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Opinion No. 10-121

Constitutionality of Captions under Article II, Section 17, of the Tennessee Constitution

QUESTIONS

Article II, Section 17, of the Tennessee Constitution provides in relevant part that "[n]o bill shall become a law which embraces more than one subject, that subject to be expressed in the title." In 1987, the Attorney General concluded that a caption stating, "An Act relative to governmental functions and to amend Tennessee Code Annotated, Titles 3-18, inclusive," failed to provide adequate notice of the subject of the bill. Op. Tenn. Att'y Gen. 87-72 (April 21, 1987).

1. Are the following captions constitutionally sufficient under Article II, Section 17? If they are not sufficient, please discuss the reasons why.

a. "An Act to amend Tennessee Code Annotated, Title 3, Title 4, Title 5, Title 6, Title 7, Title 8, Title 9, Title 12, Title 16, Title 30, Title 36, Title 39, Title 40, Title 45, Title 47, Title 48, Title 49, Title 55, Title 56, Title 57, Title 61, Title 62, Title 67, Title 68, Title 69, Title 70, and Title 71."

b. "An Act to amend Tennessee Code Annotated, Title 3, Title 4, Title 5, Title 6, Title 7, Title 8, Title 9, Title 12, Title 16, Title 30, Title 36, Title 39, Title 40, Title 45, Title 47, Title 48, Title 49, Title 55, Title 56, Title 57, Title 61, Title 62, Title 67, Title 68, Title 69, Title 70, and Title 71, relative to governmental endeavors."

c. "An Act relative to governmental endeavors."

d. "An Act to amend Tennessee Code Annotated, Title 4, Title 54, Title 55, and Title 67."

e. "An Act to amend Tennessee Code Annotated, Title 4, Title 54, Title 55, and Title 67, relative to transportation."

f. "An Act relative to transportation."

2. a. Op. Tenn. Att'y Gen. 87-72 (April 21, 1987) states that "[a] bill may be amended to any extent on or before the third and final consideration so long as the amendments

are germane to the subject expressed in the caption." Please explain this language further. For example, do all such amendments need to be germane to one another as well as to the subject expressed in the caption?

b. Temporary House and Senate rules include "no rider" provisions. How do these rules relate to the requirements of Article II, Section 17, of the Tennessee Constitution?

c. Assume a bill with the following caption is pending in the General Assembly:

"An Act to amend Tennessee Code Annotated, Titles 4, 54, 55, and 67."

The body of the bill creates a new specialty license plate. Assuming the caption itself contains a subject that complies with Article II, Section 17, would any or all of the following amendments fit within the subject of the caption as required under Article II, Section 17?

i. An amendment to Title 4 deleting the prohibition of printing the state seal on lottery tickets.

ii. An amendment to Title 4 requiring the Commissioner of Transportation to report on the progress of all road/bridge projects receiving funds under the American Recovery and Reinvestment Act of 2009 ("ARRA").

iii. An amendment to Title 55 increasing the minimum number of new specialty license plates required prior to initial issuance.

iv. An amendment to Title 67 providing a tax exemption for accounting software used in furtherance of any business in Tennessee.

v. An amendment to Title 67 providing a tax exemption for road construction barrels.

OPINIONS

1. a. It is the opinion of this Office that the proposed caption, purporting to amend twenty-seven different and apparently unrelated titles of the Tennessee Code, fails to state a subject as required by Article II, Section 17, of the Tennessee Constitution. Although the legislature is presumed to know the content of a statute recited in a title, the caption recites too broad a portion of the code to provide any guidance regarding a possible subject for the legislation.

b. It is the opinion of this Office that this caption fails to state a subject as required by Article II, Section 17. The term "governmental endeavors" provides no further guidance regarding a possible subject of the legislation.

c. It is the opinion of this Office that this caption fails to state a subject as required by Article II, Section 17. The term "governmental endeavors," by itself, provides no guidance regarding a possible subject of the legislation.

d. It is the opinion of this Office that this caption states a proper subject because one can discern a relationship and common subject among the four listed titles relating to the subject of state licensing or revenue measures regarding the operation of motor vehicles.

e. It is the opinion of this Office that this caption, read as a whole, adequately states a subject as required by Article II, Section 17. That subject is the amendment of the four titles "relative to transportation."

f. It is the opinion of this Office that this title adequately expresses a subject.

