

**CS FOR SENATE JOINT RESOLUTION NO. 4(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/24/19

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A RESOLUTION**

1 **Proposing amendments to the Constitution of the State of Alaska prohibiting the**  
2 **establishment of or increase to a state tax without the approval of the voters of the state,**  
3 **relating to effective dates of laws, and relating to the initiative process.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** Article II, sec. 18, Constitution of the State of Alaska, is amended to read:

6 **Section 18. Effective Date.** Laws passed by the legislature become effective  
7 ninety days after enactment. The legislature may, by concurrence of two-thirds of the  
8 membership of each house, provide for another effective date. **This section does not**  
9 **apply to a law establishing a State tax or increasing a State tax under Section 1(b)**  
10 **of Article IX.**

11 \* **Sec. 2.** Article IX, sec. 1, Constitution of the State of Alaska, is amended to read:

12 **Section 1. Taxing Power. (a)** The power of taxation shall never be  
13 surrendered. This power shall not be suspended or contracted away, except as  
14 provided in this article.

15 \* **Sec. 3.** Article IX, sec. 1, Constitution of the State of Alaska, is amended by adding new

1 subsections to read:

2 (b) A law enacted under Sections 14 - 17 of Article II that establishes a state  
3 tax or increases the nominal rate of an existing state tax shall not take effect unless it is  
4 approved by the voters of the State in the first statewide election held more than one  
5 hundred twenty days after the enactment of the law. The lieutenant governor shall  
6 prepare a ballot title and proposition summarizing the law, and shall place them on the  
7 ballot. If a majority of the votes cast on the proposition favor its adoption, the law  
8 becomes effective on January 1 of the fiscal year following the fiscal year in which the  
9 lieutenant governor certifies the election returns or, if an effective date is provided, on  
10 the effective date provided for by concurrence of two-thirds of the membership of  
11 each house. If a majority of the votes cast on the proposition favor its rejection, the  
12 law is rejected and does not take effect.

13 (c) Unless rejected by the legislature under this subsection, a law enacted by  
14 voters through the initiative process under Article XI that establishes a tax or increases  
15 the nominal rate of an existing tax takes effect January 1 of the fiscal year following  
16 the fiscal year in which the law is enacted by voters. The legislature shall have the first  
17 sixty days of the next regular session beginning after the initiative election, or a full  
18 session if of shorter duration, to reject the initiated law. The law must be rejected by  
19 resolution concurred in by a majority of the members in joint session. If the legislature  
20 rejects the initiated law, the initiated law does not take effect.

21 \* **Sec. 4.** Article XI, sec. 6, Constitution of the State of Alaska, is amended to read:

22 **Section 6. Enactment.** If a majority of the votes cast on the proposition favor  
23 its adoption, the initiated measure is enacted. If a majority of the votes cast on the  
24 proposition favor the rejection of an act referred, it is rejected. The lieutenant governor  
25 shall certify the election returns. **Except as provided in Section 1(c) of Article IX,**  
26 **an** [AN] initiated law becomes effective ninety days after certification, is not subject  
27 to veto, and may not be repealed by the legislature within two years of its effective  
28 date. It may be amended at any time. An act rejected by referendum is void thirty days  
29 after certification. Additional procedures for the initiative and referendum may be  
30 prescribed by law.

31 \* **Sec. 5.** The amendments proposed by this resolution shall be placed before the voters of

- 1 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
- 2 State of Alaska, and the election laws of the state.