

LAWS
OF THE
STATE OF INDIANA

Passed at the Ninetieth Regular Session of the
General Assembly

BEGUN ON THE TENTH DAY OF JANUARY,
A. D. 1957

1957

By Authority
FRANK A. LENNING
SECRETARY OF STATE

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1957



CERTIFICATE

OFFICE OF SECRETARY OF STATE)
STATE OF INDIANA) SS:
)

I, FRANK A. LENNING, Secretary of State of the State of Indiana, do hereby certify that I have compared the foregoing printed acts and resolutions of the Regular Session of the Ninetieth General Assembly with the enrolled acts and resolutions from which they are taken, now on file in my office, and have found them correctly printed. Brackets [] and words in brackets [thus] were inserted by me to show apparent repetitions and omissions in the enrolled Acts or for specific reason indicated in the footnotes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this 15th day of April, 1957.

FRANK A. LENNING,
Secretary of State.

Seal

form of the article hereinabove specifically set forth, at any time prior to sixty days after the legislatures of two-thirds of the several states shall have made application for such convention, shall render such convention unnecessary and the same shall not be held; otherwise such convention shall be called and held in conformity with such applications.

SEC. 7. The State of Indiana requests that as this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, a receipt of this application by the Senate and the House of Representatives of the Congress of the United States be officially noted and duly entered upon their respective records, and that the full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

SEC. 8. Certified copies of this resolution shall be transmitted forthwith to the Senate and the House of Representatives of the Congress of the United States, to each senator and representative in the Congress from this state, and to the Secretary of State of the United States, and to each house of the legislature and to the secretary of state of each of the several states, attesting the adoption of this resolution by the legislature of this state.

CHAPTER 372.

[H. C. R. 9. Approved March 12, 1957.]

A CONCURRENT RESOLUTION making application to the Congress of the United States pursuant to Article V of the Constitution of the United States for a convention proposing an amendment to the Constitution of the United States.

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The General Assembly of the State of Indiana, pursuant to Article V of the Constitution of the United States, hereby makes application to the Congress of the United States to call a convention for proposing the following Article as an amendment to the Constitution of the United States:

ARTICLE ———

“Section 1. On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimates of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall not exceed such estimate of receipts. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimated receipts, it shall not adjourn for more than three days at a time until action has been taken necessary to balance the budget for such ensuing fiscal year. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the members of each house may suspend the foregoing provisions for balancing the budget for periods, either successive or otherwise, not exceeding one year each.

“Section 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.”

SEC. 2. The State of Indiana requests that such amendment shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states.

SEC. 3. For the reason that the power of the sovereign states to propose amendments to the Constitution of the United States by convention under Article V has never been exercised and no precedent exists for the calling or holding of such convention, the State of Indiana hereby declares the following basic principles with respect thereto: That the power of the sovereign states to amend the Constitution of the United States under Article V is absolute; that the power of the sovereign states to propose amendments to the Constitution by convention under Article V is absolute; that the power of the sovereign states extends over such convention and the scope and control thereof and that it is within their sovereign power to prescribe whether such convention shall be general or shall be limited to the

proposal of a specified amendment or of amendments in a specified field; that the exercise by the sovereign states of their power to require the calling of such convention contemplates that the applications of the several states for such convention shall prescribe the scope thereof and the essential provisions for holding the same; that the scope of such convention and the provisions for holding the same are established in and by the applications therefor by the legislatures of the two-thirds majority of the several states required by Article V to call the same, and that it is the duty of the Congress to call such convention in conformity therewith; that such convention is without power to transcend, and the delegates to such convention are without power to act except within, the limitations and provisions so prescribed.

SEC. 4. The State of Indiana requests that such convention shall be called and held in conformity with the following limitations and provisions, and that the Congress, in the call for such convention, hereby is requested to and shall prescribe:

(1) That such convention shall be held in the city of Philadelphia, in the State of Pennsylvania, on the first Monday of the first December following transmission to the Senate and the House of Representatives of the Congress of the United States of applications for such convention by the legislatures of two-thirds of the several states and, in honor of the nation's founders and for invocation, shall convene at Constitution Hall, at Independence Square, at the hour of 10:00 o'clock in the morning of such day, and thereupon adjourn to more commodious quarters within said city for session as the convention shall determine;

