

action should not be taken by one without regard to the possibility that the other may take counter action in the same matter.

Where the misconduct of an insurance company is involved, the Insurance Department should take the initiative in the matter of supervision, discipline, or control. Both departments are interested in insurance carriers paying full benefits because the carriers, which are under the supervision of the Insurance Department, have contracted to pay the same, and because the Department of Labor and industry is interested in obtaining for employees and their dependents, such full benefits. If no insurance carrier is involved, the duties with regard to section 503 fall upon the Department of Labor and Industry exclusively. The matter of approval or disapproval of compromise agreements or settlements is for the Department of Labor and Industry acting through its Bureau of Workmen's Compensation.

Very truly yours,

DEPARTMENT OF JUSTICE,
 CLAUDE T. RENO,
Attorney General.

M. LOUISE RUTHERFORD,
Deputy Attorney General.
 ORVILLE BROWN,
Deputy Attorney General.

OPINION No. 342

Legislature—Special session of 1940—Right to enact legislation under the Governor's Proclamation relative to the \$2,000 bond now required to be signed by relief recipients.

The General Assembly at the present extraordinary session may not, under the Proclamation of the Governor convening the same, enact legislation relative to the \$2,000 bond now required to be signed by relief recipients by the Department of Public Assistance.

Harrisburg, Pa., May 13, 1940.

Honorable Samuel S. Lewis, President of the Senate, Harrisburg, Pennsylvania.

Sir: Receipt is acknowledged of the communication of May 8, 1940, addressed to me by William J. Ridge, Chief Clerk of the Senate, wherein it is requested that I comply with a resolution of the Senate adopted May 7, 1940. This resolution is as follows:

Resolved, That the Chief Clerk of the Senate obtain from the Attorney General an opinion on the following question:

May this General Assembly at this Special Session and under the Proclamation of the Governor enact legislation relative to the \$2,000 bond now required to be signed by relief recipients by the Department of Public Assistance?

This session of the General Assembly was specially convened by the Governor by his Proclamation dated April 29, 1940, pursuant to the provisions of Article IV, Section 12, of the Constitution. Legislation at extraordinary or special sessions of the General Assembly is restricted by Article III, Section 25, of the Constitution in the following words:

When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

The foregoing restrictions upon the scope of legislation at such sessions have been judicially construed by our appellate courts. Among the more recent germane cases is that of *Commonwealth ex rel. Schnader v. Liveright, Secretary of Welfare, et al.*, 308 Pa. 35, decided by the Supreme Court April 7, 1932. Speaking through Mr. Justice Kephart, the court said in part, beginning at page 58 of 308 Pa.:

* * * A subject may be so broad or general, having so many ramifications, that the special matter in relation thereto, on which legislation is desired, must be stated in the call. Though a general subject is stated through a specification of a particular matter in connection therewith, this does not open the door for any legislation germane to the general subject beyond the scope of the specification. It must be confined to the specialized matter as interpreted in view of the general subject. * * *

The only portions of the Governor's Proclamation convening the present extraordinary session, relating to public assistance, are those contained in subjects Nos. 1, 5 and 7.

Subject No. 1 of the Proclamation is as follows:

1. Appropriations for payment of public assistance and for payment of administrative, auditing and disbursement expenses relating thereto.

Subject No. 5 of the Proclamation is as follows:

5. In order to make funds available in the General Fund to meet the appropriations mentioned above, legislation providing for:

(a) The transfer of moneys to the General Fund from various special funds in the State Treasury and the subsequent reimbursement of such special funds out of the General Fund;

(b) Reductions in such appropriations made by the General Assembly at its session of one thousand nine hundred and thirty-nine as may be practicable.

Subject No. 7 of the Proclamation is as follows:

7. Legislation necessary to conform the provisions of the Public Assistance Law to the new definition of the term "dependent children" contained in Title IV of the Federal Social Security Act, as amended.

It is quite clear that we can at once eliminate for the purposes of our present discussion the foregoing subjects Nos. 5 and 7, for the reasons that subject No. 5 relates merely to legislation making available funds to meet any appropriation made pursuant to subject No. 1; and subject No. 7 confines legislation thereunder to such as is necessary to conform the provisions of the Public Assistance Law to the definition of "dependent children" contained in Title IV of the Federal Social Security Act, as amended.

Subject No. 1 of the Proclamation does not relate to the general subject of public assistance. It is confined to the specification of a particular matter in connection therewith, and this particular matter is appropriations. Consequently any legislation enacted under subject No. 1 must be confined to the specialized matter of appropriations in relation to the general subject of public assistance.

It is my opinion, therefore, and you are accordingly advised, that the General Assembly at the present extraordinary session may not, under the Proclamation of the Governor convening the same, enact legislation relative to the \$2,000 bond now required to be signed by relief recipients by the Department of Public Assistance.

Very truly yours,

DEPARTMENT OF JUSTICE,
 CLAUDE T. RENO,
Attorney General.

OPINION No. 343

Schools—Employes' retirement fund—Election of salary basis—Act of June 20, 1939, sec. 2—Time for election—September 15, 1939—Reasonable time after effective date of act.