2.a. There is no requirement that provisions in the body of the act, while germane to the subject, be germane to one another. An act is valid under Article II, Section 17, if the amendments are germane to the subject. It is unlikely that these amendments, if related to a single subject, would be completely unconnected with one another.

b. Under Article II, Section 12, of the Tennessee Constitution, each House is free to apply its internal rules in a manner it deems appropriate, and the manner in which it applies these rules is not subject to judicial review. Thus, the House and Senate may apply these rules as stringently or leniently as they wish. By contrast, Article II, Section 17, is a constitutional requirement with which all legislation must comply. Thus, whether any act complies with Article II, Section 17, is subject to judicial review.

c. i. It is the opinion of this Office that this measure does not fall within the subject as stated by the caption. While it amends one of the titles recited in the caption, it does not concern the subject common to all four.

ii. It is the opinion of this Office that this amendment does not come within the caption. While this measure is germane to Titles 4, 54, and 55, it is not germane to the common subject of all the titles recited in the caption. Accordingly, it falls outside the subject of state licensing or revenue measures regarding the operation of motor vehicles.

iii. It is the opinion of this Office that this provision falls within the subject of state licensing or revenue measures regarding the operation of motor vehicles and, therefore, comes within the caption.

iv. While this provision amends one of the titles recited in the caption, it is not germane to the subject of state licensing or revenue measures regarding the operation of motor vehicles. Thus, it is the opinion of this Office that this provision does not fall within the subject of the act as required by Article II, Section 17.

v. It is the opinion of this Office that this amendment does not come within the caption because it does not address the subject of state licensing or revenue measures regarding the operation of motor vehicles, in that it does not directly concern motor vehicles.

ANALYSIS

This opinion concerns the caption requirements in Article II, Section 17, of the Tennessee Constitution. This section provides:

> **Origin and frame of bills.--**Bills may originate in either House; but may be amended, altered or rejected by the other. ***No bill shall become a law which embraces more than one subject, that subject to be expressed in the title.*** All acts which repeal, revive or amend former laws, shall recite in their caption, or otherwise, the title or substance of the law repealed, revived or amended.

(emphasis added). The term "subject" as used in this constitutional provision has been defined as synonymous with "purpose." *Warren v. Walker,* 167 Tenn. 505, 71 S.W.2d 1057, 1058 (Tenn. 1934). The purpose of Article II, Section 17, is to prevent "surprise and fraud" and to inform legislators and the public about the nature and scope of proposed legislation. *Tennessee Municipal League v. Thompson,* 958 S.W.2d 333, 338 (Tenn. 1997). In an earlier case, the Supreme Court stated that "[t]he evil intended to be remedied [by Article II, Section 17] was to prevent laws upon one subject being tacked on to a bill upon a wholly different subject, and in this way sometimes elude the attention of the Legislature and pass without sufficient consideration, and when passed often remain for some time undiscovered, by reason that the title of the act fails to call attention to it." *State v. Lasater*, 68 Tenn. 584, 585 (Tenn. 1877).

