

LEGISLATURE: The Legislature has a right to pass a law which will become effective two years in the future.

1-22  
April 21, 1937.



Mr. J. D. Elliff, President,  
Board of Curators Lincoln University,  
Jefferson City, Missouri.

Dear Sir:

We have received your request for an opinion which reads as follows:

"Please give me at your earliest convenience your opinion on the following:

"Is it legal and constitutional for the General Assembly to pass a law and set the date when it is to become effective two years in advance of its enactment, or beyond the time of meeting of the next General Assembly?"

Art. 4, Sec. 36 of the Constitution of Missouri provides in part as follows:

"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\* \* \*."

It will be noted that this clause provides that acts shall not go into effect until ninety days after adjournment, however, as was said in *State ex rel Brunjes v. Bockelman*, 240 S. W. 209 "The Missouri Constitution (1875 Sec. 36 of Art. 4) places no inhibition upon the Legislature as to fixing a future date for a law to become effective. It prohibits them from becoming effective upon their passage and approval, except in excepted cases."

In the *Bockelman* case, *supra*, the law was approved May 27, 1919, and was to become effective January 1, 1921, a little more than one year and seven months later. The court en banc said (l.c. 211),

"\* \* \* Where there is no constitutional restrictions, the Legislature may fix a future date upon which a law shall go into effect. 36 Cyc. pp. 1192 and 1200; Ex parte Ah Pah, 34 Nev, 292, 119 Pac. loc. cit. 774. In the latter authority it is said:

"The Legislature, in the absence of constitutional restrictions, is free to fix in each act the time it is to take effect, and an examination of our Constitution reveals no such prohibition. (Citing cases)."

The Legislature has often asserted its right to pass a law to become effective more than ninety days in the future, and the courts have approved them. (State v. Brassfield, 81 Mo. 151, 51 Am. Rep. 234; State v. Orrick, 106 Mo. 111, 17 S.W. 176, 329; State ex rel. v. Edwards, 136 Mo. 360, 38 S.W. 73; Haskel v. Sells, 14 Mo. App. 91; Honeycutt v. St. Louis R.R. 40 Mo. App. 674).

CONCLUSION.

It is therefore the opinion of this department that in view of the authorities cited above the Legislature may pass a law which is to become effective two years in the future.

Respectfully submitted,

OLLIVER NOLEN,  
Assistant Attorney-General

APPROVED:

---

J. E. TAYLOR  
(Acting) Attorney-General.

AO'K/LD