a small part of the bed of the pick-up and when a trailer is not attached there is ample room to carry other loads. Thus, it cannot be concluded that a pick-up truck, by virtue of the addition of the fifth-wheel, becomes a truck tractor. Despite the change in the design, the pick-up truck remains so constructed so as to permit it to carry a load other than a part of the weight of the vehicle and load so drawn. This does not permit taxation to be determined from § 801 (k). Therefore, the answer to the first question is in the negative.

Consequently, your second question must also be answered in the negative as the design change is not sufficient to require registration under § 801(k). All pick-up trucks under 4,500 pounds are entitled to be taxed under MCLA 257.801; MSA 9.2501, subsection (p).

FRANK J. KELLEY,
Attorney General.

731009.1

CONSTITUTIONAL LAW: Titles to Statutes

STATE RACING COMMISSIONER: Allocation of harness racing dates 1973 PA 129, §17, which imposes a duty on the racing commissioner to allocate harness racing dates as a part of an act making appropriations for the department of agriculture is unconstitutional as violative of Const. 1963, art. 4, §24.

Opinion No. 4801 October 9, 1973.

Representative Clifford H. Smart
House of Representatives
Capitol Building
Lansing, Michigan

This is in reply to your recent letter requesting my opinion on the following questions:

> "1. Does Act 129, PA 1973 violate Art. IV, Sec. 24 of the Michigan Constitution in view of the fact that the original purpose of H.B. 4146 was to appropriate funds for the Department of Agriculture for fiscal 1973-74 and section 17 appears to embrace a different object not expressed in the title?
>
> "2. Is not section 17 an amendment of the State Racing Act of 1959 (Act 27, P.A. 1959)? This being so, is not Act 129, P.A. 1973 a violation of Article IV, Section 25 of the Michigan Constitution because the amendment was made by reference only and not in compliance with the law as set forth in *Alan* v *Wayne County,* 388 Mich. 210 at 275?
>
> "3. Is Act 129, P.A. 1973 invalid because section 17 was added in a conference report when the subject matter was not a matter of difference between the House and Senate and the rules of each house providing that a conference report should be confined to matters of difference between the houses?

"4. If Act 129, P.A. 1973 is invalid for any of the reasons set forth above, is section 17 severable from the body of the Act so that the balance of Act 129, P.A. 1973 will remain valid and enforceable?"

1973 PA 129, effective August 26, 1973, makes appropriations for certain purposes. Its title reads:

"AN ACT to make appropriations for the department of agriculture for the fiscal year ending June 30, 1974; and to provide for the disposition of fees and other income received by the various state agencies."

Section 17 provides:

"The state racing commissioner in allocating harness racing dates as authorized under the provisions of Act No. 27 of the Public Acts of 1959, as amended, shall allocate racing dates to licensees, whose average daily pari-mutuel handle has exceeded $500,000, consecutively within 6 calendar days preceding or following a race meet which meets these requirements."

Please be advised I am of the opinion that Section 17 of 1973 PA 129 is unconstitutional for the reason that Section 17 is in conflict with the provisions of Const 1963, art 4, § 24, which, 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 (1924); 197 NW 558.

The object of the legislature as specified in the title of 1973 PA 129 is to make appropriations for the Department of Agriculture for the fiscal year ending June 30, 1974; and to provide for the disposition of fees and other income received by the various state agencies.

The pertinent portion of the language of Const 1963, art 4, § 24, appeared in Const 1908, art 5, § 21, and has been considered by the Supreme Court in a number of cases. *Rohan* v *Detroit Racing Association,* 314 Mich 326, 353 (1946); 22 NW2d 433, 444; *Knott* v *City of Flint,* 363 Mich 483, 497 (1961); 109 NW2d 908, 914.

There is absent any expression or implication in the language of the title to 1973 PA 129 which is indicative of the purpose to allocate harness racing dates to licensees. Section 9 of the Racing Law, MCLA 431.39; MSA 18.966(9), sets forth certain provisions with reference to the allocation of dates for harness race meeting licensees.

I am therefore of the opinion that Section 17 of 1973 PA 129 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 Const 1963, art 4, § 24.

Your second and third queries are unnecessary of answer.

Since 1973 PA 129 makes appropriations for the Department of Agriculture, it is plain that the legislature would have enacted the same without Section 17 being a part thereof. *Mulhern* v *Kent Circuit Judge,* 111 Mich 528 (1897); 70 NW 15. Accordingly, other provisions of 1973 PA 129 are therefore valid for the reason that the said provisions are capable of being carried out without reference to Section 17. *Rohan* v *Detroit Racing Association, supra.*

FRANK J. KELLEY,
Attorney General.

73 10 10 02

CREDIT UNIONS: Investment in safe and collateral deposit company

A credit union may invest in a safe and collateral deposit company but is limited in its investment to one company and that investment may not be more than 15% of the credit union's capital.

Opinion No. 4798 October 10, 1973.

Daniel J. Demlow, Acting Commissioner
Financial Institutions Bureau
Department of Commerce
Law Building
Lansing, Michigan 48913

You have requested my opinion on whether credit unions have the authority to invest in a safe and collateral deposit company, and if the answer is in the affirmative, what limitations, if any, are applicable.

Credit unions are regulated by 1925 PA 285, MCLA 490.1 *et seq*; MSA 23.481 *et seq.* Among the powers a credit union may exercise is the power:

> "To invest individually or in participation with other credit unions in any investment legal for state banks, subject to the same limitations based on capital as applicable to state banks; . . ."
> [MCLA 490.4; MSA 23.484]

The Banking Code, 1969 PA 319, MCLA 487.301 *et seq*; MSA 23.710(1) *et seq,* governs the regulation of state banks. Section 188 of 1969 PA 319 provides that:

> "Any bank may operate a safe deposit and storage department or invest an amount not exceeding in the aggregate 15% of its unimpaired capital stock and surplus in the stock of not more than 1 safe and collateral deposit company organized under the laws of this state."
> [MCLA 487.488; MSA 23.710(188)]

Since a state bank is authorized to invest in a safe and collateral deposit company a credit union would also be allowed to invest in the stock of a safe and collateral deposit company, but subject to the same limitations