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Hon. Michael Kinney
Speaker Pro Tem
Missouri Senate
Jefferson City, Mo.

Dear Mr. Speaker:

There has been submitted to this office the following question:

"Can an appropriation bill legally originate in the Missouri Senate or must such bill first originate in the House of Representatives?"

Section 36 of Article 4 of the Constitution of Missouri provides as follows:

"Sec. 36. Origin of bills--must be read on three days

Bills may originate in either house, and may be amended or rejected by the other; and every bill shall be read on three different days in each house."

Section 37 of Article 4 of the Constitution of Missouri provides as follows:

"Sec. 37. Bills must be reported and printed

No bill shall be considered for final passage unless the same has been reported upon by a committee and printed for the use of the members."

Section 38 of Article 4 of the Constitution of Missouri provides as follows:

"Sec. 38. Bills must contain but one subject--exceptions--title

No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and except bills passed under the third subdivision of section forty-four of this article) shall contain more than one subject, which shall be clearly expressed in its title."

It will be observed that no exception is made in Section 36 as to appropriation bills. Reading Section 36 in connection with

Sections 26 and 27, it seems clear that the framers of the Constitution did not intend to make any distinction between the character of bills that might originate in either house but rather Section 28, above quoted, inferentially at least, contemplates that appropriation bills may originate in either house.

Section 43 of Article 4 of the Constitution provides, in part, as follows:

"Sec. 43. Appropriations, order of, must be by law--revenue to go into treasury

All revenue collected and moneys received by the State from any source whatsoever shall go into the treasury, and the General Assembly shall have no power to divert the same, or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law. All appropriations of money by the successive General Assemblies shall be made in the following order:"

Again Section 43 only restricts appropriations of money by act of the General Assemblies and not by either house of the Assembly.

Section 13 of Article 5 of the Constitution is as follows:

"Sec. 13. He may object to part of an appropriation bill

If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriations so objected to shall not take effect. If the General Assembly be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If it be not in session, then he shall transmit the same within thirty days to the office of the Secretary of State, with his approval or reasons for disapproval."

The foregoing section eliminates any doubt as to the answer to the above question because it clearly contemplates that an appropriation bill may originate in either house.

Owing to conflicting provisions of the respective constitutions of the several states, decisions of other courts do not throw any particular light on the subject. A general statement of the applicable rule is found in 89 C.J., Page 546, Sec. 40 as follows:

"Sec. 40: 3. Place of Introduction: "While constitutional provisions as to the place of introduction of bills of

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a particular nature must be complied with, bills not coming within the terms of such special provisions may be introduced into either house. Constitutional provisions restricting the place of introduction of bills should be construed strictly and not extended to measures which may only incidentally come within their terms."

We are, therefore, of the opinion that an appropriation bill may properly originate in either house of the General Assembly of the State of Missouri.

We are transmitting a copy of this opinion to Senator Phil H. Donnelly and a copy of the same to Hon. Willis H. Meredith, Speaker of the Missouri House of Representatives.

Yours very truly,

GILBERT LAMB,
Assistant Attorney General

APPROVED:

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