

JOURNAL

OF THE

Constitutional Convention

OF

Missouri—1943-1944

**TWO HUNDRED TENTH DAY—TUESDAY,
SEPTEMBER 19, 1944.**

The Convention met pursuant to adjournment.

President Blake in the Chair.

Prayer by the Chaplain:

God, our Father, who makest Thyself known in the stillness of our hearts, let us feel Thy presence at all times. Grant that, in all good conscience, as Thy prophets of old, we may speak the truth, according to our convictions, regardless of the consequences.

We ask not that Thou shouldst make Thy will to conform to the decisions of our intellects, but that Thou wouldst incline us to make our decisions to conform with Thine eternal and Holy will.

Bless us and guide us by Thy Spirit. Amen.

On roll call the following delegates were present:

Present—Delegates

Allen,
Arnold,
Babler,
Benecke,
Bradshaw,
Brown (of Carroll),
Brown (of Christian),
Burkhead,
Clark,
Coleman,
Cope,
Crain,
Crome,
Damron,
Daniels,

Deason,
Downes,
Duensing,
Duncan,
FitzGibbon,
Fogle,
Ford,
Garten,
Goener,
Gouge,
Hanks,
Hargis,
Heege,
Hemphill,
Hennings,

Hogan,
Hughes,
Hullverson,
Julian,
Kehr,
Kirk,
Kreamalmyer,
Lindsay,
McCluer,
McReynolds,
McVay,
Manlove,
Marr,
Mayer,
Meador,

Miller,	Pitney,	Slay,
Moore,	Potter,	Smith,
Morton,	Righter,	Stayton,
Nacy,	Robison (of DeKalb),	Storekman,
Naeter,	Robinson (of Macon),	Taubert,
Opie,	Sater,	Tee,
Park,	Searcy,	Williams,
Parker,	Seyb,	Wisdom,
Petts,	Shepley,	Wood (of Johnson),
Phillips (St. Louis City),	Simpson,	Mr. President—75.

Absent with leave—Delegates

Clayton,	Maupin,	Wesley,
Jones,	Phillips (of Jackson),	Wood (of Greene)—8.
Kirchner,	Stevens,	

Mr. Phillips (of St. Louis City), Chairman of the Committee on Phraseology, Arrangement and Engrossment.—No. 23, submitted the following reports:

ENGROSSED FILE NO. 18

REPORT NO. 2 OF COMMITTEE NO. 23 ON
PHRASEOLOGY, ARRANGEMENT AND
ENGROSSMENT

ARTICLE —

DEPARTMENT OF HIGHWAYS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 18, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on September 18, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman.

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ENGROSSED FILE NO. 18
REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT
AND ENGROSSMENT.

ARTICLE —
DEPARTMENT OF HIGHWAYS

Origin

Engrossed File

Present Constitution

ARTICLE —

DEPARTMENT OF HIGHWAYS

ARTICLE IV

Sec. 44a. Providing for state highway system.—In addition to the exceptions made and created in section 44, the General Assembly shall, for the purpose of locating, establishing, acquiring, constructing, widening and improving hard-surfaced public highways in the State and in each county thereof, and of acquiring materials therefor and for the purpose of locating and constructing bridges across the rivers and waters of the State and of participating in the construction of toll-free, interstate bridges, have the power to contract or authorize to contracting of a

Section 44a, first, third, fifth, eighth, eleventh and sixteenth paragraphs. See Sections 8742-87 R. S. 1939.

debt or liability on behalf of the State and to issue bonds or other evidences of indebtedness therefor not exceeding in the aggregate one hundred and thirty-five millions of dollars—said aggregate being inclusive of the sixty millions of dollars heretofore authorized and issued for the construction of hard-surfaced public highways—such bonds to bear interest at a rate not exceeding five per centum per annum, payable semi-annually and maturing not later than thirty-five years from the date such bonds bear.

Said bonds shall be issued by the State Board of Fund Commissioners in such amounts, from time to time, as the State Highway Commission shall determine, not exceeding in any one calendar year the amount of twenty-five million dollars par value.

The proceeds of the sale of the seventy-five million dollars (\$75,000,000) of additional bonds herein authorized shall be expended under the direction and supervision of the State Highway Commission for the following purposes: To complete and widen or otherwise improve the state system of primary and secondary highways as designated and laid out under existing law; to reimburse the various counties and

by law as to the manner and means of exercising such authority; and authority to limit access to, from and across state highways where the public interest and safety may require, subject to such limitations and conditions as may be imposed by law.

