SJR 2 (FILE 2)

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1986 Ballot Measure No.1

Reconsideration of Alaska's Constitutional Spending Limit

September 1986

Division of Strategic Planning

OMB

STAFF PAPERS AND REPORTS

STATE OF ALASKA

OFFICE OF MANAGEMENT AND BUDGET

BILL SHEFFIELD, GOVERNOR

RECONSIDERATION OF
ALASKA'S CONSTITUTIONAL SPENDING LIMIT

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September 1986

Division of Strategic Planning

Office of Management and Budget
Office of the Governor
State of Alaska

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FOREWORD

Voters in the November 1986 general election will be asked to reconsider Alaska's constitutional spending limit, which was adopted in 1982. The limit places a ceiling on annual appropriations of the State, and was adopted with the proviso that it be reconsidered after four years.

This report explains the provisions, implications and effects of the constitutional limit, and generally aims to assist voters in deciding whether the limit should be retained or repealed. The Division of Elections' 1986 ballot description of the spending limit measure, which will not include pro and con statements (because none were submitted by interested parties), appears as **Appendix A.** The Division's 1982 description of the spending limit measure, which did include pro and con statements, appears as **Appendix B.**

Regardless of whether the constitutional limit is retained or repealed, the statutory spending limit enacted during the 1986 legislative session as part of the Budget Reserve Fund legislation (SCS CSHB 513-Fin; Chapter 58, SLA 86; AS 37.05.156) will remain in effect. A comparison of the two limits, including an analysis of how they will operate together if the constitutional limit is retained in November, appears as **Appendix C.**

Gordon S. Harrison
Associate Director
September 1986

EXECUTIVE SUMMARY

This report is intended to assist Alaskans in deciding whether the State's constitutional spending limit (limit on appropriations) should be retained or repealed in the November 1986 general election. While some sections are unavoidably technical in nature, the report is primarily oriented to an informed lay readership.

Part One dissects the "anatomy" of the spending limit, explaining its meaning, intent, terminology and provisions. **Part Two** provides a description of the legislative history surrounding the limit's passage and adoption during 1981-1982, highlighting the national and statewide fiscal climate which fostered the debate about a spending limit for Alaska, and placing events within the context of optimistic revenue expectations that existed at that time. **Part Three** identifies and comments on the spending limit's major technical problems, most of which are due to a lack of clarifying statutory language. **Part Four** assesses in broad terms the spending limit's impacts to date on State appropriations, finding them to be minimal chiefly because of the offsetting effect of post-1982 revenue declines. The **Summary** presents the pro's and con's of the spending limit, identifying the major considerations involved in deciding whether to retain or repeal the limit, but leaving to readers the task of drawing their own conclusions.

Several appendices provide additional information and background. In particular, **Appendix B**, from the 1982 Division of Elections voter's pamphlet, provides a more comprehensive description of the spending limit, including pro and con statements, than will appear in the 1986 voter's pamphlet. **Appendix C** explains the differences between the constitutional spending limit and the statutory spending limit enacted in 1986 as part of the Budget Reserve Fund legislation (Chapter 58, SLA 86), and discusses how they will interact if the constitutional spending limit is retained in November. Finally, **Appendix E** provides a detailed chronology of the 1981 legislative passage of Senate Joint Resolution No. 4, which currently stands as the spending limit defined in Article IX, Section 16, of the Alaska Constitution.

Source materials for the report were drawn from a wide variety of sources, only some of which are referenced in the report's footnotes and bibliography. An extensive though by no means exhaustive collection of those materials is maintained in the Division of Strategic Planning and is available for viewing there.

RECONSIDERATION OF

ALASKA'S CONSTITUTIONAL SPENDING LIMIT

INTRODUCTION

Alaska's constitutional spending limit, /1 which places a limit on annual appropriations of the State, will appear on the general election ballot again this November. **(See Appendix A.)** It will be on the ballot because of a reconsideration provision contained in the spending limit ballot measure that voters approved in 1982. **(See Appendix B.)** The purpose of the provision was to allow a trial period for the spending limit: if after four years voters liked the way the limit worked, they could vote to retain it; if not, they could repeal it.

Regardless of whether the constitutional spending limit is retained or repealed in November, it is important to note that the statutory spending limit enacted during the 1986 legislative

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1 Technically speaking, the spending limit is not a limit on spending; i.e., it does not place a limit on annual expenditures. Rather, it places a limit on the amount of State appropriations that can be enacted for a given fiscal year. Because it is commonly referred to as "the spending limit", however, that terminology has been retained in this report.

session as part of the Budget Reserve Fund legislation (SCS CSHB 513-Fin; Chapter 58, SLA 86; AS 37.05.156) will remain in effect. Thus, if the constitutional limit is retained, two spending limits will be in force, as at present; if the constitutional limit is repealed, only the statutory limit will remain in force. **(See Appendix C for a description of the two limits and their relationship.)**

This report is intended to assist Alaskans in deciding whether the constitutional spending limit should be retained or repealed. The report attempts to do so, generally, in two ways. One is by providing a clear explanation of the spending limit--its provisions, the events surrounding its adoption, and the problems associated with its interpretation and implementation. The second is by providing an assessment of the limit's effectiveness in controlling spending, taking special cognizance of the decline in State revenue that has occurred since the limit was adopted.

Part One of the report dissects the "anatomy" of the spending limit to show how it is intended (and not intended) to work. **Part Two** recaps the limit's 1981 legislative history. **Part Three** discusses the limit's major technical problems and ambiguities. **Part Four** evaluates the limit's impacts on spending, focusing as much on how the limit has worked as on whether it has worked. Finally, the **Summary** outlines the respective pro's and con's of the spending limit and poses the question that voters will have to ask themselves in November.

PART ONE: "ANATOMY" OF THE SPENDING LIMIT

Alaska's constitutional spending limit is complex, because it has to be. Like all legislation, it was designed to strike a balance between accomplishing something in a particular way, yet simultaneously preserving the flexibility to respond to unforeseen events and changing circumstances. In the limit's case, however, striking that balance was made even more difficult than usual because of two uncommon and overriding concerns.

One was the fact that the limit, if adopted, would become a part of the Alaska Constitution. It therefore would not be easily modifiable in the future if a need for changes occurred. The second was simply the fact that the limit would place a cap on appropriations. It therefore would potentially affect all fiscal operations of the State (and to a large extent the Alaska economy as well), and impose a fundamental constraint on the fiscal authority of legislators and governors in Alaska.

Both of these factors played a large role in the debates that preceded and followed the spending limit's 1981 legislative passage, and are largely responsible for the careful and often complex language that defines the spending limit today.

Background

Alaska's constitutional spending limit was adopted in the November 2, 1982, general election. The question appeared on the ballot as Ballot Measure No. 4 **(see Appendix B)** and was approved 110,669 to 70,831, or by sixty-one percent of those voting on the measure **(see Appendix D)**.

Adoption of the spending limit resulted in four amendments to the Alaska Constitution. The main amendment, the definition of the spending limit, comprises the language now contained in Section 16 of Article IX (Finance And Taxation). A second amendment, requiring voter reconsideration of the limit in the 1986 general election, now stands as Section 27 of Article XV (Schedule Of Transitional Measures). A third amendment, stipulating that the limit applies to State fiscal years 1984 and afterward, also is contained in Article XV as Section 28. A fourth amendment, dealing with a capital relocation ballot measure that was rejected by voters in 1982, is now inoperative. **/2**

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2 One of the provisions of the 1982 spending limit ballot measure stipulated that, if voters approved a $2.8 billion cost estimate for relocating Alaska's capital (Ballot Measure No. 8 on the same 1982 general election ballot as the spending limit measure), no additional voter approval of capital relocation appropriations within that amount would be required under the provisions of the spending limit, if the spending limit were adopted. Voters rejected the cost estimate (102,083 voting against Ballot Measure No. 8, versus 91,049 voting in favor of it), thereby making inoperative the transitional provisions currently contained in Section 26, Article XV, of the Alaska Constitution.

Spending Limit Definition

The amendment defining the spending limit appears as Section 16 of Article IX in the Alaska Constitution. The language contained in that section is shown below in its entirety (with line numbers added for later reference):

> **Except for appropriations for Alaska permanent fund dividends, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a non-State source in trust for a specific purpose, including revenues of a public enterprise or public corporation of the State that issues revenue bonds, appropriations from the treasury made for a fiscal year shall not exceed $2,500,000,000 by more than the cumulative change, derived from federal indices as prescribed by law, in population and inflation since July 1, 1981. Within this limit, at least one-third shall be reserved for capital projects and loan appropriations. The legislature may exceed this limit in bills for appropriations to the Alaska permanent fund and in bills for appropriations for capital projects, whether of bond proceeds or otherwise, if each bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without signature, and is also approved by the voters as prescribed by law. Each bill for appropriations for capital projects in excess of the limit shall be confined to capital projects of the same type, and the voters shall, as provided by law, be informed of the cost of operations and maintenance of the capital projects. No other appropriation in excess of this limit may be made except to meet a state of disaster declared by the governor as prescribed by law. The governor shall cause any unexpended and unappropriated balance to be invested so as to yield competitive market rates to the treasury.**

A Limit On Appropriations

The most fundamental aspect of the spending limit is that it is defined as a limit on State appropriations (Lines 9-11). Strictly speaking, therefore, it is an appropriations limit rather than an expenditure limit. It restricts the amount of appropriations that may be enacted for a given fiscal year, rather than the amount of appropriated funds that may subsequently be expended.

Because appropriations for the most part occur all at once (during legislative sessions), while expenditures often are spread out over years (particularly for capital projects), it is simpler to limit appropriations than expenditures. Also, because appropriations set a ceiling for expenditures, and not vice versa, overall State spending can be more effectively controlled by limiting appropriations.

Exemptions From The Limit

The spending limit does not apply to all appropriations. In fact, a number of important classes of appropriations are categorically excluded from the limit (Lines 1-9).

Excluded are: (1) appropriations for Permanent Fund Dividends; (2) appropriations of revenue bond proceeds, which must be appropriated before they can be used; (3) appropriations for the principal and interest payments on outstanding State general obligation bonds; (4) appropriations to meet a state of disaster

declared by the Governor as prescribed by law; and, (5) appropriations of an entire class of funds defined as "money from non-State sources which are received in trust for a specific purpose..." (Lines 5-9).

Class (5), above, includes all federal funds received by the State. It also includes all of the non-State trust receipts of all of the State's public enterprises and corporations that issue revenue bonds (Line 9); e.g., the Alaska Housing Finance Corporation, the Alaska Industrial Development Authority, the Alaska Power Authority, etc. (From a straightforward reading of Lines 5-9 of the definition, it is not clear whether public enterprises or public corporations that have the authority to issue revenue bonds, but have not issued any to date, would qualify for the exemption; or whether, if they were to issue revenue bonds in the future, they would thereafter qualify.)

It is difficult to gauge the impact that these exemptions have on the spending limit's effectiveness in controlling State spending. Nevertheless, they do represent areas where State spending is not limited by law.

Exceeding The Limit

The Legislature may exceed the limit in two cases, if two specific conditions are met (Lines 17-27). One case involves bills for appropriations of money to the Permanent Fund; the second, bills

for apropriations for capital projects, whether of bond proceeds or otherwise. /3

The two conditions are: (1) appropriations bills for these items must be approved by the governor, approved by the Legislature over a veto or item veto, or become law without the Governor's signature; and, (2) the appropriations involved must be approved by voters as prescribed by law.

In addition to these requirements, the spending limit definition also requires (Lines 27-32) that capital project bills exceeding the limit must contain appropriations for projects of the same type (to facilitate assimilation of the information by voters), and must clearly identify the recurring operations and maintenance costs of the projects (because those costs would in most cases become operating budget items in the future).

Elements Of The Limit

The formula for determining the spending limit (Lines 9-14) contains three elements, or variables: a base, a population adjustment, and an inflation adjustment.

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3 The words "whether of bond proceeds or otherwise" (Lines 20-21) have been interpreted as granting Alaska governors a line-item veto authority over bond appropriation bills.

The base serves essentially as a reference point for keeping per capita spending constant at a 1981 level. To determine the spending limit for a particular fiscal year, the base is adjusted to update it for changes in the need for public services since July 1, 1981 (as measured by changes in population estimates), and for changes since then in the cost of providing public services (as measured by changes in the inflation rate).

The base used in the spending limit is a fixed amount, set at $2.5 billion (Line 11). This amount corresponds closely to the amount of unrestricted general fund revenue that the State received in fiscal year 1980. The use of a fixed-amount base has been criticized because of the variability in the State's annual revenue receipts, particularly during recent years when revenue has declined but the base has increased because of population and inflation adjustments. (Alternatives that were considered include a base equal to the amount of revenue received during the preceding year, and a base equal to the amount of appropriations enacted for the preceding year.)

Calculating The Limit

Conceptually, calculation of the spending limit is not difficult. As defined, the limit for any given fiscal year is equal to $2.5 billion plus an adjustment for the cumulative changes in population and inflation since July 1, 1981. If those cumulative changes together totalled 10 percent, for example, the limit

would be $2.5 billion plus $250 million (10 percent of $2.5 billion), or $2.75 billion. **(See discussion in Part Three.)**

In practice, however, calculation of the limit for any given fiscal year is extremely difficult. More precisely, getting agreement on how it should be calculated is extremely difficult. Two reasons exist for the difficulty.

One reason is that the population and inflation indices for adjusting the $2.5 billion base have not been specified. The limit's definition stipulates that the cumulative change in population and inflation since July 1, 1981, shall be derived from federal indices "as prescribed by law" (Line 13). To date, however, no statute has been enacted that identifies the specific federal indices to use. As a result, different individuals and groups have used different federal indices in different ways to arrive at different estimates of the spending limit for particular fiscal years.

The second reason is that, even if agreement existed on which indices to use, the spending limit's definition is not clear on how to apply those indices to the fiscal year for which the limit is being calculated. Specifically, the definition does not stipulate the end-point of the period over which population and inflation changes are to be measured. The starting point of the period is specified as July 1, 1981; but the definition does not say whether the end-point of the period should be the beginning,

the end, or some mid-point of the fiscal year whose limit is being calculated. The use of different end-points, consequently, has also resulted in the calculation of different spending limits for the same fiscal year.

Fiscal Year Basis

The spending limit definition employs a fiscal-year basis for establishing appropriation ceilings; i.e., appropriation ceilings are set for one fiscal year at a time. (The State's fiscal year begins on June 30 and ends on July 1.) Understanding how appropriations are attributed to particular fiscal years, however, is critical to understanding how the spending limit works. Here, the specific language used in the spending limit definition is of particular importance.

For those items it covers, the spending limit establishes a ceiling for the total amount of appropriations that may be enacted for a particular fiscal year (Lines 10-11); i.e., for use in that fiscal year. The limit does not, therefore, establish a ceiling for appropriations made during that fiscal year (or during any other particular time period, such as a particular calendar year or a particular legislative session). In short, the spending limit for a particular fiscal year governs all covered appropriations that are attributed to that fiscal year, regardless of when those appropriations are made.

An example, using Fiscal Year (FY) 1988, will show how this attribution system works.

The budget for FY 1988 will be set during the legislative session that begins in January 1987, and enacted shortly afterward following any gubernatorial budget vetoes. The appropriations made during that session will be subject to the spending limit established for FY 1988. FY 1988 will then begin on July 1, 1987, and run through June 30, 1988.

During the legislative session that begins in January 1988, however, when the FY 1989 budget is being set, supplemental appropriations for (ongoing) FY 1988 will be made. These FY 1988 supplemental appropriations will also be subject to the FY 1988 limit. In short, the <u>total</u> amount of appropriations for FY 1988 that are covered by the limit (including those made during the 1987 session as well as the supplementals made during the 1988 session) will have to be less than the limit amount established for FY 1988.

