

## House Concurrent Resolution No. 5019

By Representatives P. Long, Ballou, Cook, Dahl, DiVita, Faber, Huebert, Landwehr, Mays, McCreary, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Palmer, Patterson, T. Powell, Pyle, Shultz, Toplikar, Vickrey and D. Williams

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A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limitations upon expenditures by the state.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article thereto to read as follows:

“Article 16.—LIMITATIONS ON STATE EXPENDITURES

§ 1. (a) For the state fiscal year commencing during calendar year 2004 and each state fiscal year thereafter, the percentage of increase in the amount of total expenditures for such fiscal year over the amount of total expenditures for the immediately preceding fiscal year shall not exceed the lesser of either 5% or the average annual percentage growth in aggregate personal income of Kansas residents over the three most recently completed calendar years for which personal income data has been officially reported as of the September 1st which precedes the fiscal year for which the limitation is being imposed.

(b) As used in this section:

(1) “Total expenditures“ means the total amount of moneys that are expended or encumbered for a state fiscal year by the state, except any such expenditure or encumbrance of the following, which shall be strictly construed and applied to allow the least amount of exceptions:

(A) Moneys received from the federal government;

(B) moneys which are proceeds of any bonds, notes or other evidences of state government borrowing which are issued or in-

1 curred as otherwise provided in this constitution;

2 (C) moneys which are required for the payment of obligations  
3 evidenced by bonds, notes or other evidences of state government  
4 borrowing that were undertaken prior to the effective date of this  
5 article;

6 (D) moneys in unemployment or disability insurance funds;

7 (E) moneys from permanent endowment funds, trust funds,  
8 deferred compensation funds or pension funds; and

9 (F) moneys of grants, gifts or donations which are expended or  
10 encumbered for purposes specified by the donor; and

11 (2) "personal income" means the total income received by res-  
12 idents of Kansas from all sources, including transfer payments, as  
13 defined and officially reported by the bureau of economic analysis  
14 of the United States department of commerce, or its successor  
15 agency.

16 (d) The provisions of this section and the limitations imposed  
17 thereby shall be effective as to the state, notwithstanding any other  
18 provisions of this constitution.

19 § 2. The limitation imposed on the state by subsection (a) of  
20 section 1 of this article may be exceeded for a state fiscal year upon  
21 the issuance of a declaration of need by the governor and upon the  
22 vote by three-fifths of the members then elected (or appointed) and  
23 qualified of each house of the legislature approving the declaration  
24 of need. In each case of any such declaration of need, the legisla-  
25 ture, by law, shall set forth the aggregate amount of the cost of the  
26 need or needs for which the declaration was issued and the method  
27 by which such cost shall be defrayed.

28 § 3. In addition to other actions or methods of enforcement,  
29 individual or class actions may be filed in the courts of this state for  
30 enforcement of the provisions of sections 1 and 2 of this article and  
31 such actions shall have precedence over all other civil actions before  
32 the court except those of like character. Successful plaintiffs shall  
33 be allowed costs and reasonable attorney fees, but the state shall  
34 not be allowed costs and attorney fees unless any such action filed  
35 against it is found by the court to be frivolous.

36 § 4. Commencing during the regular session of the legislature  
37 held in calendar year 2003, the legislature shall enact legislation  
38 consistent with, and as may be necessary to implement and enforce,  
39 the provisions of this article."

40 Sec. 2. The following statement shall be printed on the ballot with  
41 the amendment as a whole:

42 "Explanatory statement. This amendment would limit increases  
43 in total expenditures, as defined in the amendment, for a fiscal year

1 to the lesser of 5% or the average annual percentage growth in the  
2 total personal income of Kansas residents over three recently com-  
3 pleted calendar years, except that such limitations may be exceeded  
4 upon a declaration of need for a state fiscal year issued by the gov-  
5 ernor with three-fifths of the legislature concurring therein and per-  
6 mitting individual or class action enforcement actions.

7 "A vote for the proposition would impose a limit on increases in  
8 total expenditures by the state, as defined therein.

9 "A vote against the proposition would continue the present con-  
10 stitutional and statutory authority for the legislature to enact laws  
11 making appropriations of moneys in the state treasury, governing  
12 the disposition of tax revenues and other matters in the exercise of  
13 the legislative power of this state."

14 Sec. 3. This resolution, if approved by two-thirds of the members  
15 elected (or appointed) and qualified to the House of Representatives and  
16 two-thirds of the members elected (or appointed) and qualified to the  
17 Senate, shall be entered on the journals, together with the yeas and nays.  
18 The secretary of state shall cause this resolution to be published as pro-  
19 vided by law and shall cause the proposed amendment to be submitted  
20 to the electors of the state at the general election in the year 2002 unless  
21 a special election is called at a sooner date by concurrent resolution of  
22 the legislature, in which case it shall be submitted to the electors of the  
23 state at the special election.

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