Article II, Section 17, is to be construed liberally, and a court will presume that the caption adequately expresses the subject of the body of the act. *Chattanooga-Hamilton County Hospital Authority v. City of Chattanooga*, 580 S.W.2d 322 (Tenn. 1979). The courts have used various tests for the proper construction of this constitutional provision, but "„the true rule of construction, as fully established by the authorities, is, that any provision of the act, *directly or indirectly relating to the subject expressed in the title*, and having a natural connection thereto, and not foreign thereto, should be held to be embraced in it."' *Id.* at 326 (emphasis in original) (quoting *Cannon v. Mathes*, 55 Tenn. 504, 521 (Tenn. 1872)). More recently, the Tennessee Supreme Court discussed Article II, Section 17, as follows:

> The Constitutional language was "to prohibit so-called „omnibus bills' and bills containing hidden provisions which legislators and other interested persons might not have appropriate or fair notice." Nonetheless, the provision was to be liberally construed, so that the General Assembly would not be "unnecessarily embarrassed in the exercise of its legislative powers and functions."
>
> This Court also recognized early that titles to acts may be general and broad or restrictive and narrow, and that the legislature has the right to determine for itself how comprehensive the object of the statute will be. Moreover, if the title is

> general or broad and comprehensive, all matters which are germane to the subject may be embraced in the act. *If the matters are naturally and reasonably connected with the subject expressed in the title, then they are properly included in the act*. If, on the other hand, the legislature has adopted a restrictive title where a particular part or branch of a subject is carved out and selected, then the body of the act must be confined to the particular portion expressed in the limited title.

Tennessee Municipal League v. Thompson, 958 S.W.2d at 336-337 (emphasis added) (citations omitted).

Whether the provisions of an act are germane to the subject expressed in the title is largely a question of fact to be determined by applying settled rules of construction and the court's own knowledge of affairs. *Frazier v. Railroad*, 88 Tenn. 138, 12 S.W. 537 (Tenn. 1889); *House v. Creveling*, 147 Tenn. 589, 250 S.W. 357, 360 (Tenn. 1923); *Tennessee Electric Power Co. v. City of Chattanooga*, 172 Tenn. 505, 114 S.W.2d 441 (Tenn. 1937). The subsequent reenactment of an act as part of the code cures any constitutional objection to the caption of the act under Article II, Section 17. *See, e.g., Stewart Title Guaranty Co. v. McReynolds*, 886 S.W.2d 233 (Tenn. Ct. App. 1994), *p.t.a denied* (1994).

The request specifically refers to Op. Tenn. Att'y Gen. 87-72 (April 21, 1987). In that opinion, our Office concluded that a caption stating, "An Act relative to governmental functions and to amend Tennessee Code Annotated, Titles 3-18, inclusive," failed to provide adequate notice of the subject of the bill. The opinion states:

> This office . . . is of the opinion that the caption of this bill is so broad that it provides no meaningful, real information regarding the subject of the bill. The words "governmental functions," while certainly covering the two amendments [in the body of the act], provide no useful indication of the subject found in the body of the bill. Therefore, it is the opinion of this office that the caption fails to provide adequate notice of the subject of the bill and therefore violates Article II, Section 17 of the Tennessee Constitution.

1. Caption Examples

Question 1 lists six different captions and asks whether each is sufficient under Article II, Section 17.

a. The first caption is:

> An Act to amend Tennessee Code Annotated, Title 3, Title 4, Title 5, Title 6, Title 7, Title 8, Title 9, Title 12, Title 16, Title 30, Title 36, Title 39, Title 40, Title 45, Title 47, Title 48, Title 49, Title 55, Title 56, Title 57, Title 61, Title 62, Title 67, Title 68, Title 69, Title 70, and Title 71.