As can be seen, therefore, the spending limit for any given fiscal year is operative during at least two legislative sessions. One is the session that precedes the start of that fiscal year, and the other is the session that occurs within that fiscal year. The total amount of appropriations enacted for that fiscal year during <u>both</u> legislative sessions, consequently, are measured against the single limit established for that fiscal year.

This particular method of attributing appropriations to particular fiscal years complicates easy understanding of the spending limit and its effects on State spending. In particular, one can not readily perceive or determine, at any given point in time, whether the spending limit has been exceeded or not. Nor can one easily answer such fundamental questions as whether the State is spending less money "this year" (calendar year) than it did "last year" (calendar year), or less money than it otherwise would have spent in the absence of a spending limit.

Under some circumstances, this attribution method can also make it possible to avoid exceeding the spending limit for one fiscal year by attributing a portion of total appropriations to the preceding fiscal year (if the preceding year's limit has not already been reached).

Allocation For Capital Projects And Loan Appropriations

The definition of the spending limit stipulates that, "Within this limit, at least one-third shall be reserved for capital projects and loan appropriations" (Lines 15-17).

Considerable controversy surrounds the question of how this allocation provision should be interpreted, particularly in cases when the amount of revenue available for a fiscal year is less than the appropriation ceiling established for that year by the spending limit.

A 1983 Attorney General's opinion argued that the wording of the allocation provision, above, "is ambiguous when applied for a year in which revenue available for appropriations falls short of the adjusted limit for that year". /4 The opinion went on to recommend that "the best way to resolve the ambiguity is to disregard the one-third allocation reserved for capital projects and loan appropriations" in such cases. /5

This recommendation has been followed to date, in view of the fact that revenue annually available for appropriation has consistently been less than the adjusted limit amount. The issue remains unsettled, nevertheless. **(This issue is discussed in more detail in Part Three.)**

Treatment Of Surpluses

The spending limit definition requires that the Governor shall be responsible for insuring that "any unexpended and unappropriated balance" is invested so as to yield a competitive market rate of return to the State (Lines 36-39).

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4 See February 7, 1983, memorandum of opinion from Attorney General Norman C. Gorsuch and Assistant Attorney General James L. Baldwin to budget director Gene Dusek, Office of Management and Budget, p. 16.

5 Ibid., pp. 17-18.

For the most part, this requirement is simply a matter of common sense, to avoid wasting the earning power of the State's cash assets during the interval before they are used.

The argument has been made, however, that this requirement also serves to protect the State's unspent general funds insofar as it precludes their investment in subsidized loans, which would not yield a competitive market rate of return. /6

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6 This provision has been interpreted as also requiring that all appropriated but unspent general fund balances must be invested at market rates; i.e., that, in effect, all unspent general fund balances, whether appropriated or not, must be so invested. The purpose of this interpretation, which represents current State policy, is to protect the liquidity position of the State treasury.

PART TWO: LEGISLATIVE HISTORY AND BACKGROUND

This part of the report summarizes the legislative history of Alaska's constitutional spending limit. It focuses principally on events surrounding the 1981 passage and amendment of Senate Joint Resolution No. 4, the provisions of which ultimately became the spending limit. It also notes other legislative proposals for a spending limit and related legislation that were introduced during 1981 and 1982.

(See Appendix E for a chronology of the principal 1981 events involving the passage of Senate Joint Resolution No 4.)

Background--National Fiscal Climate In 1981

There is no question that events in other states during the four or five years preceding 1981 played an important role in setting the stage for debate about a spending limit in Alaska.

In particular, national concerns about state government spending had resulted in the passage of tax and expenditure limitations (TEL's) in eighteen states between 1976 and 1981. New Jersey had adopted the first state expenditure limit in 1976, followed by

Colorado and Rhode Island in 1977, and Arizona, Hawaii, Michigan, Texas and Tennessee by May of 1978.

In June of 1978, interest in state TEL's had peaked with the passage of California's Proposition 13, leading to the so-called "Tax Revolt" which swept the nation during 1978-1980. In the year and a half following Proposition 13, for example, nine additional states (Louisiana, Nevada, Utah, Washington, Idaho, Missouri, Oregon, South Carolina and Montana) had adopted TEL's.

Fourteen of these eighteen TEL's had placed limits on expenditures rather than on revenues, and seven had been constitutionally rather than statutorily implemented. Twelve had been initiated by legislatures, with the rest initiated by voters or by constitutional conventions. /7

Background--Alaska Fiscal Climate In 1981

While tax and expenditure limit activity in other states did much to set the stage for the 1981 spending debate in Alaska, it is important to note that Alaskans' interest in a spending limit stemmed from very different concerns than those that applied elsewhere.

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7 This summary of TEL activity in other states is based on information contained in Chapter One of a September 1984 draft report by the Advisory Commission On Intergovernmental Relations, Fiscal Discipline Tools Developed By State Govrenments: Tax And Expenditure Limits And Other Mechanisms.

For the most part, other states were concerned with limiting their revenue intake and expenditure outlays in order to alleviate the tax burden borne by their residents (in contrast to to the burden borne by corporations or the exported tax burden borne by the residents of other states). Alaska, however, was facing a situation of runaway wealth. Controlling the use of that wealth, therefore, rather than tax relief or learning to live with insufficient revenue, was the major impetus for discussions about how and why state government spending should be limited in Alaska.

The State of Alaska's income, for example, had surged dramatically by 1981 because of rising oil prices and increased Prudhoe Bay production. Where unrestricted revenue receipts had been $333.4 million in fiscal year (FY) 1975, by FY 1981 they had increased more than ten times to $3.7 billion. State appropriations of unrestricted revenue had also followed suit, increasing more than five times during the same period, from $512.2 million to $3.1 billion. **(See Table 1.)**

Beyond the evidence that greater income was causing greater spending, however, interest in a spending limit developed at least to an equal degree because revenue projections at the time indicated that the State would be receiving even more revenue, in unprecedented amounts, in the near future. **(See Table 2.)** If the need to control State spending already existed in 1981, therefore, it seemed virtually certain at the time that the need would soon become critical.

TABLE 1

UNRESTRICTED REVENUE AND APPROPRIATIONS
FY 1975 - FY 1981

($Millions)

FY	Revenue	Annual Growth	Appropriations	Annual Growth
75	333.4	-	512.2	-
76	709.8	112.9%	628.0	22.6%
77	874.3	23.2%	716.2	14.0%
78	764.9	(12.5%)	842.2	17.6%
79	1,133.0	48.1%	1,102.5	30.9%
80	2,501.2	120.8%	1,135.4	3.0%
81	3,718.2	48.7%	3,102.2	173.2%
Overall Growth:		1,015.2%		505.7%
Compound Annual Growth Rate:		49.5%		35.0%

Source: Office of Management and Budget (based on Legislative Finance Division and Department of Revenue data).

TABLE 2

UNRESTRICTED REVENUE OUTLOOK IN 1981
FOR PERIOD FY 1981 - FY 2000

($Millions)

FY	1981 Forecast	Actual/ Current Outlook*	FY	1981 Forecast	Actual/ Current Outlook*
81	3,376	3,718	91	16,688	1,399
82	4,916	4,108	92	17,932	1,384
83	6,000	3,631	93	19,395	1,372
84	6,798	3,390	94	20,326	1,334
85	8,082	3,260	95	20,666	1,297
86	9,278	2,679	96	20,818	1,266
87	10,849	1,220	97	20,787	1,343
88	12,179	1,132	98	20,520	1,297
89	13,981	1,268	99	20,050	1,238
90	15,074	1,460	2000	19,509	1,186

* Current outlook as of 6/86 revenue forecast.

Source: Office of Management and Budget. (1981 forecast prepared by ISER for Battelle Northwest Laboratories, based on June 1981 forecast by Department of Revenue. Other data from Department of Revenue, June 1986 30th percentile unrestricted general fund revenue forecast.)

Early Proposals For A Spending Limit

The earliest legislative proposal for a state government spending limit in Alaska was Senate Joint Resolution No. 52 (SJR 52), introduced in the legislature on February 18, 1980, by Senator Mike Colletta et al.. /8 SJR 52 proposed to amend the Alaska Constitution to require that the annual rate of growth in State appropriations (not including appropriations to the Permanent Fund) could not exceed the estimated annual rate of growth in Alaska's economy, as reflected in projected changes in personal income. /9 SJR 52 also provided that any revenue surplus remaining above the level set by the spending limit would be returned to taxpayers, and that no general law requiring increased expenditures by a political subdivision could become effective unless the State paid the political subdivision an amount of money equalling those costs. (SJR 52 and a companion bill, SB 558, did not pass the Legislature.)

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8 Co-sponsors were Senators Don Bennett, Betty Fahrenkamp, Jay Kerttula and Glen Hackney.

For an example of early interest in a spending limit within the executive branch, see the December 12, 1977, memorandum on expenditure limitation proposals from policy analyst Dona Lehr to Fran Ulmer, director of policy development and planning for Governor Jay Hammond (on file in the Division of Strategic Planning, Office of Management and Budget, Office of the Governor).

9 Changes in Alaska personal income were specified in a companion bill, Senate Bill 558, introduced by the Senate Rules Committee on April 11, 1980.

During the latter part of 1980, much of the effort in developing a spending limit proposal was undertaken by the administration of Governor Jay Hammond. Hammond's Division of Policy Development and Planning completed a major assessment of the spending limit issue in August of 1980, focusing on the pro's and con's of expenditure limitations and on related issues such as what (if anything) to exempt from limits. Noting that the impetus for a spending limit in Alaska stemmed not from onerous tax burdens, as in other states, but from an overabundance of oil-generated revenue, the report noted that:

> **"These revenues result in 'painless' spending increases, the demand for which the Legislature and the executive find difficult to resist. The absence of the traditional revenue constraint on spending has allowed us to become accustomed to levels of per capita spending which will be difficult, if not impossible, to support in the future." /10**

As a result of this effort, Hammond delivered a keynote address on spending limitations to the prelegislative conference of the Alaska Chamber of Commerce in Anchorage on December 4, 1980. In the address, he said that constraining excessive state government spending was a necessity for Alaska. He emphasized, in particular, that a constitutionally established spending limit requiring

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10 See Policy Analysis Paper No. 80-10: Expenditure Limitations, Division of Policy Development and Planning, Office of the Governor, State of Alaska, August 1, 1980.

voter approval to exceed it was critical, if Alaska was to have a sound economy and a secure financial future. /11

In addition to Hammond's proposal, the Alaska State Chamber of Commerce and the private-sector public affairs organization Commonwealth North also developed proposals during the fall of 1980 for a limit on state government spending in Alaska. Their proposals were similar in intent to Hammond's, differing primarily on the scope of State spending that should be limited and on the formulas that should be used for making annual adjustments to the limit. /12

Senate Joint Resolution No. 4--Description And Issues

Senate Joint Resolution No. 4 (SJR 4), which in amended form ultimately became the spending limit, was drafted by the Hammond administration in December of 1980, and introduced in the Legislature at Hammond's request by the Senate Rules Committee on

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11 See speech delivered by Governor Jay Hammond, titled "Spending Limitations", before the Prelegislative Conference of the Alaska State Chamber of Commerce in Anchorage on December 4, 1980.

12 See draft for remarks of Fran Ulmer, director of policy development and planning for Governor Jay Hammond, before a conference on state government spending issues presented by Common Sense For Alaska and other organizations, in Anchorage, December 13, 1980.

January 13, 1981. It was referred to the Senate Transportation, Judiciary and Finance committees. (The parallel House vehicle, House Joint Resolution No. 5, was introduced in the House of Representatives on February 4, 1981.)

As introduced, SJR 4 proposed that the Alaska Constitution be amended by the addition of two new sections. (If the resolution were to pass the Legislature, therefore, the amendments would go before voters in the 1982 general election.)

The first of SJR 4's amendments established a spending limit for the State. Specifically, it provided that State appropriations during any fiscal year (rather than for any fiscal year) could not exceed the amount appropriated during the preceding fiscal year by more than: (1) the increase in the federal consumer price index for Alaska for the calendar year preceding the governor's January submission of the budget; plus, (2) a percentage equal to the average yearly growth in Alaska's population as shown by the most recent two federal censuses or renumerations.

The second amendment itemized those appropriations which would not be subject to the limit. Exempted were appropriations for: Permanent Fund deposits and dividends; capitalization of loan funds; voter-approved capital projects; general obligation bond debt service; and reserve funds for disasters or emergencies.

Also exempted from the spending limit were appropriations of money that: equalled increases in program user fees; were necessary to meet requirements of court orders, or program or responsibility transfers from the federal government; equalled one-quarter of the income generated by deposits to the Permanent Fund that exceeded the deposit requirements established by the Alaska Constitution; or were appropriated by the Legislature and approved by the governor for disasters.

As indicated by the specificity of these provisions, it was clear from the outset that three questions would dominate, and complicate, both the legislative path of SJR 4 as well as the search in general for an acceptable spending limit for the State of Alaska:

(1) **how to define the base, or starting point**

(e.g., the amount of appropriations made during the preceding fiscal year, the amount made for the preceding fiscal year, or during or for the preceding calendar year, or a fixed amount, etc.);

(2) **how to adjust the limit each year**

(e.g., adjust it for population and inflation, or for the growth in per capita personal income, or for the growth in non-government per capita personal income, or for changes in the state's gross annual product, etc.); and,

(3) **what to exclude from, or allocate within, the limit**

(viz., appropriations for capital projects and for the capitalization of loan funds).

These questions in fact dominated the debate about SJR 4 and a variety of competing proposals /13 during SJR 4's passage through the Senate Transportation Committee and the House and Senate Judiciary and Finance Committees during the 1981 legislative session.

Senate Joint Resolution No. 4--Legislative Passage

SJR 4 moved through its Senate committee referrals between March 12 and June 11, 1981, receiving a number of amendments along the

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13 Other legislative proposals for a spending limit that circulated during the 1981 legislative session included the following:

SJR 3, introduced by Senator Mike Colletta, was a re-introduction of SJR 52, which failed to pass the year before.

HJR 4, introduced by Representative Terry Gardiner, limited appropriations growth to the growth in statewide per capita personal income.

CS HJR 4 (Fin), introduced by the House Finance Committee, employed unspecified inflation and population indices to annually adjust the appropriation limit.

CS SJR 4 (Fin), introduced by the Senate Finance Committee, effectively set $2.7 billion as the base for limiting future annual appropriations.

HJR 57, introduced by Representative Hugh Malone, employed the federal consumer price index and federal census data to adjust appropriations annually, using as a base the amount of appropriations enacted during FY 1981.

HB 607, introduced by Representatives Russ Meekins and Thelma Buchholdt, employed the same annual adjustment indices as HJR 57, but specified that the appropriation limit applied only to the budget presented annually by the governor.

Other bills or resolutions (or substitute versions) may have been introduced, in spite of efforts to cite them here.

way. Its referral to the Senate transportation Committee was waived on March 26 by Senator Bill Ray, chairman. The Senate Judiciary Committee passed out an amended version, CS SJR 4 (Jud) on May 5. On June 11, the Senate Finance Committee adopted yet a different amended version, CS SJR 4 (Fin), and sent it to the Senate Rules Committee to be calendared for a floor vote.

On June 12, the Senate adopted CS SJR 4 (Fin) by a vote of 16-3, with one abstention, and sent it to the House for consideration.