Section 2. For the purpose of constructing and maintaining an adequate system of connected state highways all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes,) less the cost, (1) of collection thereof, (2) of maintaining the commission, (3) of maintaining the highway department, (4) of any workmen's compensation, (5) of the share of the highway department in any retirement program for state employees as may be provided by law, (6) and of administering and enforcing any state motor vehicle laws or traffic regulations, shall be credited to a special fund and stand

Sec. 44a, first, fourth, fifth, seventh, ninth and eleventh paragraphs.

political or civil subdivisions (including road districts) of the State for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the State as permanent parts of the state highway system to the extent of the value to the State of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties or subdivisions in the construction or acquisition of such roads and bridges; to construct other state highways and bridges, and to widen or otherwise improve existing state highways and bridges in the congested traffic areas adjacent to the cities of St. Louis and Kansas City; to locate, establish, acquire and construct supplementary state highways and bridges, as hereinafter provided, in each county of the State, in addition to those state highways and bridges designated and laid out under existing law, and to acquire materials therefor.

The said bonds and the interest that will accrue thereon shall be paid out of a fund to be provided by the levy and collection of a direct annual tax upon all taxable property in the State. All state motor vehicle registration fees, license taxes or taxes authorized by law on

action for the following purposes, and no other:

First, to the payment of the principal and interest on any outstanding state road bonds.

Second, any balance in excess of the amount necessary to meet the payment of the principal and interest of any state road bonds for the next succeeding twelve months shall be credited to the state road fund and shall be expended under the supervision and direction of the commission for the following purposes:

- (1) To complete and widen or otherwise improve and maintain the state system of highways heretofore designated and laid out under existing laws;
- (2) To reimburse the various counties and other political subdivisions of the state, except incorporated cities and towns, for money expended by them in the construction or acquisition of roads and bridges, now or hereafter taken over by the state as permanent parts of the system of state highways, to the extent of the value to the state of such roads and bridges at the time taken over,

motor vehicles (except the property tax on motor vehicles and state license fees or taxes on motor vehicle common carriers) and also all state taxes on the sale or use of motor vehicle fuels authorized by law, less the expense of the collection of such registration fees and license taxes on motor vehicles and taxes on the sale or use of motor vehicle fuels and less also the cost of maintaining the State Highway Department and the State Highway Commission and the cost of administering and enforcing any state motor vehicle law or traffic regulation shall, after the issuance of any of said bonds and so long as any of said bonds herein authorized remain unpaid, be and stand appropriated without legislative action, to the payment of the principal and interest of the said bonds and for that purpose shall be credited to the State Road Bond Interest and Sinking Fund provided by law. If in any year there should be any balance in the State Road Bond Interest and Sinking Fund beyond the requirements of the next succeeding calendar year for interest and sinking fund of the said bonds, such balance shall be transferred and credited to the State Road Fund and to be administered and expended under the direction and supervision of the

not exceeding in any case the amount expended by such counties and subdivisions in the construction or acquisition of such roads and bridges, except that the commission may, in its discretion, repay, or agree to repay, any cash advanced by a county or subdivision to expedite state road construction or improvement;

(3) In the discretion of the commission to locate, re-locate, establish, acquire, construct and maintain the following:

- (a) supplementary state highways and bridges in each county of the state as hereinafter provided;
- (b) state highways and bridges in, to and through state parks, public areas and reservations, and state institutions now or hereafter established, and connect the same with the state highways; and also national, state or local parkways, travel ways, or tourways, with coordinated facilities;
- (c) any tunnel or interstate bridge or other work where necessary

State Highway Commission for the following purposes: To complete and widen or otherwise improve, and maintain the state system of primary and secondary highways as designated and laid out under existing law; to reimburse the various counties and political or civil subdivisions (including road districts) of the State for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the State as permanent parts of the state highway system to the extent of the value to the State of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties or subdivisions in the construction or acquisition of such roads and bridges; to construct and maintain other state highways and bridges, and to widen or otherwise improve existing state highways and bridges in the congested traffic areas adjacent to the cities of St. Louis and Kansas City; to locate, establish, acquire, construct, and maintain, as hereinafter provided, supplementary state highways and bridges in each county of the State, in addition to those state highways and bridges designated and laid out under existing law, and to acquire

to connect the state highways of this state with those of other states;

(d) any highway within the state when necessary to comply with any federal law or requirement which is or shall become a condition to the receipt of federal funds;

(e) any highway in any city or town which is found necessary as a continuation of any state or federal highway, or any connection therewith, into and through such city or town; and

(f) additional state highways, bridges and tunnels, outside the corporate limits of cities having a population in excess of 150,000, either in the congested traffic areas of the state or where needed to facilitate and expedite the movement of through traffic.

