

1 IN THE SENATE

BY SENATOR MCNABB

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SENATE BILL NO. 169

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SECOND LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to consumer's sales taxes
7 levied by cities of the first class, inde-
8 pendent school districts and incorporated
9 school districts; amending Subsec. B, Sec.
10 37-3-54, ACLA 1949, as last amended by Ch.
11 123, SLA 1960; amending Subsec. Ninth:(b),
12 Sec. 16-1-35, ACLA 1949, as last amended
13 by Ch. 124, SLA 1960; and providing for an
14 effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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Section 1. Subsec. B, Sec. 37-3-54, ACLA 1949, as last

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amended by Ch. 123, SLA 1960, is amended to read:

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B. CONSUMER'S SALES TAX. The School Boards in Inde-

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pendent School Districts or Incorporated School Districts

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shall have the power to levy and collect a consumer's sales

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tax not exceeding two per centum of the sales price on all

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retail sales [, ON ALL RENTS] and on all services made with-

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in the Independent School District or the Incorporated

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School District, and such consumer's sales tax may be levied

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and collected at the option of the school board on any [ONE

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OR MORE] of the [THREE] preceding tax sources; provided,

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that the consent of the qualified voters of the Independent

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School District or Incorporated School District is first

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obtained through a referendum vote at a general or special

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election, upon ballots which clearly present the proposition as to whether such sales tax shall be authorized within the Independent School District or Incorporated School District, but no sales tax proposition shall be presented to the voters more than once in any twelve months except for the purpose of changing or adding to the use or uses made of an existing sales tax. In school districts having a population in excess of 15,000 persons, notice of such proposed tax referendum shall be published not less than 60 days prior to the referendum. The ballot shall also set forth whether the tax is to be levied for general revenue for the Independent School District or the Incorporated School District or for a special school purpose, and, if for a special school purpose, same shall be specified on the ballot. If a majority of the votes cast in said referendum are in the affirmative, the school board may thereafter enact such a tax in the nature of a levy upon buyers but with imposition upon sellers of the obligation of collecting same at the time of sale or at time of collection with respect to credit transactions, and transmit same to the Independent School District or Incorporated School District. The sole purpose of this subsection is to enable Independent School Districts or Incorporated School Districts, with the consent of the residents thereof, to impose sales taxes, and that although such method of taxation be established within an Independent School District or Incorporated School District, the school board may at any time abandon same or may abandon any [ONE OR MORE] of the [THREE] tax sources listed hereinabove. It is also the intent that if consent to such tax be obtained

1 for a special purpose, the proceeds of the tax may not be
2 used for any other purpose unless with consent of the voters
3 at another referendum. It is further provided that no tax
4 shall be levied or imposed hereunder upon either sales
5 [, RENTS] or services made within any incorporated municipi-
6 pality or school district which is a part of any independ-
7 ent school district where such incorporated municipality
8 levies a consumer's sales tax upon the sales price of either
9 or both retail sales [, RENTS] and services made within it.
10 Sec. 2. Subsec. Ninth:(b), Sec. 16-1-35, ACLA 1949, as
11 last amended by Ch. 124, SLA 1960, is amended to read:

12 (b) CONSUMER'S SALES TAX. To levy and collect a con-
13 sumer's sales tax not exceeding three percentum of the sales
14 price on all retail sales [, ON ALL RENTS] and on all
15 services, made within the municipality, and such consumer's
16 sales tax may be levied and collected at the option of the
17 council on any [ONE OR MORE] of the [THREE] preceding tax
18 sources. Consent of the qualified voters of the municipali-
19 ty must first be obtained through a referendum vote at a
20 general or special election upon ballots which clearly
21 present the proposition as to whether such sales tax shall
22 be authorized within the municipality. The ballot shall
23 also set forth whether the tax is to be levied for general
24 revenue for the municipality or for a special purpose, and,
25 if for a special purpose, same shall be specified on the
26 ballot. If a majority of the votes cast in said referendum
27 are in the affirmative, the council may thereafter enact
28 such a tax in the nature of a levy upon buyers but with im-
29 position upon sellers of the obligation of collecting same

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at the time of sale or at time of collection with respect to credit transactions and transmit same to the municipality. No sales tax proposition for the same purpose shall be presented to the voters more than once in any twelve months except for the purpose of changing or adding to the use or uses made of an existing sales tax. In municipalities having a population in excess of 15,000 persons, notice of such proposed tax referendum shall be published not less than 60 days prior to the referendum. The sole purpose of this subsection is to enable cities, with the consent of the residents thereof, to impose sales taxes, and that although such method of taxation be established within a city, the council may at any time abandon same or may abandon any [ONE OR MORE] of the [THREE] tax sources listed hereinabove. It is also the intent that if consent to such tax be obtained for a special purpose, the proceeds of the tax may not be used for any other purpose unless with consent of the voters at another referendum. Provided, however, that any municipality may provide by ordinance for exemption from the tax levied hereunder if not otherwise expressly prohibited by law.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.