

SENATE JOINT RESOLUTION NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SPECIAL SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 6/22/04

Referred: Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to an**
2 **appropriation limit.**

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

4 * **Section 1.** Article IX, sec. 16, Constitution of the State of Alaska, is repealed and
5 readopted to read:

6 **Section 16. Appropriation Limit.** (a) Subject to (b) of this section,
7 appropriations made for a current fiscal year shall not exceed the average amount
8 appropriated for the earliest three of the four fiscal years immediately preceding that
9 current fiscal year, increased or decreased by the lesser of

10 (1) seventy-five percent of the sum of the following:

11 (A) the percentage rate of change in the cost of living for the
12 three calendar years preceding the calendar year during which the immediately
13 preceding fiscal year began; plus

14 (B) the percentage rate of change in the State population for the
15 three calendar years preceding the calendar year during which the immediately

1 preceding fiscal year began; or

2 (2) the percentage rate of change in the personal incomes of State
3 residents for the three calendar years preceding the calendar year during which the
4 immediately preceding fiscal year began.

5 (b) The legislature shall implement (a) of this section by law. If the
6 appropriation limit calculated under (a) of this section, as implemented by law, for a
7 current fiscal year is less than the appropriation limit amount calculated for the
8 immediately preceding fiscal year, the appropriation limit amount for the immediately
9 preceding fiscal year shall apply to the current fiscal year.

10 (c) An appropriation that exceeds the limit under this section by not more than
11 two percent may be made for any public purpose upon affirmative vote of at least two-
12 thirds of the members of each house of the legislature. An appropriation that exceeds
13 the limit under this section by not more than four percent may be made for any public
14 purpose upon affirmative vote of at least three-fourths of the members of each house.
15 However, the total amount of appropriations under this subsection made for a fiscal
16 year may not exceed the limit under this section by more than four percent. A bill
17 making one or more appropriations under this subsection must be confined to
18 appropriations made under this subsection.

19 (d) The following are excluded from the appropriation limits in (a) and (c) of
20 this section and from the calculations made under (a) of this section:

21 (1) an appropriation to the Alaska permanent fund established in
22 Section 15 of this article;

23 (2) an appropriation for payments of permanent fund dividends to State
24 residents;

25 (3) an appropriation to meet a state of natural disaster declared by the
26 governor as prescribed by law;

27 (4) an appropriation to a separate fund or account in the general fund
28 from which expenditures may not be made without an additional appropriation from
29 that separate fund or account;

30 (5) an appropriation of State general obligation or revenue bond
31 proceeds or an appropriation of capital lease financing proceeds;

1 (6) an appropriation required to pay obligations under revenue or
2 general obligation bonds issued by the State or payments owed by the State under a
3 capital lease;

4 (7) an appropriation of money received from the federal government;

5 (8) a reappropriation of money already appropriated under an
6 unobligated appropriation that is not void under Section 13 of this article;

7 (9) an appropriation of money for expenditure by a State agency to
8 provide services to part of that same agency or to another State agency if the other part
9 or the other agency has also received an appropriation of the same money;

10 (10) an appropriation of money held in trust by the State for a
11 particular purpose;

12 (11) an appropriation of money received as tuition, fees, contract
13 receipts, or from other sources apart from the general fund by the University of
14 Alaska;

15 (12) an appropriation of money received by the state from a source
16 other than the state or federal government that is restricted to a specific use by the
17 terms of a gift, grant, bequest, or contract;

18 (13) an appropriation of money deposited into the budget reserve fund
19 under Section 17(d) of this article back to the funds and accounts from which the
20 money came;

21 (14) an appropriation of dedicated funds.

22 (e) An appropriation made under (c) of this section is excluded from the
23 calculations made under (a) of this section.

24 * **Sec. 2.** Article XV, Constitution of the State of Alaska, is amended by adding a new
25 section to read:

26 **Section 30. Application, Transition, and Repeal of Appropriation Limit.**

27 (a) The 2004 amendment relating to an appropriation limit (art. IX, sec. 16) first
28 applies to appropriations made for fiscal year 2006; however, for purposes of making
29 calculations under the appropriation limit for fiscal years 2006 through 2008, it shall
30 be assumed that, excluding appropriations listed under Section 16(d) of Article IX, the
31 amount appropriated for

1 (1) fiscal year 2004 equals \$3,150,000,000; and

2 (2) fiscal year 2005 equals \$3,250,000,000.

3 (b) Section 16 of Article IX (appropriation limit) is repealed July 1, 2009.

4 * **Sec. 3.** The amendments proposed by this resolution shall be placed before the voters of
5 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
6 State of Alaska, and the election laws of the state.