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Log Rolling Versus the Single Subject Rule

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It is a well-known fact that state legislatures horse trade in the passage of legislation by combining within a single bill various unrelated or unpopular provisions that could not pass on their own. This practice is more commonly known in legislative circles as ''legislative log rolling.'' Or, as explained more precisely, ''log rolling'' is the ''legislative practice of embracing in one bill several distinct matters, none of which, perhaps, could singly obtain the assent of the legislature,'' so that this composite bill would garnish enough votes to get passed.[1] Obviously, log rolling may result not only in bad legislation, but very unpopular legislation becoming law. As a result, it is generally a frowned upon practice that—while hard to believe because of its widespread use—is usually restricted in some fashion by state constitutions.

Unlike the U.S. Constitution, the vast majority of state constitutions have special provisions that attempt to limit legislative log rolling. The principal constitutional restriction on log rolling can be found in the ''single subject'' clause of these state constitutions. In essence, such a ''single subject'' clause requires that a bill's provisions only relate to one subject, and in some cases that the bill's title likewise relate only to one subject. For example, the Ohio Constitution provides that ''No bill shall contain more than one subject, which shall be clearly expressed in its title.''[2] By restricting the provision of a bill to one subject, the hope is that the legislature will not combine unrelated provisions, whether good or bad, into the bill so to obtain enough votes to pass the legislation into law. The single subject rule is therefore designed to foster the passage of legislation concerned with one general topic that can be more easily understood.[3] Although the rule does not prevent popular and unpopular related provisions from being combined, it surely is designed to limit the ability of the legislature to load up the bill with unrelated provisions to guarantee its passage.[4] As one court explained, the single subject rule ''ensures that the legislature addresses the difficult decisions it faces directly and subject to public scrutiny, rather than passing unpopular measures on the backs of popular ones.''[5]

[1] BLACK'S LAW DICTIONARY 849 (5th ed. 1979).

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[2] OHIO CONST. art. II, § 15(d); *see also* ARIZ. CONST. art. 4, § 13 (''Every act shall embrace but one subject and matters properly connected therewith . . . ''); WASH. CONST. art. 2, § 19 (''No bill shall embrace more than one subject, and that shall be expressed in the title.'').

[3] *See, e.g.*, Kurt G. Kastorf, *Logrolling Gets Logrolled: Same-Sex Marriage, Direct Democracy, and the Single Subject Rule*, 54 EMORY L.J. 1633, 1641, 1646–47 (2005) [hereinafter *Logrolling Gets Logrolled*]; Michael D. Gilbert, *Single Subject Rules and the Legislative Process*, 67 U. PITTSBURGH L. REV. 803, 813–16 (2006) [hereinafter *Single Subject Rules and the Legislative Process*].

[4] *See* Gilbert, *Single Subject Rules and the Legislative Process*, *supra* note 4, at 813–14.

[5] Johnson v. Edgar, 176 Ill. 2d 499, 515 (1997).

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But while the single subject rule is a noble attempt to reign in state legislatures and encourage the passage of more coherent and uniform laws supported in fact by majority votes, the implementation of the states' various single subject rules has had mixed success, at best. Even though the rule seems plain on its face, state courts around the country have interpreted the single subject rule in most interesting and creative ways, leading a circuit court judge to recently comment that the courts interpret the single subject rule ''quite differently than most people on the street would define 'single subject.' ''[6] For example, Illinois and Oklahoma have both applied their state single subject rule to legislative bills with the subject of the ''budget;'' the former finding the ''budget'' a proper single subject and the latter declaring that the ''budget'' was simply too broad in scope to be a single subject.[7] Clearly, the peculiar way in which courts have interpreted the single subject rule has led to a strange assortment of winners and losers. But more importantly, the varied interpretations of this rule that have been employed by courts across the county raise the serious question of whether such inconsistent and contorted interpretations do justice to the single subject rule and its intended purposes.

