

CONSTITUTIONAL LAW:
GENERAL ASSEMBLY:

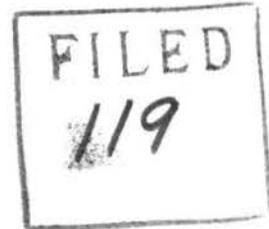
Bills introduced at one session of
the General Assembly may be considered
at subsequent sessions of the same

General Assembly provided the rules of the house concerned permit consideration of the bills and the bills concern subject matter which constitutionally can be considered at such sessions. However, bills introduced in one General Assembly do not carry over to a subsequent General Assembly.

OPINION NO. 119

February 19, 1971

Honorable Robert Young
Representative, District 133
Room 203C, Capitol Building
Jefferson City, Missouri 65101



Dear Representative Young:

You have requested the opinion of this office on the following questions:

"1. Is it possible to consider again a bill, not on the calendar, but first introduced in a regular session of the general assembly held in the odd-numbered year at either of the following times:

(1) During the regular session of that general assembly held in the even-numbered year; or

(2) During an extraordinary session held between the regular sessions (assuming the subject matter of the bill to be within the governor's call)?

"2. If it is possible in either event to reconsider such a bill, what procedures must be followed?

II

"1. Is it possible to consider again a bill first introduced in a regular session of the general assembly held in an odd-numbered year and automatically tabled under the provisions of Section 20(a), Article III, Constitution of Missouri, at either of the following times:

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(1) During the regular session of that general assembly held in the even-numbered year; or

(2) During an extraordinary session held between the regular sessions (assuming the subject matter of the bill to be within the governor's call)?

"2. If it is possible in either event to reconsider such a bill, what procedures must be followed?

III

"1. Is it possible in any event to consider a bill introduced but not on the calendar, or a bill remaining on the calendar of the regular session beginning in even-numbered years and automatically tabled by the provisions of Section 20(a), Article III, Constitution of Missouri?

"2. If such consideration is possible, what procedures must be followed?"

I

With respect to your first two questions, the initial inquiry is to determine if the Constitution of Missouri places any limitations on consideration at a subsequent session of the same General Assembly of: (1) bills introduced at a prior session, but not on the calendar when that session adjourns; and, (2) bills introduced at a prior session which were pending on the calendar at the time the session adjourned.

In the case of bills pending on the calendar at the session required by the Constitution to be held in January of each year, Article III, Section 20(a) specifically provides that such bills are tabled on the compulsory date for adjournment. We find that the provision for tabling bills on the calendar is similar to the provision that existed in Article III, Section 20(a) prior to the most recent amendment of that section which was adopted at the November 3, 1970 general election. We believe that such a provision is intended to prohibit the General Assembly from considering bills generally, while it is in session only for the limited purpose of enrolling, engrossing, and signing bills which were passed prior to adjournment; that is, while it is in session for the period between June fifteenth and June thirtieth in odd-numbered years and the period between April thirtieth and May fifteenth in even-numbered years. We do not read Article III, Section 20(a) to prevent the

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General Assembly from removing such bills from the table for consideration when it reconvenes in a subsequent session; provided the Constitution, itself, does not limit the scope of matters that may be considered by the General Assembly during any particular subsequent session.

With respect to bills introduced, but not on the calendar at the time a session of the General Assembly adjourns, we find no constitutional prohibition against consideration of such bills at a subsequent session; provided, consideration of the subject matter of such bills is not precluded by other constitutional provisions. In fact, Article III, Section 22 specifically provides that each house may by rule provide for committees to meet and consider bills during the interim between the session ending on the thirtieth day of June in odd-numbered years and the session commencing on the first Wednesday after the first Monday of January in even-numbered years.

In arriving at the conclusion that there is no constitutional prohibition against carrying over bills from one session of the General Assembly to a subsequent session of the same General Assembly, we have considered as precedent the United States Constitution. Amendment XX, Section 2 provides:

"The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day."

We believe that the people of Missouri in amending Article III of the State Constitution, on November 3, 1970, intended to have annual sessions of the Missouri General Assembly similar to the annual sessions that the Congress of the United States is required to hold under Amendment XX, Section 2 of the United States Constitution. We find by reference to the rules of the United States Senate, that the Senate has a rule which permits the Senate to consider matters at a new session of the same Congress that were pending at a prior session of that Congress as if there had been no adjournment. Senate Rule XXXII. We find this rule persuasive authority that the Constitution of the United States does not prohibit Congress from considering the matters pending at the adjournment of one session in a subsequent session. Also, in accord is Hinds' Precedents of the House of Representatives, Section 6727. We find nothing in the language of the Missouri Constitution that would compel a different conclusion with respect to the Missouri General Assembly.

Having found no constitutional reason why bills may not be carried over from one session to succeeding sessions, we are faced with the second part of each of your first two questions, to-wit: What procedure must be followed to consider bills introduced in one

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session at subsequent sessions? Article III, Section 18 of the Constitution provides that each house may determine the rules of its own proceedings except when inconsistent with the Constitution. Inasmuch as the Constitution does not specify the procedure to be followed in considering bills at a subsequent session, this is a matter to be determined by each house pursuant to its own rules. The power to make rules carries with it the power to interpret those rules. Since each house of the General Assembly is vested with that power by the Constitution, respect for the provisions of Article II, Section 1, dividing the government into three distinct departments, precludes this office from advising the legislative department on the question of how its rules should be interpreted; and therefore, we are without power to indicate the procedure under the rules of each house to be followed in considering bills introduced in one session at a subsequent session.

II

In answer to your third question, we are of the opinion that the business of the General Assembly is at an end when the next General Assembly convenes on the first Wednesday after the first Monday in January following the general election. Each General Assembly constitutes a separate and distinct legislative body; and therefore, all bills introduced in a General Assembly terminate when such General Assembly ceases to exist. See, Jefferson's Manual, Section LI.

However, if bills have been introduced but are not on the calendar, or bills remain on the calendar when the even-year session of the General Assembly adjourns sine die under the provisions of Article III, Section 20(a), we are of the opinion that those bills may be considered, as if there had been no adjournment, in a special session called by the Governor; provided, the subject matter of the bills is within the scope of the Governor's call and further provided, that the rules of the house concerned provide for the consideration of such bills.

CONCLUSION

It is the opinion of this office that bills introduced at one session of the General Assembly may be considered at subsequent sessions of the same General Assembly provided the rules of the house concerned permit consideration of the bills and the bills concern subject matter which constitutionally can be considered at such sessions. However, bills introduced in one General Assembly do not carry over to a subsequent General Assembly.

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The foregoing opinion, which I hereby approve, was prepared by my Assistant, Charles A. Blackmar.

Yours very truly,

A handwritten signature in cursive script, reading "John C. Danforth". The signature is written in black ink and is positioned above the typed name.

JOHN C. DANFORTH
Attorney General