

GENERAL ASSEMBLY: EXTRAORDINARY SESSION  
LEGISLATURE: EXTRAORDINARY SESSION  
EXTRAORDINARY SESSION:

Legislature at a special session can act on specific matters not suggested by Governor if such specific matters are within subject of Governor's proclamation.

October 29, 1965

Opinion No. 397



Honorable Bernard "Doc" Simcoe  
Missouri House of Representatives  
Jefferson City, Missouri

Honorable Luna Butler  
Missouri House of Representatives  
Jefferson City, Missouri

Dear Sirs:

By letter of recent date you requested an official opinion from this office as follows:

"We would like to have an opinion on whether the enclosed amendment to House Bill #1, page 4, is within the scope of the Governor's call of his First Extra Session.

"Page 3 of the first day's Journal, Monday, October 18, 1965, has his proclamation. Paragraph 4, sub-sections (a) and (b) recommends a \$5.00 increase to all old age assistance recipients and \$5.00 to permanently and totally disabled recipients but says nothing pertaining to eligibility of recipients.

"We question whether the proposed amendment goes farther than the Governor's Proclamation by changing eligibility requirements and whether this amendment would be in the scope of this Special Session."

House Committee Amendment No. 1 to House Bill No. 1 referred to in your letter changes the provision of existing law in regard to cash or securities that may be owned or possessed by a claimant for public assistance. Thus, eligibility requirements for public assistance recipients are the subject of the proposed amendment.

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Honorable Luna Butler

Paragraph Four of the Governor's Proclamation convening the General Assembly in extra session requests legislation which would increase maximum payments for old age assistance recipients and for the permanently and totally disabled recipients. You have correctly concluded that House Committee Amendment No. 1 to House Bill No. 1 is not within the subject matter of Paragraph Four of the Governor's Proclamation.

However, your attention is directed to Paragraph Five of the Governor's Proclamation as follows:

"Paragraph Five. Amend Section 208.010, Missouri Revised Statutes, Cumulative Supplement, 1963, as follows:

a) To permit old age assistance payments to be made on behalf of persons sixty-five years of age, or over, in public or private institutions for the mentally ill and tubercular.

b) To permit the Division of Welfare to disregard five dollars per month income for each public assistance recipient in determining eligibility and the amount of the assistance payment."

Section 208.010, RSMo Cum. Supp. 1963, has as its subject matter eligibility for public assistance. The Governor has requested legislative action to change existing eligibility requirements for public assistance in two areas, viz.;

(a) To permit old age assistance payments for persons sixty-five years of age or over in institutions for the mentally ill and tubercular. Apparently such assistance is restricted at the present time pursuant to Section 208.010, 2., (5), and House Bill No. 1 proposes appropriate amendments thereto.

(b) To permit the Division of Welfare to disregard five dollars per month income in determining the eligibility of a claimant for public assistance. The income provisions in regard to eligibility for public assistance are set forth in Section 208.010, 1., and House Bill No. 1 proposes appropriate changes thereto pursuant to the Governor's request in this regard.

House Committee Amendment No. 1 to House Bill No. 1 proposes to change the eligibility requirements for claimants for public

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assistance in regard to the amount of cash or securities that a public assistance recipient may own or possess. Section 208.010, 2., (3), limits the cash or securities of a public assistance recipient to the sum of \$750.00 if single and \$1,000.00 if married. House Committee Amendment No. 1 proposes a change thereto by excepting therefrom life insurance and burial insurance of the surrender value of \$1,000.00.

Opinion No. 360, issued by this office on October 20, 1965, to the Honorable Mel Carnahan and the Honorable Ronald M. Belt, discussed in detail the lawful areas of legislative action pursuant to a proclamation by the Governor convening an extraordinary session. The questions raised in your request for an opinion are answered by the opinion referred to above and a copy of such opinion is enclosed. The opinion concludes that the legislature in a special session is authorized to act only upon subject matters within the scope of the Governor's Proclamation.

Paragraph Five of the Governor's Proclamation convening the 73rd General Assembly of the State of Missouri in First Extraordinary Session requests legislative action in regard to Section 208.010, RSMo Cum. Supp. 1963. The subject matter of the cited Section is eligibility for public assistance. The Governor's Proclamation has requested legislation changing two specific provisions of eligibility for public assistance. House Committee Amendment No. 1 to House Bill No. 1 proposes to change a third specific provision of eligibility for public assistance. Logic dictates that Paragraph Five of the Governor's Proclamation has for its subject matter eligibility for public assistance. Although the Governor has limited his request for legislative action to only two areas of this subject matter, the subject matter itself is before the General Assembly for legislative action and other areas of eligibility for public assistance may be lawfully acted upon by the General Assembly.

#### CONCLUSION

It is the opinion of this office that House Committee Amendment No. 1 to House Bill No. 1 of the First Extraordinary Session of the 73rd General Assembly is within the subject matter of Paragraph Five of the Governor's Proclamation convening the extraordinary session and therefore can be lawfully enacted.

Honorable Bernard "Doc" Simcoe  
Honorable Luna Butler

The foregoing opinion which I hereby approve was prepared  
by my assistant, Thomas J. Downey.

Very truly yours,

  
NORMAN H. ANDERSON  
Attorney General