The caption states that the purpose of the act is to amend twenty-seven different titles of the

Tennessee Code. Since the entire code consists of seventy-one titles, the caption opens up more than a third of the code to amendment without further articulation of the subject. The Tennessee Supreme Court has stated in many cases that "[w]hen a law is enacted to amend a previous enactment of the legislature, it is generally deemed consistent with Article II, § 17 if the caption recited the title or section of the law to be amended." *TML v. Thompson*, 958 S.W.2d at 337 (citations omitted). But the cases in which the court recites this principle involve captions amending a considerably smaller portion of the code than twenty-seven different titles. Further, these cases did not challenge an act on the ground that its caption contained no subject. In *TML v. Thompson*, plaintiffs claimed that the body of an act fell outside the caption. The caption provided:

> An ACT to amend Tennessee Code Annotated, Title 6, Chapter 1, Part 2; Title 6, Chapter 18, Part 1; and Title 6, Chapter 30, Part 1, relative to the distribution of situs-based tax collections after new municipal incorporations and the timing of elections to incorporate new municipalities.

The court concluded that the subject of the act was the amendment of the portions of Title 6 recited in the first part of the caption, and that the "relative to" phrase restricted the body of the act to the subject matter it recited. The court cited two cases in support of the general principle. Each of these cases also examines a caption amending a narrower portion of the official code than the caption proposed above. In *State ex rel. Blanton v. Durham*, 526 S.W.2d 109 (Tenn. 1975), the Tennessee Supreme Court addressed the constitutionality of an act with the following caption:

> AN ACT to repeal Tennessee Code Annotated, Sections 57-701 through 57-707, relative to price regulations on alcoholic beverages.

The court noted that the code sections actually embraced two subjects, but that the act clearly intended to repeal only one of the two subjects, the pricing provisions. The court, therefore, relied in part on the subject articulated in the "relative to" clause and not just the code sections recited in the title.

In *Pharr v. Nashville C. & St. L. Ry.*, 186 Tenn. 154, 208 S.W.2d 1013 (Tenn. 1948), plaintiffs claimed that the body of an act fell outside its caption. The caption of the act provided: "An Act to amend the Code of Tennessee, Section 5449 and Section 5450." The court found that the body of the challenged act came within the caption. The court stated, "When any section of the official Code is amended the members of the Legislature are presumed to know the nature of the section sought to be amended." *Id.* at 159. The court found, therefore, that reciting the two sections to be amended gave legislators sufficient notice of the subject of the act. In *State v. Chastain*, 871 S.W.2d 661 (Tenn. 1994), a district attorney successfully challenged an act on the grounds that its body fell outside the caption. The caption provided:

> An Act to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, and Title 53, Chapter 11, relative to the confiscation of motor vehicles of certain offenders.

The court found that the caption gave no notice that other statutes not mentioned in the caption were amended in the body of the act. In *Texas Co. v. Fort,* 168 Tenn. 679, 80 S.W.2d 658 (Tenn. 1935), plaintiffs challenged an act on the grounds that the body fell outside the caption. The caption provided:

> An Act to amend Sections 1126, 1127, 1128, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1140, 1141, 1143, 1146, and 1148 of the Code of Tennessee, 1932; said sections of the Code relating to the Gasoline Tax Laws, providing for an improved method of assessing and collecting said gasoline taxes and to strengthen the enforcement of said laws, and to repeal all laws and parts of laws in conflict with this Act.

The court found that this caption was broad enough to include a provision taxing gasoline storage as a privilege. *See also State v. Runnells*, 92 Tenn. 320, 21 S.W. 665 (Tenn. 1893) (the caption, "An act to amend section 4652, subsection 16, of the Code of Tennessee," adequately recited the title of the bill to be amended as required by Article II, Section 17); *Industrial Development Bd. of Sevier County v. First U.S. Corp.*, 219 Tenn. 156, 407 S.W.2d 457 (Tenn. 1966) ("An Act to amend Section 6-2801, Tennessee Code Annotated, relative to industrial development corporation" adequately referred to the law to be amended); *Basham v. Southeastern Motor Truck Lines, Inc.*, 184 Tenn. 532, 201 S.W.2d 678 (Tenn. 1947) ("An Act to amend Section 6856 of the Official Code of the State of Tennessee" complied with the requirements of Article II, Section 17).

