

April 29, 1963



Honorable Peter J. J. Rabbitt
State Representative
State Capitol
Jefferson City, Missouri

Dear Mr. Rabbitt:

This refers to your letter of April 23, 1963, which reads as follows:

"This is a request for your opinion as to the effects of an amendment in Senate Bill No. 26. This bill was introduced to provide for the non-partisan court plan in St. Louis County. My question is what would be the constitutionality of the bill if amended in the house to extend to Clay County or to any other counties."

In view of your statement concerning the purpose of Senate Bill No. 26 as the bill was introduced, we assume that you have in mind the question whether an amendment such as you describe would violate the following provision of Article III, Section 21, Constitution of Missouri:

"* * * and no bill shall be so amended in its passage through either house as to change its original purpose."

If this is true, we must point out that your inquiry is based upon a false premise as to the purpose of Senate Bill No. 26. As that bill was originally introduced, it provided for the extension of the non-partisan court plan to all judicial circuits to which it does not now apply. It was by amendment in the Senate that the scope of the bill was so restricted that, under existing facts, it would provide only for the extension of the non-partisan

Honorable Peter J. J. Rabbitt

court plan to St. Louis County. In view of these facts, it would appear clear that an amendment in the House to again broaden the scope of the bill to make it apply to additional judicial circuits could not violate the constitutional provision quoted above.

There is enclosed, for your information, a copy of my letter of February 5, 1963, to Senator Waters in which I discussed certain constitutional questions with respect to Senate Bill No. 26 which were raised prior to Senate action on the bill.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

JCB:BJ