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Filed in the Trial Courts
STATE OF ALASKA, FIRST DISTRICT
AT JUNEAU

NOV 20 2024

By _____ *[Signature]*

**SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU**

REP. DAVID CLARK EASTMAN)
Plaintiff,)

vs.)

1JU-24- 00 922 Civil

MICHAEL J. DUNLEAVY,)
In his official capacity as an)
official of the State of Alaska,)
and the STATE OF ALASKA.)
Defendants.)

**COMPLAINT FOR DECLARATORY RELIEF AND POTENTIAL EQUITABLE
RELIEF**

Plaintiff, Representative David Clark Eastman (“Eastman”), for his cause of action
alleges as follows:

INTRODUCTION

1. This lawsuit is brought by Eastman seeking to address and correct a failure by the
government of the State of Alaska to adhere to a provision of the Alaska Constitution requiring
that the subject matter in a bill by which the laws of Alaska are enacted be confined to one
subject, as required by the Alaska Constitution at Art. II, Sec, 13.

NATURE OF THE CASE

2. This lawsuit is brought by Eastman in the interest of the public to uphold the obvious
and express provisions of the Alaska Constitution, including the provisions related to the form

of bills and the requirements that a bill be confined to one subject and that the subject of each bill be expressed in the title of the bill.

PARTIES

3. Eastman is a citizen and registered voter of Alaska who made his home in the State since 2003. Eastman is currently a member of the Alaska House of Representatives.

4. Michael J. Dunleavy (“Governor Dunleavy”) is currently the Governor of the State of Alaska. Governor Dunleavy is sued in his official capacity in order to obtain injunctive relief, as necessary.

5. The State of Alaska is a sovereign state within the republic of the United States of America and governed according to the Alaska Constitution.

JURISDICTION

6. The Superior Court has jurisdiction to hear this dispute according to AS 22.10.020.

SPECIFIC CONSTITUTIONAL PROVISION AT ISSUE ¹

7. Article II, Sec. 13 of the Alaska Constitution provides:

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.”

SCOPE OF THE DISPUTE

8. The substance of this suit is confined to the improper enactment of Senate Bill 189 caused by the failure of the 33rd Alaska Legislature to adhere to the Alaska Constitution and the

¹ Eastman reserves the right and ability to contend other provisions of the Alaska Constitution are implicated by the unconstitutional enactment of SB 189, e.g., Art. II, Sec. 14 & 15 or other constitutional provisions.

decision by Governor Dunleavy to allow this bill to become law without his signature. This suit also seeks relief to preclude the executive branch from executing the improperly adopted legislation. The suit is maintained without regard to the substantive aspects of the various provisions contained in the improperly adopted legislation.

FACTS

9. The Alaska Legislature purported to adopt HCS SB 189 (RLS) am House (hereafter “SB 189”), during the second session of the 33rd Legislature:

“An Act extending the termination date of the Big Game Commercial Services Board; extending the termination date of the Board of Massage Therapists; establishing a big game guide concession area permit program on land in the state; relating to the duties of the Big Game Commercial Services Board, the Board of Game, the Department of Fish and Game, and the Department of Natural Resources; relating to education tax credits for certain payments and contributions for child care and child care facilities; relating to the insurance tax education credit, the income tax education credit, the oil or gas producer education credit, the property tax education credit, the mining business education credit, the fisheries business education credit, and the fisheries resource landing tax education credit; extending the termination date of the Alaska Commission on Aging; extending the termination date of the Marijuana Control Board; renaming the day care assistance program the child care assistance program; relating to the child care assistance program and the child care grant program; requiring the Board of Game to establish an initial big game guide concession area; providing for an effective date by amending the effective date of secs. 1, 2, and 21, ch. 61, SLA 2014; and providing for an effective date.”

10. “Log-rolling” is defined as “the trading of votes by legislators to secure favorable action on projects of interest to each one.”²

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² *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/logrolling>.

ALLEGATIONS

11. SB 189 contains a variety of subjects and is therefore not confined to a single subject.
12. The single subject of SB 189 is not expressed in the title.
13. The multiple subjects contained in SB 189 do not fall under one general idea.
14. The multiple subjects contained in SB 189 are not all connected with or related to each other.
15. SB 189 contains a variety of policies that are not logically or in popular understanding connected with, or germane to, one general subject.
16. All sections of SB 189, as considered by the Alaska Legislature, are not related to a single subject that is ascertainable to a reasonable person.
17. On information and belief, SB 189 became law when Governor Dunleavy allowed the measure to become law without his signature.
18. The disparate subjects contained in SB 189 (*i.e.*, child care, marijuana, massage therapy, establishing concession permits for big-game guides and extending existing commissions), are not part of a legislative bill that embraces one general subject.
19. SB 189 ceased to be in the proper form of a bill when it was amended to embrace more than a single subject; the actions taken by the legislative branch with respect to SB 189 were, from that moment forward, unconstitutional and without any force or other legal effect.
20. Art. II, Sec. 13 of the Constitution of the State of Alaska was intended to prevent inclusion of disparate and diverse matters that deviate from a single subject expressed in the title of the bill according to the framers of the Alaska Constitution.³

³ See, *e.g.*, *Proceedings of the Alaska Constitutional Convention* at page 1750.