(4) To acquire materials, equipment and buildings necessary for the purposes herein described; and

(5) For such other purposes and contingencies relating and appertaining to the construction and maintenance

materials therefor, and for such other purposes and contingencies relating and appertaining to the construction and maintenance of such highways and bridges as the State Highway Commission may deem proper.

After the principal and interest of all of said bonds shall have been paid, all state motor vehicle registration fees, license fees or taxes, authorized by law, on motor vehicles (except the property tax on motor vehicles and state license fees or taxes on motor vehicle common carriers) and also all state taxes on the sale or use of motor vehicle fuels, authorized by law, less the expense of the collection of such registration fees and license taxes on motor vehicles and taxes on the sale or use of motor vehicle fuels and less also the cost of maintaining the State Highway Department and the State Highway Commission and the cost of administering and enforcing any state motor vehicle law or traffic regulation, shall be and stand appropriated without legislative action to the State Road Fund, to be administered and expended under the direction and supervision of the State Highway Commission for the purposes and in the manner hereinbefore set forth.

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of such highways and bridges as the commission may deem necessary and proper.

New Section.

Section 3. Any state highway authorized herein to be located in any municipality may be constructed without limitations concerning the distance between houses or other buildings abutting such highway or concerning the width or type of construction. The commission may enter into contracts with cities, counties or other political subdivisions for and concerning the maintenance of, and regulation of traffic on any state highway within such cities, counties or subdivision.

Section 4. The funds which are allotted by the commission to the construction or acquisition of supplementary state highways and bridges in each of the counties of the state shall be apportioned to the several counties as follows: One-fourth in the ratio that the area of each county bears to the area of the state, one-fourth in the ratio of the population, and two-fourths on such basis as the commission may deem to be for the best interest of highway users; provided the areas and population of cities having a population of 100,000 or more shall be considered

Sec. 44a, seventh and eighth paragraphs.

It shall be the duty of the State Auditor, annually, on or before the first day of July, to determine the rate of taxation necessary to raise the amount of money needed for that year to pay the principal and interest maturing in the next succeeding year, taking into consideration available funds, delinquencies and the cost of collection. The Auditor shall annually certify the rate of taxation so determined to the Clerk of the County Court of each county, and to the assessor or other officer in the City of St. Louis whose duty it may be to make up and certify the tax books wherein are extended the state taxes. It shall be the duty of said clerks and the said assessor or other proper officer in the City of St. Louis to extend upon the tax books the taxes to be collected and certify the same to the Collector of Revenue of their respective counties and of the City of St. Louis, who shall collect such taxes at the same time and in the same manner and by the same means as are now or may hereafter be provided by law for the collection of state and county taxes, and pay the same into the State Treasury.

The funds which are herein required to be allotted by the State Highway Commission to the construction of sup-

in making such apportionment, and the latest available United States decennial census shall be used; provided further, that if traffic on any supplementary state highway becomes such that a higher type than ordinary supplementary highway construction shall be required, then the commission may construct such higher type and charge such extra cost to unallotted state highway funds. Supplementary state highways shall be selected by mutual agreement of the commission and the local officials having charge of or jurisdiction over roads in the territory through which such supplementary state highways are to be constructed.

Section 5. The commission shall have such authority as may be granted by law to locate, relocate, establish, acquire, construct, maintain and control state public ground facilities for air craft, provided funds therefor, other than the state road funds, are made available.

Section 6. All bonds issued under or recognized by section 44a of article IV of the previous Constitution, which remain unpaid shall be valid obligations of the state and shall be paid according to the tenor thereof. On or before the

New Section.

