Administrative Law Section Meeting
September 14, 2009
Pam Finley, Presenter

LEGISLATIVE HISTORY--LEGAL ISSUES

I. Alaska vs. Federal Views

II. Statutory Construction Principles

A. Text
B. Legislative History
C. Purpose
D. Gov't. Employees Ins. Co. v.. Graham-Gonzalez, 107 P.3d 279 (Alaska 2005)

III. Use of Legislative History

A. Plain Meaning Doctrine -- Sherman v. Holiday Construction Co, 435 P.2d 16 (Alaska 1967)
B. North Slope Borough v. Sohio Petroleum Corp., 585 P.2d 534 (Alaska 1978)
and Dept. of Natural Resources v. City of Haines, 627 P.2d 1047 (Alaska 1981)
C. Current sliding scale test Govt. Employees Ins. Co. v.Graham-Gonzalez,107 P.3d 279 (Alaska 2005)

IV. Reasons for Ambiguity

A. Didn't consider issue
B. Ambiguity necessary for passage of legislation
C. Different assumptions about meaning
D. Drafting errors
E. My client needs me to find ambiguity

V. Types of Legislative History

A. Changes in text as bill progresses through the legislative process
B. Intent section in the bill itself
C. Separate Letters of Intent-- State v. Alaska State Employees' Ass'n., 923 P.2d 18 (Alaska 1996)
D. Governor's Letter Introducing Bill--Homer Electric Ass'n. v. City of Kenai,423 P.2d 285 (Alaska 1967)
E. Committee Reports
1. Gossman v. Greatland Directional Drilling, Inc., 973 P.2d 93, n. 10 (Alaska 1999)
2. Miller v. Monrean, 507 P.2d 771, n. 13 (Alaska 1973)
F. Conference Committee Reports --Alaska Public Employees' Ass'n. v. State, 525 P.2d 12 (Alaska 1974)
G. Sponsor Statement on the Floor -- Alaska Public Employees' Ass'n. v. State, 525 P.2d 12 (Alaska 1974)

VI. Caution in Use of Legislative History

A. Politics -- Alaska Public Employees' Ass'n. v. State, 525 P.2d 12 (Alaska 1974)
B. Failure to Amend Law -- Dept. of Revenue v. OSG Bulk Ships, Inc., 961 P.2d 399, n. 13 (Alaska 1998)
C. Intent of Prior Legislature--Dept. of Revenue v. OSG Bulk Ships, Inc., 961 P.2d 399, n. 13 (Alaska 1998)
D. Statements by sponsor after passage--
1. Alaska Public Employees' Ass'n. v. State, 525 P.2d 12 (Alaska 1974)
2. Lynden Transport v. State, 532 P.2d 700 (Alaska 1975)
E. Mixed messages -- Sonneman v. Hickel, 836 P.2d 936 (Alaska 1992)