Also on June 12, the House leadership headed by Speaker Jim Duncan and Majority Leader Russ Meekins was supplanted in a take-over by dissident minority (i.e., non-coalition) members. The result of the "coup" was a new House leadership, headed by Speaker Joe Hayes and Majority Leader Rick Halford.

On June 20, after further amendment in the House Finance Committee, as well as further amendment and reconsideration on the floor of the House, SJR 4 finally passed the House as HCS CS SJR 4 (Fin)amH by a 37-1 vote, with two abstentions. Representative Don Clocksin cast the single opposing vote.

On June 21, the Senate unanimously (but for one abstention) refused to concur in the House amendments to SJR 4. Senate President Jay Kerttula immediately appointed Senators Sturgulewski (chair), Colletta and Kelly to represent the Senate in free conference on the SJR 4 bills, if necessary.

Later in the day on June 21, the House voted unanimously (40-0) in refusing to recede from its amendments, setting the stage for a free conference committee confrontation. Following the House vote, Speaker Joe Hayes appointed Representatives Montgomery (chair), Freeman and O'Connell to represent the House on the free conference committee.

On June 24, after hearing in the morning that the SJR 4 conferees had reached agreement, but then hearing in the afternoon that Speaker Hayes would not accept the conferees' proposal, Governor Hammond sent a letter to House Speaker Joe Hayes and Senate President Jay Kerttula warning that action on the spending limit must occur before adjournment of the Legislature:

> **"I can think of nothing more illogical or damaging to the image of this Legislature and Administration than to not only break the all-time record for session length, but as well promote the largest increase in state spending ever proposed and yet deny the public the opportunity to vote on a meaningful spending limitation. The very future of this state demands better stewardship than that. Accordingly, were this Legislature to adjourn without having dealt with the most important issue facing it, I would have no choice but to call a special session to address this vital issue." /14**

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14 House Journal, June 24, 1981, p. 2596-2597.

Later in the day on June 24, Speaker Hayes discharged the House conferees on SJR 4, and appointed a new team consisting of Representatives Halford (chair), Bettisworth and Malone. Learning of Hayes' action, Senate President Kerttula that same day likewise discharged the Senate conferees and appointed a new team comprising Senators Ray (chair), Ferguson and Gilman.

At 7:06 that evening (June 24), the Senate adjourned. The House followed suit at 12:35 in the morning.

The next day, June 25, Governor Hammond issued a statement blaming the House leadership for the breakdown in work on the spending limit, saying:

> **"As you know, despite ample warning and the actions by the Senate, the House leadership failed to even bring the [spending limit] issue to a vote before adjourning." /15**

Simultaneously, Hammond issued a proclamation calling the Legislature back into special session in Juneau on July 13, to consider SJR 4. **/16**

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15 See statement on spending limitation by Governor Jay Hammond, dated June 25, 1981.

16 June 25 proclamation appears in House Journal for the First Special Session, July 13, 1981, p.1. (Also appears in Senate Journal, same date and page.)

The July 13 special session lasted only two days. It was characterized by an intensive series of meetings among Senate and House conferees on SJR 4, and equally intensive meetings between legislators and the Governor's Office.

By 9:32 P.M. on July 13, the conferees of the second free conference committee recommended adoption of FCCS SJR 4 (the language of which now appears as Section 16, Article IX of the Alaska Constitution), along with a letter of intent. **/17**

Conferees signing "do pass" on FCCS SJR 4 included Senators Ferguson and Gilman, and Representatives Halford and Bettisworth. Senate chairman Bill Ray signed "no recommendation", while Representative Hugh Malone signed "do not pass - see minority report". **/18** Representative Malone submitted his minority report on FCCS SJR 4 **(See Appendix F)**, and originally it appeared in the House Journal; subsequently, however, it was removed from the House Journal at the direction of House Speaker Hayes. **/19**

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17 The Senate Journal said that the letter of intent would be published on July 14, but it never appeared. See Senate Journal, First Special Session, July 13, 1981, p. 5.

18 See House Journal, First Special Session, July 13, 1981, p. 6; and Senate Journal, First Special Session, July 13, 1981, p. 5.

19 See July 23, 1981, letter to House Chief Clerk Irene Cashen from Speaker Joe Hayes in "Corrected Final Supplement", House Journal, First Special Session, July 27, 1981, p. 17

On July 14, the Senate passed FCCS SJR 4 (without a letter of intent) on a 15-4 vote with one abstention, and adjourned at 6:11 P.M. At 1:32 A.M. on July 15, the House likewise adjourned, after passing FCCS SJR 4 (also without a letter of intent), on a 27-13 vote.

Later in the day of July 15, Governor Hammond signed FCCS SJR 4 into law as First Special Session - Legislative Resolve No. 1.

1982 Legislation

The debate over the spending limit continued during the 1982 legislative session, amidst major concerns about the State's spending and investment policies. Throughout the session, expectations of steadily increasing revenue windfalls remained high.

Though none of it passed, the major fiscal legislation introduced in the 1982 session primarily addressed two subjects. One was the need for clarifying statutes to implement the general provisions of the proposed spending limit, as SJR 4 would go before voters in the November 1982 general election and, if adopted, would require such clarification. The other was the question of how best to use the surplus amounts of revenue that everyone expected the State to be receiving.

The major piece of implementing legislation, for example, was SB 814, introduced by Governor Hammond. This bill defined the SJR 4

inflation adjustment as the annual percentage change, during the calendar year preceding each fiscal year, in the Anchorage all-urban consumer price index (as published by the Bureau of Labor Statistics of the United States Department of Labor). It also defined the SJR 4 population adjustment as the percentage annual change as of each July 1 in the estimated population of Alaska, based on the trend established by the United States Census Bureau for the period between the previous two censuses or renumerations. The bill's failure to pass, however, ensured that SJR 4, upon adoption, would become law without the benefit of clarifying statutory language.

Looking for ways to save some of the State's expected future wealth, Governor Hammond also introduced SJR 65 in 1982. This resolution would have allowed no more than 50 percent of money exceeding the SJR 4 limit to be used for voter-approved capital projects, with the remainder to be invested at market rates or deposited into the Permanent Fund.

The major piece of legislation introduced from the legislative side during the 1982 session was SJR 61 (which evolved through several sponsor amendments), introduced by Senator Ed Dankworth. If adopted, SJR 61 would have replaced the SJR 4 limit with a spending limit based on the amount of taxes collected annually in Alaska, with all other revenue being dedicated to the Permanent Fund or to a capital investment fund (established by the resolution). As amended, SJR 61 would have allowed three-quarters of

the State's annual revenue receipts to be used for operating budget appropriations, and one-quarter for capital projects. Up to 10 percent of the capital investment fund to be created under SJR 61 could be appropriated annually, or 100 percent if voters approved.

PART THREE: TECHNICAL ISSUES

This part of the report describes the major technical problems that complicate the interpretation and implementation of Alaska's constitutional spending limit. All of these problems derive from a lack of specificity in the provisions of the spending limit definition.

The original intention behind SJR 4 was to define the spending limit in general terms in the Alaska Constitution, and then specify its technical aspects in statutory provisions. Such an approach conforms with the accepted practice of limiting constitutional language to statements of general principles, while placing in statutes (which can be changed by legislative action, if necessary) the specification of details that may have to be modified in the future. This minimizes the frequency of constitutional amendments, while preserving the flexibility for dealing with changing circumstances.

To date, however, no statutory explication of the spending limit's provisions has occurred. As a result, little consensus exists as to how the spending limit should be interpreted and applied, or whose responsibility that should be.

Responsibility For Determining The Limit

An important practical problem with the spending limit is the fact that no particular agency or entity (e.g., the Governor, the Legislature, etc.) is specifically assigned the responsibility for calculating it. As a result, when the Governor prepares the budget, and when the Legislature subsequently modifies it, each can use their own calculations as to what the spending limit is.

This has not been a major problem to date, because the spending limit (by everyone's calculation) has generally grown increasingly higher than the amount of unrestricted revenue actually available for appropriation. The potential for a problem does exist, however, especially in view of the ambiguity about how to properly adjust the limit for annual population and inflation changes.

Particularly if the State's revenue receipts were to exceed the spending limit at some point in the future, the question of who determines the spending limit could assume a strategic importance. A governor, for example, might wish to calculate a "low" spending limit in order to restrain appropriations, perhaps in response to public demands to decrease budget growth. Similarly, legislators might wish to calculate a "low" spending limit in order to force some of a governor's capital project priorities onto the ballot. The point is simply that, by not having responsibility assigned for determining the limit, an opportunity is created for the pursuit of such strategems.

Adjusting The Limit For Population And Inflation

There is probably no greater technical problem associated with the spending limit than that of adjusting the limit annually for changes in population and inflation. The problem stems not from the fact that the adjustments are difficult to make mathematically, /20 but rather from the fact that an explicit method for making them has not to date been statutorily enacted. /21

The only assistance that the spending limit definition itself provides, in fact, is that the estimates of annual change be "derived from federal indices". (Federal indices were specified in the spending limit definition to minimize the potential for

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20 The formula for making population and inflation adjustments to the base is:

SL = Base x (1 + P) x (1 + I)

where: **"SL"** is the spending limit or maximum appropriation amount allowed, **"Base"** is equal to $2.5 Billion, **"P"** is the cumulative population increase since July 1, 1981 (expressed as a percentage), and **"I"** is the cumulative inflation increase since July 1, 1981 (expressed as a percentage).

21 A number of bills have been introduced since 1982 to implement the population and inflation adjustment (and other technical) provisions of the spending limit, but none have been enacted. A partial list, showing the date of introduction and the sponsor(s) within parentheses, includes: **SB 814** (2/18/82, Governor Jay Hammond); **SB 60** (1/19/83, Senator Arliss Sturgulewski); **SB 326** (1/84, pre-filed, Senator Frank Ferguson); **HB 524** (1/18/84, Representative Al Adams); **Committee Substitute for Sponsor Substitute for SB 326** (1/26/84, Senate Judiciary Committee); and **SJR 2** (1/14/85, Senators Frank Ferguson and Edna DeVries).

pressure or manipulation that might arise if a particular State agency were responsible for making the population and inflation estimates that establish the annual limit.)

The problem caused by this situation is important, because population and inflation adjustments to the spending limit can be made in a great variety of ways--each yielding a very different spending limit for any particular fiscal year.

The answers to several important questions, therefore, need to be specified in law. These questions are:

- **What population index should be used to measure population changes since July 1, 1981?**

- **What inflation index should be used to measure inflation changes since July 1, 1981?**

- **Over what period should population and inflation changes be measured?** Specifically, if July 1, 1981, is the starting-point of the period, what should be its end-point?

These questions are discussed briefly below. It should be kept in mind, however, that many very technical considerations surround the particular question of which population and inflation indices to use. These include considerations of (e.g.): just what a particular index measures, and whether factors like sampling error are significant; how missing data (for certain periods of time) are handled in the index's data series; whether there have been changes since July 1, 1981, in the method by which the

index is formulated; and other factors such as the frequency of revisions or updates to past values of the index, the timing of the index's publication (relative to when Alaska legislators and public officials would need to use the index), etc..

Two points need to be kept in mind, consequently. One is that a precise methodology for making population and inflation adjustments to the spending limit needs to be established and defined in law. The second is that a great deal of thought should precede the adoption of any particular methodology.

A. Population Indices

Several choices exist in selecting a federal or federally derived index for measuring population change in Alaska.

One available index is the trend (continuously compounded rate of change) between the population estimates for Alaska made during the two previous federal decennial censuses; i.e., those of 1970 and 1980. This index provides a fairly solid basis for making population estimates, as it is easy to understand and is based on actual enumerations (head-counts) rather than on estimates. By the same token, however, the decennial trend is a poor indicator of short-term and very recent population fluctuations. It is much more useful for charting long-term changes. /22

22 The 1980 census, in particular, also has been widely criticized in Alaska and elsewhere as having under-enumerated local populations.

A second population index that could be used is the annual estimate of Alaska's population made by the U.S. Bureau of the Census. This index is more responsive to short-term population fluctuations in Alaska, but suffers from frequent updates and revisions. Also, because it is produced specifically for the purpose of allocating funds under the federal general revenue sharing program, the chance exists that it might be dropped altogether if the federal revenue sharing program were to be eliminated.

Yet a third index that could be used is the annual estimate of Alaska's population made by the Alaska Department of Labor. It is not clear whether this index would meet the criterion of being "derived from federal indices", however, even though it is annually certified by the federal government. Also, since the estimate has to date been made in July (too late to be of use for the Legislature), a change in the timing of its preparation might result in inconsistencies with past estimates in the series.

B. Inflation Indices

As with population indices, there are many inflation indices from which to choose.

The most commonly used index of inflation is the Consumer Price Index (CPI), which is released bimonthly by the U.S. Department of Labor's Bureau of Labor Statistics. A national CPI is

developed, as well as a CPI for major metropolitan areas such as Anchorage. /23

The advantages of using the Anchorage CPI is its high degree of public familiarity, and its relatively direct measurement of (and responsiveness to) cost and price movements in the Alaska economy. Even though the Anchorage CPI does not reflect economic conditions in Alaska's rural areas, it at least implicitly recognizes that social and economic conditions in Alaska are significantly different from conditions in other states.

The main disadvantage of the CPI is that it doesn't particularly focus on the costs incurred in providing government services. It measures the price of goods that a typical consumer buys in the market--which is not at all the same as the mix of goods and services that are provided by government.

A federal index that does measure price changes in the cost of providing government services is contained in the data series "Implicit Price Deflators for Government Purchases of Goods and Services by Type - State and Local". This index is issued quarterly in the Survey of Current Business published by the U.S.

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23 Two CPI indices are in fact issued for standard metropolitan areas such as Anchorage. One is the CPI for All Urban Consumers (CPI-U), which measures changes in the price of market purchases by all urban dwellers; the other is the CPI for Urban Wage Earners and Clerical Workers (CPI-W), which measures changes in the price of market purchases by all urban labor force members. The CPI-U is the more inclusive measure, generally covering about twice as many people as the CPI-W, and usually produces a higher inflation rate than the CPI-W.

Department of Commerce's Bureau of Economic Analysis., and measures price changes in the commodities and services purchased by state and local governments across the nation.

The main advantage of this index is its focus on the purchases of goods and services made by governments. Its main disadvantage is that it is a national index, and is weighted only very slightly for Alaska (as opposed to large states like California). It does not reflect very well the kinds of government costs incurred in Alaska, and therefore would not be very responsive to trends and events within the Alaska economy.

C. Adjustment Period

In addition to not specifying which population and inflation indices to use, the spending limit definition also is not clear about the duration of the period over which population and inflation changes should be measured. Specifically, the spending definition is clear that the starting-point of the period to be measured is July 1, 1981. The definition is silent, however, as to what the end-point of the period should be.

Several options exist. One is that, in calculating the spending limit for a given fiscal year, the end-point should be the start of that fiscal year (July 1). Another is that the end-point should be the end of that fiscal year (June 30). Yet another is that the end-point should be somewhere during that fiscal year.

The logical choice would seem to be to set the end-point of the period as the end of the fiscal year being budgeted, as it is the combined population and inflation change throughout that year which needs to be encompassed (in order to keep spending constant in real per capita terms, relative to the preceding fiscal year).

Using this approach will lead to an additional complication, however; namely, the need to forecast future population and inflation rates over the course of the coming fiscal year. This will obviously bring its own set of problems, and require explicit statutory specification of the procedure and methodology for making those forecasts.

Two points may be drawn from all this. One is that, until a specific methodology for annually adjusting the spending limit is enacted in statute, the question of who sets the limit will remain critical, because the limit (which is very sensitive to population and inflation adjustments) will remain subject to the policy objectives of executive or legislative branch leadership.