The History of Log Rolling: Why It is Disfavored

Not surprisingly, legislative log rolling is as old as the legal system itself. While the origins of the term ''log rolling'' appear to be based on the old pioneering concept of landowners enlisting their neighbors to ''help roll a fallen tree too heavy to be moved by one person into a pile for burning,''[8] the origins of the legislative practice of log rolling extend as far back as the Roman empire. Even at that time, lawmakers incorporated legislative provisions unlikely to pass on their own with those more likely to achieve a passing vote.[9] This practice extended to the early American colonies, where the Committee of the Privy Council and Queen Anne both complained of the American legislative practice of combining ''diverse acts . . . 'under ye same title.' ''[10]

The term log rolling has come to simply define this activity; namely, that of ''bundling unpopular legislation with more palatable bills, so that the well-received bills would carry the unpopular ones to passage.''[11] Indeed, an oft-cited example of one of the early situations involving log rolling arose out of a land fraud in late 18th century Georgia. Under the auspice of an act ''for the protection and support of its frontier settlements,'' the law in fact disposed of 35 million acres of land at a price of less than two cents per acre.[12] Backlash against this act—which turned out to benefit the Georgia lawmakers rather than the stated frontier settlements—prompted the passage of Georgia's single subject constitutional provision.[13]

In essence, the goal of log rolling is to ''force simultaneous passage of the varied provisions,''[14] and the practical effect is that legislative log rolling results in legislators trading votes.[15] Because it distorts the legislative ideal of passing legislation that the majority favors by slipping in additional legislative provisions that most dislike, it is by its own definition a practice disfavored by most people. Moreover, courts generally dislike legislative log rolling specifically because it allows proposals that by themselves would not receive sufficient votes to pass, to nevertheless obtain the force of law.[16] Legislative log rolling is also criticized because, when two distinct legislative provisions are placed into one bill, legislators are therefore forced to use one vote on two individual provisions.[17] Nevertheless, at least one commentator, Michael Gilbert, in his comprehensive law review article ''Single Subject Rules and the Legislative Process,'' has argued that log rolling can be beneficial.[18] He surmises that log rolling can forge compromise, and has even suggested that courts should ''openly condone the practice.''[19]

The History of the Single Subject Rule: How it Impacts Log Rolling

It has been stated that the single subject rule has its origins in the old Roman law of Lex Caecilia Didia from 98 B.C., which, in relevant part, prohibited the inclusion of miscellaneous legislative provisions into one single Roman law.[20] Nonetheless, since this frowned upon practice of including unrelated legislative provisions into a single piece of legislation has persisted over the years, so has the single subject rule.[21] It ultimately found its way to the United States, with Illinois adopting a single subject rule limited to government salaries in 1818 and Michigan adopting a similar provision limiting the ''object'' of laws authorizing borrowing and state stock.[22] New Jersey, however, was the first state in 1844 to formally enact a ''general one-subject rule.''[23]

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[6] Wirtz v. Quinn, 407 Ill. App. 3d 776, 780 (1st Dist. 2011) (citing the Circuit Court's opinion) *reversed by* Wirtz v. Quinn, 2011 IL 111903 (2011).

[7] *See infra*.

[8] Nova Health Sys. v. Edmonson, 233 P.3d 380, 381 n.4 (Okla. 2010).

[9] Robert D. Cooter & Michael D. Gilbert, *A Theory of Direct Democracy and the Single Subject Rule*, 110 COLUM. L. REV. 687, 704 (2010).

[10] *Id.* at 704 (citation omitted).

[11] People v. Wooters, 188 Ill. 2d 500, 518 (1999).

[12] *See* James L. McDowell, Constitutional Restraints on State Legislative Procedure: The Application of Single Subject Rules 5 (May 24–25, 2002) (unpublished article prepared in conjunction with the author's presentation at the State Politics and Policy Conference University of Wisconsin-Milwaukee).

[13] *See id.* at 5.

[14] *Logrolling Gets Logrolled*, *supra* note 4, at 1641.

[15] *See* Richard L. Hasen, *Vote Buying*, 88 CAL. L. REV. 1323, 1339 (2000) (describing logrolling as the ''functional[] equivalent to vote buying.'').

[16] *See* Millard H. Ruud, *No Law Shall Embrace More Than One Subject*, 42 MINN. L. REV. 389, 391 (1958) [hereinafter *No Law Shall Embrace*].

[17] *See, e.g.*, Dep't of Educ. v. Lewis, 416 So. 2d 455, 459 (Fla. 1982) (noting that the goal of the single subject rule is to protect legislation from the principle that ''a lawmaker must not be placed in the position of having to accept a repugnant provision in order to achieve adoption of a desired one.'').

[18] Gilbert, *Single Subject Rules and the Legislative Process*, *supra* note 4, at 856.

[19] *Id.*

[20] *See* Kastorf, *Logrolling Gets Logrolled*, *supra* note 4, at 1640.

[21] *See id.* at 1640–41.

[22] *See* Ruud, *No Law Shall Embrace*, *supra*, at 389–90.

[23] *See id.* at 390.

