

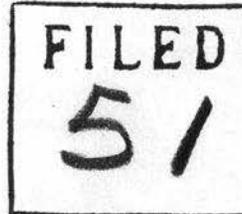
SENATORIAL REDISTRICTING)
COMMISSION)

The commission must file its report
not later than July 19, 1951.

May 22, 1951

5-22-51

Mr. H. P. Lauf
Attorney at Law
509 Central Trust Building
Jefferson City, Missouri



Dear Mr. Lauf:

We have given careful consideration to your recent request for an official opinion, which request is as follows:

"The Senatorial Redistricting Commission, at its meeting on Monday, May 14, 1951, authorized the undersigned, for and on behalf of the Commission to request your opinion upon the following question:

"1. Under the Constitution and the statutes, what is the final date on which the Commission must file its report with the Secretary of State?

"The Commission will greatly appreciate an early reply."

Section 7, Article III, Constitution of the State of Missouri, 1945, which governs this question, is as follows:

"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

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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 reapportion 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 reapportion 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 appointed in like manner and with like effect. No such re-apportionment shall be subject to the referendum."

The state committees of the two major political parties must submit their lists to the governor within sixty days after the population of the state has been reported to the President for the decennial census of the United States. The governor then has thirty days in which to appoint the

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commission. This is the time period fixed for the appointment, and the commission must complete its work and file its statement with the secretary of state within six months after the expiration of this thirty-day period.

According to the records at the governor's office, the Republican state committee submitted its list on December 19, 1950; and the Democratic state committee filed its list on December 20, 1950. The commission was appointed by the governor on January 19, 1951. The time fixed for the appointment ran from December 20, 1950, to January 19, 1951, being exactly thirty days. The commission must finish its work and file its report within six months after January 19, 1951.

The terms "month" and "year" are defined in subsection (6) of Section 1.020, RSMo 1949, which is as follows:

"(6) 'Month' and 'year.' The word 'month' shall mean a calendar month, and the word 'year' shall mean a calendar year unless otherwise expressed, and the word 'year' shall be equivalent to the words 'year of our Lord';"

The statute governing the computation of time is embodied in Section 1.040, RSMo 1949, which is as follows:

"The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day be Sunday it shall be excluded."

CONCLUSION

It is the opinion of this office that the commission must file its full statement with the secretary of state not later than July 19, 1951.

Respectfully submitted,

APPROVED:



J. E. TAYLOR
Attorney General

B. A. TAYLOR
Assistant Attorney General

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