

COUNTY  
RATIONING  
BOARD:

Member of the legislature may serve  
on the county rationing board.

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October 22, 1942

Honorable William Barton  
House of Representatives  
Montgomery County  
Jonesburg, Missouri



Dear Mr. Barton:

Under date of September 19, 1942, you wrote this office requesting an opinion as follows:

"May Representative be eligible to serve as a member of the County Defense Council?"

"May a Representative be eligible to serve as Chairman of a Ration Panel in the County? As I understand it, the chairman has to take an oath and sign a personnel affidavit as required under the Price Control Administration or Price Administration?"

Due to the heavy work in the office at this time and the further fact that the law relating to emergency measures is at times difficult to find a reply has been unavoidably delayed.

Inasmuch as this office has been informed that you have accepted appointment upon the County Defense Council it is presumed that you have satisfied yourself upon that question and it will not be treated herein.

October 22, 1942.

It is first desired to call your attention to two sections of the Constitution of Missouri, Section 12 of Article IV and Section 4 of Article XIV, which sections are respectively as follows:

"No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office under this State, or any municipality thereof; and no member of Congress or person holding any lucrative office under the United States, or this State, or any municipality thereof (militia officers, justices of the peace and notaries public excepted), shall be eligible to either house of the General Assembly, or remain a member thereof, after having accepted any such office or seat in either house of Congress."

"No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State."

The local rationing boards were first set up as "tire rationing boards".

Pursuant to the emergency powers conferred upon the President, the President by Executive Order created the Office of Price Administration and authorized the Office of Price Administration to provide for local agencies.

By an order issued December 30, 1941, Leon Henderson, Administrator of the Office of Price Administration, authorized the creation of local "tire rationing boards". From this order we quote:

"Personnel. The tire rationing program established in these regulations by the Office of Price Administration, pursuant to the delegation of power from the Office of Production Management in Supplementary Order No. M-15-c, will be administered by Local Tire Rationing Boards, Local Tire Rationing Administrators, and State Tire Rationing Administrators, all of whom shall be federal employees, serving without compensation, subject to the supervision and control of the Office of Price Administration.

"Eligibility. Members of Boards, Local Tire Rationing Administrators, and State Tire Rationing Administrators must be eligible to serve as federal employees, without compensation, under state and federal laws.

"Appointment. Members of boards and Local Tire Rationing Administrators shall be selected by the Local Defense Councils in the areas in which they are to serve and shall be appointed by the Office of Price Administration. State Rationing Administrators shall be selected by the State Defense Councils in the states in which they are to serve and shall be appointed by the Office of Price Adminis-

tration. Any appointment subject to provisions of these regulations may be terminated at any time by the Office of Price Administration.

"Duties. The persons appointed to administer the tire rationing program shall have such duties and responsibilities as the Office of Price Administration may from time to time direct."

From time to time additional duties were placed on the local boards, and the 77th Congress by the Emergency Price Control Act, Public Law 421, set out in the Congressional Code, 1942, page 23, and following by Statute created the Office of Price Administration.

It will be observed that the members of the local boards were employees, without compensation. Also that the constitutional prohibitions are against members of the General Assembly being appointed to any office under this state, or any municipality, during their term and against persons holding lucrative offices under the United States, this State or any municipality, and against a person holding an office of profit under the United States holding an office of profit under this State during the continuance of such United States Office.

Hon. William Barton

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October 22, 1942

CONCLUSION

It is, therefore, the conclusion of this office that a member of the General Assembly may serve as chairman of a local rationing board.

Respectfully submitted,

W. O. JACKSON  
Assistant Attorney-General

APPROVED:

ROY McKITTRICK  
Attorney-General