

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 11, 2018

SUBJECT: Single Subject (HCS CSSB 163(RLS);
Work Order No. 30-GS2597\J)

TO: Representative Gabrielle LeDoux
Chair of the House Rules Committee
Attn: Courtney Enright

FROM: Hilary V. Martin *HM*
Legislative Counsel

You have asked whether the above-mentioned bill, which combines CSHB 204(JUD) with CSSB 163(STA) satisfies the single subject requirement.

The Alaska Supreme Court has generally reviewed challenges under art. II, sec. 13 of the Constitution of the State of Alaska with deference: "All that is necessary is that [the] act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject."¹ Using this broad construction of the rule, the court has approved such single subjects as "civil actions,"² "public safety,"³ "water resources,"⁴ "state

¹ *Croft v. Parnell*, 256 P.3d 369 372 - 373 (Alaska 2010).

² *Evans ex rel. Kutch v. State*, 56 P.3d at 1049, 1070 (Alaska 2002) (holding that changes to damages recoverable for torts, changes to tort statutes of limitations, change to allocation of fault between parties in tort suits, change to offer of judgment rules, and grant of partial immunity to hospitals all "within the single subject of 'civil actions'").

³ *Short v. State*, 600 P.2d 20, 22 - 24 & n. 2 (Alaska 1979) (holding that purposes of new correctional facilities "sufficiently related to the purposes" of new buildings for "state troopers, fish and wildlife protection, a motor vehicles division, [and] a fire prevention division").

⁴ *Gellert v. State*, 522 P.2d 1120, 1123 (Alaska 1974) (holding that flood control projects and small boat harbors "all part of a cooperative water resources development program").

taxation,"⁵ "land,"⁶ and "transportation."⁷ The Alaska Court of Appeals has approved the single subjects "liquor regulation,"⁸ and "criminal law."⁹ However, there has been strong dissent against allowing broad subject matter in a single bill.¹⁰ In 2010, for the first time, the Alaska Supreme Court invalidated a piece of proposed legislation for failure to satisfy the confinement clause.¹¹ In *Croft v. Parnell*, the Court held that a proposed ballot initiative, which included provisions relating to public financing of election campaigns, oil taxes, and the permanent fund, was in violation of the single subject rule.¹²

In my opinion, inserting CSHB 204(JUD) into CSSB 163(STA) would not violate the single subject rule. CSSB 163(STA) relates to commercial motor vehicles and CSHB 204(JUD) relates to overtaking and passing certain stationary vehicles. Both of these bills are within the subject of "motor vehicles."

If I may be of further assistance, please advise.

HVM:boo
18-288.boo

⁵ *North Slope Borough v. SOHIO Petroleum Corp.*, 585 P.2d 534, 545 - 46 (Alaska 1978) (finding that various provisions on municipal and state taxes all "relate directly to state taxation").

⁶ *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406, 414 - 15 (Alaska 1982) (finding that provisions regulating sale of private land, and provisions on state's power to lease state-owned land and zone private lands all "in some respect concern [] land").

⁷ *Yute Air Alaska Inc. v. McAlpine*, 698 P.2d 1173, 1175, 1181 (Alaska 1985) (holding that repeal of regulations of "motor and air carriers in Alaska," prohibition on further similar regulation, and requirement that the governor seek repeal of federal statute that, among other things, regulates shipping by sea, all embraced by "[t]he subject 'transportation'").

⁸ *Van Brunt v. State*, 646 P.2d 872 (Alaska App 1982).

⁹ *Galbraith v. State*, 693 P.2d 880 (Alaska App 1985).

¹⁰ *Yute Air*, 698 P.2d at 1182 - 89. In his dissent, Justice Moore states: "This court has mistakenly continued to give the rule such an extremely liberal interpretation that the rule has become a farce."

¹¹ *Croft*, 236 P.3d at 374.

¹² *Id.* at 373.