

be established by the Commissioner of Insurance or must be established by the legislature.

No specific examples of the type of regulatory criteria you contemplate are furnished. Therefore, I can only answer that your powers to establish regulatory criteria by administrative regulations must rest on a sound statutory basis. If such a sound statutory basis is lacking, then the regulatory criteria must be established by the legislature.

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CONSTITUTIONAL LAW: Titles to Statutes.

STATUTES: Titles.

REAL ESTATE BROKERS: License Fees.

Section 16 of Act 251, P.A. 1967, which sets forth license fees for brokers and salesmen is unconstitutional since such object is not expressed in the title of the Act and the Act embraces more than one object contrary to the provisions of Article IV, Section 24 of the Constitution of 1963.

No. 4602

February 20, 1968.

Honorable E. D. O'Brien
State Representative
Capitol Building
Lansing, Michigan 48901

You have requested my opinion as to whether Section 16 of Act No. 251, Public Acts of 1967, is constitutional.

Act No. 251, effective July 19, 1967, makes appropriations for certain purposes. The title reads:

"AN ACT to make appropriations for the department of commerce, the department of labor and the department of licensing and regulation and certain other state purposes for the fiscal year ending June 30, 1968; to provide for the expenditure of such appropriations; and to provide for the disposition of fees and other income received by the various state agencies."

Section 16 provides:

"Notwithstanding any other provision of the statutes to the contrary, commencing January 1, 1968, the department of licensing and regulation is directed to issue the following real estate licenses on an annual basis and to charge the following fees therefor:

- (a) Original licenses
 - Broker's, \$30.00.
 - Associate broker's, \$30.00.
 - Salesman's, \$25.00.
- (b) Renewal licenses
 - Broker's, \$15.00.
 - Associate broker's, \$15.00.
 - Salesman's, \$10.00."

Please be advised I am of the opinion that Section 16 of Act No. 251 is unconstitutional for the reason that Section 16 is in conflict with the provisions of Article IV, Section 24 of the Michigan Constitution.

Article IV, Section 24, in pertinent part provides:

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

The purpose of such a provision is plain. It is to require that the title shall give notice to the legislators and those affected thereby of the object of the law with the assurance that only matters germane to the object are set forth therein. "The test to be applied is, whether the language of the title is sufficient to give notice of the general subject of the legislative act and the interests likely to be affected thereby." *People v. Wohlford*, 226 Mich. 166, 168.

The object of the legislature as specified in the title of Act 251 is to make appropriations for the Departments of Commerce, Labor, Licensing and Regulation, and also to provide for the expenditure of such appropriations and the disposition of fees and other income received by the various State agencies.

The pertinent portion of the language of Section 24, supra, appeared in Section 21 of Article V of the Constitution of 1908 and has been considered by the Supreme Court in a number of cases. *Rohan v. Detroit Racing Association*, 314 Mich. 326, 353. *Knott v. City of Flint*, 363 Mich. 483, 495.

There is absent any expression or implication in the language of the title to Act No. 251 which is indicative of the purpose to establish fees for real estate licenses. Section 11 of Act 306, P.A. 1919, as amended, being C.L.S. 1961 Section 451.211; M.S.A. 1964 Rev. Vol. § 19.801, establishes license fees in the area set forth in Section 16 of Act 251, P.A. 1967.

I am therefore of the opinion that Section 16 of Act No. 251 is unconstitutional for the reason that the Act embraces more than one object and contains an object which is not expressed in its title and is in conflict with the provisions of Article IV, Section 24. See O.A.G. 1965-66, p. 389.

Since Act No. 251 makes appropriations for the several departments of government, it is plain that the legislature would have enacted the same without Section 16 being a part thereof. *Mulhern v. Kent Circuit Judge*, 111 Mich. 528; O.A.G. 1963-64, p. 79. Accordingly, other lawful provisions of Act No. 251 are therefore valid, for the reason that the said provisions are capable of being carried out without reference to Section 16.

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