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Over time, the constitutions of forty-two states followed New Jersey's lead.[24]

States that impose a single subject rule do so typically (i) to prevent log rolling; (ii) to prevent riders; (iii) to reduce the confusion and deception of voters; and (iv) to improve political transparency.[25] As previously noted, with respect to the prevention of log rolling the single subject rule operates by forbidding legislators from ''rolling'' unnaturally or illogically combined legislative proposals into single acts of legislation.[26] As a result, the single subject rule promotes voter and legislator comprehension of legislative proposals by simplifying the intent and substance of legislative proposals, as well as barring inclusion of unrelated measures that dilute the intent of individual bills.[27]

The Case Law Quagmire: How to Define a Single Subject

Although conceptually simple, court decisions applying the various state single subject provisions have been inconsistent at best. Looking at the 42 states with single subject rules, collectively there have been ''thousands of cases'' dealing with the single subject rule, with topics ranging from tort liability, criminal law, taxes and fees, same-sex marriages, and even jurisdictional issues.[28] However, the results of these litigious efforts have varied dramatically across state lines.[29] A review of these cases also begs the question of whether the merits of a particular piece of legislation influences the vigor with which the single subject rule is applied. Or, put more plainly, how this constitutional requirement is sometimes applied by the courts appears to depend in part on the legislation under review.

To demonstrate the conundrum created by the courts, let's start out with something basic, such as what exactly is a ''single subject.'' While you would think this is a simple issue, courts have made it surprisingly complex. For example, the Illinois Supreme Court has said that a single subject ''may be as broad as the legislature chooses,'' and that it may be comprehensive in scope so long as the topic is not ''so broad that the [single subject] rule is evaded as a meaningful constitutional check on the legislature's action.''[30] This court also held that a single subject cannot be defined simply by looking at the proposed act's length or number of provisions.[31] In partial contrast, Florida case law suggests that a ''subject'' is defined based on the substantive nature of the provision or acts in question. The Florida Supreme Court, for example, has said that legislation affecting the assignment of bad check debts cannot be joined with legislation on drivers' licenses and vehicle registration, nor can legislation affecting domestic violence crimes be joined with legislation on career criminals.[32]

The Oklahoma Supreme Court defines a ''single subject'' as one that has ''a readily apparent common theme and purpose.''[33] Likewise, in Minnesota, the courts have found that a single subject means ''one general subject'' and in Alaska, it means ''one general idea.''[34] Similarly, in Alabama, ''one subject'' means that the provisions are referable to and cognate of the bill's subject.[35] No doubt, with definitions as amorphous as these, it is easy to see how determinations of whether a subject is indeed ''single'' can be based on a number of subjective factors including possibly the popularity or necessity of the legislation.

Further, courts have developed certain tests and principles to aid in applying the definitions to the legislation under review. Some courts look to whether the provisions in the legislation have a ''natural and logical connection'' to the single subject, others look at whether there is a ''reasonable'' basis for the combination, and still others whether the provisions are ''germane'' to one subject.[36] Some courts also review whether the provisions embrace topics that have a ''common purpose or relationship.''[37] Notably, for a period of time the Illinois Supreme Court held that each provision in the act must have a ''legitimate relation to each other.'' Yet this position only lasted until the Illinois Supreme Court upheld an act where the provisions had no logical connection to each other. In Illinois, legislation now meets the single subject test unless it ''contains unrelated provi-

[24] Kastorf, *Logrolling Gets Logrolled*, *supra* note 17, at 1641.

[25] *Id.* at 1641. Scholars have identified a fourth, less obvious intent of protecting gubernatorial veto power, but this purpose will not be discussed in detail in this article. *See generally, e.g.*, Deborah S. Bartell, Note, *The Interplay Between the Gubernatorial Veto and the One-Subject Rule in Oklahoma*, 19 OKLA. CITY U. L. REV. 273 (1994) (discussing the history of the one subject rule and its role as a limitation on gubernatorial veto powers).

[26] *See, e.g.*, State *ex rel.* Ohio Acad. of Trial Lawyers v. Sheward, 715 N.E.2d 1062, 1098 (Ohio 1999) (noting that ''[t]he one-subject provision attacks logrolling by disallowing unnatural combinations of provisions in acts, *i.e.*, those dealing with more than one subject.'') (citation omitted).

