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REPRESENTATIVE WES KELLER DISTRICT 14

HB 102 Single Subject Rule

Art II, Section 13. Form of Bills

Every bill shall be confined to one subject unless it is an appropriation bill or one codifying revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

Alaska's Constitution, A Citizen's Guide by Gordon S. Harrison further goes on to read,

"The Alaska Supreme Court has consistently construed the single-subject rule broadly, in deference to the judgment of the legislature on how best to structure individual pieces of legislation."

In (*Short v. State*, 600 P.2d 20, 1979), The court said that complying with the one-subject rule required that matters treated in legislation fall under one general idea and be so connected with or related to each other, either logically or in popular understanding, as parts of, or germane to, one general subject. In (*State v. First National Bank of Anchorage*, 660 P.2d 406, 1982) the Court upheld the constitutionality of a bill dealing with the general subject of "lands" although several sections were otherwise unrelated. In (*Van Brunt v. State*, 646 P.2d 872, Alaska App. 1982), the court found an amendment that changed a driving-while-intoxicated statute to be sufficiently germane to a bill changing liquor laws, since both dealt with "intoxicating liquor". Bonds that financed both flood control and small boat harbor projects were upheld by the Court in (*Gellart v. State*, 522 P.2d 1120, 1974)

In the most recent Supreme Court ruling in (*Croft v. Parnell*, 236 P.3d 369, 2010), the Court affirmed the summary judgment of the superior court on this issue the initiative violated the single-subject" rule, because the "soft dedication" of funds connecting the two aspects of the initiative was an insufficient link, and because it found no other sufficient connection between the initiative's proposed new oil production tax and the initiative's proposed new "clean

election” program. The Supreme Court affirmed the superior court’s order of summary judgment.

But we have never addressed the question, raised by the Sponsors in this case, whether creating a revenue source that might fund an otherwise unrelated program suffices to unite the revenue source with the program as a “single subject.”

Sponsors of an initiative challenged the lieutenant governor for denying certification of an initiative for violation of the single subject rule. In this case the court ruled,

In ruling on single-subject challenges, we must balance the rule's purpose against the need for efficiency in the legislative process. If the rule were applied too narrowly, “statutes might be restricted unduly in scope and permissible subject matter, thereby multiplying and complicating the number of necessary enactment[s] and their interrelationships.” Our solution has been to construe the single-subject “provision with considerable breadth.” We have consistently articulated the substance of the test to reflect this approach:

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.

In applying this test, we “disregard mere verbal inaccuracies, resolve doubts in favor of validity,” and strike down challenged proposals only when the violation is “substantial and plain.”

The Court went on to further state in its decision,

In each of the seven cases in which this court has addressed a single-subject challenge, we upheld the challenged bill or initiative by determining that all provisions related to a single general subject, theme, or purpose.