

House Concurrent Resolution No. 5052

By Committee on Appropriations

3-13

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 2004 and each state fiscal year thereafter, all of the moneys received by the state pursuant to the tobacco litigation settlement agreements entered into by the attorney general on behalf of the state of Kansas, or pursuant to any judgment rendered, regarding the litigation against tobacco industry companies and related entities, including all bond proceeds received from the state securitizing all or a portion of the state’s future tobacco receipts, shall be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(b) All moneys in the Kansas endowment for youth fund, or any successor fund, shall constitute an endowment and shall be expended only for the following purposes:

(1) Transfers to the children’s initiatives fund pursuant to law for the purposes of providing additional funding for programs, projects, improvements, services and other purposes directly or indirectly beneficial to the physical and mental health, welfare, safety and overall well-being of children in Kansas;

(2) to provide an ongoing source of investment earnings available for transfers to the children’s initiative fund. Moneys allocated or appropriated from the children’s initiatives fund shall not be used to replace or substitute for moneys appropriated in the immediately preceding fiscal year.

1 § 2. The limitation imposed on the state by subsection (a) of
2 section 1 of this article may be rescinded for a state fiscal year upon
3 the vote by two-thirds of the members then elected (or appointed)
4 and qualified of each house of the legislature approving the
5 expenditure.

6 § 3. Commencing during the regular session of the legislature
7 held in calendar year 2003, the legislature shall enact legislation
8 consistent with, and as may be necessary to implement and enforce,
9 the provisions of this article.”

10 Sec. 2. The following statements shall be printed on the ballot with
11 the amendments as a whole:

12 “Explanatory statement. This amendment would limit expenditures
13 from the moneys received by the state pursuant to the tobacco litigation
14 settlement agreements, or pursuant to any judgment rendered, to the
15 children’s initiatives fund and authorized programs for children and
16 youth.

17 “A vote for the proposition would impose a limit on expenditures from
18 the moneys received by the state pursuant to the tobacco litigation set-
19 tlement to authorized children and youth programs as defined therein.

20 “A vote against the proposition would have the legislature enact laws
21 and spend these moneys.”

22 Sec. 3. This resolution, if approved by two-thirds of the members
23 elected (or appointed) and qualified to the House of Representatives and
24 two-thirds of the members elected (or appointed) and qualified to the
25 Senate, shall be entered on the journals, together with the yeas and nays.
26 The secretary of the state shall cause this resolution to be published as
27 provided by law and shall cause the proposed amendment to be submitted
28 to the electors of the state at the general election in the year 2002 unless
29 a special election is called at a sooner date by concurrent resolution of
30 the legislature, in which case it shall be submitted to the electors of the
31 state at the special election.

32
33
34
35
36
37
38
39
40
41
42
43