21. Art. II, sec. 13 of the Constitution of the State of Alaska also serves to limit the disfavored practice of “logrolling” by which potentially unpopular measures are added to measures apparently having widespread political support in order to secure the passage of all the measures via a single legislative enactment.

22. SB 189 is an amalgamation of several separate pieces of legislation reflecting widely different subjects (*e.g.*, SB 189, SB 182, SB 228, SB 234, HB 396, and HB 89).

23. SB 189 is a classic example of “logrolling” by the operation of the 33rd Alaska Legislature.

24. SB 189 was improperly adopted by the legislature according to the limitations contained in Art. II, Sec. 13 contained in the Constitution of the State of Alaska.

25. According to the limitations contained in Art. II, Sec. 13, Constitution of the State of Alaska, SB 189 was improperly presented to Governor Dunleavy for his signature.

26. The form of SB 189 deprived each legislator of the ability to vote yea or nay with respect to each individual subject contained within the bill.

27. The improper presentment of disparate measures amalgamated in a single bill deprived Governor Dunleavy of the ability to veto the various substantive provisions lumped in a single measure, thus circumventing the process by which the Governor gives due consideration to each individual measure contained in the bill.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

A. Declaratory relief holding that SB 189 was improperly adopted and presented to the Governor of Alaska making the measure unconstitutional and therefore of no legal effect whatsoever; and,

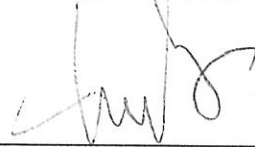
B. Injunctive relief, if necessary, directing Governor Dunleavy and the executive branch of the State of Alaska to give no force, meaning or intent to the improperly enacted provisions of SB 189; and,

C. An award of costs and reasonable fees associated with maintaining this public interest lawsuit, and;

D. Any other relief necessary to protect the rights of the Plaintiff and the citizens of Alaska under the Alaska Constitution.

DATED this 20th day of November 2024 at Juneau, Alaska.

**LAW OFFICE OF
JOSEPH W. GELDHOF**



Joseph W. Geldhof
Alaska Bar # 8111097

THIS MATTER IS FORMALLY
ASSIGNED TO
LARRY WOOLFORD
SUPERIOR COURT JUDGE

Law Office of Joseph W. Geldhof
2 Marine Way, Suite # 207
Juneau, Alaska 99801
Telephone: (907) 723-9901 [Mobile]
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Counsel for Plaintiff David Clark Eastman

**SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU**

REP. DAVID CLARK EASTMAN)
 Plaintiff,)
)
 vs.)
)
MICHAEL J. DUNLEAVY,)
In his official capacity as an)
official of the State of Alaska,)
and the STATE OF ALASKA.)
 Defendants.)
_____)

1JU-24- 00 922 Civil

SUMMONS

TO: Defendant, Michael J. Dunleavy, Governor of the State of Alaska

YOU ARE HEREBY SUMMONED and required to file with the Court a written Answer to the attached Complaint. Your Answer must be filed with the Court at the Court Clerk's Office in the Dimond Court House in Juneau, Alaska, 123 4th Street, Juneau, Alaska 99801 within 40 days after the day you receive this summons. In addition, a copy of your Answer must be sent to: Law Office of Joseph W. Geldhof at 2 Marine Way, Suite 207 Juneau, Alaska 99801.

If you fail to file your Answer within forty days, an entry of judgment by default may be rendered against you for the relief demanded in the Complaint.

If you are not represented by an attorney, you must inform the Court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form Notice of Change of Address/Telephone Number (TF-955), available at the Court Clerk's office or on the State of Alaska Court System's website at: www.state.ak.us/courts/forms.htm, to inform the Court.

-OR-

If you have an attorney, the attorney must comply with Alaska Civil Procedure Rule 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

To: Plaintiff and Defendant

You are hereby given notice that this case has been assigned
to Judge:

**THIS MATTER IS FORMALLY
ASSIGNED TO
LARRY WOOLFORD
SUPERIOR COURT JUDGE**

DATED this 20th day of November, 2024.