In *State ex rel. Tipton v. City of Knoxville,* 205 S.W.3d 456 (Tenn. Ct. App. 2006), *p.t.a. denied* (2006), the Tennessee Court of Appeals upheld an act against a series of constitutional challenges. Among other challenges, the plaintiffs claimed that the caption of the act did not mention the effect one provision had on annexations, *quo warranto* proceedings, and jury trials. The caption of the act provided: "AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 13; Title 49; Title 67; and Title 68, relative to growth." The court cited *TML v. Thompson* and concluded that the subject of the act was the amendment of the eight titles that it recited, with the restrictive provision "relative to growth." The court found that annexations, *quo warranto* proceedings, and the availability of jury trials in such proceedings were all germane to the restrictive provision of "growth." The plaintiffs did not claim that the caption contained no subject at all; further, in addition to reciting eight titles of the Code, the caption articulated a restrictive clause. This clause provided further guidance to the general subject of the caption.

Our research has found only two Tennessee cases where the court directly addressed whether a caption was invalid because it contained no subject at all. *House v. Creveling*, 147 Tenn. 589, 250 S.W. 357 (Tenn. 1923); *Chumbley v. People's Bank & Trust Company*, 166 Tenn. 35, 60 S.W.2d 164 (Tenn. 1933). In *Creveling*, several state officials challenged an act that, among other measures, abolished their offices. The caption of the act provided:

> An act to reorganize the administration of the state in order to secure better service and through coordination and consolidation to promote economy and efficiency in the work of the government, creating and establishing certain departments and offices and prescribing their powers and duties, fixing certain salaries, abolishing certain offices, boards, commissions and other agencies, repealing conflicting acts and parts of acts.

The officers argued, first, that the act contained no subject at all. The court concluded that the act proposed "to reorganize the administration of the state," and that the term "administration" referred to the executive part of government. The court also rejected the argument that the statute was "omnibus legislation" in violation of Article II, Section 17, because it dealt with about sixty different commissions, boards, departments, and officers. The court noted that it had long held that the generality of a title is not objectionable if not made a cover for legislation incongruous in itself, and that the legislature must determine for itself how broad and comprehensive the object of the statute shall be.

In *Chumbley*,[1] the Tennessee Supreme Court considered an act with the following title: "[E]ntitled an Act to revise and codify the general and public statutes of the State of Tennessee." The plaintiff challenged the validity of several changes to procedural statutes that were included in this act. The court noted that the changes were not "incongruous changes" but "brought the practice and procedure in courts of chancery into conformity with existing conditions and practices." *Chumbley*, 166 Tenn. at 40. The court cited *Creveling* and concluded that the challenged title referred to the "unified object of codification and necessary revisal of statute laws." *Id.* at 43.

In this instance, the proposed caption, purporting to amend twenty-seven different and apparently unrelated titles of the Tennessee Code, fails to state a subject as required by Article II, Section 17, of the Tennessee Constitution. Although the legislature is presumed to know the content of a statute recited in a title, the caption recites too broad a portion of the code to provide any guidance regarding a possible subject for the legislation.

b. The next caption provides:

> An Act to amend Tennessee Code Annotated, Title 3, Title 4, Title 5, Title 6, Title 7, Title 8, Title 9, Title 12, Title 16, Title 30, Title 36, Title 39, Title 40, Title 45, Title 47, Title 48, Title 49, Title 55, Title 56, Title 57, Title 61, Title 62, Title 67, Title 68, Title 69, Title 70, and Title 71, relative to governmental endeavors.

This caption proposes to amend twenty-seven different titles in the code "relative to governmental endeavors." Again, this caption fails to state a subject as required by Article II, Section 17. The term "governmental endeavors" provides no further guidance regarding a possible subject of the legislation.