Section 44a, first, second, third, sixth, eleventh and fifteenth paragraphs.

first day of July of each year the state auditor shall determine the rate of taxation for that year necessary to raise the amount of money needed to pay the principal and interest maturing in the next succeeding year, taking into consideration available funds, delinquencies and the cost of collection. The auditor shall annually certify the rate of taxation so determined to the officer in each county whose duty it is to make up and certify the tax books wherein are extended the state taxes. Said officers shall extend upon the tax books the taxes to be collected and certify the same to the collector of revenue of their respective counties, who shall collect such taxes at the same time and in the same manner and by the same means as are provided by law for the collection of state and county taxes, and pay the same into the state treasury.

plementary state highways and bridges in each of the counties of the State, in addition to other state highways and bridges, shall be apportioned to the counties on the basis of area and population, by dividing into two equal parts such portion of said funds as may at any time be allotted by the Commission; and one such part thereof shall be apportioned to all of the counties of the state, exclusive of the cities of St. Louis and Kansas City, in the ratio that the area of each county bears to the area of the whole state, exclusive of the cities of St. Louis and Kansas City; and the other part thereof shall be apportioned to the counties in the ratio that the population thereof (exclusive of said cities) bears to the population of the entire state, exclusive of said cities; and the apportionment according to population shall be computed according to the census of the Government of the United States for the year nineteen hundred twenty (1920) until such time as the figures are available for such census for the year nineteen hundred thirty (1930), after which further and final apportionments shall be made and computed according to said census for the year nineteen hundred thirty (1930).

Said supplementary state highways to be constructed or improved and maintained in each of the counties of the State shall be selected by mutual agreement of the State Highway Commission, and the officials of such counties or political or civil subdivisions (including road districts) having charge of or jurisdiction over the roads in the territory through which such supplementary state highways are to be constructed, improved and maintained.

In order to connect state highways as designated and laid out under existing law with other such highways or with highways in adjoining states, and also in order to facilitate and expedite the movement of through traffic, the State Highway Commission is hereby authorized and empowered to locate, construct, and maintain from the funds herein provided for construction of primary and secondary highways and from the State Road Fund, highways and bridges not exceeding in the aggregate three hundred (300) miles as a part of and to be added to the said state highway system, and from such funds the State Highway Commission is hereby also authorized and empowered to locate, construct, and maintain highways and bridges in state parks, now

or hereafter established, and connect the same with the primary or secondary highways of the State.

All the highways and bridges to be constructed and improved with the funds herein provided, shall be constructed, improved and maintained under the direction and supervision of the State Highway Commission, which shall determine the width of right-of-way and surface, and the type and character of construction, improvement, and maintenance.

For a period of ten years after the adoption hereof, the General Assembly shall have no power to levy and collect state registration fees, license taxes or other taxes on motor vehicles (except the property tax on motor vehicles and state license fees or taxes on motor vehicle common carriers) or state taxes on the sale or use of motor vehicle fuels in excess of the rates fixed by law at the time this amendment is adopted, except that in the event the proceeds from such registration fees, license taxes or other taxes on motor vehicles (except the property tax on motor vehicles and state license fees or taxes on motor vehicle common carriers) and state taxes on the sale or use of motor vehicle fuels shall not be sufficient to produce funds

requisite to pay the costs and expenses herein authorized and for the payments to sinking fund, for interest and for the proper maintenance of state highways as herein provided, then the General Assembly may increase the rates of such registration fees, or license taxes on motor vehicles or taxes on the sale or use of motor vehicle fuels to an amount sufficient to provide for such payments and the proper maintenance of state highways in order to avoid the levy of a direct tax on property in the State to meet such deficiencies.

If, at any time, the State Highway Commission should find that the proceeds from the fees, license taxes and taxes hereinabove provided, will not be sufficient to pay all expenses herein authorized and make provision for the sinking fund and for the accruing interest of all bonds then outstanding and to be outstanding, and also for suitable and proper maintenance of state highways, then and in that event, not more than sixty million dollars of bonds in addition to the sixty million dollars heretofore authorized and issued, shall be issued.

The remaining fifteen million dollars of bonds herein authorized shall never be issued until, in the opinion of the State Highway Commission, the pro-

ALROY S. PHILLIPS,
Chairman

ceeds from the fees, license taxes and taxes as hereinabove provided shall be sufficient to make provision for all expenses herein authorized, for the interest on all bonds outstanding and to be outstanding, for the sinking fund requirements of said issue, and for proper maintenance of state highways.

Nothing herein contained shall be construed to retard or delay in anywise the completion of the state highway system as designated and laid out under existing law, the construction of which shall proceed concurrently with, or take precedence over, the construction of all other highways provided for herein, as may be determined from time to time by the State Highway Commission.

