

SOLDIERS' BONUSES: Applications filed before December 31, 1936, payable immediately.

June 5, 1937.



Honorable Lewis M. Means
The Adjutant General
Jefferson City, Missouri

Dear General Means:

We acknowledge your letter of May 29, 1937, requesting an opinion, which reads as follows:

"The 59th General Assembly has passed House Bill No. 45 which repeals section 9 of an act of the 58th General Assembly, 1935, approved April 1, 1935, and found at pages 362 and 363, both inclusive, of the Laws of Missouri, 1935, and has enacted in lieu thereof a new section to be known as section 9 which provides that the time be extended for two years for the payment of Bonuses to the Soldiers' and Sailors' of the World War.

"This Act does not carry an emergency clause, and an opinion is requested as to whether or not funds can be expended for the payment of Bonuses immediately or whether it will be necessary to wait the usual three months after the passage of the Bill."

Article IV, Section 36 of the Missouri Constitution provides:

"No law passed by the General Assembly, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journal."

June 5, 1937.

Section 9, Laws of 1935, page 362, provides in part:

"It shall be the duty of the adjutant-general to determine as expeditiously as possible the persons who are entitled to the payments under this act and to make such payments in the manner herein prescribed. Applications for such payments shall be filed with the adjutant-general on or before December 31, 1936, and at such place or places as the adjutant-general may designate and upon blanks furnished by the adjutant-general:
* * * *."

CONCLUSION.

Under House Bill 45, referred to in your letter, the payment of Soldiers' bonuses in Missouri, whose applications were not filed by the Adjutant General before December 31, 1936, must be delayed until said House Bill becomes the law, that is, payments must be deferred until ninety days after adjournment of the 59th General Assembly. Those claims filed before December 31, 1936, can be paid immediately out of funds available for that purpose.

Respectfully submitted

WM. ORR SAWYERS
Assistant Attorney General.

APPROVED:

J. E. TAYLOR
(Acting) Attorney General.

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