The second point is simply to note how difficult it can be to implement seemingly straightforward ideas.

Definition Of The Base

The spending limit establishes a fixed-amount base of $2.5 billion, which is then adjusted for population and inflation changes

in determining the limit applicable to a particular fiscal year. This approach is particularly risky for a state such as Alaska, whose dependence on oil can cause great volatility in the amount of revenue received each year.

Also, because the fixed-amount base is adjusted annually for population and inflation changes, which are generally positive rather than negative, the limit tends to increase each year without regard to the amount of revenue actually available for appropriation. This factor has made the limit increasingly irrelevant in controlling State spending, ever since revenue receipts began declining in 1982. In fact, unless the State's revenue income were to increase very dramatically in the future (and keep increasing thereafter), it is unlikely that the spending limit will ever be binding.

Allocation For Capital Project And Loan Appropriations

One of the most controversial aspects of the spending limit is the language allocating appropriations for capital projects and loans; i.e., "Within this limit, at least one-third shall be reserved for capital projects and loan appropriations."

The provision is controversial because little agreement exists on how to interpret it when the amount of revenue available falls below the level set by the spending limit. This creates a problem, because different interpretations of the language lead to

significantly different results, with widely varying effects on the State's operating and capital budgets.

For example, one interpretation can be that **one-third of the amount actually appropriated for budget items subject to the spending limit** must be reserved for capital projects and loan appropriations. If the situation were such that the spending limit were established at $4.5 billion (which is close to the FY 1987 limit of approximately $4.6 billion), the State had a total of $2.4 billion in unrestricted revenue available for appropriation, and the amount of appropriations subject to the limit equalled $1.8 billion, then this criterion would require an appropriation of **$600 million for capital projects and loans** (one-third of $1.8 billion), **leaving $1.8 billion available for operating appropriations** ($2.4 billion minus $600 million).

A second interpretation, however, can be that **one-third of the amount established as the spending limit** must be reserved for capital projects and loan appropriations. If this is the case, then the reserve amount required would be **$1.5 billion for capital projects and loans** (one-third of $4.5 billion), **leaving $900 million available for operating appropriations** ($2.4 billion minus $1.5 billion). **/24**

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24 Whenever the amount of revenue available for appropriation is less than the ceiling set by the spending limit (which has occurred in the last three of the four years that the limit has been in effect), this interpretation leaves the least amount of revenue available for operating budget appropriations.

Yet a third interpretation can be that **one-third of the amount of unrestricted revenue available for appropriation** must be reserved for capital projects and loan appropriations. If this is the case, then the reserve amount required would be **$800 million for capital projects and loans** (one-third of $2.4 billion), **leaving $$1.6 billion available for operating appropriations** ($2.4 billion minus $800 million).

Still another interpretation has been offered by the Department of Law, which is that **the one-third reserve requirement may not apply at all** if the amount of available revenue is less than the appropriation ceiling set by the limit. **/25** This interpretation, offered in a February 7, 1983, Attorney General's opinion, was disputed by a number of legislators but never challenged in court. **/26**

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25 See discussion on pp. 15-18 of Attorney General's opinion cited in Note 4.

26 Senator Rick Halford, who had been the House majority leader in 1981 when the spending limit resolution was passed, informed Attorney General Norman Gorsuch in a February 11, 1983 memorandum that this interpretation was "not consistent with my intent or my perception of the intent of the majority of the supporters of the amendment in the House at the time of passage." Halford informed Gorsuch in the same memorandum that the "correct" interpretation of the allocation provision was that up to two-thirds of the amount set as the limit could be allocated to operating budget appropriations, with any remainder to be allocated to capital projects and loan appropriations.

House Speaker Joe Hayes, House Majority Leader Ramona Barnes and House Finance Committee Chairman Al Adams also expressed their general discontent with the February 7 opinion in a February 18, 1983, letter to Attorney General Norman Gorsuch.

A different kind of problem altogether concerns the relationship between the one-third reserve requirement (regardless of its interpretation) and the governor's constitutional veto authority. Specifically, if the Legislature adopted a budget meeting a one-third/two-thirds allocation requirement, any veto of any item by a governor would upset that ratio. The spending limit definition is therefore unclear as to whether the one-third reserve requirement or a governor's veto authority would supercede the other (although nothing in the record of the limit's adoption indicates that the spending limit was intended to limit or condition in any way the constitutional veto power of Alaska governors.)

Overall, therefore, it is clear that the manner in which this particular provision of the spending limit definition is interpreted can produce extremely divergent effects on the State's operating and capital budgets, as well as a certain degree of ambiguity about the spending limit's relationship to the gubernatorial veto power. As such, the provision should certainly be clarified through statutory language.

Definition Of "Capital Projects"

The lack of a definition of "capital projects" impedes application of the spending limit's requirement (however interpreted) that one-third of the appropriations within the limit shall be reserved for capital projects and loan appropriations.

The definitional problem stems from the fact that the Alaska Constitution uses the term "capital improvements" (e.g., in defining the authority for incurring state and local debt in Sections 8-9 of Article IX), rather than the term "capital projects".

When SJR 4 was first introduced, it employed the term "capital improvements" in order to be consistent with usage of that term in the Constitution. When the second free conference committee on SJR 4 took up the resolution, however, the term "capital improvements" was changed to "capital projects". /27 The distinction between the two terms has not been clarified to date, the only consensus being that the term "capital projects" probably was intended by the SJR 4 conferees to be more inclusive than the constitutional term "capital improvements". /28

A rule of thumb used by the executive branch in budget preparations is that a capital project is an asset that costs $25,000 or

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27 See discussion on p. 21 of Attorney General's opinion cited in Note 4. Also see general discussion on pp. 20-23.

28 Ibid., pp. 22-23. The meaning and intent of "capital projects" in this context is complicated by Senator Bill Ray's comment at the time that capital projects are "what the definitive judgement of a majority of the legislature determines they are." (Cited on p. 21 of the Attorney General's opinion. See the discussion beginning at page 21, line 17, in the transcript of the July 13, 1981, proceedings of the Free Conference Committee on SJR 4. Senator Ray's remark appears on page 22.)

more, has an anticipated life of more than one year, and produces recurring or long-lasting benefits to the public. /29 It is not clear, however, whether this working definition satisfies the intent of the term "capital projects" as it appears in the spending limit definition.

The lack of a definition of "capital projects" also complicates interpretation of the spending limit's requirement that each bill for appropriations for capital projects in excess of the limit shall be confined to capital projects "of the same type", because neither term has been defined to date.

The term "loan appropriations", while not defined in statute, does not appear to present a major problem, as it is customarily understood to include appropriations of money for a loan fund or appropriations of a subsidy amount for a loan program. "Loan appropriations" does not usually include, however, nor did the framers of SJR 4 apparently intend it to include, the appropriation of bond proceeds for loan programs. /30

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29 See March 29, 1983, letter from Budget Director Gene Dusek, Office of the Governor, to House Finance Committee Chairman Al Adams. The letter contains additional, detailed criteria for identifying capital projects.

30 See October 6, 1981, memorandum from Legislative Counsel James H. Lear, Legislative Affairs Agency, to Legislative Budget And Audit Committee Chairman Arliss Sturgulewski, p.6.

Unexpended And Unappropriated Balances

The spending limit definition requires that any "unexpended and unappropriated balances" must be invested so as to yield competitive market rates to the State's treasury. Presumably, this means that individual investments must yield a market rate of return, not that the overall rate of return must yield a market rate.

PART FOUR: FISCAL IMPACT OF THE SPENDING LIMIT

This part of the report describes the fiscal impact of Alaska's constitutional spending limit. Essentially, it tries to answer the question of whether the spending limit has "worked" in any meaningful way.

Effect On Appropriations

Two factors, in particular, make it difficult to assess whether the spending limit has acted to control or limit State spending. One is the fact that certain categories of spending (e.g., appropriations for federal funds, debt service on general obligation bonds, etc. /31) are exempt from the limit. Thus, spending growth in those areas is not controlled by the limit, or intended to be. The second is the fact that the State's unrestricted revenue receipts have declined steadily since the spending limit was put into place. This makes it difficult to determine whether any declines in appropriations that may have occurred are due to the effects of the spending limit, or are simply due to the fact that less money has been available to appropriate.

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31 These exemptions are itemized in the spending limit definition (Section 16, Article IX, of the Alaska Constitution).

Certain bench marks allow at least a gross evaluation of the limit's effectiveness, however, and indicate that the limit has had little or no effect on overall State appropriations.

Table 3, for example, shows that even the total amount of unrestricted revenue appropriations (a category which includes more items than those covered by the spending limit) has exceeded the spending limit in only one of the four years during which the limit has operated. The implication of this, particularly in view of the revenue decline shown in the table, is that falling revenue has done more to constrain State spending than any effects of the spending limit. **(See Table 3.)**

Table 4, which compares with the spending limit only those appropriations which were subject to the spending limit, shows this even more clearly. As can be seen, not only has the spending limit never been exceeded, but the chances of exceeding it have become increasingly unlikely. **/32 (See Table 4.)**

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32 In general, appropriation amounts have fallen below the level set by the spending limit for two reasons. One is the revenue decline experienced in recent years. The second is the steady elevation of the limit produced by the fact that a fixed-amount base is being adjusted annually for population and inflation changes. So long as Alaska's population continues to increase and inflation rates remain greater than zero, the appropriation ceiling set by the spending limit will continue to rise.

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TABLE 3

TOTAL UNRESTRICTED REVENUE APPROPRIATIONS VERSUS THE SPENDING LIMIT

FY 1984 - FY 1987

($Millions)

For FY	Unrestricted Revenue	Spending Limit	Total Unrestricted Revenue Appropriations	Amount By Which Appropriations Exceed (Fall Below) The Limit
84	3,390	2,980	3,011	31
85	3,260	3,654	3,620	(34)
86	2,679	3,998	3,060	(938)
87	2,078	4,652	2,456	(2,196)

*

Revenue figures shown for FY 1987 are based on the Department of Revenue's March 1986 revenue forecast. FY 1987 appropriation amounts shown do not include supplemental appropriations and do not reflect budget reductions announced after the release of the June 1986 revenue forecast. Special Permanent Fund deposits attributed to FY 1984 and FY 1985, as well as other extraordinary appropriation items, are included in the appropriation amounts shown.

Source: Office of Management and Budget.

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TABLE 4

UNRESTRICTED REVENUE APPROPRIATIONS SUBJECT TO THE SPENDING LIMIT

FY 1984 - FY 1987

($Millions)

For FY	Spending Limit	Appropriations Subject To The Limit	Amount By Which Appropriations Exceed (Fall Below) The Limit
84	2,980	2,739	(241)
85	3,654	3,355	(299)
86	3,998	2,790	(1,208)
87	4,652	2,157	(2,495)

*

FY 1987 appropriation amounts shown do not include supplemental appropriations and do not reflect budget reductions announced after the release of the June 1986 revenue forecast. Special Permanent Fund deposits attributed to FY 1984 and FY 1985, as well as other extraordinary appropriation items, are included in the appropriation amounts shown.

Source: Office of Management and Budget.

Effect On Appropriations For Capital Projects And Loans

As discussed earlier, substantial problems of interpretation have surrounded the spending limit definition's requirement that "within this limit, at least one-third shall be reserved for capital projects and loan appropriations." /33

Specifically, the spending limit definition is unclear as to whether appropriations for capital projects and loans should equal one-third of:

- the amount of unrestricted revenue appropriated for items subject to the spending limit **("appropriation amount" criterion)**;

- the amount established as the spending limit **("limit amount criterion")**; or,

- the amount of unrestricted revenue available for appropriation **("revenue amount criterion")**.

While it is unclear as to which of the above criteria the framers of the spending limit may have had in mind, and in spite of the fact that the State has followed a consistent policy of not applying the one-third allocation criterion for capital projects and loans (in accordance with the 1983 Attorney General's

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33 See the section on "Allocation For Capital Projects And Loan Appropriations" in Part Three.

opinion), /34 it may be informative to determine whether appropriations for capital projects and loan appropriations have met any of the three criteria during the four years of the spending limit's operation. As shown in Tables 5-7, it is clear that they have not, coming close only for FY 1985. **(See Tables 5-7.)**

Many factors, of course, have influenced capital project and loan appropriation decisions during the past four years, not the least of which have been declining revenues and uncertainty about how to interpret the one-third reserve requirement. Nonetheless, it seems at least clear that the spending limit was <u>not</u> one of those factors.

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34 Cited in Note 4.

TABLE 5

ONE-THIRD OF "APPROPRIATION AMOUNT" CRITERION FOR CAPITAL PROJECTS AND LOAN APPROPRIATIONS

($Millions)

For FY	Appropriations Subject To Limit *	Operating	Capital Projects Plus Loans **	Percentage For Capital Plus Loans
84	2,439	1,747	691	28.3%
85	3,055	2,009	1,046	34.2
86	2,651	2,017	634	23.9
87	2,157	1,871	286	13.3

* Excludes FY 87 supplemental appropriations and budget reductions announced after release of the June 1986 revenue forecast.

** Excludes extraordinary items.

Source: Office of Management and Budget.

TABLE 6

ONE-THIRD OF "LIMIT AMOUNT" CRITERION FOR CAPITAL PROJECTS AND LOAN APPROPRIATIONS

($Millions)

For FY	Spending Limit	Capital Projects Plus Loans *	Percentage
84	2,980	691	23.2%
85	3,654	1,046	28.6
86	3,998	634	15.9
87	4,652	286	6.2

* Excludes extraordinary items.

Source: Office of Management and Budget.

TABLE 7

ONE-THIRD OF "REVENUE AMOUNT" CRITERION FOR CAPITAL PROJECTS AND LOAN APPROPRIATIONS

($Millions)

For FY	Unrestricted Revenue *	Capital Projects Plus Loans **	Percentage
84	3,390	691	20.4%
85	3,260	1,046	32.1
86	2,679	634	23.7
87	2,078	286	13.8

* March 1986 Revenue Forecast (Department of Revenue).

** Excludes extraordinary items.

Source: Office of Management and Budget.

SUMMARY: PRO'S AND CON'S OF THE SPENDING LIMIT

Alaska voters will have the option this November of voting "yes" or "no" on the State's constitutional spending limit (Ballot Measure No. 1 - Reconsideration of Amendment Limiting Increases in Appropriations). If a majority of those voting on the measure favors the measure, the limit will be retained. If a majority votes against the measure, the limit will be repealed. (In either event, the statutory spending limit contained in AS 37.05.156, which lacks constitutional force, will remain in effect.) /35

In reaching a decision about the constitutional spending limit, however, voters will face several obstacles.

For one thing, the limit is embodied in a definition whose provisions, formulas, and technical terms (and the special treatment often afforded them) may not be readily understandable to those outside of State government. For another, the definition itself contains a number of ambiguities and technical problems which

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35 See Note 1.

have led to fundamental disagreements, even within state government circles, about how the spending limit should be interpreted and applied.

Probably the most important factor complicating the decision for voters is the turn-about in the State's income and fiscal outlook that began in the very year that the limit was adopted. This turn-about masks the performance of the spending limit during its four years of operation, and complicates easy determination of whether the limit has "worked" or not; or if it has, in what way.

These factors notwithstanding, however, it is still possible to draw some broad conclusions about the spending limit that may help in deciding whether it should be retained or not.

On the negative side of the ledger, as already mentioned, the spending limit definition has a number of important technical flaws and ambiguities. These include the fact that no one (no single agency, entity, or branch of state government) has the responsibility for annually calculating the limit. More importantly, no clear methodology has been adopted for making the population and inflation adjustments that annual adjustment of the limit requires. Additionally, no consensus has been reached about how to implement the provision requiring that one-third of <u>something</u> should be allocated for capital projects and loan appropriations, or even how to define what is meant by a "capital project".

