

GOVERNOR:

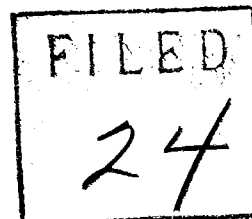
Has 30 days after final adjournment of General Assembly to act upon legislation presented him after final adjournment.

---

July 18, 1941

7-18

Honorable Forrest C. Donnell  
Governor of Missouri  
State Capitol Building  
Jefferson City, Missouri



Dear Governor:

We have your request for an opinion based upon the following facts:

"The 61st General Assembly adjourned finally on July 12, 1941. Within 10 days prior to its adjournment several bills passed by that Legislature were presented to the Governor for his action. Since its adjournment several bills have also been presented to the Governor. It is understood that by virtue of Section 12 of Article V of the Constitution the Chief Executive has 30 days after such final adjournment to act upon legislation presented to him within 10 days before such adjournment. However, the question arises as to the time allowed on enactments presented after adjournment."

Section 12, Article V of the Missouri Constitution prescribes the governor's duties with respect to legislation presented to him:

"The Governor shall consider all bills and joint resolutions, which, having been passed by both houses of the General Assembly, shall be presented to him. He shall, within ten days after the same shall have been presented to him, return to the house in which they respectively originated, all such bills and joint resolutions, with his approval indorsed thereon, or accompanied by his objections: Provided, That if the General Assembly shall finally ad-

journal within ten days after such presentation, the Governor may, within thirty days thereafter, return such bills and resolutions to the office of the Secretary of State, with his approval or reasons for disapproval."

By virtue of the above section the governor has thirty days after final adjournment of the General Assembly to approve or disapprove legislation presented to him within ten days before such adjournment. The question presented, however, is as to the amount of time allowed the governor to pass on legislation presented to him after final adjournment of the Legislature.

Section 40, Article IV of the Missouri Constitution prescribes what action is to be taken provided the governor fails to perform the duty imposed on him by Section 12, Article V, supra:

"Whenever the Governor shall fail to perform his duty, as prescribed in section 12, article V of this Constitution, in relation to any bill presented to him for his approval, the General Assembly may, by joint resolution, reciting the fact of such failure and the bill at length, direct the Secretary of State to enroll the same as an authentic act, in the archives of the State, and such enrollment shall have the same effect as an approval by the Governor: Provided, That such joint resolution shall not be submitted to the Governor for his approval."

It is clear that Section 40, Article IV of the Missouri Constitution, supra, has no application to the facts presented for the obvious reason that the Legislature has finally adjourned.

We find no constitutional or statutory provisions prescribing the time allowed the governor to pass upon legislation presented to him after final adjournment of the Legislature. Absent such provisions, we must look to the language of the constitutional provisions dealing

July 18, 1941

with the same subject matter in order to determine whether we can discover the intent and purpose of the framers of the Constitution. *Graves v. Purcell*, 337 Mo. 574, 85 S. W. (2d) 543.

By failing to declare the time allowed the governor for passing upon legislation presented to him after final adjournment, the constitutional framers evidently contemplated by Section 12, Article V, *supra*, that all legislation would be presented to the governor at least before final adjournment of the Legislature. Inasmuch, however, as they set a maximum of thirty days for all legislative matters presented to him within the closing days of the Legislature, we believe it was their intention that thirty days be the maximum time allotted to the governor under any circumstances for consideration of legislation.

We are, therefore, of the opinion that the governor has thirty days after final adjournment of the General Assembly to act upon legislation presented him after said final adjournment.

Respectfully submitted

APPROVED:

MAX WASSERMAN  
Assistant Attorney General

---

VANE C. THURLO  
(Acting) Attorney General

MW:DA