

As I stated at the outset, I have cheerfully complied with the request made in the motion of the Senate passed on November 9, 1931, and I shall continue to comply with that request throughout the continuance of the Special Session. However, I feel it my duty to say that I comply with this request subject to the reservation that my action in so doing shall not be deemed a precedent. At a regular Session of the General Assembly a request similar to that to which I am now responding, would impose upon the Attorney General a task which it would be next to impossible to perform, unless the regular work of his office were to be temporarily abandoned. However, this Special Session is called to deal with an emergency, and it gives me the greatest pleasure to further in every respect fulfilment of the evident desire of both Houses of the General Assembly to meet the emergency in the shortest space of time, and without any unnecessary delays.

Very truly yours,

DEPARTMENT OF JUSTICE,

WM. A. SCHNADER,

*Attorney General*

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OPINION NO. 31-A

*Legislature—Senate—Constitutionality of Senate Bills Nos. 20 to 25 inc., Introduced in the Extraordinary Session of 1931.*

The Attorney General advises the President of the Senate regarding the constitutionality of Senate Bills Nos. 20 to 25, Extraordinary Session of 1931.

Department of Justice,  
Harrisburg, Pa., November 23, 1931.

Honorable Edward C. Shannon, President of the Senate, Harrisburg, Pennsylvania.

Sir: This opinion supplements formal opinion No. 31 rendered to you on November 16, 1931. I shall now furnish to the Senate, through you, my opinion regarding the constitutionality of the bills introduced in the Senate during the week beginning November 16th.

*Senate Bill No. 20, Amending the Appropriation to the Department of Property and Supplies for the Acquisition of Land and Buildings so as to Authorize the Construction of a Dam at Torrance State Hospital.* This bill comes within Subject No. 4 specified by the Governor in his supplemental proclamation of November 9, 1931. In my opinion, the bill, if enacted, will be constitutional.

*Senate Bill No. 21, Proposing the Establishment of "The Pennsylvania Industrial Army."* This bill does not come within any of the subjects stated by the Governor in his proclamations calling the present Session, and, in my opinion, would be unconstitutional, if passed.

*Senate Bill No. 22, Eliminating Certain Exemptions from Taxation in Counties of the First Class.* Like Senate Bill No. 21, this bill does not come within any of the subjects stated by the Governor in his proclamations, and, in my opinion, would be unconstitutional, if passed.

*Senate Bill No. 23, Proposing an Amendment to the Constitution.* For the reasons stated in my opinion of November sixteenth, any constitutional amendment can be initiated at this Session whether or not it comes within a subject specified by the Governor in his proclamation. Therefore, this bill is valid.

*Senate Bill No. 24, Appropriating Thirty Million Dollars (\$30,000,000) from the General Fund to the Motor License Fund and Allocating the Moneys Appropriated to the Various Cities, Boroughs and Townships of the Commonwealth.* This bill does not come within any subject stated by the Governor in his proclamation. Subject No. 13, as stated in the original proclamation, cannot possibly be construed to include transfers from the General Fund to the Motor License Fund otherwise than, as stated, "in anticipation of revenue received from the emergency tax on gasoline." I am of the opinion that the bill, if passed, would be unconstitutional.

*Senate Bill No. 25, Proposing an Amendment to Section 225 of the General Poor Relief Act of May 14, 1925, P. L. 762.* In my opinion, this bill does not come within any of the subjects specified by the Governor in his original or supplemental proclamations calling the Special Session and would, if enacted, be unconstitutional.

Subject No. 2 of the original proclamation is:

"Authorizing counties, cities, boroughs, townships, and poor districts during the year one thousand nine hundred thirty-two to negotiate emergency loans for unemployment relief and school districts during the same year to negotiate similar loans to meet deficiencies in current operating expenses, and authorizing such loans to be refunded under certain circumstances annually for a certain period."

The proposed bill would permit poor districts during any year to issue temporary notes running for a period not exceeding one year, the proceeds to be used for the purpose "of meeting unusual or unforeseen demands for maintenance or support of the poor of the district and expenditures in the operation of the district arising therefrom."

Under the present law, these loans may be made on notes running for a period of not longer than six (6) months.

The bill is not confined in its operation to the year 1932 nor does it provide that loans negotiated under its terms shall be used for unemployment relief. Therefore, its subject differs radically from that stated by the Governor in his proclamation.

Very truly yours,

DEPARTMENT OF JUSTICE,  
WM. A. SCHNADER,  
*Attorney General.*

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#### OPINION NO. 31-B

*Legislature—Senate—Constitutionality of Senate Bills Nos. 28 and 30, Extraordinary Session of 1931.*

The Attorney General advises the President of the Senate regarding the constitutionality of Senate Bills Nos. 28 and 30, Extraordinary Session of 1931.

Department of Justice,  
Harrisburg, Pa., November 30, 1931.

Honorable Edward C. Shannon, President of the Senate, Harrisburg, Pennsylvania.

Sir: In accordance with the motion of the Senate adopted November 9, 1931, I shall give my opinion as to the constitutionality of Senate Bills Nos. 28 and 30.

*Senate Bill No. 28*, proposes an amendment to the Constitution. As you have previously been advised, any amendment can be initiated at a Special Session of the Legislature, whether or not it comes within the subjects specified by the Governor in his call.

*Senate Bill No. 30*, *Supplementing the Act of May 26, 1931 (Appropriation Acts, page 106), by Making an Emergency Appropriation of Two Hundred Million Dollars (\$200,000,000) to the Department of Welfare to Be Paid to Specified State-aided Hospitals.* In my opinion, this bill comes within Subject No. 1 of the Governor's supplemental proclamation and would be constitutional, if passed.

Very truly yours,

DEPARTMENT OF JUSTICE,  
WM. A. SCHNADER,  
*Attorney General.*