In fairness, it should be pointed out that most of these technical problems are due primarily to the fact that the general provisions of the constitutional definition of the limit have never been implemented through clarifying statutory provisions.

Beyond these factors, the spending limit may be viewed as somewhat deficient in an overall sense, because of two factors that would not be clarified by implementing language. One is the fact that the limit does not apply to all categories of State spending, and is thus not a particularly strict or efficient limitation on spending. The other is the attribution approach employed by the spending limit definition (whereby appropriations <u>for</u> a fiscal year are limited, regardless of when enacted, instead of the appropriations enacted <u>during</u> a given period of time), which in some circumstances can make it difficult to determine whether or how well the limit may be working.

Most important of all, perhaps, is the difficulty one encounters in attempting to conclude that the spending limit has had, in any meaningful sense, a significant effect on State spending in Alaska. The limit has never been exceeded, but that is primarily because the fixed-base formula used in calculating it causes the appropriation "ceiling" it establishes to rise higher and higher with each passing year. If the State's revenue income were to rise as fast as that ceiling, it's conceivable that the limit might act as some kind of a brake on spending. But especially in view of the revenue downturn that has occurred, and the current

outlook for a flat stream of revenue income in the future, /36 it may be that the spending limit (at least in its present form) will never attain its purpose of limiting or controlling State spending.

Still, even if this spending limit doesn't work, might it nevertheless be the case that Alaska still needs some kind of a spending limit? Might there not still be a need to control State spending, even if the kind of control needed is different from the kind that was needed four years ago? After all, what will be left if the current spending limit is repealed? In short, might it not be worth "repairing" the current spending limit, rather than simply abandoning it?

On the positive side of the ledger, therefore, rests the fact that at least the spending limit is a spending limit. In the absence of anything else, it at least stands as a constitutional imperative that State spending shall be restrained, and in this regard establishes an important and vital precedent and statement of constitutional intent. Certainly the limit has its flaws, and

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36 There are some litigation cases in progress (chiefly involving oil-related claims of the State) that could result in the State's receiving upwards of hundreds of millions of dollars in settlement income in the future. It is also possible that oil prices might escalate dramatically before production declines at Prudhoe Bay significantly lessen the revenue implications of such price hikes for the State. For the most part, however, the fiscal outlook for as far as can currently be seen into the future is that the State's revenue income will remain fairly close to current levels, if not lower.

ambiguities; but equally certainly, those imperfections probably would be ironed out in law, and promptly, if the State's revenue income were suddenly to turn around again and start increasing rapidly. Under such circumstances, it seems likely indeed that, even with its imperfections, the spending limit would in fact become binding, and act to limit State spending. Also under such circumstances, it's likely that the spending limit's constitutional basis would prove extremely valuable in forcing the the continued containment of spending; far more effective, for example, than a statutory limitation on spending might prove.

Beyond these factors, it is worth noting too that the spending limit accomplishes some important objectives. One, which would quickly become relevant if revenue income began to rise, is that the limit may be overridden (with the approval of voters) to allow special appropriations to the Alaska Permanent Fund. In this respect, the limit does not penalize savings. Another is that, by a similar process, the limit can be overridden to allow special capital projects that voters may demand. In this respect, the limit may be viewed as very sensitive to the desires of Alaskans, at least with regard to capital projects.

Additionally, there are two important aspects of the spending limit definition that bear keeping in mind, as they would be lost if the limit were repealed. One is the line item veto power over bonding propositions that the definition currently gives Alaska governors. The other is the definition's requirement that all

unexpended balances in the State treasury must be invested so as to provide a market rate of return, thus preventing the use of general fund money for less economically beneficial purposes. These two provisions alone are of fundamental importance, even apart from considerations of the spending limit's vices or virtues. Depending on how one views them, it might be wise to think hard before abandoning them by voting to repeal the limit.

Unfortunately, voters will not have a vast range of options when they confront the spending limit ballot measure this November. They will have the choice only of voting yes, and keeping the current limit with all of its warts; or voting no, and sending it down. If they choose to keep the limit, the process of improving it (which will require amendment of the Alaska Constitution) may be arduous. If they repeal it, all that will be left in terms of formal spending controls will be the statutory spending limit that was adopted during the 1986 legislative session, which lacks the strength of constitutionality. **See Appendix C for a description of the two limits and their relationship.)**

Given this black-or-white choice, voters may well feel uncomfortable with either option. Nevertheless, the question stands: will it be easier to improve something that resists improvement, or to build something entirely new, from scratch? That is the question that voters will have to answer for themselves come November.

BIBLIOGRAPHY

Austermann, Winnifred M., and Pilcher, Daniel E. A Legislator's Guide to State Tax and Spending Limits. National Conference of State Legislatures (Denver, Colorado), 1979.

Benker, Karen M., and Kenyon, Daphne A. Fiscal Discipline Tools Developed By State Governments: Tax and Expenditure Limits and Other Mechanisms. Advisory Commission on Intergovernmental Relations (Washington, D.C.), unpublished draft: September, 1984.

Division of Elections, Office of the Lieutenant Governor, State of Alaska. Official Returns By Election Precinct: General Election, November 2, 1982. Not dated.

Division of Policy Development and Planning, Office of the Governor, State of Alaska. "Spending Limit". Collection of files stored at Alaska State Archives (Juneau, Alaska); Box # 3B53, Section 8-I.

Fineberg, Richard A. "Critique of the November 2, 1982, Ballot Proposition on State Spending". Appendix included in Chaos in the Capital: The Budget System in Crisis, by Richard A. Fineberg. Alaska Public Interest Research Group (Anchorage, Alaska), 1982.

Free Conference Committee on Senate Joint Resolution No. 4, Alaska State Legislature. "Transcript of Proceedings, July 13, 1981". Transcript prepared by J&R Associates, Douglas, Alaska; notarized September 23, 1981. Committee file stored at Legislative Library, Legislative Affairs Division, Alaska State Legislature; Juneau, Alaska.

Gold, Steven D. Contingency Measures and Fiscal Limitations: The Real World Significance of Some Recent State Budget Innovations. Intergovernmental Finance Project, Legislative Finance Paper #43. National Conference of State Legislatures (Denver, Colorado), 1984.

_____. Results of Local Spending and Revenue Limitations: A Survey. Intergovernmental Finance Project, Legislative Finance Paper #5. National Conference of State Legislatures (Denver, Colorado), 1981.

_____. State Spending and Tax Limitations: Paper Tigers or Slumbering Giants? Intergovernmental Finance Project, Legislative Finance Paper #33. National Conference of State Legislatures (Denver, Colorado), 1983.

Hammond, Jay S., Governor, State of Alaska. "Address to the Fairbanks Chamber of Commerce". Address delivered on September 15, 1981, in Fairbanks, Alaska. File copy from Office of Management and Budget, Office of the Governor, State of Alaska; Juneau, Alaska.

_____. "Address to the Special Session of the Twelfth Alaska State Legislature". Address delivered on July 13, 1981, in Juneau, Alaska. Senate and House Journal Supplement No. 1, July 13, 1981.

_____. "Spending Limitations". Address delivered on December 4, 1980, to the Prelegislative Conference of the Alaska State Chamber of Commerce in Anchorage, Alaska. File copy from Office of Management and Budget, Office of the Governor, State of Alaska; Juneau, Alaska.

Harrison, Gordon S. Memorandum on "Appropriation Limit" to John Shively, Chief of Staff, Office of the Governor; January 4, 1984. File copy stored at Division of Strategic Planning, Office of Management and Budget, Office of the Governor (Juneau, Alaska).

House Finance Committee, Alaska State Legislature. Minutes of June 18, 1981, proceedings on Senate Joint Resolution No. 4. Stored at Legislative Library, Legislative Affairs Division, Alaska State Legislature; Juneau, Alaska.

Institute of Social and Economic Research, University of Alaska. "The Anchorage Consumer Price Index - How Accurate?" Research Summary No. 14. Anchorage, Alaska; January, 1984.

Legislative Budget and Audit Committee, Alaska State Legislature. "Spending Limit Files, Including SJR 4, 1981". Committee files (one box containing five files) stored at Legislative Library, Legislative Affairs Division, Alaska State Legislature; Juneau, Alaska.

Office of the Attorney General, Department of Law, State of Alaska. Memorandum of opinion on Senate Joint Resolution No. 4, titled "Appropriation Limit Questions"; from Norman C. Gorsuch, Attorney General (countersigned by James L. Baldwin, Assistant Attorney General), to Gene Dusek, Director of Budget, Office of Management and Budget, Office of the Governor; February 7, 1983.

_____. Backup file for February 7, 1983, memorandum of opinion on Senate Joint Resolution No. 4 from Attorney General Norman C. Gorsuch (James L. Baldwin) to budget director Gene Dusek. File stored at Department of Law Annex in Juneau, Alaska; File Number 366-374-83.

_____. Bill drafting file for Senate Joint Resolution No. 4 (1981). File stored at Office of the Attorney General.

Office of the Lieutenant Governor, State of Alaska. The Constitution of the State of Alaska. Reproduction, 1985.

Pitcher, Robert C. State Revenue and Spending Limits Since Proposition 13. Research Report Number 86. Federation of Tax Administrators (Washington, D.C.), 1980.

Rose, Jerome G., ed. Tax and Expenditure Limitations: How To Implement and Live Within Them. Center for Urban Policy Research, Rutgers, the State University of New Jersey (New Brunswick, New Jersey), 1982.

Senate Finance Committee, Alaska State Legislature. Minutes of May 12, June 4, June 8, and June 9, 1981 proceedings on Senate Joint Resolution No. 4. Stored at Legislative Library, Legislative Affairs Division, Alaska State Legislature; Juneau, Alaska.

Swanson, David. "Briefing Paper on the Population Component of the State Spending Limit Bill". Research and Analysis Section, Department of Labor, State of Alaska; August, 1981.

Wright, J. Ward. Tax and Expenditure Limitation: A Policy Perspective. Council of State Governments, 1981.

APPENDICES

Appendix A - Ballot Measure No. 1 (1986)

Appendix B - Ballot Measure No. 4 (1982)

Appendix C - Comparison of Constitutional and Statutory Spending Limits

Appendix D - Ballot Returns (1982)

Appendix E - Chronology of SJR 4 (1981)

Appendix F - "Minority Report" on SJR 4 (1981)

- - Appendix A - -

BALLOT MEASURE NO. 1 - 1986 GENERAL ELECTION

The 1986 voter's pamphlet prepared by the Division of Elections for the November 1986 general election will contain the summary shown below for the constitutional spending limit ballot measure (Ballot Measure No. 1). The summary will not contain pro and con statements because none were submitted by interested parties prior to the Division's published deadline for submissions. **(The voter's pamphlet for the 1982 general election, however, did contain pro and con statements on the spending limit measure, Ballot Measure No. 4, as well as a more comprehensive summary of the limit - see Appendix B.)**

SUMMARY

"In 1982 the voters adopted an amendment to the Alaska Constitution which limits the amount of money that the legislature may appropriate. The 1982 amendment provided for reconsideration of the limit by the voters at this general election. Article IX, sec. 16, of the Alaska Constitution limits appropriations for a fiscal year to $2.5 billion, adjusted annually for changes in population and inflation since 1981. At least one-third of the limitation amount is reserved for appropriations for capital projects and state loan programs. The remainder (up to two-thirds) may be spent for governmental operations. Appropriations to the Alaska Permanent Fund and appropriations or bond authorizations for capital projects may exceed this limit if they are not vetoed by the governor and are approved by the voters. The limit could also be exceeded to meet a state of disaster declared by the governor. The limit would not apply to appropriations for Permanent Fund dividends, general obligation bond payments, or for appropriations from revenue bond proceeds.

A vote "FOR" retains the appropriation limit. FOR [ ]

A vote "AGAINST" repeals the appropriation limit. AGAINST [ ]"

(Summary provided by the Division of Elections, State of Alaska)

- - Appendix B - -

BALLOT MEASURE NO. 4 - 1982 GENERAL ELECTION

The 1982 voter's pamphlet prepared by the Division of Elections contained a full summary and description of the constitutional spending limit ballot measure (Ballot Measure No. 4), including pro and con statements prepared by interested parties. That summary and description appears on the pages which follow. **(See Appendix A for the spending limit summary prepared by the Division of Elections for the November 1986 general election.)**

BALLOT MEASURE NO. 4

Constitutional Amendment
AMENDMENT LIMITING INCREASES IN APPROPRIATIONS

(Free Conference Committee Substitute for Senate Joint Resolution No. 4)

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

This amendment adds a new section to article IX of the Alaska Constitution. The section limits appropriations for a fiscal year to $2.5 billion, adjusted annually for changes in population and inflation since 1981. At least one-third of the limitation amount is reserved for appropriations for capital projects and state loan programs. The remainder (up to two-thirds) may be spent for governmental operations. Appropriations to the Alaska Permanent Fund and appropriations or bond authorizations for capital projects may exceed this limit if they are not vetoed by the governor and are approved by the voters. The limit could also be exceeded to meet a state of disaster declared by the governor. The limit would not apply to appropriations for permanent fund dividends, general obligation bond payments, appropriations from revenue bond proceeds, or for costs associated with relocation of the capital (if Ballot Measure No. 8 is passed). The amendment provides for reconsideration of the limit by the voters at the 1986 General Election.

BALLOT FORM:

A vote "FOR" adopts the amendment.
A vote "AGAINST" rejects the amendment.

FOR ☐
AGAINST ☐

VOTE CAST BY MEMBERS OF 12TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas 15	Nays 4	Absent or Not Voting 1
House	(40 members):	Yeas 27	Nays 13	Absent or Not Voting 0

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

The proposed amendments to the Constitution of the State of Alaska would impose a limit on the amount of money that could be appropriated from the state treasury for a state fiscal year. The limit for a fiscal year would be $2,500,000,000 plus an amount representing cumulative changes in population and inflation from July 1, 1981, to the fiscal year in question. Within the limit on appropriations, one-third of the amount available to be appropriated would be reserved for capital projects and loan appropriations.

The following appropriations would be exempt from the limit on appropriations:

1. an appropriation for Alaska permanent fund dividends;
2. an appropriation of revenue bond proceeds;
3. an appropriation to pay principal and interest on state general obligation bonds;
4. an appropriation of money received from non-state sources in trust for specific purposes;
5. an appropriation to the Alaska Permanent Fund if the appropriation bill is approved by the governor, becomes law without the signature of the governor, or is passed by a three-fourths vote of the membership of the legislature over the veto of the governor; and is approved by the voters as prescribed by law;
6. an appropriation for capital projects if the appropriations bill is confined to projects of the same type; is approved by the governor, becomes law without the signature of the governor, or is passed by a three-fourths vote of the membership of the legislature over the veto of the governor; and is approved by the voters as prescribed by law after the voters are informed of the cost of operations and maintenance of the proposed projects; and
7. an appropriation to meet a state of disaster declared by the governor, as prescribed by law.

BALLOT MEASURE NO. 4 (Cont.)

LEGISLATIVE AFFAIRS AGENCY SUMMARY (cont.)

