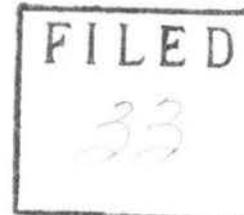


HOUSE BILL NO. 263 does not violate Article IV, Sec. 28, Missouri Constitution. ✓

HB 263 Law

May 11, 1933.



Hon. Guy B. Park
Governor of Missouri
Jefferson City, Missouri

Dear Sir:

We have your request of May 8th, 1933, for an opinion with reference to House Bill No. 263, which request is as follows:

"Will you please furnish me with your opinion as to whether in House Bill No. 263 recently passed, the variance between the Title 'In Counties having population of 75,000 and not more than 90,000 inhabitants', and in the Act 'a population of 75,000 inhabitants and less than 90,000 inhabitants,' is sufficient to invalidate the Bill."

House Bill No. 263 is an Act to fix the salaries of certain county officials in certain counties, and the title of the Act includes counties of 75,000 population and over, and up to and including counties of 90,000 population, while the provisions of the Act itself include counties of 75,000 population and over, and up to and including counties of 89,999 population. The title of the Act is therefore broader and more inclusive than the Act itself.

In determining whether this Act is in violation of Article IV, Section 28, of the Missouri Constitution, requiring legislation to contain a single subject to be clearly expressed in its title, we must bear in mind that this provision of the Constitution must be reasonably and liberally construed.

The Supreme Court in *Star Square Auto Supply Company v. Gerk*, 30 S. W. (2d) 447 l. c. 453, said:

"While the constitutional requirement is mandatory, nevertheless it is the universal policy of the judiciary to give to the constitutional requirement

a reasonable and liberal application and construction, so as not to unreasonably hamper or cripple proper legislation on the one hand, but so as to prevent trickery and the surreptitious enactment of vicious and incongruous legislation on the other hand."

The purpose of the above constitutional provision is well stated in *Asel v. City of Jefferson*, 229 S. W. 1046 l. c. 1048, as follows:

"The evident object of the provision of the organic law relative to the title of an act was to have the title like a guide board, indicate the general contents of the bill, and contain but one general subject which might be expressed in a few or a greater number of words. If those words only constitute one general subject; if they do not mislead as to what the bill contains; if they are not designed as a cover to vicious and incongruous legislation, then the title can stand on its own merits, is an honest title and does not impinge on constitutional prohibitions."

The most that can be said is that House Bill No. 263 has a title broader than the Act itself. This feature is insufficient to invalidate the bill. *Brown, J. in The State v. Missouri Pacific Railway Company*, 242 Mo. 339 l. c. 369, said:

"A title which was broader than the statute enacted thereunder could not mislead anyone. The effect of such title would be to convey notice not only to those really affected by the law, but also to others not concerned in its passage."

We, therefore, hold that House Bill No. 263 has reference to one subject and that the title meets the requirements of the Constitution, and that the Act, on the question presented, is constitutional.

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney-General.

APPROVED:

ROY McKITTRICK
Attorney-General.