

May 1, 1962



Honorable Charles B. James
Member
House of Representatives
Clarkton, Missouri

Dear Mr. James:

This is in answer to your recent letter in which you inquired concerning House Joint Resolution No. 27 and House Joint Resolution No. 9 of the 71st General Assembly, both of which resolutions submitted amendments of Section 11(c) of Article X of the Constitution, which will be voted on at the coming November election.

The only change in Section 11(c) of Article X of the Constitution that will be made if House Joint Resolution No. 9 is passed is to provide, when authorized by law, for the imposition of a tax above the constitutional limit for airport purposes and, in counties of the third and fourth classes, for university extension division.

The change that will be made in Section 11(c) of Article X if House Joint Resolution No. 27 is adopted is to provide that in school districts of over 700,000 the rate of taxation, as limited by the Constitution may be increased for school purposes so the total levy shall not exceed three times the constitutional limit for not to exceed four years, by a vote of four-sevenths.

It appears, therefore, that the two joint resolutions do not attempt to amend the same provisions in Section 11(c) of Article X.

Resolution No. 9 simply adds two categories which, when authorized by law, may have additional taxes provided for above the constitutional limit, and Resolution No. 27 does not amend this provision of Section 11(c) of Article X. Resolution No. 27 changes the

majority required for increasing the tax rate in school districts of over 700,000 by providing for a four-sevenths vote for such purposes when the levy shall not exceed three times the constitutional limit, for not to exceed four years. House Joint Resolution No. 9 does not contain any provision relating to school districts over 700,000 as such. Therefore, it appears that all the provisions of these joint resolutions can be given effect if both are passed. That is, if both resolutions are adopted as amendments, the provision in Resolution No. 27 will become effective insofar as school districts in cities of over 700,000 is concerned, and Resolution No. 9 will become effective in authorizing the legislature to provide for an additional tax above the constitutional limits for airport purposes and for university extension divisions in counties of the third and fourth classes. The other provisions of both resolutions are the same as the present Section 11(c) of Article X and will also, of course, be effective.

The rule enunciated by the courts in such matters is that the amendments adopted at the same time should be construed so that effect may be given to both if possible. It is stated in 11 Am.Jur., Section 54, page 664 as follows:

"It is the rule, of course, that when two amendments are adopted on the same day, they should, if possible, be so construed that effect may be given to both."

It is, therefore, our view that if both Joint Resolution No. 27 and Joint Resolution No. 9 are adopted at the November election that the provisions of both such amendments will be in effect.

Respectfully submitted,

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Attorney General