

quorum for joint sessions was among the issues litigated in the aftermath of the joint session called by the governor in 1983 (see Article III, Section 17).

The mandate to regulate lobbying reflects the convention's strong distrust of special interests. Alaska Statute 24.45 complies with this directive by requiring lobbyists to register and disclose their incomes and expenditures for lobbying.

### **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."**

These provisions help safeguard the integrity of the legislative process. The first sentence states the "single subject rule," which requires that separate subjects be dealt with in separate bills. This familiar constitutional provision is to prevent "logrolling" and deception through the concealment of extraneous matter in bills already burdened by arcane material. In the words of the Alaska Supreme Court, the purpose of the single subject rule is to bar "the inclusion of incongruous and unrelated matters in the same bill to get support for it which the several subjects might not separately command ['logrolling'], and to guard against inadvertence, stealth and fraud in legislation" (*Suber v. Alaska State Bond Commission*, 414 P.2d 546, 1966).

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. For example, the state supreme court upheld the legality of a bill authorizing the sale of bonds for correctional facilities and public safety buildings. It said that complying with the one-subject rule of this section required only that the 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 to be parts of, or germane to, one general subject (*Short v. State*, 600 P.2d 20, 1979). In this vein, the court upheld the constitutionality of a bill dealing with the general subject of "lands," although its several sections were otherwise unrelated (*State v. First National Bank of Anchorage*, 660 P.2d

## Article II

406, 1982); it 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" (*Van Brunt v. State*, 646 P.2d 872, Alaska App. 1982); and it upheld a bill that authorized bonds to finance flood control and small boat harbor projects on grounds that both pertained to the development of water resources and were funded by grants from the same federal agency (*Gellert v. State*, 522 P.2d 1120, 1974). (See also *Galbraith v. State*, 693 P.2d 880, Alaska App. 1985.)

Note that the single-subject rule works in conjunction with the restriction in Section 15 on the power of the governor to veto bills in their entirety. If bills could embrace more than one subject, the governor would need to possess item veto power over them as well as appropriations to exercise full and effective veto power.

The second sentence states the traditional "confinement rule," which requires appropriation bills to be confined to appropriations, although they may encompass many subjects. Thus, substantive law may not appear in, or be changed by, an appropriation bill. The purpose of this rule is to prevent "logrolling," to protect the governor's veto power, and to prevent substantive law from being enacted unintentionally or intentionally in the guise of an appropriation. An example of "logrolling" in this situation might be the combining with a popular appropriation a proposed law that would be defeated if it stood alone (or vice versa), or the combination of an appropriation and a statutory measure, neither of which could be approved individually. The confinement rule protects the governor's veto power because without it the governor might be loath to veto an appropriation badly needed for the continued operation of a state program in order to strike down an offensive statutory change that the measure also makes. This predicament undermines the governor's veto power and the separation of powers doctrine (some state constitutions do allow a substantive bill to contain a *germane* appropriation; in Oregon, for example, the governor may reduce or strike the appropriation without affecting the substantive provision).

Finally, the rule prevents fraud and carelessness. The connection between an appropriation and substantive law may be subtle, sufficiently so that only a few knowing legislators may perceive it when the roll is called. This subtlety is illustrated by an appropriation made in 1980 to the Department of Health and Social Services for a study of minority hire. The superior court found that it violated the confinement rule because the department had no statutory authority in that area. "Because the appropriation purports to confer on that department a power which it has not been given, it attempts to amend general law" (*Alaska Legislature v. Hammond*; Case No. 1JU 80 1163, Juneau;

1983). To ensure that legislators comprehend the consequences of their action, the confinement rule required, in this case, two separate acts: a statutory expansion of the powers of the department to encompass the subject of the study, and an appropriation for the study.

From time to time the attorney general advises the governor that legislative intent language that accompanies an appropriation violates the confinement rule. For example, in 1989, the attorney general told the governor that a statement of intent in the budget bill which reduced the amount being paid for employee health insurance premiums was illegal because it had the effect of amending the public employees collective bargaining act (AS 23.40).

The third sentence, requiring the subject of each bill to be stated in its title, further safeguards legislators and the public against deceitful legislation and facilitates their grasp of matters under consideration.

Requiring the explicit clause, "Be it enacted by the Legislature of the State of Alaska," does more than guarantee uniformity and continuity in the format of legislation. It notifies legislators and the public that the measure at hand not merely expresses an opinion, states a sentiment, or offers advice of the body, but is a bill that when enacted becomes the law of the land.

Alaska's constitution does not have an "origination" clause, whereby bills raising taxes or generating revenues must originate in the lower house. Such a requirement, derived from Article I, Section 7 of the U.S. Constitution, is found in a number of other state constitutions.