The ballot measure also includes three transitional measures associated with the appropriations limit. If the voters approve both the appropriations limit and the cost of providing for relocation of the capital, additional voter approval of appropriations for relocation of the capital would not be required under the appropriations limit. If the appropriation limit is adopted the same proposition must be placed on the 1986 ballot for a second vote and if it is rejected in 1986 the appropriation limit would be repealed. The appropriation limit would apply to appropriations made for the state fiscal years beginning July 1, 1981, and thereafter.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

SECTION 16. **APPROPRIATION LIMIT.** Except for appropriations for Alaska permanent fund dividends, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a non-State source in trust for a specific purpose, including revenues of a public enterprise or public corporation of the State that issues revenue bonds, appropriations from the treasury made for a fiscal year shall not exceed $2,500,000,000 by more than the cumulative change, derived from federal indices as prescribed by law, in population and inflation since July 1, 1981. Within this limit, at least one-third shall be reserved for capital projects and loan appropriations. The legislature may exceed this limit in bills for appropriations to the Alaska permanent fund and in bills for appropriations for capital projects, whether of bond proceeds or otherwise, if each bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without a signature, and is also approved by the voters as prescribed by law. Each bill for appropriations for capital projects in excess of the limit shall be confined to capital projects of the same type, and the voters shall, as provided by law, be informed of the cost of operations and maintenance of the capital projects. No other appropriation in excess of this limit may be made except to meet a state of disaster declared by the governor as prescribed by law. The governor shall cause any unexpended and unappropriated balance to be invested so as to yield competitive market rates to the treasury.

SECTION 26. **APPROPRIATIONS FOR RELOCATION OF THE CAPITAL.** If a majority of those voting on the question at the general election in 1982 approve the ballot proposition for the total cost to the State of providing for relocation of the capital, no additional voter approval of appropriations for that purpose within the cost approved by the voters is required under the 1982 amendment limiting increases in appropriations (art. IX, sec. 16).

SECTION 27. **RECONSIDERATION OF AMENDMENT LIMITING INCREASES IN APPROPRIATIONS.** If the 1982 amendment limiting appropriation increases (art. IX, sec. 16) is adopted, the lieutenant governor shall cause the ballot title and proposition for the amendment to be placed on the ballot again at the general election in 1986. If the majority of those voting on the proposition in 1986 rejects the amendment, it shall be repealed.

SECTION 28. **APPLICATION OF AMENDMENT.** The 1982 amendment limiting appropriation increases (art. IX, sec. 16) applies to appropriations made for fiscal year 1984 and thereafter.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 4

Ballot Measure No. 4 deserves the support of all Alaskans. It will prevent the continuation of excessive state spending which has been the pattern in recent years. This spending spree is the result of more projects and more programs. Inflation and population growth have not played a major role.

For example, in 1960, the state budget was $41 million, the population was 226,000, and the Consumer Price Index 103. In 1980, state spending was $1.14 billion, the population 400,000, and the Consumer Price Index stood at 290. In Fiscal Year 1982, state spending (not including appropriations to the Permanent Fund), was $3.84 billion. Population and Consumer Price Index figures have not been published for 1982, but if it is assumed that during the 1980-82 period state population increased to 440,000 and the Consumer Price Index rose to about 350, then between 1960 and 1982, state population increased 94% while the Consumer Price Index increased by 239%. But state spending increased by an astounding 9,265% during this same period.

The passage of Ballot Measure No. 4 will halt that sort of runaway government growth by providing a constitutional limit on most items of state spending. The limit is set at $2.5 billion each year, adjusted for the changes in population and inflation. At least one-third of the expenditures must be for capital projects and loans, thus, the day-to-day operating budget of the State is held to two-thirds of the limit, or a maximum of $1.66 billion, plus adjustments. Provisions are made for additional capital expenditures which are approved by the people and for other expenditures in the event of a disaster declared by the governor.

Although it is true that the Fiscal Year 1983 budget is less than Ballot Measure No. 4 would permit, this relatively austere budget was passed during a time of rapidly falling revenue projections. Had this restraint not been present, there is little reason to believe that the Legislature would have deviated from its past practices of excessive spending.

While Ballot Measure No. 4 is not perfect and does not provide for all the limitations one might want, nevertheless, it is the only constitutional spending limit available. Only by voting to accept this ballot measure can the people of Alaska show their determination to restrain spending by the Legislature and begin the road back to state fiscal responsibility.

—**Kent Edwards**, President
Common Sense for Alaska, Inc.

STATEMENT AGAINST BALLOT MEASURE NO. 4

Only the first two sentences of this measure apply to a spending limitation; the remainder list seven exceptions for spending above the limit, only two of which make much sense: 1) putting money in the Permanent Fund; and 2) spending to clean up a disaster. The remaining five exceptions are loopholes that give legislators and the governor the ability to continue excessive spending on: A) bond authorizations for capital projects; B) issuance of Permanent Fund dividends; C) general obligation bond payments; D) appropriations from revenue bond proceeds; and E) costs of the Capital Move, if passed. All five of these expenditures can be over the spending limit.

But let's back up to those first two sentences. The biggest abuses in government spending are in the area of "capital expenditures," otherwise called "pork". After each capital project is built, it carries operating and maintenance costs. Whatever of the one-third in the limit we spend for capital projects, we are automatically adding to the cost of doing the state's business (the other two-thirds). We cannot continually add to the state's responsibilities and expect the operating two-thirds of the budget to be covered by an increase in population and inflation. We will quickly reach the point where each project built will necessitate cuts in social or educational programs, or will cause a cut in maintenance, leaving our capital projects to decay.

As if this weren't bad enough, let's add in loophole "A", bond authorizations for capital projects. If one-third of the usable revenues aren't enough for desired and needed capital projects, the Legislature can issue an authorization for the State to sell bonds to build the project. If the governor does not veto the authorization, you will be asked to approve the sale of bonds at a general election. When we sell bonds to get money for projects, we later pay back the buyers—with interest. In loophole "C" we don't even have to count that payback against the spending limit!

Nothing in this measure lays out which projects will be included in the one-third capital limit and which will be put before the voters. As a legislator, I would guess that pet projects of key legislators will be in the budget so they won't be as easily seen by the public. Projects of statewide importance—jails and schools—will be put on the ballot. Each approved project will further impact the operating budget causing a deeper cut in programs and operations.

In addition, there is no provision for declining revenues. This "spending limit" is before you under the assumption we will have increasing revenues each year. That is not likely. As revenues decline, we would be foolish to continue to allocate one-third of our available revenues for building and loans when we will have continually less revenue for operations. In such a case, the only way to maintain government operations would be to increase personal taxes and return to a personal income tax.

We need a spending limitation, but this isn't it.

—**Sally Smith**, Representative
Alaska State Legislature

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

- - Appendix C - -

A COMPARISON OF ALASKA'S CONSTITUTIONAL AND STATUTORY SPENDING LIMITS

Two spending limits currently govern the appropriations of the State of Alaska. One is a constitutional spending limit, which was adopted by voters in the November 1982 general election. The other is a statutory spending limit, which was enacted during the 1986 legislative session as part of the legislation establishing a Budget Reserve Fund.

The constitutional spending limit will be reconsidered by voters in the November 1986 general election **(see Appendix A)**, and will be either retained or repealed. Regardless of the outcome, however, the statutory spending limit will remain in effect. Thus, the possibility exists that both spending limits will continue to govern State appropriations in the future.

The analysis presented below explains in general terms how the two limits work, and how they would affect appropriation levels under conditions of increasing or decreasing revenues.

Constitutional Spending Limit

The constitutional limit (Alaska Constitution, Article IX, Section 16) requires that appropriations enacted **for** a given fiscal year not exceed $2.5 billion by more than the cumulative change in population and inflation since July 1, 1981. The formula for calculating this limit is therefore:

$$SL = Base \times (1 + P) \times (1 + I)$$

where "SL" is the spending limit or maximum amount allowed for appropriations enacted **for** a given fiscal year (i.e., attributed to that fiscal year, regardless of the legislative session or sessions during which appropriations for that fiscal year are made), "Base" is equal to $2.5 billion, "P" is the cumulative population increase since July 1, 1981 (expressed as a percentage), and "I" is the cumulative inflation increase since July 1, 1981 (expressed as a percentage).

Statutory Spending Limit

The statutory limit (AS 37.05.156; Chapter 58, SLA 86) requires that appropriations enacted **during** a given fiscal year not exceed the amount of appropriations made in the preceding fiscal year by more than five percent plus the change in population and inflation since the beginning of the preceding fiscal year. The formula for calculating this limit is therefore:

$$SL = A + .05\ A + [\ A \times (1 + P) \times (1 + I) - A\ ]$$

where "SL" is the spending limit or maximum appropriation amount allowed for appropriations made **during** a given fiscal year (i.e., regardless of the fiscal year or years to which those appropriations are attributed), "A" equals the amount of appropriations made during the preceding fiscal year, ".05 A" is the five percent increase allowed over the amount of appropriations made during the preceding fiscal year, "P" is the cumulative population increase since the beginning of the preceding fiscal year (expressed as a percentage), and "I" is the cumulative inflation increase since the beginning of the preceding fiscal year (expressed as a percentage).

Effects of the Two Limits

The definitions and formulas of the two limits are very different, and somewhat complex to grasp at first glance. The effects on spending (appropriations) that they produce, however, which are very different from each other, derive from fundamental and ultimately very simple differences.

Basically, the constitutional limit tends to increase or decrease dramatically (depending on whether population and inflation rise or fall, respectively). This is due to the fact that the constitutional limit is driven by its fixed-amount base of $2.5 billion, and is extremely sensitive to cumulative population and inflation changes (as compounded over an increasingly long period of time, which also has a fixed base, 1981). Thus, the constitutional limit tends to either rise extremely rapidly (if population and inflation are rising), or fall extremely rapidly (if population and inflation are falling), regardless of what recent appropriation levels have been or how much money the State has available.

The statutory limit, by contrast, does not evidence such powerful swings. Nor is it, so to speak, a beast with a mind of its own. Its movement is more of a "trailing" phenomenon, as the limit is tied to very recent events; i.e., the appropriations, population changes and inflation changes that took place only during the immediately preceding year. Thus, the statutory limit tends to

establish a limit on appropriations that is relatively close to recent appropriation levels.

For these reasons, the constitutional limit tends to rise out of sight when population and inflation changes are positive (regardless of how much money the State has available), and plummet when those changes are negative. The result is an irrelevantly high limit in one case, and an extremely draconian limit in the other.

The statutory limit, in contrast, tends to rise gradually when population and inflation changes are positive, and fall equally gradually when those factors are negative (because the compounding occurs over only a one-year period). Moreover, the fact that the statutory limit is tied to the preceding year's appropriation level produces a "sea anchor" effect, tending to keep the appropriation limit in the general vicinity of last year's appropriation level. This dragging effect is even more pronounced when changes in the amount of money the State has run counter to the direction of population and inflation changes.

For example, starting at the State's current unrestricted revenue level of about $2 billion, and assuming an average annual population growth in Alaska of 2 percent and an average annual inflation rate of 5 percent, the State's revenue income would have to grow by an average of about $600 million a year before available revenues even caught up to the constitutional limit, which wouldn't even occur until fiscal year (FY) 1999.

In contrast, if revenue growth occurred that quickly, use of the statutory limit (which would begin constraining appropriations when annual revenue growth reached the $245 million level) would produce surpluses above the statutory spending limit level that averaged about $1.2 billion per year over the FY 1988-1999 period.

If the State's revenue income were to decline in the future, while population and inflation changes remained positive, neither limit would be binding on appropriations, as both limit levels would be higher than the amount of money available for appropriations. Were revenue income to fall while population and inflation also declined, however, the constitutional limit level would rapidly plunge below the level of revenue available, forcing budget reductions at an even faster pace than that dictated by dwindling money supplies.

Effects If Both Limits Are In Effect

If the constitutional limit is retained by voters in November, leaving both spending limits in effect, it is virtually certain that the statutory spending limit will first become binding on appropriations (under an extremely wide range of appropriation, population and inflation assumptions). For all practical purposes, consequently, the statutory limit would be the governing spending limit.

- - Appendix D - -

1982 BALLOT RETURNS

ON THE SPENDING LIMIT QUESTION

Shown below, by election district, are the November 2, 1982, voting returns on the constitutional spending limit question (Ballot Measure No. 4). The districts are ranked according to the percentage of votes in favor of adopting the limit.

Election District	Main Communities	Votes For	Votes Against	Percent For
15	Anchorage	6,018	3,034	66.5%
9	Anchorage	5,309	2,805	65.4
14	Anchorage	5,999	3,261	64.8
7	Anchorage	2,960	1,641	64.3
8	Anchorage	6,029	3,388	64.0
16	Palmer-Wasila	6,848	3,858	64.0
6	Valdez	2,551	1,471	63.4
18	Eilson-North Pole	2,954	1,725	63.1
13	Anchorage	4,961	2,907	63.1
11	Anchorage	5,277	3,098	63.0
10	Anchorage	5,392	3,183	62.9
5	Homer-Kenai	5,825	3,483	62.6
20	Fairbanks	5,706	3,534	61.8
19	Circle-Ft. Wain.	3,168	1,992	61.4
17	Glennallen-Tok	2,634	1,753	60.0
21	Chena-University	3,337	2,236	59.9
12	Anchorage	5,116	3,488	59.5
27	Kodiak	2,148	1,497	58.9
3	Sitka	2,740	1,956	58.3
1	Ketchikan-Wrangell	4,741	3,451	57.9
26	Dillingham-Unalaska	2,078	1,560	57.1
22	Barrow-Kotzebue	2,023	1,522	57.1
24	Fort Yukon-Galena	2,232	1,732	56.3
23	Nome-Unalakleet	2,096	1,632	56.2
2	Craig-Yakutat	2,428	1,904	56.0
4	Juneau	7,979	6,787	54.0
25	Bethel	2,120	1,933	52.3
TOTALS:		110,669	70,831	61.0%

Source: Office of Management and Budget, based on official voting returns data from the Division of Elections.

- - Appendix E - -

CHRONOLOGY OF SENATE JOINT RESOLUTION NO. 4

JANUARY-JULY, 1981

Below is a chronology of the principal legislative events during 1981 involving the passage of Senate Joint Resolution No. 4 (SJR 4), which proposed a constitutional spending limit (limit on appropriations) for the State of Alaska. SJR 4 was adopted by voters in the November 1982 general election.

Numbers in brackets refer to page numbers in the 1981 journals of the Alaska Legislature **(H = House, S = Senate, FSS = First Special Session)**.

1981--Regular Legislative Session

1/12 Twelfth Legislature convenes in Juneau.

1/13 SJR 3 (Colletta) introduced in the Senate; referred to Community and Regional Affairs Committee and Finance Committee. [S 14]

SJR 4 (Governor-Rules) introduced in the Senate; referred to Transportation, Judiciary and Finance Committees. Resolution is accompanied by a transmittal letter from the Governor. [S 14-16]

3/26 SJR 4 passes to Senate Judiciary Committee after Senator Ray (chairman, S-Trans) waives referral. [S 559]

5/5 Senate Judiciary Committee adopts substitute for SJR 4, CS SJR 4 (Jud). Senators Rodey (chairman, S-Jud) and Ray vote do pass; Senator Parr votes no recommendation. CS SJR 4 (Jud) moves to Senate Finance Committee. [S 956]

6/11 Senate Finance Committee adopts its own substitute for SJR 4, CS SJR 4 (Fin). Senators Dankworth (co-chairman), Bennett, Eliason, Ferguson and Sturgulewski vote do pass. CS SJR 4 (Fin) moves to S-Rules. [S 1450]

6/12 **Senate**

Senate Rules Committee places CS SJR 4 (Fin) on the Senate calendar for June 12. Senators Kelly (chairman), Dankworth (co-chairman), Ferguson and Ziegler approve. [S 1465]

Senate adopts CS SJR 4 (Fin), 16-3-1, after Senator Ray objects to Senator Sturgulewski's motion for unanimity. [S 1471]

Senate fails to adopt Amendment No. 1 by Senator Fischer, 7-12-1 [S 1472] , but adopts Amendment No 2. by Senator Fischer, 11-9-0, and Amendment No. 3 by Senator Ray, 14-6-0. [S 1473]

CS SJR 4 (Fin)am passes the Senate, 19-1-0. Senator Hohman casts the lone opposing vote. [S 1474].

