

**CS FOR HOUSE BILL NO. 58(JUD)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/15/93**  
**Referred: Finance**

**Sponsor(s): HOUSE FINANCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the budget reserve fund established under art. IX, sec. 17,  
2 Constitution of the State of Alaska; and providing for an effective date."

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

4 \* Section 1. AS 37.10 is amended by adding new sections to read:

5 **ARTICLE 6. BUDGET RESERVE FUND.**

6 **Sec. 37.10.410. ADMINISTRATIVE PROCEEDINGS INVOLVING TAXES.**

7 (a) The following money received by the state is considered to be received as a result  
8 of the termination of an administrative proceeding for purposes of applying art. IX,  
9 sec. 17(a), Constitution of the State of Alaska:

10 (1) past due taxes that are received by the state after a request for an  
11 informal conference under AS 43.05.240(a) is made to the Department of Revenue,  
12 together with penalties and interest on the taxes;

13 (2) past due taxes that are received by the state after a request for a  
14 formal hearing under AS 43.05.240(b)(1) is made to the Department of Revenue,

1 together with penalties and interest on the taxes.

2 (b) To the extent that an administrative proceeding involves taxes that are not  
3 due at the time the request for the proceeding was made under AS 43.05.240(a) or  
4 (b)(1), money received by the state as a result of the proceeding is not considered to  
5 be received as a result of the termination of an administrative proceeding for purposes  
6 of applying art. IX, sec. 17(a), Constitution of the State of Alaska.

7 Sec. 37.10.420. MONEY AVAILABLE FOR APPROPRIATION. (a) For  
8 purposes of applying art. IX, sec. 17(b), Constitution of the State of Alaska, in  
9 determining the amount of money appropriated for a previous fiscal year, only money  
10 appropriated from the sources used to calculate the money available for appropriation  
11 for the current fiscal year shall be considered. For purposes of applying art. IX,  
12 sec. 17(b) and (d), money available for appropriation for the current fiscal year does  
13 not include federal funds, money in the earnings reserve account established under  
14 AS 37.13.145, or money held in trust for a particular purpose. Money available for  
15 appropriation for the current fiscal year is money in the general fund, including money  
16 from lapsed appropriations, that has not been appropriated during a previous fiscal year

17 (1) for expenditure during any fiscal year; or

18 (2) to a special fund or account established by law.

19 (b) If the amount appropriated from the budget reserve fund has not been  
20 repaid under art. IX, sec. 17(d), Constitution of the State of Alaska, the Department  
21 of Administration shall transfer to the budget reserve fund the amount of money in the  
22 general fund available for appropriation on June 30 of the fiscal year, or as much of  
23 it as is necessary to complete the repayment. The transfer shall be made on or before  
24 December 16 of the following fiscal year.

25 \* Sec. 2. APPLICATION. AS 37.10.410, added by sec. 1 of this Act, applies to taxes that  
26 are received by the state after July 1, 1990, together with penalties and interest on the taxes.

27 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).