

# LEGAL SERVICES

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## MEMORANDUM

December 24, 2015

**SUBJECT:** Single subject issue  
(CSHB 147 ( )); Work Order No. 29-LS0302\M)

**TO:** Representative Max Gruenberg  
Attn: Nicoli Bailey

**FROM:** Megan A. Wallace   
Legislative Counsel

Attached please find the draft bill you requested. As I understand you have been made aware, sec. 11 of the draft bill, unlike the remainder of the bill, does not relate to animals. It is unclear to me what the single subject could be given that, with the addition of sec. 11, the subject of the bill is no longer limited to "animals." For this reason, the draft bill may violate the single subject rule.<sup>1</sup>

The single subject rule requires that all matters in an act "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."<sup>2</sup> Historically, the Alaska Supreme Court has interpreted Alaska's single subject rule to permit very broad subject matter in one bill without violating the single subject requirement. For example, the Court has held that bills relating to such broad themes as "development of water resources,"<sup>3</sup> "taxation,"<sup>4</sup> "land,"<sup>5</sup> "intoxicating liquor,"<sup>6</sup> and "criminal law"<sup>7</sup> are

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<sup>1</sup> Earlier versions of the bill related to domestic violence or domestic violence and animals. As provisions that only relate to animals were added to the bill the single subject of the bill appears now to be animals.

<sup>2</sup> *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406 (Alaska 1982).

<sup>3</sup> *Gellert v. State*, 522 P.2d 1120 (Alaska 1974).

<sup>4</sup> *North Slope Borough v. Sohio Petroleum Corp.*, 585 P.2d 534, 545 (Alaska 1978).

<sup>5</sup> *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406 (Alaska 1982).

<sup>6</sup> *Van Brunt v. State*, 646 P.2d 872 (Alaska App. 1982).

<sup>7</sup> *Galbraith v. State*, 693 P.2d 880 (Alaska App. 1985).

acceptable.<sup>8</sup> However, there was a strong dissent in one case against allowing broad subject matter in a single bill,<sup>9</sup> and in 2010, for the first time, the Alaska Supreme Court invalidated a piece of proposed legislation for failure to satisfy the single subject requirement.<sup>10,11</sup> Failure to comply with this requirement -- although unlikely -- could jeopardize your bill if it were ever challenged.

If I may be of further assistance, please advise.

MAW:dla  
15-582.dla

Attachment

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<sup>8</sup> *Evans v. State*, 56 P.3d 1046, 1070 (Alaska 2002).

<sup>9</sup> *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985). In his dissent, at page 1182, Justice Moore stated: "This court has mistakenly continued to give the rule such an extremely liberal interpretation that the rule has become a farce."

<sup>10</sup> *Croft v. Parnell*, 236 P.3d 369 (Alaska 2010).

<sup>11</sup> The *Croft* ruling and the *Yute Air* dissent may indicate that the Alaska Supreme Court is moving toward a more stringent single subject standard by adding a dimension to the rule expounded in *Harbor v. Deukmejian*, 742 P.2d 1290 (Cal. 1987). *Harbor* interprets California's single subject rule to prohibit excessive generality because it violates the purpose and intent of the single subject rule.