

CONSTITUTIONAL LAW: Amendments to legislative acts must conform to the original purpose of the act, under Art. IV, Sec. 25, Constitution of Missouri.

February 11, 1943.



Honorable Murray E. Thompson
House of Representatives
Jefferson City, Missouri

Dear Mr. Thompson:

The Attorney-General wishes to acknowledge receipt of your letter of February 10th in which you request an opinion of this Department. Your request, omitting caption and signature, is as follows:

"Enclosed is a copy of House Bill No. 67 and your attention is particularly directed to the title. Some members desire to offer an amendment to this bill increasing the license fees on motor trucks which is now covered in Section 8369 of the Revised Statutes of Missouri, 1939.

"Will you kindly give me an opinion as to whether or not such an amendment would change the original purpose of the enclosed bill in violating Article 4, Section 25 of the Missouri Constitution."

The request in this case is based on an interpretation of Article IV, Section 25, of the Constitution of the State of Missouri, and consequently we will cite such provision, as follows:

"No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose."

As stated in your request, the particular part of House Bill 67 which is in question, is the title. Consequently, we will cite the title of such act, as follows:

"An Act to amend Article 1 of Chapter 45, of the Revised Statutes of Missouri, 1939, relating to the regulations and license fees of motor vehicles by repealing Section 8405 relating to the regulations as to width, height and length of motor drawn or propelled vehicles and by enacting a new section in lieu thereof relating to the same subject, to be known as Section 8405; and further amending the said article by repealing Section 8406 relating to the regulations as to weight of motor drawn or propelled vehicles or combinations thereof and by enacting a new section in lieu thereof relating to the same subject, to be known as Section 8406; with an emergency clause."

This title clearly provides that House Bill No. 67 is a measure intended to regulate the width, height and length of motor drawn or propelled vehicles and is intended to repeal Sections 8405 and 8406 of the Revised Statutes of Missouri for 1939. These two sections regulate the width, height, length and weight of motor vehicles in the State of Missouri, and it is clearly the intention of the framers of House Bill No. 67 that such House Bill is an act to repeal such sections and is not an act for the purpose of licensing motor vehicles.

Section 8369, R. S. Mo., 1939, is a section entitled "Registration of owners - fees," and provides for the different amounts to be paid for licenses for different types of motor propelled vehicles. In other words, it would appear that Sections 8405 and 8406 of the Revised Statutes are regulatory measures and that Section 8369 of the Revised Statutes is a revenue measure. All of these sections of the statutes are contained in Article 1, Chapter 45, R. S. Mo. 1939, but we do not feel that an amendment increasing the license fees of

motor trucks, which is now covered in Section 8369, R. S. Mo. 1939, would be within the original purpose of House Bill No. 67 as evidenced by the title.

In State ex rel. McCaffery et al. v. Mason, 155 Mo. 486, 1. c. 502, we find the following language:

"Passing now to other sections of article 4 of the Constitution said to have been violated in the passage of the Nesbit law: We look at section 25 which provides that: 'No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.' This purpose means the general purpose of the bill, not the mere details through which and by which that purpose is manifested and effectuated. Were this otherwise, it is easy to see that the process of legislation would be seriously hampered and embarrassed by every amendment which might be offered, however germane it might be to the idea as formulated in the first draft of the bill. In addition to that, section 25 must be considered in connection with section 37 aforesaid, and inasmuch as no protest was offered based on the prohibition of section 25 in relation to substitution, omission or insertion, which are but other forms of amendment, it must needs follow that in contemplation of law no unwarranted substitution, etc., occurred pending the passage of the bill."

We feel that applying the rules laid down in this case that an amendment of the kind contemplated would change the purpose of House Bill No. 67 and would not change the mere details through which and by which the general purpose is

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manifested and effectuated.

Therefore, it is the opinion of this Department that an amendment to House Bill No. 67, as offered, increasing the license fees on motor trucks, would change the original purpose of such bill and would be in violation of Article IV, Section 25, of the Missouri Constitution.

Respectfully submitted,

JOHN S. PHILLIPS
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APPROVED:

ROY MCKITTRICK
Attorney-General

JSP:EG