[27] *See* Ruud, *No Law Shall Embrace*, *supra* note 17, at 391 (noting purposes behind the single subject rule include facilitating ''orderly legislative procedure'' and prohibiting the introduction of extraneous matters ''not germane to the subject under consideration''); *see also, e.g.*, Wass v. Anderson, 252 N.W.2d 131, 135 (Minn. 1977) (limiting bills to a single subject allows legislators to ''prohibit[] the fraudulent insertion of matters wholly foreign, and in no way related to or connected with its subject.'') (citation omitted).

[28] Gilbert, *Single Subject Rules and the Legislative Process*, *supra* note 4, at 806.

[29] *Id.* at 805–07.

[30] Wirtz v. Quinn, 2011 IL 111903, ¶ 14 (2011).

[31] *Id.* at ¶ 15.

[32] Fla. Dep't of Highway Safety & Motor Vehicles v. Critchfield, 842 So.2d 782, 786 (Fla. 2003).

[33] Fent v. State *ex rel.* Okla. Capitol Improvement Auth., 214 P.3d 799, 805 (Okla. 2009) (''[I]f the provisions are germane, relative, and cognate to a readily apparent common theme and purpose, the provisions are related to a single subject.'').

[34] Associated Builders & Contractors v. Ventura, 610 N.W.2d 293, 299–300 (Minn. 2000); Yute Air Alaska Inc. v. McAlpine, 698 P.2d 1173. 1180–81 (Ala. 1985) (citation omitted).

[35] Gentile v. Guntersville, 589 So.2d 809, 811 (Ala. 1991).

[36] *See* Arangold Corp. v. Zehnder, 718 N.E.2d 191, 198–99 (Ill. 1999) (relying on the ''natural and logical connection'' standard); *Critchfield*, 842 So.2d at 785 (using the ''natural and logical connection'' standard); *Fent*, 214 P.3d at 805 (utilizing the ''germane'' test).

[37] *See, e.g.*, State *ex rel.* Ohio Civil Serv. Employers Ass'n v. State Employment Relations Bd., 818 N.E.2d 688, 697 (Ohio 2004) (''The mere fact that a bill embraces more than one topic is not fatal, as long as a common purpose or relationship exists between the topics.'') (citation omitted).

sions that by no fair interpretation have any legitimate relation to the single subject.''[38]

Not surprisingly, in actually applying these tests or principles, the courts have difficulty being consistent or completely logical in their analyses. For example, while California, Oklahoma and Illinois each have a similar single subject rule, in determining whether multiple unrelated provisions combined into a ''budget'' bill violated the single subject rule, a difference of opinion arose. The California Supreme Court in reviewing a ''Budget Implementation Act'' unanimously held in *Harbor v. Duekmejian*[39] that combining numerous unrelated spending provisions under this Act violated the single subject rule. In doing so, the court instructed that the single subject of the ''Budget Implementation Act'' was too broad in scope to satisfy the California single subject rule, and that allowing the subject of a ''budget'' to meet the single subject requirement would ''effectively read the single subject rule out of the constitution.''[40] Likewise, the Oklahoma Supreme Court unanimously held in *Johnson v. Walters*[41] that the Oklahoma's ''Budget Reconciliation Bill'' was unconstitutional as a violation of the single subject rule because it too combined in one act provisions on ''unrelated topics'' such as employee benefits, coal-fired generator plants, and state travel reimbursements.[42]

On the other hand, in a split decision in Illinois, the majority held in *Arangold Corporation v. Zehnder*[43] that the Illinois ''budget'' was a proper single subject.[44] Consequently, the presence of over thirty diverse provisions covering topics such as the Illinois Pension Code, the Nursing Home Care Act, the Juvenile Court Act, and the Adoption Act; to name a few, all had some logical connection to the State's ''budget'' so the Act did not violate the single subject rule. Notably, the dissent in *Arangold* pointed out that if the budget was a single subject, then the single subject clause of the Illinois Constitution was effectively eviscerated.[45]

Another example is Alaska, where the Alaska Supreme Court has also taken a broad view of the scope of a ''single subject.'' In *North Slope Borough v. Sohio Petroleum Corp.*,[46] the Alaska Supreme Court held that ''An Act Relating to Taxation'' was properly a single subject, where it included provisions dealing with tax credits for residential fuel expenses and residential improvements, the excise tax on cigarettes, and municipal limitations on taxes to pay bonds. In reversing the lower court, the Alaska Supreme Court found that the subject of ''Taxation'' could fairly encompass taxes at both the municipal and state level, because ''municipal taxation and state taxation are often inextricably intertwined.''[47] This ruling was consistent with Alaska's generally deferential approach towards the single subject rule, where it has found that legislation is properly within the single subject rule when its subject is ''land'' (including provisions on leases and rents), ''transportation'' (proposing deregulation of Alaska intra-state air and interstate sea carriers), or ''criminal law'' (addressing sentencing procedures, disposal of seized property, criminal defenses, and the definitions of various criminal acts).[48]