(2) That the several states shall have equal suffrage at such convention; that each of the several states shall be entitled to three delegates thereat and that each of such delegates shall be entitled to one vote; that the delegates to such convention from the several states shall be the highest officer of the senate and the highest officer of the house of representatives of their respective legislatures at the time of such convention, except that in states where the lieutenant governor is president of the senate, the president of the senate pro tem or other highest officer from the membership of the senate shall be such delegate from the senate

and in states having a unicameral legislature the two highest officers of its legislature shall be such delegates, which two delegates in each of the several states shall jointly designate a citizen of such state at large who shall be the third delegate from such state to such convention; that in case of a vacancy in the office of any delegate during such convention, not otherwise filled pursuant to law or by legislative act or as herein provided, such vacancy shall be filled by the governor of such state from the senate or house of its legislature or the state at large, respectively, as the case may be; that during such vacancy and during the absence of a delegate from the floor of the convention the delegates present from such state shall be empowered to exercise the vote of the absent delegate or delegates from such state; that the legislature of any state may choose its delegates to such convention, other than hereinabove designated, in which case the delegates so chosen shall be certified to the convention by the secretary of state of such state and shall constitute the delegates of such state at such convention in lieu of the delegates otherwise hereinabove designated;

(3) That such convention shall be limited and restricted specifically to the consideration and proposal of this amendment or such other amendments as may be proposed by the several states of these United States; the choosing of officers and adoption of rules of procedure for the conduct of such convention and the maintenance of order thereat, the determination of any issue respecting the seating of delegates, adjournment from day to day and to a day certain and from place to place within said city as may be convenient, and adjournment sine die; and such convention shall not be held for any other purpose nor have any other power, and the delegates thereto shall have no power other than within the limitations herein prescribed;

(4) That a permanent record shall be made of the proceedings of such convention, which shall be certified by the secretary of the convention, the original of which shall be placed in the Library of Congress and printed copies of which shall be transmitted to the Senate and the House of Representatives of the Congress, to the Secretary of State

of the United States, and to each house of the legislature and to the secretary of state of each of the several states;

(5) That the powers of such convention shall be exercisable by the states, represented at such convention by duly constituted delegates thereat, by majority vote of the states present and voting on such proposal, and not otherwise.

SEC. 5. The State of Indiana requests that this application shall constitute a continuing application for such convention under Article V of the Constitution of the United States until the legislatures of two-thirds of the several states shall have made like applications and such convention shall have been called and held in conformity therewith, unless the Congress itself propose such amendment within the time and the manner herein provided.

SEC. 6. The State of Indiana requests that proposal of such amendment by the Congress and its submission for ratification to the legislatures of the several states in the form of the article hereinabove specifically set forth, at any time prior to sixty days after the legislatures of two-thirds of the several states shall have made application for such convention, shall render such convention unnecessary and the same shall not be held; otherwise such convention shall be called and held in conformity with such applications.

SEC. 7. The State of Indiana requests that as this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, a receipt of this application by the Senate and the House of Representatives of the Congress of the United States be officially noted and duly entered upon their respective records, and that the full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

SEC. 8. Certified copies of this resolution shall be transmitted forthwith to the Senate and the House of Representatives of the Congress of the United States, to each senator and representative in the Congress from this state, and to the Secretary of State of the United States, and to each house of the legislature and to the secretary

of state of each of the several states, attesting the adoption of this resolution by the legislature of this state.

CHAPTER 373.

[H. C. R. 10. Approved March 11, 1957.]

A CONCURRENT RESOLUTION proclaiming a day to be known as "Senior Citizens Day."

WHEREAS, the senior citizens of the State of Indiana have contributed so much to the welfare of all the citizens of our great state; and

WHEREAS, in consideration of their sacrifices and labors for our well-being and for the great heritage they have left us: Therefore

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Governor of Indiana is hereby authorized and requested to proclaim the fourth Sunday of each September as Senior Citizens Day in the State of Indiana.

SEC. 2. The Principal Clerk of the House of Representatives is directed to send a copy of this resolution to the President of the United States; to the Speaker of the National House of Representatives and to the President of the Senate of the United States, and to all members of Congress from the State of Indiana.

CHAPTER 374.

[H. C. R. 11. Approved March 8, 1957.]

A CONCURRENT RESOLUTION providing for the sesquicentennial celebration of the founding of the State of Indiana.

WHEREAS, in the year 1966, the State of Indiana will celebrate the 150th anniversary of its founding; and

WHEREAS, To properly celebrate this occasion requires considerable planning in order to develop a program that will be of an educational and historical benefit to the citizens of this state: Therefore

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. There is hereby created a commission to be known as the "Indiana Sesquicentennial Commission," to be composed of nineteen members as follows:

- (a) The Governor of the State of Indiana;