

Anderson

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ARIZONA ATTORNEY GENERAL

April 16, 1942

Honorable Dan Angius
State Senator
Phoenix, Arizona

Dear Sir:

I have before me your letter of April 14, 1942, which reads as follows:

"I would greatly appreciate an opinion from you concerning S.J.R.1, which I introduced.

"Can this Resolution be considered by this Special Session of the Legislature? Does it come within the scope of the Governor's call, or if it does not, need it come within the call to be considered by the Senate?"

Paragraph 3, part 2, article 4 of the Constitution of Arizona reads in part as follows:

"The Governor may call a special session whenever in his judgment it is advisable. In calling such special session, the Governor shall specify the subjects to be considered at such special session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call."

Paragraph 12, part 2, article 4 of the Constitution of Arizona reads as follows:

"Every bill shall be read by sections on three different days, unless in case of emergency, two-thirds of either house deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispenses with, and the vote on the final passage of any bill or joint resolution shall be taken by ayes and nays on roll call. Every measure when finally passed shall be presented to the governor for his approval or disapproval."

The above provision of the Constitution taken in connection with other provisions contained in Article 4 indicates that it was

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intended by the framers of the Constitution that laws might be enacted by a bill or by resolution, but that neither a bill or joint resolutions shall become a law unless passed by a majority of each house and the approval of the Governor. We conclude therefore that a joint resolution which has been duly passed by both branches of the Legislature, signed by the presiding officers of each, and approved by the Governor, is such a law as treated in paragraph 3, part 2, article 4, of the Constitution above quoted and that the subject of such a joint resolution must be included within the specification of subjects to be considered at a special session before it may be considered by the Legislature.

We have examined the Governor's specification of subjects to be considered by the Fifteenth Legislature now in special session, and have noted number 10 thereof:

"Any other subject legitimately and definitely pertaining to national defense and civilian war effort."

The Supreme Court of Arizona has used the following language:

"The Governor's call or message need not state the details of the legislation to be considered, as such matters are within the discretion of the Legislature and beyond the control of the Governor except for his power of veto. Where a general object is described, the Legislature is free to determine in what manner such object shall be carried into effect."

In view of the above it is the opinion of this office that the determination of whether or not Senate Joint Resolution No. 1 legitimately and definitely pertains to national defense and civilian war effort is a matter for the Legislature to determine and that every presumption will be made in favor of the regularity of their action.

Okla. News Co. v. Ryan,
224 P. 969; Board of Regents of
University of Arizona v. Sullivan,
42 P. (2d) 619.

EARL ANDERSON
Special Assistant
Attorney General

Yours very truly,

JOE CONWAY,
Attorney General

W. E. POLLEY
Assistant Attorney General