

VOLUME NO. 35

Opinion No. 64

CONSTITUTIONAL LAW — Bill title, subject matter, identification of;
LEGISLATION — Bill title, subject matter, identification of, constitutionality of; **MOTOR VEHICLES** — Snowmobiles, registration of, tax-paid decal; **SNOWMOBILES** — Tax-paid decal, replacement of, dealer certificate. Article V, section 11, Constitution of Montana, 1972; sections 53-1025, 53-1025.1, and 53-1029, R.C.M. 1947.

HELD: The title to Senate Bill 254, as enacted by the 1973 Montana Legislature, sufficiently identified the subject matter of sections 2 and 3 of that bill so as to comply with Article V, section 11, Constitution of Montana, 1972.

January 24, 1974

Mr. Clayton R. Herron
Special Assistant Attorney General
Suite 307, Horsky Block
Helena, Montana 59601

Dear Mr. Herron:

You have requested my opinion on the following question:

Whether the title to Senate Bill 254, as enacted by the 1973 Legislative Assembly, sufficiently identified the subject matter embraced within sections 2 and 3 of that bill as required by Article V, section 11, Constitution of Montana, 1972.

Senate Bill 254, which was enacted by the 1973 Montana Legislature, is codified in sections 53-1025, 53-1025.1, and 53-1029, Revised Codes of Montana, 1947.

The title to Senate Bill 254 provided:

An act to provide that the fee of two dollars (\$2) for issuance of decals for snowmobiles shall be deposited with the state treasurer to the credit of the state fish and game commission; amending section 53-1025, R.C.M. 1947.

Upon a thorough reading of section 1 of the act, it is clear that it did, in fact, amend section 53-1025, R.C.M. 1947, as its title proposed.

Section 2 of the act, however, which is codified in section 53-1025.1, R.C.M. 1947, provided for a snowmobiler to obtain a duplicate registration receipt or decal if his original was lost or destroyed. Section 53-1025.1 provided:

In the event any registration receipt or decal shall be lost, mutilated, or become illegible, the persons to whom the same shall have been issued shall immediately make application for and may obtain a duplicate thereof, upon payment of a fee of one dollar (\$1) to the county treasurer.

Furthermore, section 3 of the act, codified in section 53-1029, R.C.M. 1947, provided for a snowmobile dealer to obtain dealer snowmobile identification cards to be carried by the dealer or his customers when operating or demonstrating the dealer's snowmobiles. Section 53-1029, *supra*, provided:

- (1) A dealer registration certificate shall be issued in accordance with this act.
- (2) Upon receipt of dealer application and payment of fees which will be five dollars (\$5), the dealer shall be issued two (2) dealer snowmobile identification cards which will be carried by dealer or dealer's customer when operating or demonstrating dealer's snowmobiles.
- (3) No bond will be required of the dealer.
- (4) Additional dealer snowmobile identification cards may be purchased by the dealer for a fee of two dollars (\$2).

The question you raise is whether the subject matter of sections 2 and 3, *supra*, was sufficiently identified in the title to Senate Bill 254, *supra*, to comply with the requirement of Article V, section 11, Constitution of Montana, 1972. Article V, section 11, *supra*, provides:

- (3) Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title. If any subject is embraced in any act and is not expressed in the title, only so much of the act not so expressed is void.

Article V, section 11, *supra*, contains the same provisions as did Article V, section 23, Constitution of Montana, 1889. The only changes made by the 1972 Constitutional Convention were those of grammar. Convention Notes, Article V, section 11, *supra*.

The Montana Supreme Court has addressed itself to this particular constitutional requirement on numerous occasions. The general rule is that if the title fairly indicates the general subject matter of the act, is comprehensive enough in its scope to reasonably cover all provisions therein, and is not calculated to mislead either the legislature or the public, it is sufficient to meet the constitutional requirement of Article V, section 11, *supra*. See: **Lewis and Clark Co. v. Industrial Accident Bd.**, 52 Mont. 6, at page 11, 155 P. 268. In **Lodge v. Ayers**, 108 Mont. 527, at page 532, 91 P.2d 691, the Montana Supreme Court stated that under this provision, all that is required is that the act be germane to the subject expressed in its title, and where the general object is plainly expressed, it is not necessary that the title should embody the exact methods of application or procedure. Finally, in the leading case of **State v. Driscoll**, 101 Mont. 348, at page 353, 54 P.2d 571, the court held that details need not be mentioned. The real test is whether the title misleads the public or members of the legislature as to the subjects embraced in the act. **City of**

Billings v. Smith, 158 Mont. 197, 490 P.2d 221 (1971).

It was held in **Rosebud County v. Flinn**, 109 Mont. 537, 543, 98 P.2d 330, that an infraction of Article V, section 23, now Article V, section 11, must be plain and obvious to be recognized as fatal to the legislation. Likewise, sound policy and legislative convenience dictate a liberal construction of the title and subject matter of statutes to maintain their validity. The supreme court has also held in **Evers v. Hudson**, 36 Mont. 135, 145, 92 P. 462, that the object of this constitutional provision, which requires that the subject of a legislative bill be expressed in its title, is not to embarrass honest legislation, but to prevent the vicious practice of joining incongruous and unrelated matters in one act. The rule of interpretation now quite generally adopted is that, if all parts of the statutes have a general connection and can reasonably be said to relate, directly or indirectly, the act is not open to the charge that it violates this constitutional provision.

After thoroughly reviewing the foregoing provisions and authorities, it is my opinion that the title of Senate Bill 254 did not mislead the public and the legislature as to the subject matter embraced in the act, and that all sections of the snowmobile decal statutes in question (sections 53-1025, 53-1025.1 and 53-1029, *supra*) have a natural and logical connection and can reasonably be said to relate, directly or indirectly, to one general subject of legislation: snowmobile decals.

THEREFORE, IT IS MY OPINION:

The title to Senate Bill 254, as enacted by the Montana legislature, sufficiently identified the subject matter embraced within sections 2 and 3 of that bill, as required by Article V, section 11, Constitution of Montana, 1972.

Very truly yours,
ROBERT L. WOODAHL
Attorney General