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[1] The two reported versions of this case differ slightly. This opinion relies on the version at 166 Tenn. 35.

c. The next title provides: "An Act relative to governmental endeavors." Again, this caption fails to state a subject as required by Article II, Section 17. The term "governmental endeavors" could cover virtually any legislation.

d. The next title provides: "An Act to amend Tennessee Code Annotated, Title 4, Title 54, Title 55, and Title 67." This caption states that its subject is the amendment of four different titles of the Tennessee Code but provides no further articulation of the subject. No Tennessee case appears to address a caption that opens such a broad portion of the Tennessee Code for amendment and provides no further guidance as to its subject. For the reasons discussed above with regard to the first caption, this caption is vulnerable to a challenge that it fails to state a subject as required by Article II, Section 17. At the same time, by purporting to amend four different titles of the Tennessee Code, the caption states a subject if there is a relationship and common topic among the four. Tennessee courts will resort to construction to determine the singleness of an object or subject of legislation. *See, e.g.*, *Liquor Transportation Cases*, 140 Tenn. 582, 204 S.W. 423, 425 (Tenn. 1918). In that case, the Tennessee Supreme Court examined legislation with the following title:

> An act prohibiting the receipt of intoxicating liquors from a common or other carrier, prohibiting the possession of such liquors hereafter received from a common carrier, or other carrier, and prohibiting the shipment and personal transportation of such liquors into this state, or between points within this state, whether intended for personal use or otherwise.

The court examined the entire act and found that its real object and subject could be stated to be "an act to make more effective the prohibition laws of this state." *Id.* at 426. Similarly, in *Whedbee v. Godsey*, 190 Tenn. 140, 228 S.W.2d 91 (Tenn. 1950), the Tennessee Supreme Court examined an act with the following caption:

> An Act to incorporate the Sanitary District of Fountain City in the County of Knox, and to prescribe its duties and powers, and provide for the election of officers and prescribe their duties.

The court found that the caption had one purpose, sanitation; and that, since the body of the act fell within the caption, the act complied with Article II, Section 17. 190 Tenn. at 140.

In this instance, the general subject of Title 4 of the Code is executive officers and agencies; the general subject of Title 54 is highways, bridges, and ferries; the general subject of Title 55 is motor vehicles; and the general subject of Title 67 is taxes and licenses. In our view, the more persuasive argument is that this title adequately states the subject of state licensing or revenue measures regarding the operation of motor vehicles. Of course, the body of the bill could only address matters germane to this subject.

e. The next title provides: "An Act to amend Tennessee Code Annotated, Title 4, Title 54, Title 55, and Title 67, relative to transportation." This caption, read as a whole, adequately states a subject as required by Article II, Section 17. A court could find that the subject is the

amendment of the four titles, with the restrictive clause "relative to transportation," or that the subject is transportation, but it opens only four titles. Either formulation is an adequate subject.

f. The next title provides: "An Act relative to transportation." This title adequately expresses a subject. Courts have concluded that "[t]he legislature has the right to determine for itself how comprehensive the object of the statute will be." *TML v. Thompson*, 958 S.W.2d at 336.

2. General Questions and Examples of Material in the Body of a Bill

a. The next question asks for further elaboration of a sentence in Op. Tenn. Att'y Gen. 87-72 (April 27, 1987). That opinion states in part that "[a] bill may be amended to any extent on or before the third and final consideration so long as the amendments are germane to the subject expressed in the caption." The request asks, for example, whether all such amendments to a bill before the third and final consideration must be germane to one another as well as to the subject expressed in the caption. No Tennessee court has ever invalidated an act because the provisions in the body of the act, while germane to the subject, were not germane to one another. As discussed above, courts ordinarily look to whether matters in the act are "naturally and reasonably connected with the subject expressed in the title." *See*, *e.g.*, *Tennessee Municipal League v. Thompson*, 958 S.W.2d at 336. Further, as discussed above, Article II, Section 17, is to be construed liberally, and a court will presume that the caption adequately expresses the subject of the body of the act. For this reason, particularly where a caption expresses a broad subject, an act is valid under Article II, Section 17, if the amendments are germane to the subject. In any case, it is unlikely that these amendments, if related to a single subject, would be completely unconnected with one another.

