

House Concurrent Resolution No. 5043

By Representatives Kinzer, Carter, Kelley, Watkins, Beamer, Brown, Brunk, Carlson, Dahl, George, Goico, Grange, M. Holmes, Huy, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Knox, Landwehr, Mast, Master-son, McCreary, McLeland, F. Miller, Peck, Pilcher-Cook, Powell, Siegfried and Weber

3-21

14 A PROPOSITION to amend section 13 of article 2 of the constitution
15 of the state of Kansas, relating to two-thirds majority required for pas-
16 sage of ~~ertain~~ bills.
17

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

22 Section 1. The following proposition to amend the constitution of the
23 state of Kansas shall be submitted to the qualified electors of the state
24 for their approval or rejection: Section 13 of article 2 of the constitution
25 of the state of Kansas is hereby amended to read as follows:

26 “§ 13. **Majority for passage of bills.** ~~A majority~~ [Two-thirds
27 ($\frac{2}{3}$)] of the members then elected (or appointed) and qualified of
28 each house, voting in the affirmative, shall be necessary to pass any
29 bill, ~~except~~, **unless otherwise provided,** ~~that two-thirds ($\frac{2}{3}$) of~~
30 ~~the members then elected (or appointed) and qualified in each~~
31 ~~house, voting in the affirmative, shall be necessary to pass~~ [(a)] any
32 bill enacting or amending any law creating any new tax or increasing
33 the rate of any existing state income tax, sales tax, compensating use
34 tax or other excise tax or a tax in the nature of an excise tax, property
35 tax, or estate tax, or any combination thereof; and (b) any bill
36 **directly reducing in any manner the amount of revenues that**
37 **would be received by the state pursuant to law.** [The two-
38 thirds ($\frac{2}{3}$) majority requirement to pass any such bill enacting
39 or amending any such tax shall not apply to any such tax
40 which is imposed or levied for the purpose of providing rev-
41 enue for medicaid expenditures to nursing homes.] [The two-
42 thirds ($\frac{2}{3}$) majority requirement to pass any such bill enacting
43 or amending any such tax shall not apply to any such tax

1 **which is imposed or levied for the purpose of providing fund-**
 2 **ing for construction, improvement, reconstruction and main-**
 3 **tenance of highways.] [The two-thirds ($\frac{2}{3}$) majority require-**
 4 **ment to pass any such bill enacting or amending any such tax**
 5 **shall not apply to any such tax which is imposed or levied for**
 6 **the purpose of providing revenue for expenditures for public**
 7 **institutions of higher education.].** Two-thirds ($\frac{2}{3}$) of the mem-
 8 bers then elected (or appointed) and qualified in each house, voting
 9 in the affirmative, shall be necessary to ratify any amendment to
 10 the Constitution of the United States or to make any application
 11 for congress to call a convention for proposing amendments to the
 12 Constitution of the United States.”

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

15 “*Explanatory statement.* The purpose of this amendment is to re-
 16 quire a two-thirds majority of members of the house of repre-
 17 sentatives and members of the senate voting yes to pass [(a)] any
 18 bill ~~which creates a new tax or which increases the rate of any~~
 19 ~~existing tax~~, **except a tax which is imposed or levied for the**
 20 **purpose of providing revenue for medicaid expenditures**
 21 **to nursing homes**], **except a bill which enacts or amends**
 22 **a tax which is imposed or levied for the purpose of provid-**
 23 **ing funding for construction, improvement, reconstruction**
 24 **and maintenance of highways**], **except a bill which enacts**
 25 **or amends a tax which is imposed or levied for the purpose**
 26 **of providing revenue for expenditures for public institu-**
 27 **tions of higher education**]. ~~With regard to increasing the rate~~
 28 ~~of any existing tax, this provision is applicable to the state income~~
 29 ~~tax, sales tax, compensating use tax or other excise tax or a tax in~~
 30 ~~the nature of an excise tax, property tax, or estate tax, or any~~
 31 ~~combination of such taxes~~ [, **except a tax which is imposed or**
 32 **levied for the purpose of providing revenue for medicaid**
 33 **expenditures to nursing homes**], **except a tax which is im-**
 34 **posed or levied for the purpose of providing funding for**
 35 **construction, improvement, reconstruction and mainte-**
 36 **nance of highways**], **except a tax which is imposed or lev-**
 37 **ied for the purpose of providing revenue for expenditures**
 38 **for public institutions of higher education**]; and (b) any
 39 **bill that directly reduces the amount of revenues to the**
 40 **state].**

41 “A vote for this amendment would require two-thirds of the mem-
 42 bers of the house of representatives and two-thirds of the mem-
 43 bers of the senate to vote yes to pass [(a)] any ~~new tax or increase~~

1 ~~the rate of any existing state income tax, sales tax, compensating~~
2 ~~use tax or other excise tax or a tax in the nature of an excise tax,~~
3 ~~property tax, or estate tax, or any combination of such taxes [bill]~~
4 **[or (b) any reduction of revenues the state would otherwise**
5 **receive under existing law].**

6 “A vote against this amendment would provide no change to the
7 constitution and maintain the current requirement that a simple
8 majority of members of the house of representatives and mem-
9 bers of the senate is all that is required to pass any bill.”

10 Sec. 3. This resolution, if approved by two-thirds of the members
11 elected (or appointed) and qualified to the House of Representatives, and
12 two-thirds of the members elected (or appointed) and qualified to the
13 Senate shall be entered on the journals, together with the yeas and nays.
14 The secretary of state shall cause this resolution to be published as pro-
15 vided by law and shall cause the proposed amendment to be submitted
16 to the electors of the state at the general election on November 7, 2006.