Nothing herein contained shall be construed as in anywise affecting the validity, security or tenor of bonds heretofore issued for the purpose of constructing state highways.

The General Assembly shall enact such laws as may be necessary to carry into effect this amendment.

0001 copies ordered printed.

Also,

ENGROSSED FILE NO. 20

REPORT NO. 2 OF COMMITTEE NO. 23 ON
PHRASEOLOGY, ARRANGEMENT AND
ENGROSSMENT.

ARTICLE —

PUBLIC HEALTH AND WELFARE

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 20, respectfully reports that it has examined its report and all amendments thereto adopted and ordered engrossed by the Convention on September 18, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 20
REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT
AND ENGROSSMENT.
ARTICLE —.

PUBLIC HEALTH AND WELFARE

Present Constitution

BILL OF RIGHTS

ARTICLE II .

Section 4. That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty and the enjoyment of the gains of their own industry; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails of its chief design.

Engrossed File

ARTICLE —

PUBLIC HEALTH AND WELFARE

Section 1. THE HEALTH and general welfare of the people are matters of PRIMARY PUBLIC CONCERN; and TO SECURE THEM THE GENERAL ASSEMBLY SHALL ESTABLISH A DEPARTMENT OF PUBLIC HEALTH AND WELFARE, AND MAY GRANT POWER WITH RESPECT THERETO TO COUNTIES, CITIES OR OTHER POLITICAL SUBDIVISIONS OF THE STATE.

Origin

New section based on Section 4 of Article IV.

Section 2. ALL STATE TRAINING SCHOOLS AND INDUSTRIAL

New section. See section 8972 R. S. 1939. See engrossed sections 12 and

19 of Phraseology Report No. 1 on File No. 16.

(Note: This section could be transferred to the article on the Executive Department (File No. 16) or the article on Education (File No. 13.)

New Section.

(Note: This section should be transferred to the article on the Legislative Department (File No. 17).)

HOMES FOR BOYS AND GIRLS SHALL BE CLASSIFIED AS EDUCATIONAL INSTITUTIONS AND SHALL BE IN CHARGE OF A BOARD OF SIX TRUSTEES, THREE FROM EACH OF THE TWO MAJOR POLITICAL PARTIES, APPOINTED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. ALL EMPLOYEES OF THE BOARD SHALL BE SELECTED AND REMOVED AS PROVIDED FOR EMPLOYEES IN THE STATE ELEMOSYNARY INSTITUTIONS.

Section 3. THE GENERAL ASSEMBLY MAY ENACT LAWS AND MAKE APPROPRIATIONS TO PRESERVE AND PERPETUATE MEMORIALS OF THE HISTORY OF THE STATE BY PARKS, BUILDINGS, MONUMENTS, STATUES, PAINTINGS, DOCUMENTS OF HISTORICAL VALUE OR BY OTHER MEANS, AND TO PRESERVE PLACES OF HISTORIC OR ARCHAEOLOGICAL INTEREST OR SCENIC BEAUTY, AND FOR SUCH PURPOSES PRIOR VATE PROPERTY OR THE USE THEREOF MAY BE ACQUIRED BY GIFT, PURCHASE, OR EMINENT DOMAIN OR BE SUBJECT

TO REASONABLE REGULATION
OR CONTROL.

Section 4. IN ALL MATTERS OF
PUBLIC WELFARE THE GENERAL
ASSEMBLY MAY PROVIDE BY LAW
FOR COOPERATION WITH THE
UNITED STATES, OR OTHER
STATES.

New Section.

1000 copies ordered printed.

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Also,

FILE NO. 21

REPORT NO. 1 OF COMMITTEE NO. 23 ON
PHRASEOLOGY, ARRANGEMENT AND
ENGROSSMENT.

ARTICLE IV

LEGISLATIVE DEPARTMENT
CONGRESSIONAL, STATE SENATORIAL AND
REPRESENTATIVE DISTRICTS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 21 respectfully reports that it has examined the report of Committee No. 16 on Congressional, State Senatorial and Representative Districts, and all amendments thereto, and it herewith reports said file as adopted by the Convention on September 6, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

FILE NO. 21
REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT
AND ENGROSSMENT.

ARTICLE IV
LEGISLATIVE DEPARTMENT
CONGRESSIONAL, STATE SENATORIAL AND REPRESENTATIVE DISTRICTS.

