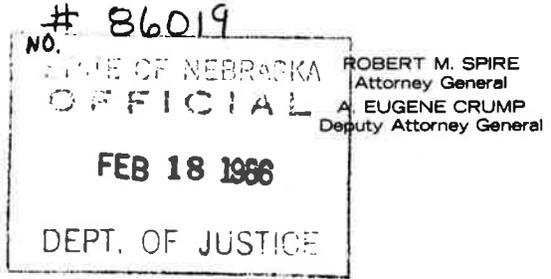


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



DATE: February 14, 1986

SUBJECT: Constitutionality of Amendment to LB 783 -- More Than One Subject Contained in the Bill

REQUESTED BY: Senator Emil E. Beyer, Jr.  
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General  
John Boehm, Assistant Attorney General

This is in response to your request of January 16, 1986. Your concern pertains to the constitutionality of an amendment you wish to propose to LB 783, and whether or not this amendment could result in the bill being held unconstitutional because it would then contain more than one subject. The Nebraska Constitution Article 3, §14, of course, provides in part that "No bill shall contain more than one subject, and the same shall be clearly expressed in the title."

LB 783 pertains generally to the treatment and handling of offenses concerning overweight vehicles. Section 4 of LB 783 in particular redefines a violation of Neb.Rev.Stat. §39-6,184 (Supp. 1985), as a misdemeanor. Other provisions of this bill also pertain to the treatment and handling of the offenses arising under §39-6,184, including an exception for jury trials and exception from the general classification of criminal laws for sentencing purposes.

Your amendment to LB 783 would amend Neb.Rev.Stat. §24-517(5) (1979) to clarify the jurisdiction of the county court with regard to offenses committed under §39-6,184. Neb.Rev.Stat. §24-517(5) presently gives the county court concurrent jurisdiction over all criminal matters "when the penalty does not exceed one year imprisonment or a fine over one thousand dollars, or both." This, in essence, gave it jurisdiction over all misdemeanors and infractions prior to the enactment of Neb.Rev.Stat. §39-6,184 (Supp. 1985) which established a penalty greater than one thousand dollars for certain violations of that section. The proposed amendment would simply reword the statute to correct this apparent oversight and give the county court concurrent jurisdiction over "any criminal matter classified as a misdemeanor, including §39-6,184, or for any infraction. Furthermore, your amendment would make an exception to Neb.Rev.Stat. §28-107 (Reissue 1979), for sentencing of violations of §39-6,184.

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Inasmuch as the original bill and your proposed amendment both pertain to the treatment and disposition of offenses arising under §39-6,184, we see no apparent problem with regard to the inclusion of more than one subject in this particular bill.

Sincerely,

ROBERT M. SPIRE  
Attorney General



John Boehm  
Assistant Attorney General

JB:jem

cc: Patrick J. O'Donnell  
Clerk of the Legislature

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APPROVED:

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Attorney General