CLERK OF COURT




Deputy Clerk of Court

Law Office of Joseph W. Geldhof
2 Marine Way, Suite # 207
Juneau, Alaska 99801
Telephone: (907) 723-9901 [Mobile]
E mail: joeg@alaskan.com
Counsel for Plaintiff David Clark Eastman

**SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU**

REP. DAVID CLARK EASTMAN)
Plaintiff,)
)
vs.)
)
MICHAEL J. DUNLEAVY,)
In his official capacity as an)
official of the State of Alaska,)
and the STATE OF ALASKA.)
Defendants.)
_____)

1JU-24- 00 922 Civil

SUMMONS

TO: Defendant, State of Alaska c/o Alaska Attorney General's Office

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-OR-

If you have an attorney, the attorney must comply with Alaska Civil Procedure Rule 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

To: Plaintiff and Defendant

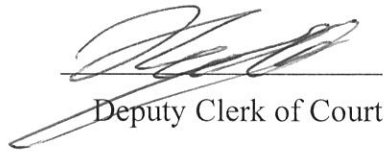
You are hereby given notice that this ~~case~~ ^{case} has been assigned
to Judge:

THIS MATTER IS FORMALLY
ASSIGNED TO
LARRY WOOLFORD
SUPERIOR COURT JUDGE

DATED this 20th day of November, 2024.

CLERK OF COURT




Deputy Clerk of Court

anc.law.ecf@alaska.gov

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

REP. DAVID CLARK EASTMAN,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. DUNLEAVY, IN HIS)
OFFICIAL CAPACITY AS OFFICER)
OF THE STATE OF ALASKA, AND)
THE STATE OF ALASKA,)
)
Defendants.)

Case No. 1JU-24-00922CI

ANSWER

The Defendant, State of Alaska, by and through the Office of the Attorney
General, answers the complaint in this action as follows:

INTRODUCTION

1. This is a statement of the case to which no response is required. To the
extent a response is required the paragraph is denied.

NATURE OF THE CASE

2. This is a statement of the case to which no response is required. To the
extent a response is required the paragraph is denied.

PARTIES

3. Upon information and belief, the defendants admit the allegations in this
paragraph. However, Mr. Eastman’s term as a legislator ends January 21, 2025.

Department of Law, Civil Division
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
Phone: (907) 269-5190 Fax: (907) 276-3697

4. Admit that Micheal J. Dunleavy is the current Governor of Alaska. The remainder of this paragraph is a statement of the law to which no response is required.

5. This paragraph is a statement of the case to which no response is required.

JURISDICTION

6. Admit the Superior Court has jurisdiction to hear disputes according to AS 22.10.020; the remainder of the paragraph is a statement of the law to which no response is required.

SPECIFIC CONSTITUTIONAL PROVISIONS AT ISSUE

7. This is a statement of the law to which no response is required.

SCOPE OF THE DISPUTE

8. This is a statement of the case to which no response is required; to the extent a response is required the allegations in this paragraph are denied.

9. This is a statement of the case to which no response is required; to the extent a response is required the allegations in this paragraph are denied

10. This paragraph is admitted in so far as this is a definition of the word “log-rolling” To the extent there are other allegations in this paragraph they are denied.

ALLEGATIONS

11. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

12. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

Department of Law, Criminal Division

1031 W. 4th Avenue, Suite 200

Anchorage, AK 99501

Phone: (907) 269-5190 Fax: (907) 258-0760

13. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

14. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

15. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

16. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

17. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

18. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

19. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

20. This paragraph is a statement of the law which requires no response. To the extent that any response is required, the allegations are denied.

21. This paragraph is a statement of the law which requires no response. To the extent that any response is required, the allegations are denied.

22. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

23. This paragraph is a statement of the law which requires no response. To the extent that any response is required, the allegations are denied.

24. This paragraph is a statement of the law which requires no response. To the extent that any response is required, the allegations are denied.

25. This paragraph is a conclusory statement which requires no response. To the extent that any response is required, the allegations are denied.

26. This paragraph is a statement of the law which requires no response. To the extent that any response is required, the allegations are denied.

27. This paragraph is a statement of the law which requires no response. To the extent that any response is required, the allegations are denied.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a cause of action upon which relief can be granted.

2. The plaintiff is estopped from asserting a claim for declaratory judgment.

3. The plaintiff is not entitled to the issuance of an injunction.

4. The State reserves the right to assert additional defenses and other matters as the case proceeds.

The State of Alaska seeks the following relief:

1. That this Court take no action pending the outcome of the first regular session of the 34th legislature.

2. That the Court award the State such other relief as may be just and equitable under the circumstances.

DATED: January 10, 2025

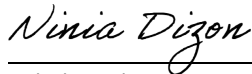
TREG TAYLOR
ATTORNEY GENERAL

By: 
Anne R. Helzer
Chief Assistant Attorney General
Alaska Bar No. 0911054

Certificate of Service

I certify that on January 10, 2025,
true and correct copy of the foregoing
document was served via email to:

Joseph W. Geldhof
Law Office of Joseph W. Geldhof
2 Marine Way, Suite #207
Juneau, AK 99801
Email: joeg@alaskan.com



Ninia Dizon, Executive Secretary