As Adopted by the Convention

As Suggested by the Committee

ARTICLE IV
LEGISLATIVE DEPARTMENT

Section 7a. Immediately following the adoption of this Constitution, and immediately following the taking of each decennial census thereafter the governor, by and with the advice and consent of the senate, shall appoint a bi-partisan commission of ten members, five from each of the two major political parties, from a list of ten submitted to the Governor by the State Committee of each of said parties, to redistrict the State into thirty-four senatorial districts. The population of the state shall

ARTICLE IV

LEGISLATIVE DEPARTMENT

Section 7. Within sixty days after this Constitution takes effect, and thereafter within sixty days after the population of the state is reported to the President for each decennial census of the United States, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list to

be divided by the number thirty-four and the quotient shall be the ratio of representation in the senate. No senatorial district shall vary from the ratio more than one-fourth of a ratio. A full statement of the districts formed by the commission, including the names of the counties embraced in each district and the numbers of the districts, shall be filed in the office of the secretary of state. The report of the commission must be approved by at least seven members. And thereafter senators shall be chosen from said districts until the state has been re-districted, as herein provided, unless the commission should fail to redistrict the state as herein provided within one year after the appointment and confirmation of the Commission, in which event the Commission shall be deemed discharged and the senators to be elected at the next succeeding general election shall be elected at large and following said election a new commission shall be appointed with like powers as above set forth. The redistricting herein provided for shall not be subject to the referendum. Each member of such Commission shall receive a per diem of Fifteen dollars but in no event to receive more than One Thousand Dollars.

the thirty-four senators and the numbers of their districts among the counties of the state. If either of the party committees fail to submit a list within such time the governor shall appoint five members of his own choice from the party of such committee. Each member of the commission shall receive fifteen dollars a day, but not more than one thousand dollars. The commission shall re-apportion the senators by dividing the population of the state by the number thirty-four, and the population of no district shall vary from the quotient by more than one-fourth thereof. The commission shall file with the secretary of state a full statement of the numbers of the districts and the counties included in the districts, and no statement shall be valid unless approved by seven members. After the statement is filed senators shall be elected according to such districts until a re-apportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of any such commission it shall stand discharged and the senators to be elected at the next election shall be elected from the state at large, following which a new commission shall be ap-

pointed in like manner and with like effect. No such reapportionment shall be subject to the referendum.

(Changes. Whole section rewritten.

Notes:

U. S. Code, Title 13, sections 201-02 require the census "to be taken by the Director of the Census beginning on the first day of January", in the "year 1930 and every ten years thereafter" and "the tabulation of total population by states as required for the apportionment of representatives" in Congress "to be completed within eight months from the beginning of the enumeration and reported by the Director of the Census to the Secretary of Commerce and by him to the President of the United States".

Under the re-writing of this section the reapportionments could be made in 1945 and 1950 in time for the primary and general elections in 1946 and 1952).

Section 41. The General Assembly IMMEDIATELY FOLLOWING the decennial census of

Section 41. When the number of representatives to which the state is entitled in the house of

1950 and THE GENERAL ASSEMBLY IMMEDIATELY FOLLOWING each SUCCEEDING decennial census AND THE DETERMINATION OF THE NUMBER OF REPRESENTATIVES IN CONGRESS TO WHICH THE STATE IS ENTITLED shall by law APPORTION the state into districts corresponding with the number of representatives to which it MAY BE entitled in the house OF REPRESENTATIVES of the Congress of the United States, which districts shall be composed of contiguous and compact territory CONTAINING as nearly as PRACTICABLE an equal NUMBER OF INHABITANTS.

the congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be.

(Changes. Whole section rewritten.

Notes:

U. S. Code, Title 13, sections 201-02 require that within eight months of the first day of the year each census is started the population of each state for apportionment of representatives shall be reported to the President.

U. S. Code, Title 2, sections 2(a)-(b) require that the President transmit to the clerk of the house a statement showing the population and number of representatives of each state within the first week of the first regular session of congress beginning January 3, 1951 and each ten years thereafter, and that within fifteen days thereafter the clerk of the house must send the

governor of each state a certificate of the number of representatives to which the state is entitled.

Under the rewriting of this section the first reapportionment would be made in 1951 for the election in 1952.)

ALROY S. PHILLIPS
HOWARD C. POTTER
JAMES E. SATER
FRANK B. WILLIAMS
RICHARD S. RIGHTER
MEREDITH GARTEN
ALLEN McREYNOLDS
THOS. C. HENNINGS, SR.

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