By contrast, the Minnesota Supreme Court took a somewhat narrower view of what encompassed a single subject rule in *Associated Builders & Contractors v. Ventura*. There the Minnesota Supreme Court found that an Omnibus Tax Bill entitled ''An act relating to the financing and operation of state and local government,'' was violative of the single subject rule where it included provisions on a ''variety of subjects'' including property tax reform, income taxes and property tax refunds, waste management taxes, tax increment financing, and amendments to the prevailing wage act (the amendment at issue in that case).[49] It was argued that the prevailing wage provision, which regulated ''wages on projects financed with states funds,''[50] related to tax relief and to state operations and therefore came under the ''mere filament test'' of Minnesota's single subject rule. In that regard, the court acknowledged that ''virtually any bill that relates to government financing and government operations affects, in some way, expenditure of state funds.''[51] However, the court found that the provision in the bill amending the Minnesota prevailing wage act was a disparate provision and not properly included in a bill on the operation of state and local government, stating that the connection between the amendment and tax relief ''f[ell] far short of even the mere filament test.''[52] The court held that to construe the prevailing wage act amendment as related to the funding and operating of state and local government ''would push the mere filament to a mere figment.''[53]

To add to the confusion, the Illinois Supreme Court recently reviewed a bill on ''capital projects'' for compliance with the single subject rule in the case of *Wirtz v. Quinn*.[54] Actually, the bill's official title was ''An Act concerning revenue,'' but the Illinois Supreme Court held that the subject of a bill was not limited to the contents of the title, so in this case the bill on ''revenue'' became one on ''capital projects.'' So in *Wirtz*, the court found that the ''capital projects'' bill encompassed a single subject where it included provisions creating a Video Gaming Act and Capital Spending Accountability Law and amending the Illinois Lottery Law, State Finance Act, Use Tax Act, Motor Fuel Tax Law, University of Illinois Act, and the Riverboat Gambling Act, to name a few. The court justified its decision where each of the provisions ''increased revenue sources to be deposited into the Capital Projects Fund,'' even though the provisions were as broad as defining criminal offenses to gambling, increasing weight limits for vehicles and loads, and conducting studies on the effect of pur-

[38] *Wirtz*, 2011 IL 111903 at ¶ 15.
[39] 742 P.2d 1290 (Cal. 1987).
[40] *Id.* at 1303–04.
[41] 819 P.2d 694, 697–99 (Okla. 1991).
[42] *Id.* at 698.
[43] 718 N.E.2d 191, 198–99 (Ill. 1999)
[44] *Id.*
[45] *Id.* at 206 (Heiple, J., dissenting).
[46] 585 P.2d 534, 544–45 (Ala. 1978).
[47] *North Slope Borough*, 585 P.2d at 544–45.
[48] Evans v. State, 56 P.3d 1046, 1070 (Ala. 2002) (identifying all of the Alaska Supreme Court decisions on the single subject rule).
[49] Associated Builders & Contractors v. Ventura, 610 N.W.2d 293, 297 (Minn. 2000).
[50] *Id.* at 295.
[51] *Id.* at 302.
[52] *Id.* at 302–03.
[53] *Id.* at 303.
[54] Wirtz v. Quinn, 2011 IL 111903 (2011).

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chasing lottery tickets.[55] The court reasoned that, because there was ''no 'smoking gun' '' provision in the act which ''clearly violate[d] the intent and purpose of the single subject rule,'' the various provisions of the act were all properly related to the single subject of capital projects.

The Maryland case of *Maryland Classified Employees Association Inc. v. Maryland*,[56] also shows how ''single subject'' rules may be applied differently depending on the apparent popularity of the legislation. In that case, the Maryland Classified Employees Association (''MCEA'') challenged a provision in a ''welfare reform'' bill that privatized child support enforcement services as well as authorized ''the suspension of driver's licenses for persons in arrears of child support.''[57] The court ultimately determined that the nexus between child support and ''welfare reform'' was well-established, and that the two concepts were ''interdepenen[t].''[58] But in this case it was clear that the court went beyond a simple analysis of a single subject and considered additional criteria; such as whether the *objective* of the bill was accomplished through child support measures, but not whether privatization itself was within the same subject as ''welfare reform.'' Likewise, the *MCEA* court clearly considered the perceived importance of the legislation and its impact on popular political measures when it decided that privatization was part of the single subject of ''welfare reform''—the first several paragraphs of the opinion's ''introduction'' describe in detail the political debate surrounding welfare reform, and throughout the opinion the court repeatedly discusses the importance of the welfare reform measures. No doubt, the court's approval of this legislation was also a result of the deferential approach that Maryland has consistently taken towards legislation challenged on single subject grounds—a fact the court repeatedly pointed out.[59] The court even went so far as to say:

> That liberal approach is intended to accommodate a significant range and degree of political compromise that necessarily attends the legislative process in a healthy, robust democracy. It has sufficient fluidity to accommodate, as well, the fact that many of the issues facing the General Assembly today are far more complex than those coming before it in earlier times and that the legislation needed to address the problems underlying those issues often must be multifaceted. As we pointed out in *Porten Sullivan*, proper application of the 'single subject' clause requires consideration of how closely connected and interdependent the several matters contained within an Act may be, and 'notions of connection and interdependence may vary with the scope of the legislation involved.'[60]

Texas courts have also been known to apply the ''single subject'' rule in unpredictable ways—possibly dependent in part on the perceived necessity of the legislation. For example, in *Texas Alcoholic Beverage Commission v. Silver City Club*,[61] the Court of Appeals of Texas found that a statute relating to the ''reorganization of, efficiency in, and other reform measures applying to governmental entities and certain regulatory practices; providing a penalty'' complied with Texas' single subject rule when it affected, to name a few: alcoholic beverage regulation, unclaimed wages under the unclaimed property statute, eligibility extensions for state employee benefits, membership on the State Board of Pardons and Paroles, the role of the governor and state auditor in overseeing regional planning commissions, the City of Austin's sale of land to private owners, nonprofit corporation tax exemptions, independent school district board of trustee permission to file financial statements, and telephonic attendance at Legislative Budget Board meetings. The irony in this list is apparent. But the court found this panoply of legislative provisions complied with the single subject rule because they all ''related, at least indirectly, under the common subject of government reform.''[62]

On the other hand, the Oklahoma courts have been more consistent with their single subject decisions, holding recently in *Fent v. State of Oklahoma*[63] and *Nova Health Systems v. Edmondson*,[64] that legislative enactments containing multiple unrelated provisions violated the Oklahoma constitution. As the court explained in *Fent*:

> [T]he issue is not how similar or 'related' any two provisions in a proposed law are, or whether one can articulate some rational connection between the provisions of a proposed law, but whether it appears that either the proposal is misleading or provisions in the proposal are so unrelated that many of those voting on the law would be faced with an unpalatable all-or-nothing choice.[65]

Consequently, the court applied the single subject clause in a fashion that it believed upheld its intended purpose, requiring that ''the provisions [be] germane, relative, and cognate to one another.''[66] In doing so, the *Fent* court struck down a bill approving the issuance of ''bonds'' for three different cultural projects finding that the projects were so unrelated to each other that it would force those voting on the law to ''an unpalatable all-or-nothing choice.''[67]

Conclusion

A real concern about legislative log rolling prompted the initial enactment of single subject clauses over 150 years ago, and recent cases demonstrate that the problem is still alive and well. Today, while the single subject rule remains a viable argument against legislative log rolling, its success may hinge just as much on the type and importance of the legislation under review than whether all of the provisions of an act actually relate to a concrete single subject. As the cases discussed in this article demonstrate, the definition of a ''single subject'' is amorphous and the application of the

[55] *Wirtz*, 2011 IL 111903, ¶¶ 25, 29, 30, 33.
[56] 346 Md. 1 (1997).
[57] *Id.* at 16.
[58] *Id.* at 20–21.
[59] *Id*. at 13–14.
[60] *Id.* at 14.
[61] 315 S.W.3d 643 (Tex. App. 2010).
[62] *Id.* at 647.
[63] 214 P.3d 799 (Okla. 2009).
[64] 233 P.3d 380 (Okla. 2010).
[65] *Fent*, 214 P.3d at 805 (internal citation omitted).
[66] *Id.* at 806 (internal citation omitted).
[67] *Id.* at 807.

''single subject'' rule is jurisdiction-specific and appears largely subjective. This makes challenges to legislation on ''single subject'' grounds extremely difficult to achieve, and in turn grants legislatures broad discretion in enacting bills that encompass a wide variety of provisions that most persons would surely consider unrelated.

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