b. The next question is the relationship between Article II, Section 17, of the Tennessee Constitution and "no rider" provisions in Temporary House and Senate Rules. Rule 41 of the Senate Temporary Rules of Order provides that "[n]o amendment by way of a rider shall be received." Rule 24 of these rules also provides:

> **Subject and Caption.** No bill shall embrace more than one subject, that subject to be embraced in the title. All bills to repeal, revive or amend former laws, shall recite in their caption, or otherwise, the title of the law to be repealed, revived or amended.

This provision essentially paraphrases Article II, Section 17. Similarly, Rule 62 of the House Temporary Rules of Order provides that "[n]o amendment by way of a rider shall be received." Neither of these rules defines the term "rider." Under Article II, Section 12, of the Tennessee Constitution, "[e]ach House may determine the rules of its proceedings . . . and shall have all other powers necessary for a branch of the Legislature of a free State." Under this provision, each House is the sole judge of its rules. *Mayhew v. Wilder*, 46 S.W.3d 760 (Tenn. Ct. App. 2001), *p.t.a. denied* (2001). Thus, each House has the right to make its own rules, and it must be the judge of those rules; all the court can do is to ascertain whether the constitution has been complied with in passing legislation, and the court will not inquire whether the rules of either

House of the General Assembly have been observed in such passage. *State v. Cumberland Club*, 136 Tenn. 84, 188 S.W. 583 (Tenn. 1916). The House or Senate, therefore, may apply these rules as stringently or leniently as it wishes, and its interpretation will not be subject to judicial review. By contrast, Article II, Section 17, is a constitutional requirement with which all legislation must comply. Thus, whether any act complies with Article II, Section 17, is subject to judicial review.

c. The next question concerns what provisions may constitutionally be included in the body of an act that has the caption: "An Act to amend Tennessee Code Annotated, Titles 4, 54, 55, and 67." The body of the bill creates a new specialty license plate. As discussed above in the answer to question 1.d., while this caption could be challenged on grounds that it fails to state a subject at all, one can discern that the subject is state licensing or revenue measures regarding the operation of motor vehicles. The subject must be common to all four titles, or the caption arguably contains more than one subject.

i. The first question is whether the body of this act could contain an amendment to Title 4 deleting the prohibition of printing the state seal on lottery tickets. Such a measure does not fall within the subject of the act. While it amends one of the titles recited in the caption, it does not concern the subject common to all four.

ii. The next question is whether the body of the act could contain an amendment to Title 4 requiring the Commissioner of Transportation to report on the progress of all road/bridge projects receiving funds under the American Recovery and Reinvestment Act of 2009 ("ARRA"). While this measure is germane to Titles 4, 54, and 55, it is not germane to the common subject of all the titles recited in the caption. For this reason, it falls outside the subject of state licensing or revenue measures regarding the operation of motor vehicles.

iii. The next question is whether the body of the act could contain an amendment to Title 55 increasing the minimum number of new specialty license plates required prior to initial issuance. This provision falls within the subject of state licensing or revenue measures regarding the operation of motor vehicles.

iv. The next question is whether the body of the act could contain an amendment to Title 67 providing a tax exemption for accounting software used in furtherance of any business in Tennessee. While this provision amends one of the titles recited in the caption, it is not germane to the subject of state licensing or revenue measures regarding the operation of motor vehicles. For this reason, it does not fall within the subject of the act as required by Article II, Section 17.

v. The last question is whether the body of the act could contain an amendment to Title 67 providing a tax exemption for road construction barrels. This provision does not come within the subject of state licensing or revenue measures regarding the operation of motor vehicles,

because it does not directly concern motor vehicles. Thus, it would not comply with Article II, Section 17.

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