House

Coup occurs in the House. Minority-led coalition assumes leadership. [H 2113]

6/15 CS SJR 4 (Fin)am is introduced in the House and is referred to the Finance Committee. [H 2173]

6/16 House leadership of Representatives Duncan (Speaker) and Meekins (Majority Leader) is replaced by a new coalition whose leadership is led by Representatives Hayes (Speaker) and Halford (Majority Leader). [H 2135]

6/18 House Finance Committee adopts a substitute for SJR 4, HCS CS SJR 4 (Fin). Representatives Adams (chairman), Chuckwuk, Cotten, Fuller and Hurlbert concur. Representatives Bettisworth and Cuddy recommend do not pass unless amended. Representative Montgomery has no recommendation unless the substitute is amended. HCS CS SJR 4 (Fin) moves to the Rules Committee. [H 2234]

6/19 HCS CS SJR 4 (Fin) is amended on the House floor, 38-1-1, to become HCS CS SJR 4 (Fin)amH. (An amendment by Representative Halford changes "1981" on page. 1, line. 16 of the substitute, to "1980".) [H 2266]

HCS CS SJR 4 (Fin)amH is adopted by the House, 39-0-1, with Representative Anderson voting no. [H 2268]

HCS CS SJR 4 (Fin)amH fails to pass the House, 22-17-1. Representative Freeman gives notice of reconsideration. [H 2269]

6/20 HCS CS SJR 4 (Fin)amH passes the House, 37-1-2. Representative Clocksin casts the lone opposing vote. [H 2290]

6/21 **Senate**
At Senator Rodey's recommendation, the Senate fails to concur with the House amendments contained in HCS CS SJR 4 (Fin)amH, 0-19-1. [S 1572]

Senators Sturgulewski (chairman), Colletta and Kelly are appointed to the Senate's free conference committee on SJR 4, shuld one be necessary. [S 1573] [S 1599]

House
After learning of the Senate's failure to concur with the House's amendments to SJR 4, the House follows Representative Halford's recommendation and fails to recede from its amendments in HCS CS SJR 4 (Fin)amH, 0-40-0. [H 2364]

Representatives Montgomery (chairman), Freeman and O'Connell are appointed to the House's free conference committee on SJR 4. [H 2364]

6/24 **Governor**
Governor Hammond transmits a joint letter to the House and Senate, warning that he will call a special session if an acceptable version of SJR 4 isn't passed before the Legislature adjourns. [H 2596, S 1725]

House
House Speaker Hayes discharges the House's free conference committee on SJR 4, and appoints a second free conference committee consisting of Representatives Halford (chairman), Bettisworth and Malone. [H 2602]

Senate

Senate Rules Committee recommends that CS HJR 39(Hess), regarding federal support for the arts, be replaced with SCS CS HJR 39(2nd Rules), regarding a spending limit. Senators Kelly (chairman), Dankworth and Ferguson concur. Senator Kelly additionally recommends do pass. A new committee substitute, SCS CS HJR 39(2nd Rules), is placed on the Senate's June 24 supplemental calendar. [S 1727].

After learning that the House has discharged its first free conference committee on SJR 4 and appointed a second one, Senate President Bennett discharges the Senate's free conference committee on SJR 4, and appoints Senators Ray (chairman), Ferguson and Gilman to a second Senate free conference committee on SJR 4. [S 1744]

Following creation of the second Senate free conference committee on SJR 4, SCS CS HJR 39(2nd Rules) is adopted [S1750] with a letter of intent [S 1751-1755]. SCS CS HJR 39(2nd Rules) passes the Senate, 19-0-1. Senator Rodey requests reconsideration of it, but it passes the Senate upon reconsideration, 17-0-1-2. [S 1756-1757] The House receives SCS CS HJR 39(2nd Rules) from the Senate, and holds it over until the following session under unfinished business. [H 2647]

The Senate adjourns at 7:06 P.M. [S 1764]

6/25 The House adjourns at 12:23 A.M. [H 2638]

Governor Hammond transmits a joint letter to the House [H 2645] and Senate [S-FSS 1] , calling a special legislative session for July 13 to consider SJR 4 and its substitutes.

1981--Special Legislative Session

7/13 Special Session convenes in Juneau.

11:00 am Governor Hammond addresses the Joint Session. [S-FSS 3]

1:30 pm Free conference committee on SJR 4 meets in the Governor's Conference Room in the Capitol Building. [S-FSS 3]

4:00 pm Free conference committee on SJR 4 meets in the Governor's Conference Room in the Capitol Building. [H-FSS 3]

9:32 pm The (second) free conference committee issues its report on SJR 4, recommending adoption of FCCS SJR 4, with a letter of intent to be published at a later date. (The Senate Journal says that the letter will be published on July 14, while the House Journal simply says that the letter will be forthcoming). Senator Ray (chairman for the Senate) signs "no recommendation", while Senators Ferguson and Gilman sign "do pass". Representatives Halford (chairman for the House) and Bettisworth sign "do pass", while Representative Malone signs "do not pass", and submits a dissenting (minority) report. [S-FSS 5] [H-FSS 6]

7/14 **Senate**

The Senate passes FCCS SJR 4 (without any letter of intent), 15-4-1. Senators Sturgulewski, Fischer, Parr and Stimson vote against it; Senator Eliason is excused. [S-FSS 8-9]

The Senate adjourns at 6:11 P.M.

House

Representative Brown's motion, for the House to rescind its earlier action in failing to recede from its amendments to CS SJR 4 (Fin)am, fails, 16-23-1. [H-FSS 8]

7/15 **House**

At 1:10 A.M., the House passes FCCS SJR 4 (without any letter of intent), 27-13-0. Representative Buchholdt changes her vote from "nay" to "yea", representing the 27th vote in favor of the resolution. [H-FSS 15]

The House adjourns at 1:32 A.M. [H-FSS 16]

Governor

FCCS SJR 4 is transmitted to Governor Hammond at 1:45 P.M. [S-FSS 13] The Governor signs it, as FSS - Legislative Resolve No. 1. [S-FSS 14]

7/16 Representative Malone's "Minority Report" on FCCS SJR 4 appears in the Final Supplement to the House Journal [originally paginated as H-FSS 17-19].

7/23 A letter from House Speaker Hayes instructs Hopuse Clerk Irene Cashen to delete Malone's minority report from the House Journal, and to reissue the Final Supplement to the House Journal without the report. [H-FSS 17, as corrected]

7/27 A "Corrected Final Supplement" (minus Malone's report) appears as pages 17-19 of the House Journal. [H-FSS 17, as corrected]

1982--General Election

11/2 Voters approve Ballot Measure No. 4 (110,669 to 70,831), adopting a constitutional amendment to limit State appropriations.

- - Appendix F - -

"MINORITY REPORT" ON SENATE JOINT RESOLUTION NO. 4

The report which appears on the following pages was submitted by Representative Hugh Malone, who on July 13, 1981, voted "do not pass - see minority report" on the Second Free Conference Committee version of Senate Joint Resolution No. 4 (2nd FCCS SJR 4). The resolution passed the committee on a 4-1 vote with one vote of no recommendation, and on July 15, 1981, was signed into law by Governor Jay Hammond.

Representative Malone's report appeared in the "Final Supplement" of the House Journal of the Alaska State Legislature on July 16, 1981, as it appears here. The report was subsequently removed from the House Journal, however, and does not appear as part of the record today. **(See July 23, 1981, letter to House Chief Clerk Irene Cashen from House Speaker Joe Hayes in the "Corrected Final Supplement", House Journal, First Special Session, July 27, 1981, p. 17.)**

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - FIRST SPECIAL SESSION

JUNEAU, ALASKA Thursday July 16, 1981

FINAL SUPPLEMENT

As Chief Clerk I certify as to the correctness of the journal for the second and third days of the First Special Session.

FCCSSJR 4

The Minority Report referred to on page 6 of the First Special Session Journal under the 2d Free Conference Committee Report on FCCSSCR 4 appears as follows:

MINORITY REPORT

2nd FCCS SJR 4

This spending "limit" is a fraud. It will do little to slow the dramatic rise in the budget of recent years. It will distort the spending which does take place. Finally, it will be found to be unworkable and abandoned. Unfortunately, while the people of this state have been demanding a halt to "total" government spending, some individuals have mysteriously and erroneously interpreted this cry to include only operating expenditures. Such an approach is doomed to failure.

Since the famous $900 million Prudhoe Bay lease sale of 1969, the budget has grown at a rate in excess of 32%, accelerating in recent years. The fastest growth has been, directly and indirectly, in the area of capital improvements. This proposed amendment would allow every capital "project" (a wider, looser term than capital "improvement") which prevails in the normal legislative process to go to the voters as an override of the limit. The projects will be grouped by types, forcing the voters to accept every project, the bad with the good, or do without. The voters will be offered "free" projects in the sense that, for many years, they will not face any taxes as the result of a favorable vote. The elections, probably occurring every year, will be vulnerable to high pressure media campaigns for some causes, while other groups will not have the money to make their case statewide. In order to better their chances at the polls, many legislators will have to agree to a third, fourth, and lower priority item in the search for a proposal that has political "balance". Putting all these considerations together, they appear to be a recipe for continuing the present growth rate of the budget.

FCCSSJR 4 (continued)

Spending will be distorted. No less than one-third of expenditures must be for capital projects, regardless of how used or unused they may be, whether or not they are placed in the proper location, no matter how expensive they are to keep up, and no matter if the public would prefer to spend more, say, on education and postpone other projects. The origin of the one-third provision is obscure. It is arbitrary, bearing no relationship to past or present spending decisions, and pre-empting flexibility in the future. Sadly, this "fixed ratio" violates the long standing constitutional principle that no special dedications of funds should exist within the budget.

Finally, this limit, probably, will fail and will be seen to fail. No room is left in the operating budget for the later staffing, administrative, maintenance, and operating costs of capital projects. Instead of encouraging the legislature and the public to deal with the trade-offs between operating and capital purposes, immediate and downstream, on a regular, session to session basis, it leaves these questions to an inevitable crisis. Rather than sacrifice education, medical, and other programs that are seen as vital by a wide cross-section of the public, the limit is probably going to be abandoned, unless, of course, local governments are willing (and able) to compensate for this revenue squeeze by instituting higher taxes. (A "spending limit" with a built-in local tax escalator!) Given the existing level of the budget, and the large capital spending now in the pipeline, this crisis is likely to be in time for the "second-thought" vote on the limit in 1986.

The oil revenues accruing to the state of Alaska are unprecedented and unlikely to last beyond the immediate future. This peculiar and munificent turn of events places a responsibility upon us to create laws and principles which will lead to the wisest use of these revenues. The free conference version would distort and increase state spending by virtue of its arbitrary guidelines. Its language is unfit for permanent law, much less a constitution.

A spending limit should have the same effect that limited revenues would have. It must make all expenditures, for whatever purpose, compete equally for consideration. Then state funds will be allocated on the basis of first things first, instead of being decided by arbitrary constitutional law.

It is ironic that the versions of the resolution that passed the House and Senate were both very close to a proper approach, while the final free conference version is so far away from that approach. The lesson here is not that the legislature has done so badly, but that the legislature can do so much better.

FCCSSJR 4 (continued)

The Free Conference Report should be rejected by the legislature.

Hugh Malone

FISCAL ANALYSIS

2nd FCCS SJR 4

The resolution sets a limit on the budget of the state of $1,666,666,666.67, exclusive of capital appropriations, permanent fund dividends, and g.o. bond debt service. The limit would be adjusted periodically upward by inflation and population so that real per capita spending would remain level in 1981 dollars. Given a state population of 401,000, state spending would be fixed at $4,100 per capita in 1981 dollars, exclusive of the exemptions.

If the same exemptions[1] are applied to the FY 82 actual appropriations by this legislature ($1,888,500,000), the comparable figure for actual appropriations for FY 82 is $1,570,000,000[2] ($3,900 per capita, approximately). Thus, the "limit" proposed in FCCS SJR 4 would allow, applied to FY 82, approximately $100,000,000 more spending than the already record budget provides. This is even more difficult to justify when we recognize that total FY 82 appropriations made so far exceed estimated revenues to fund those appropriations.[3]

In spite of the seemingly generous lid on spending, operating and maintenance costs on new facilities must be reflected within the fixed per capita "operating limit". The FY 82 appropriations for capital improvements are in excess of $1.5 billion. How long it takes before the situation is unworkable is anyone's guess.

This information is not based on a professional or thorough analysis of FCCS SJR 4. None has been done.

Hugh Malone

FCCSSJR 4 (continued)

NOTES:

1. Exemptions subtracted from this years "operating" budget:

Permanent Fund dividends	$150,000,000
State g.o. bond debt service	$128,500,000
Local (school) debt service paid by state	$150,000,000

2. Based on subtracting the total exemptions from the appropriations for the FY 82.

3. July 8 memo to Rep. Al Adams from Milt Barker.

MESSAGES FROM THE SENATE

The following messages dated July 14, 1981 were received from the Senate:

FCCSSJR 4

The Senate has adopted the 2nd Free Conference Committee Report considering CSSJR 4(Fin)am and HCS CSSJR 4(Fin)amH, thus adopting:

> FCCSSJR 4 (proposing amendments to the Constitution of the State of Alaska relating to limiting increases in appropriations)

CSHB 298(Fin)

The Senate has passed CSHB 298(Fin) (making appropriations to the University of Alaska; and providing for an effective date) with the following amendment:

> SCS CSHB 298(2d Rules) (making a special appropriation for operation of the Twelfth Legislature - First Special Session; effective date)

and it is transmitted for consideration.

MESSAGES FROM THE GOVERNOR

FSS-FCCSSJR 4

The following message dated July 15, 1981 was received stating the Governor had read the following resolution and was transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

FSS-FREE CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE JOINT RESOLUTION NO. 4
(Proposing amendments to the Constitution of the State of Alaska relating to limiting increases in appropriations)

Legislative Resolve No. 1

* * * * *

This final supplemental journal completes the record of legislation for the First Special Session of the Twelfth State Legislature.

Irene Cashen
Chief Clerk of the House

July 16, 1981

MERCATUS CENTER
George Mason University

March 2, 2017

Senator Mike Dunleavy
Chairman
Senate State Affairs Committee
Alaska State Capitol
Juneau, AK 99801

Chairman Dunleavy and distinguished Members of the Senate State Affairs Committee:

Thank you for the opportunity to testify today. My name is Matthew Mitchell and I am a senior research fellow at the Mercatus Center at George Mason University. For several years now, my colleagues and I have been studying state fiscal policies and the institutions that govern them. We have consulted decades of peer-reviewed academic research and conducted our own analyses using comprehensive datasets and cutting-edge empirical techniques. I am delighted to have the opportunity to share some of the lessons that we have learned.

Lesson 1: Institutions Matter. States often find themselves in fiscal trouble. They frequently wrestle with unsustainable spending patterns, recurrent shortfalls that necessitate painful decisions, and long-term obligations that cannot be met. Though short-term remedies such as tax increases, skipped pension contributions, or ill-conceived budget cuts can turn red ink into black ink, problems often reemerge. Our research suggests that sustainable solutions require institutional change.

