



Senator Chris Beutler

March 3, 1983

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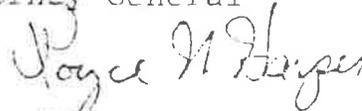
It is necessary to look at the bill and determine if the amendatory sections or repealing sections are part of the subject matter of the bill. According to Van Horn v. State, 46 Neb. 62, 74 (1895), legislation is "single" in subject matter so long as the act has but a single main purpose and object." In determining what that main object is, we must look to the bill itself to ascertain whether or not it contains more than one subject. Id. at 72; and Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 871-72 (1950).

The repeal of obsolete sections is the purpose set out in the title, but a review of the repealed sections fails to show any common thread of a single main purpose other than the elimination of purportedly obsolete programs. The programs eliminated by repeal of the statutes would appear to make up more than one comprehensive subject. It is our opinion that the possibility of obsolescence does not create subject matter commonality among otherwise unrelated statutes. We therefore conclude that there is a question as to the constitutionality of LB 44.

Although your request for an opinion was confined to the issue of subject matter, the fact that there was an error in the spelling of "bedding" in the repeal of §71-507 to §71-715 also causes us some concern. One of the purposes of the title is notice and the connotation of the word "bidding" as compared to the word "bedding" is significantly different. The purpose of the constitutional provision that the subject shall be clearly expressed in the title is to provide that notice of the subject matter of the projected law, through the title to the bill, is given to members of the Legislature and the public. State v. Levell, 181 Neb. 401, 407 (1967). Such an error in the title could result in misunderstanding as to the contents of the bill.

Very truly yours,

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RJH:jam

cc: Patrick O'Tinnell  
Clerk of the Legislature