

Hi, this is Chris Micheli with the Sacramento Governmental Relations Firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law and its Capital Lawyering program. Today's podcast is on California legislation and the single-subject rule.

Many state capital observers are aware of the single-subject rule, because many are familiar with California Constitution Article II, Section 8(d), which provides that an initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

Does a similar rule exist for bills considered by the California Legislature? A little background, the single-subject rule is found in several state constitutions in the US that provide some or all legislation may only deal with one main issue.

Basically, the general idea is to ensure that legislation is not overly complex or that bills may not possibly confuse or hide provisions in a multi-faceted measure. Some have argued that the single-subject rule in legislation precludes combining popular and unpopular unrelated provisions in one large measure.

In California, there is a single-subject rule for legislation. Found in the state constitution, Article IV, Section 9, it provides, "A statute shall embrace but one subject which shall be expressed in its title. If a statute embraces a subject not expressed in its title, only the part not expressed is void. A statute may not be amended by reference to its title. A section of a statute may not be amended unless the section is re-enacted as amended."

Section 9's language is basically similar to that which is applicable to initiatives that are placed on the ballot for vote by the statewide electorate. In both instances, the rule essentially provides that neither an initiative nor a bill may embrace more than one subject.

While this section of the state constitution dealing with initiatives speaks only to the single-subject rule, the section of the state constitution dealing with legislation encompasses several different provisions. Its first clause provides the single-subject rule.

In addition, this constitutional provision requires the bill's title to accurately reflect the subject of the bill, and it makes void any subject that's contained in the bill that's not expressed in the bill's title.

It was in 1948 that the California Constitution was amended to add the single-subject rule for initiatives. The following year, the California Supreme Court ruled that the single subject rule applicable to initiatives was to be construed in the same manner as that contained in Article IV, Section 9 and applicable to legislation.

That's because this provision applicable to legislation had long been in effect by that time. The single-subject rule is generally to be construed liberally to uphold proper legislation and all of its parts, which are reasonably germane according to relevant court decisions.

There are a number of cases that have interpreted and applied the single-subject rule as it applies to legislation. The main case in this area was from 1987, Harbor v. Deukmejian. It was decided by the California Supreme Court.

In that case, the Court explained that the single subject clause has as its primary and universally recognized purpose, to be the prevention of log rolling by the Legislature.

This is defined as combining several proposals into a single bill so that legislators, by combining their votes, could obtain a majority for a measure that would not have been approved if divided into separate and distinct bills.

In addition, the Court explained that, as of 1982, the constitutions of 41 states included a single-subject requirement.

The purpose of this requirement, that the single subject of a bill shall be expressed in its title, is an effort by the state to prevent misleading or inaccurate titles. In this way, legislators and the public are afforded reasonable notice of what the contents of a proposed statute is.

The Court also stated that the cases interpreting Article IV, Section 9 in the Constitution, "Hold that a measure complies with the single-subject rule if its provisions are either functionally related to one another, or are reasonably germane to one another or the objects of the enactment."

So, the answer to the initial question -- California legislation is bound by a single-subject rule, and there's guidance from the State Supreme Court regarding how that rule is to be applied when bills are being considered by the legislature.

Thanks for joining this podcast.