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**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 an official of the State of	)	
Alaska, and the State of Alaska,	)	
	)	
Defendants.	)	Case No. 1JU-24-00922CI

[PROPOSED] STIPULATED JUDGMENT AND ORDER

The parties stipulate and agree as follows:

1. Plaintiff brought this suit on November 20th, 2024, challenging the constitutionality of the enactment of Senate Bill 189 by the 33rd Alaska Legislature in 2024 under Article II, Section 13 of the Alaska Constitution.
2. The Alaska Legislature adopted HCS SB 189 (RLS) am House (“SB 189”) during the final day of the second regular session of the 33rd Legislature.
3. Weeks earlier, the Alaska Senate passed an earlier version of SB 189—a two-section bill that extended the termination date of the Alaska Commission on Aging—and sent it to the Alaska House for consideration. On the final day of the session, the House amended SB 189 to include additional sections.
4. As ultimately amended, SB 189 extended the termination dates of several boards, established a big game guide concession area permit program on land in the state, revised statutory provisions relating to various tax credits, and revised statutory provisions relating to the child care assistance program and the child care grant program.

5. The full title of SB 189 states the sections included in the bill:

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 2013; and providing for an effective date.

6. The House passed this amended version of SB 189 and returned it to the Senate. Less than an hour before midnight on the final day of the session, the Senate then passed this version of SB 189. That was the final bill adopted by the Alaska Senate before adjourning.

7. SB 189 was transmitted to Governor Dunleavy on June 28, 2024. Governor Dunleavy had previously been advised in a bill review memorandum that SB 189 may have been constitutionally infirm because it did not embrace one general subject.

8. Governor Dunleavy did not sign SB 189, and it became law without his signature.

9. During the pendency of this suit, the Alaska Legislature completed the first regular session of the 34th Legislature. During that session, the Alaska Legislature passed four bills that—together with HB 148 from 2024, which had several provisions that were duplicative of provisions in SB 189—repeal and reenact the provisions in

SB 189, retroactive to the date that SB 189 became law. These four bills are SB 80, SB 95, SB 96, and SB 97.

10. Article II, Section 13 of the Alaska Constitution says that “[e]very bill shall be confined to one subject.”

11. The Alaska Supreme Court has construed this provision as a “restrain[t] on legislative logrolling,” and cautioned that it “should ‘be construed with considerable breadth’ to avoid undue restrictions on the ‘scope and permissible subject matter’ of legislation.”¹ To survive constitutional scrutiny, a bill should contain parts that are “germane to[] one general subject”:

All that is necessary is that [the] act should embrace some one general subject; and by this is meant, merely, that all matters . . . 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.²

12. In *Croft v. Parnell*, the Alaska Supreme Court affirmed a judgment that an initiative violated Article II, Section 13 of the Alaska Constitution.³ That initiative proposed a program to provide public campaign funding to candidates for state office, a new tax on oil production, and permitted the legislature to fund the campaign funding program with the proceeds of the oil tax.⁴ It also authorized the legislature to transfer excess funds to the Permanent Fund Dividend.⁵ The Alaska Supreme Court concluded

¹ *Meyer v. Alaskans for Better Elections*, 465 P.3d 477, 484 (Alaska 2020) (quoting *Gellert v. State*, 522 P.2d 1120, 1122 (Alaska 1974)).

² *Gellert*, 522 P.2d at 1123 (quoting *Johnson v. Harrison*, 50 N.W. 923, 924 (Minn. 1891) (alterations in original)).

³ 236 P.3d 369, 370 (Alaska 2010).

⁴ *Id.* at 371.

⁵ *Id.*

that the initiative violated the single-subject rule, reasoning that the “soft dedication” of funds “cannot be used to make two independent provisions of an initiative address one subject,” and—as relevant here—parts of the proposal in the initiative were “entirely unrelated.”⁶

13. The interpretations of Article II, Section 13 of the Alaska Constitution in *Gellert, Meyer, Croft*, and their progeny are dispositive and controlling precedent over the plaintiff’s constitutional challenge to SB 189; accordingly, the parties agree to the Court entering an order that SB 189, adopted by the 33rd Alaska Legislature was unconstitutional under Article II, Section 13 of the Alaska Constitution.

14. In bringing this constitutional challenge, Plaintiff has incurred \$20,250.00 in attorney fees and costs.

DATED July 17, 2025.

TREG TAYLOR
ATTORNEY GENERAL

By: /s/ Robert Bacaj
Robert Bacaj
Assistant Attorney General
Alaska Bar No. 2408089
Counsel for Defendants

DATED July 16, 2025.

LAW OFFICE OF JOSEPH W. GELDHOF

By: *Joe G.*
Joseph W. Geldhof
Alaska Bar No. 8111097
Counsel for David Clark Eastman

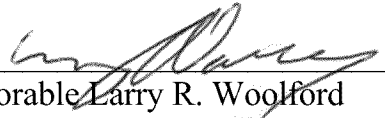
⁶ *Id.* at 373–74.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. SB 189, as defined by the parties in their Proposed Stipulation and Order, was passed by the 33rd Alaska Legislature in violation of Article II, Section 13 of the Alaska Constitution and is therefore void. This ruling, however, does not address and has no effect on subsequent legislation repealing and reenacting the provisions of SB 189.
2. Under AS 09.60.010(c)(1), Plaintiff is awarded \$20,250.00 in costs and reasonable attorney fees, subject to legislative appropriation.
3. The Court finds that the parties' proposed Stipulated Judgment and Order is fair, reasonable, and does not violate public policy. *See Sierra Club, Inc. v. Electronic Controls Design, Inc.*, 909 F.2d 1350, 1355 (9th Cir. 1990). Therefore, this Stipulated Judgment and Order is entered on this date and constitutes Final Judgment in this case.

DATED: July 22 , 2025.



Honorable Larry R. Woolford
Superior Court Judge

Alaska Trial Courts

Certificate of Distribution

Case Number: 1JU-24-00922CI

Case Title: EASTMAN, DAVID CLARK VS. DUNLEAVY, MICHAEL J

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