

**OPINION
47-170**

January 21, 1947 (OPINION)

LEGISLATION

RE: Form of Bills

You inquire whether or not chapter 266 of the 1945 Session Laws, amending section 46-0306 of the 1943 Revised Code, has any application to a bill or law as finally passed by the house and senate. Chapter 266 of the 1945 Session Laws contains the following language:

If the bill amends a present statute, the portion thereof constituting the amendment or amendments shall be set in italic type and shall be indicated for the guidance of the printer by underscoring in the typewritten copy delivered to him. Any matter contained in the present statute but deleted in the proposed amended statute shall be contained in the printed bill, but shall be set off by bold face brackets from the remainder of the text, and shall also be so indicated in the typewritten copy furnished the printer.* *,"

The remainder of chapter 266 of the 1945 Session Laws is identical with section 46-0305 of the 1943 Revised Code. The inquiry immediately suggests itself, was it the purpose of the legislature in the enactment of chapter 266 that the above quoted provision be carried into a bill or law as finally passed by both houses? It seems entirely clear that it was the legislative intent to require the form of a bill to comply with the above quoted language to enable the members of either house to readily ascertain without comparison with the statute to be amended the changes in an amending statute. The language suggests that the bill be in the form required by this chapter for the convenience of the members of either house, and so as to enable them quickly and accurately to grasp the requested changes in an amending statute.

No legislative intent appears in this statute which would require a bill as finally adopted, enrolled, and engrossed to conform to the requirements above quoted. A bill as finally enrolled, engrossed, and adopted by the house and senate containing the requirements of chapter 266 above quoted would be a legislative monstrosity. It certainly could not have been the intent of the legislature that the final bill as enrolled, engrossed, and adopted be printed in the Session Laws in the manner and form required by the new language contained in chapter 266.

It is the opinion of this office that a bill as finally adopted, when enrolled and engrossed and ready for presentation to the governor for his approval or rejection, need not conform to the language quoted from chapter 266 of the 1945 Session Laws.

It is further the opinion of this office that both houses may, by rule, provide that a bill as finally adopted, enrolled, and engrossed shall contain the exact language thereof and that the new matter or

deleted matter need not appear therein. A bill which has been adopted, enrolled, and engrossed, if approved by the governor, is subsequently printed in that form and becomes a part of the Session Laws.

Chapter 266 of the 1945 Session Laws is a part of chapter 46-03 of the 1943 Revised Code dealing with printing of executive and legislative matters, and the original section amended by chapter 266 deals with the form of a bill or concurrent resolution as to the size and type and other regulatory provisions.

It, therefore, appears that it was only the purpose of the legislation to require the printing of a bill or concurrent resolution in the form provided by chapter 266, and particularly the language above quoted, while the same was in the process of consideration by both houses.

NELS G. JOHNSON

Attorney General