

October 3, 1967



OPINION NO. 362
Answered by Letter (Chitwood)

Honorable James A. Noland
State Representative
140th District
Osage Beach, Missouri

Dear Representative Noland:

This office is in receipt of your request for our legal opinion upon the status of a bill passed by both houses of the General Assembly, which was not approved, vetoed or returned by the Governor within the time limit set out in the Constitution of Missouri. Your specific inquiry reads as follows:

"Does this bill die as though it were vetoed, or does it become law at the expiration of the period allowed the governor to act on the bill?"

Article 3, Section 31, Constitution of Missouri, provides the procedure that shall be followed after all bills and joint resolutions have passed both houses of the General Assembly, and reads as follows:

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"Section 31. All bills and joint resolutions passed by both houses shall be presented to and considered by the governor, and within fifteen days after presentation he shall return them to the house of their origin endorsed with his approval or accompanied by his objections. If the bill be approved by the governor it shall become a law. When the general assembly adjourns, or recesses for a period of thirty days or more, the governor may return within forty-five days any bill or resolution to the office of the secretary of state with his approval or reasons for disapproval."

Article 3, Section 32, Constitution of Missouri, provides what procedure shall be followed after a bill has been vetoed and returned to the General Assembly by the Governor. We merely mention this section without discussion in passing, since it has no direct bearing upon the matter of inquiry.

Article 3, Section 33, Constitution of Missouri, provides the procedure to be followed when the Governor fails to return a bill. This section is applicable to the factual situation referred to in the opinion request, and we quote said section as follows:

"Section 33. Whenever the governor shall fail to return a bill presented to him as required by this constitution, the general assembly by joint resolution reciting the fact of such failure and the bill at length, may direct the secretary of state to enroll the bill as an authentic act and it shall become a law; provided that such joint resolution shall not be submitted to the governor for his approval."

The effect of Section 33 supra, is that upon the failure of the Governor to return a bill to the General Assembly with his approval or reasons for disapproval within the time prescribed by Section 31 supra, the General Assembly may by joint resolution, reciting the Governor's failure, and the bill at length, direct the secretary of state to enroll the bill as an authentic act and it shall become a law. Such joint resolution is not required to be submitted to the Governor for his approval.

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Our answer to your inquiry is that a bill passed by both houses of the General Assembly and presented to the Governor, who fails to approve, veto or return the bill within the time provided by Article 3, Section 31, Constitution of Missouri, does not die at the expiration of such period. Such bill does not become a law at the end of such period of time when not acted upon or returned by the Governor. The bill may thereafter become a law only when the General Assembly follows that procedure provided by Article 3, Section 33, Constitution of Missouri, the various steps of which we have discussed in the last preceding paragraph herein.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

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