Company, 62 Ga. 468, L.c. 471.

It is also well settled that if there is any difference between the original act as published, that the original bill will control. Ruckert v. Grand Ave. Ry. Company, 63 S. W. 814, 163 Mo. 260.

Under the above statute and the foregoing quoted decisions, it is the opinion of this office that the legislative acts should be printed as passed by the Legislature without any corrections or changes made thereon. However, we think it would be perfectly proper to insert a small figure following the error and at the bottom of the page set out a note of explanation. This will not in any manner change the original context of the law, but will meet the requirement of the statutes requiring the Secretary of State to "cause errata thereof to be annexed." Whatever corrections in the law that are to be made can then be made by the courts in their interpretation of the intent and meaning of the statute.

Yours very truly,

FER:lm

FRANKLIN E. REAGAN,
Assistant Attorney General.

APPROVED:

ROY McKITTRICK