



March 30, 1965

Honorable Jack Keane
State Representative 13th District
Room 404
Capitol Building
Jefferson City, Missouri

Dear Representative Keane:

This letter is in answer to your request for an opinion of this office. Your request reads:

"A boy (Negro) age 16 of St Louis City was sent to the State Training School at Boonville, Missouri. He was assigned to laundry work. During the course of this work an accident occurred and he lost his arm as a result. He has been treated well, his medical expenses paid and a fitting was made for an artificial arm. However, because of the unusual cause of the accident, I feel he is entitled to receive additional damages.

"As I understand it, a safety feature of the machine he was working on was that when the door was open the machine would not operate. This boy was extending his head and arms inside this open door and suddenly the machine started, twisting his arm off. I spoke to the head of the Boonville farm and he told me this machine was "at least 14 years old and that there had been other accidents caused by this same old equipment."

"Norm, this boy is 18 years old now and seems to be suffering a mental condition because of this loss. Can we introduce a 'relief bill' for him? Is he covered by a 'State Self-Insured Plan' comparable to Workmen's Compensation? What can we do?"

The young man referred to in your inquiry is not covered by Workmen's Compensation. Section 216.183 RSMo provides that the State of Missouri is a self-insurer of employees of the Department of Corrections of the state. However, the inmates of the state training schools are not within the Workmen's Compensation Law because they are not employees of such department or of the board of training schools.

As to a "relief bill," the enclosed opinion of the Attorney General to Charles A. Witte, dated June 18, 1951, explains why this is out of the question. Under that opinion, to which we still adhere, the first clause of Section 38(a) of Article III of the Constitution of Missouri, prohibiting the General Assembly from granting public money to any private person, would bar the young man from legislative benefits. Likewise, according to the opinion, a legislative appropriation for the purpose of relieving him would be contrary to the terms of Section 23 of Article III of the Missouri Constitution, as well as Section 33.200 RSMo 1959, making it a felony for the Comptroller to certify any claims or accounts not authorized by law.

Accordingly, we feel that there is no relief available to the young man involved in your inquiry through workmen's compensation, special relief bill or legislative appropriation.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

DLR/sj
Enclosures