

of a reorganized intermediate school district resulting from one or more annexations need not be elected from the constituent intermediate school districts in the ratios provided in section 302a of the School Code of 1955, as amended.

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**CONSTITUTIONAL LAW: Legislation – Dual-purpose bill.**  
**APPROPRIATIONS: For private or local purpose.**

Legislative bill which proposes to provide uniform relief for eligible senior citizens who are homeowners or renters from the cost of housing as it relates to the burden of real property taxes has only one purpose and does not violate Art. IV, Sec. 24, Constitution 1963.

A legislative bill which would grant relief to eligible senior citizens who are homeowners or renters in the form of reimbursement determined under a formula related to taxation is not an appropriation of public money or property for a local or private purpose and does not violate Art. IV, Sec. 30, Constitution 1963.

No. 4435

April 26, 1965.

Honorable George Romney  
Governor  
State of Michigan  
Lansing, Michigan

By letter of April 6, 1965 you requested my opinion on two questions relative to the constitutionality of a legislative bill which would provide for uniform relief for eligible senior citizens from the cost of housing as it relates to the burden of real property taxes. You have furnished me with a copy of the "Report of the Governor's Commission on Senior Citizens' Property Tax Relief," sometimes referred to as the Pelham Report because of the name of the Chairman of the Commission. It appears from the Report that a recommendation is made by the Commission for a form of reimbursement of the cost of housing to Michigan citizens 65 years of age or older who own and occupy real property as a homestead. It is further recommended by the Commission that comparable reimbursement be given to senior citizens who rent a dwelling or housing unit which they occupy as their home. It is proposed in the Report that the amount of such reimbursement be determined under a formula based upon state equalized valuations with a maximum limitation as a test of eligibility.

You have submitted the following questions for my opinion:

"It is requested that you advise whether the homeowners and the renters can be handled in the same bill or whether separate bills are needed so as to comply with Sec. 24 of Article IV which, in essence,

states that no law shall be enacted which shall embrace more than one object.

"It is also requested that you determine whether a bill granting relief to the homeowners and renters need be passed by a two-thirds vote because of Sec. 30 of Article IV relating to local or private purposes."

The pertinent portion of Article IV, Section 24, Constitution of 1963, to which you make reference, is as follows:

"No law shall embrace more than one object, which shall be expressed in its title."

The same language appeared in the Constitution of 1908 as a part of Article V, Section 21.

The Supreme Court of Michigan has on numerous occasions discussed and construed the meaning of this constitutional provision. The decisions of the Supreme Court are of course controlling and some of the more significant cases are listed below.

*Inkster v. Carver, et al.*, 16 Mich. 483;

*The City of Detroit v. The Wabash, St. Louis and Pacific Railway Co.*, 63 Mich. 712;

*The City of Grand Rapids v. Burlingame, Judge of the Superior Court of Grand Rapids*, 102 Mich. 321;

*Jasnowski v. Board of Assessors of the City of Detroit*, 191 Mich. 287;

*Lewis v. State*, 352 Mich. 422.

In the case of *Kent County, ex rel. Board of Supervisors of Kent County v. Reed*, 243 Mich. 120, the Supreme Court said:

"The object of a law is the aim or purpose of the enactment. \* \* \* it is to the law itself, as contained in the enacting provisions, that we must look to determine the object. The constitutional prohibition is not directed against the title. It does not provide that the title must embrace but one object." (p. 123)

The aim, purpose, scope and intent (the object of a law) of a legislative enactment granting to senior citizens some form of reimbursement of the cost of housing is not rendered multifarious or constitutionally objectionable because it undertakes to accomplish its objective by means of the inclusion as benefited senior citizens those who reside in property owned by them and those who reside in rented property. The true object of such a legislative enactment is the granting of a form of social benefit to that group of citizens of the state 65 years of age or over who can qualify within the eligibility requirements of the legislative enactment and when so viewed it is apparent that the legislation has but one object or purpose and is not constitutionally offensive.

Consequently, the answer to your first question is that provision may be made in the same bill to reimburse both homeowners and renters for a portion of the cost of housing.

Article IV, Section 30, Constitution of 1963, to which you make reference in your second question, reads in its entirety as follows:

"The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes."

An appropriation bill designed to grant partial relief to senior citizens of the state from the burden of the cost of housing is certainly a measure intended to promote the general welfare of the people of the state. Expenditure of tax revenues by legislation of this type need not directly benefit every citizen of the state in order to be for a public purpose.

In the case of *Bowler v. Nagel*, 228 Mich. 434, the establishment of a retirement fund and a pension system under the provisions of a city charter for the benefit of retiring city employees was held to be an expenditure for a public purpose.

In the case of *Lott, et vir, v. City of Orlando, et al.* (1940), 142 Fla. 338, 196 So. 313, the Supreme Court of Florida upheld a municipal ordinance creating a housing authority for the purpose of slum clearance and the construction of low cost housing. In that case the Court said:

"A public purpose has for its objective the promotion of the public health, safety, morals, welfare, security, prosperity and contentment of all the inhabitants or residents within a given political division."

In the case of *Denver & R. G. R. Co. v. Grand County* (1917), 51 Utah 294, 170 Pac. 74, the Supreme Court of Utah sustained a tax for the raising of public funds to be expended for the partial support of mothers who were dependent upon their own efforts for the maintenance of their children. The Court said:

"We are not prepared to hold that the act, in effect, does not define and declare a policy of the state, nor that it is not within the province of the Legislature to so define and declare a state policy. Having in mind the public welfare by assisting in surrounding children of tender years with home associations, with the care and nurture of their natural protector, the mother, the Legislature, by this act, has determined that to be a policy of the state. Such being the object of the act, this court would not be justified in declaring the act invalid and that the funds so used are not used for a public purpose." (p. 301)

Our own Supreme Court in the case of *Mackin v. Detroit-Timkin Axle Co.*, 187 Mich. 8, in upholding the Workmen's Compensation Act against the objection that it appropriated public money for private purposes said:

"Under this law there is no attempt to appropriate public money for private purposes. \* \* \* There can be no question that the legislature may determine that an act of this nature concerning a portion of the body politic is necessary or conducive to promotion of the general welfare of the people of the State and make constitutional appropriation of public funds raised by taxation to carry the law into effect." (p. 24)

It is my opinion that a bill granting partial relief to eligible senior citizens

of this state from the burden of the cost of housing in the form of reimbursement to qualified homeowners and renters need not be passed by a two-thirds vote of the members elected to and serving in each house of the legislature under the provisions of Article IV, Section 30, Constitution of 1963.

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**SCHOOLS: Districts – Intermediate Board of Education – Local Board of Education – Members of.**

**PUBLIC OFFICES AND OFFICERS: Incompatibility – Offices of member of Intermediate Board of Education and Local Board of Education.**

The office of member of a board of education of a local school district and office of member of an intermediate board of education are incompatible and may not be held simultaneously by the same person.

No. 4129

May 11, 1965.

Mr. Allen E. Keyes  
Prosecuting Attorney  
Sanilac County  
Sandusky, Michigan

You have requested opinion on the following question:

May the president of a local board of education, who is also a member of the intermediate board of education, act on the intermediate board of education in a matter directly involving the school district of which he is president?

Your question concerns the actions of the intermediate board of education on questions of annexation and transfer of territory affecting the school district of which he is a board member.

Act 269, P.A. 1955, as amended, being C.L.S. § 340.1 et seq.; M.S.A. 1959 Rev. Vol. § 15.3001 et seq., is known as the School Code of 1955.

Section 293a of the School Code of 1955, as added by Act 190, P.A. 1962, being M.S.A. 1963 Cum. Supp. § 15.3293(1), provides that each intermediate school district shall be under the supervision and control of a board composed of five members.<sup>1</sup> Any school tax elector in a constituent school district shall be eligible for election or appointment to membership on the board of education of an intermediate school district in accordance with Section 295a of the School Code of 1955, as added by Act 190, P.A. 1962, being M.S.A. 1963 Cum. Supp. § 15.3295(1).

The intermediate school district is the successor to the county school district as set forth in Section 292a of the School Code of 1955, as added by Act 190, P.A. 1962, being M.S.A. Cum. Supp. § 15.3292(1).

<sup>1</sup> This same section of the School Code of 1955 provides for a board of education composed of 7 members in reorganized intermediate districts.