That is, solutions require modifications to the rules that shape the political, legislative, and budgeting process. Simply put, states with good institutions are more likely to make good budgetary decisions.

Lesson 2: The Details Matter. One of the most popular mechanisms for ensuring prudent fiscal policy is a tax and/or expenditure limit (TEL). In my attached 2010 study, "TEL It Like It Is: Do State Tax and Expenditure Limits Actually Limit Spending?," I examined 30 years of data to see how various TELs performed. A few lessons are clear. The most effective TELs

1. Target spending (as does Alaska's) rather than revenues,
2. Limit budget growth to the sum of inflation and population growth (as Alaska's does),
3. Are codified in the constitution (as Alaska's is),
4. Require a supermajority or public vote to be overridden (as Alaska's does),
5. Prohibit unfunded mandates to lower-level governments (Alaska's TEL does not have this provision), and
6. Refund immediately revenue that is collected in excess of the limit to taxpayers (Alaska's TEL does not have this feature).

As you can see, Alaska's TEL has many of the features that make for a stronger and more effective limit. There is room, however, for some improvement. For example, the state might prohibit unfunded mandates on lower levels of government (about a dozen states have such a prohibition). Or, it might immediately refund to taxpayers any revenue that is collected in excess of the limit (about 5 states currently do this). In addition, the state might reassess the date on which the limit is based. If lawmakers deem real per capita spending in 1981 to be excessive, then they ought to consider a different base date.

Lesson 3: There Are Other Tools. Tax expenditure limits are neither the only nor the most-effective means of ensuring prudent fiscal policy. For example, research suggests that item-reduction vetoes,[1] strict balanced-budget requirements, and supermajority requirements for tax increases are all more effective in restraining spending than TELs. For your reference, I have included my survey with Olivia Gonzalez, "State Budget Institutions," which reviews some of this research.

One institutional difference that seems to have a significant effect on state budgets is discussed in the third attachment, "A House Divided against Itself Cannot Spend (as Much): The Fiscal Effect of Separate Taxing and Spending Committees in State Legislatures." This paper, which I coauthored with Pavel Yakovlev of Duquesne University, explores the effect of having separate committees oversee taxing and spending decisions. Controlling for other factors that might confound the estimate, we conclude that states with separate spending and taxing committees spend between $300 and $450 less per person per year relative to other states. This effect—about 9 to 13 percent of annual per capita spending—is larger than almost any other institutional effect. Alaska's House and Senate Finance Committees currently oversee both spending and taxing decisions. Our research suggests that the state could significantly reduce spending by separating these functions into separate committees in each chamber.

I hope that this research helps you think through institutional changes that might set Alaska on an even more prudent fiscal path. I am happy to answer any questions you might have.

Sincerely,

Matthew Mitchell, PhD

Senior Research Fellow
Director, Project for the Study of American Capitalism
Mercatus Center at George Mason University

Attachments

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[1] This is a special variety of veto authority that allows the governor to spend less on an item than the legislature is calling for. In contrast to the more-common line-item veto, the governor need not eliminate the item altogether if he or she opposes it.

No. 10-71
December 2010

WORKING PAPER

TEL IT LIKE IT IS: Do State Tax and Expenditure Limits Actually Limit Spending?

By Matthew Mitchell

MERCATUS CENTER
George Mason University

T.E.L. It Like It Is: Do State Tax and Expenditure Limits Actually Limit Spending?

By Matthew Mitchell, Research Fellow, Mercatus Center at George Mason University[1]

State and local government spending has grown at a remarkable pace in the years since World War II. Many states have attempted to arrest this growth by adopting tax or expenditure limitations (TELs). These are formal rules—either codified in statutes or in state constitutions—that limit the growth of government budgets by a particular formula. Twenty-seven states currently operate under TELs, though there is considerable variation in their design and application. In this paper, I examine the impact of TELs on government spending. I focus on the details of their design and on the circumstances in which they are applied. I find that some varieties of TELs can decrease state spending as a share of state income, but the effect is small—in the range of about 2 to 3 percent. Some TELs, such as the most common variety, are associated with less spending in low-income states but are actually associated with more spending in high-income states. Certain characteristics can make TELs more effective. These include constitutional (as opposed to statutory) codification, a focus on spending rather than on revenue, a provision that automatically and immediately refunds surpluses, and—of particular importance—a provision that requires either a supermajority vote or a public vote for override.

[1] I thank Thomas Stratmann and Richard Williams for helpful comments and feedback. I thank Mark Crain, Steven Yamarik, and Noel Johnson for graciously sharing data. I alone am responsible for errors that remain.

I. Introduction

In 1976, New Jersey became the first state in the Union to enact a tax or expenditure limitation.[2] It was a statutory limit on state spending that forbade legislators from growing expenditures faster than state income growth. Though legislators let it expire just six years later, the New Jersey statute kicked off a new experiment in constitutionally limited government. In the next decade, nearly two-dozen states would enact TELs of their own. Today, 27 states operate under TELs, while a 28th state—Colorado—has temporarily suspended its (particularly restrictive) TEL until 2011.[3] (Other states limit local spending by cities and/or counties, but this is not the focus of my research.)

Do TELs limit budget growth? Early tests of this question concluded that they do not.[4] As time has permitted more data and more sophisticated means of testing it, however, some subsequent research has concluded that certain varieties of TELs *can* limit spending in certain circumstances.[5] In recent years, studies of TELs have tended to follow one of two tracks. They have either looked at the circumstances in which TELs are applied, or they have looked at the properties that make some TELs effective and others less so.

Studies examining the circumstances in which TELs have been applied have tended to focus on whether TELs have a different impact in high-income states relative to low-income states.[6] Since many TELs (like New Jersey's 1976 TEL) tie state budget growth to state income growth, scholars have hypothesized that TELs in low-income states will be more limiting than TELs in high-income states. Indeed, that is what the data suggest: TELs seem to be associated with lower levels of government

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[2] Bails and Tieslau (2000) p. 258.
[3] See Waisanen (2010) for an up-to-date accounting of TELs in the states. Some states limit the amount that can be appropriated to some share of estimated revenue. While Waisanen considers this a TEL, I do not.
[4] See, for example, Abrams and Dougan (1986) or Bails (1990).
[5] Elder (1992) was one of the first to conclude that TELs can limit spending. Rueben (1995) attempts to control for endogeneity and reaches the same conclusion. Not all recent studies conclude that TELs work. Kausser, McCubbins, and Moule (2008) found that TELs were "largely ineffective."
[6] See, for example, Shadbegian (1996) and Crain (2003).

spending in low-income states and higher levels of spending in high-income states. The latter finding is worth emphasizing: these studies have not simply found TELs to be ineffective limits on state budgets in high-income states; they have actually found that TELs are associated with *greater* than average levels of spending in high income states. It may be that in high-income states, TELs increase spending by acting as an excuse for elected officials to spend up to the limit.

A second (and less-developed) class of studies has focused on the variety of forms that TELs can take and has concluded that TELs can effectively limit budget growth, but only when they take certain forms. For example, Michael New (2001 and 2003) has argued that TELs limit spending so long as they: a) are based on the relatively restrictive "inflation plus population" formula, b) are passed by citizen initiative, c) immediately refund surpluses to taxpayers, and d) mandate reductions in the limit when the state devolves a function of government to the localities.

This study combines the two approaches described above to evaluate TELs based on where they are applied (high- vs. low-income states) and based on how they are structured. A more detailed and comprehensive dataset permits me to explore the various structures of TELs in greater detail than previous work.

II. The Wide Variety of Tax and Expenditure Limitations

No two TELs are exactly alike. Among other things, they vary according to what they limit, how they limit it, how they are enforced, how they can be overridden, how they treat surpluses, and how they can be changed.

There are a number of characteristics that might be expected to make TELs more or less effective in restraining spending. The states are listed according to these characteristics in table A1 in the appendix.

In the first place, TELs differ in their adoption method. They can be the product of legislation, a referendum, an initiative, or a constitutional convention. They also differ in how they are codified—either via statute or the state constitution. TELs also differ in what they target. Some TELs apply to spending, others to revenue, and still others to both. TELs can be overridden in different ways; some require a supermajority vote of the legislature or a vote of the people to be overridden, others can be overridden with a simple majority vote. Surpluses are another factor. Some TELs automatically and immediately refund any revenue that is in excess of the limit. Lastly, TELs differ in how they treat functions transferred to lower levels of government. Some TELs prohibit the state from placing unfunded mandates on lower levels of government. They do this by either automatically adjusting when the state transfers a function to lower levels or by requiring the state to fund any activity it requires of the lower levels.

Perhaps the most-important characteristic of a TEL is the formula by which it limits a state's budget. Table A2 in the appendix lists each state and the variety of TEL each has had since 1970 to the present (some, of course, have had none). The most common variety of TEL—currently operative in 12 states—limits state budget growth to growth in state personal income. Another variety of TEL isn't based on *growth* in income, but on the overall *share* of state income that the budget consumes. Idaho's TEL, for example, requires general fund appropriations be no more than 5.33 percent of total state personal income. Five states—Alaska, Nevada, Ohio, Utah, and Washington—currently stipulate that budgets can grow no faster than inflation plus population growth. Six other states—Connecticut, Indiana, Maine, Massachusetts, Ohio, and Oklahoma—limit their budgets to another factor such as a fixed number. Lastly, some states—such as Louisiana—fall into more than one of these categories.

III. Testing the Effectiveness of Tax and Expenditure Limitations

To assess the impact of TELs on government budgets, I used data from 49 states covering 30 years from 1977 up to and including 2006.[7] I ran a series of ordinary least square (OLS) regressions with standard control variables and state and year fixed effects. Table 1 describes the variables in these regressions. Table 2 reports the summary statistics.

I assessed the impact of TELs on two measures of state spending: state annual expenditures as a share of total annual income, and state *and local* annual expenditures as a share of total annual income. By focusing on spending as a share of income, these variables are proxies for government's share of the economy (spending is more telling than revenue because states might attempt to circumvent TELs by borrowing more).[8] I test the impact of TELs on both state-only expenditures as well as state and local expenditures because states may be tempted to work around TELs by forcing certain expenditures on local governments, leaving the overall size of government unchanged.

Because there is such a wide variety of TELs in operation, I performed a number of tests to see which variety—if any—is effective. These tests can be divided into three broad categories. The simplest tests involve a "dummy TEL" variable that essentially treats all TELs the same. The second set of tests allow for more or less stringency in the application of TELs. The final set of tests examines the impact of different TEL formulas. I describe each of these tests, beginning with the dummy-variable approach, in the sections that follow.

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[7] Following standard practice, I omit Alaska due to its unusual fiscal characteristics (most of its revenue comes from severance taxes on oil). See, for example, Bails and Tieslau (2000), Shadbegian (1996), or Primo (2006). For similar reasons, some scholars also omit Hawaii and/or Wyoming. See, for example, Crain (2003), note 1, p. 150. The case for these being outliers, however, is not as clear-cut as the case of Alaska (see Primo, 2006, note 31, p. 293). So in the interest of preserving data, I kept these states in the analysis. In tests that omit all three, the coefficients obtain the same sign and similar magnitude, but do not obtain the same level of statistical significance.

[8] See Kousser, McCubbins, and Moule (2008).

Table 1. Description of Variables

Variable	Description
Dependent Variable	
State Expenditure Share	State expenditures as a share of state income in state x in year t.
State and Local Expenditure Share	State and local expenditures as a share of state income in state x in year t.
Variables of Interest	
Dummy TEL	A dummy variable equal to 1 if state x has a TEL in year t and 0 otherwise.
TEL Index	An index that measures the stringency of the TEL in state x in year t. The index is composed of the following factors: adopted by referendum or constitutional convention, adopted by initiative, constitutional, applies to spending (as opposed to revenue), requires a supermajority for override, automatically refunds surpluses, and prohibits unfunded mandates.
Supermajority or Public Vote Override	A dummy variable equal to 1 if, in year t, state x has a TEL that requires either a supermajority vote of the legislature or a public vote to be overridden. It takes the value 0 otherwise.
Inflation + Population Basis	A dummy variable equal to 1 if, in year t, state x has a TEL that limits its budget growth to the sum of inflation plus annual population growth and has a supermajority or public vote override requirement. It takes the value 0 otherwise.
Income Growth Basis	A dummy variable equal to 1 if, in year t, state x has a TEL that limits its budget growth to growth in income in the state and has a supermajority or public vote override requirement. It takes the value 0 otherwise.
Income Share Basis	A dummy variable equal to 1 if, in year t, state x has a TEL that limits its budget to some share of state income and has a supermajority or public vote override requirement. It takes the value 0 otherwise.
Other Basis	A dummy variable equal to 1 if, in year t, state x has a TEL that limits its budget growth by some other number and has a supermajority or public vote override requirement. It takes the value 0 otherwise.
Control Variables	
Population	Total population in state x in year t.
Percent 18 to 64	Share of the population aged 18 to 64 in state x in year t.
Percent Urban	Share of the population living in an urban setting in state x in year t.
Unemployment Rate	Share of the population unemployed in state x in year t.
Per capita income	Real per capita income in state x in year t (thousands of 2008$).

Sources: Expenditure share is computed using expenditure data from the Census of Governments and personal income data from the Bureau of Economic Analysis. TEL data are derived from the sources listed in tables A1 and A2. All population data are from the Census. Unemployment data are from Bureau of Labor Statistics. Per capita income data are from the Bureau of Economic Analysis.

Table 2. Summary Statistics

Variable	Mean	Median	Minimum	Maximum	Standard Deviation
Dependent Variables					
State Expenditure Share	13.4%	13.2%	6.8%	24.1%	3.0%
State and Local Expenditure Share	20.7%	20.5%	13.0%	35.7%	3.1%
Variables of Interest					
Dummy TEL	0.37	0	0	1	0.5
TEL Index	1.21	0	0	6	1.8
Supermajority or Public Vote Override	0.24	0	0	1	0.4
Inflation + Population Basis	0.04	0	0	1	0.2
Income Growth Basis	0.12	0	0	1	0.3
Income Share Basis	0.10	0	0	1	0.3
Other Basis	0.03	0	0	1	0.2
Control Variables					
ln (Population)	15.00	15.10	12.93	17.40	0.99
Percent 18 to 64	61.1%	61.2%	54.6%	65.7%	1.9%
Percent Urban	70.2%	70.3%	33.3%	94.9%	14.7%
Unemployment Rate	5.8%	5.5%	2.2%	17.4%	2.0%
Per Capita Income (thousands, 2008$)	$30.9	$30.1	$18.3	$56.4	$6.1

A Simple Test of Tax and Expenditure Limitations: The "Dummy" TEL Test

Equations (1) and (2) depict the simplest empirical models to test the impact of TELs on spending. My sample includes observations from 49 states up to 30 years.[9] The subscript *x* denotes an observation from a particular state and the subscript *t* denotes an observation from a particular year. These tests use a "dummy variable" equal to 1 if state x had a TEL in year t and 0 otherwise. Following Crain (2003) and Shadbegian (1996), I interacted this term with per capita income to assess the differential impact that TELs have in high- and low-income states.

[9] Due to missing years in the state and local expenditure data, the second regression includes fewer observations.

$$\begin{aligned}(\text{State Expenditure Share})_{xt} \quad (1)\\ = \beta_0 + \beta_1(\text{Dummy TEL})_{xt} + \beta_2(\text{Dummy TEL})_{xt}(\text{Per Capita Income})_{xt}\\ + \beta_3 \ln(\text{Populaion})_{xt} + \beta_4(\text{Percent 18 to 64})_{xt} + \beta_5(\text{Percent Urban})_{xt}\\ + \beta_6(\text{Unemployment Rate})_{xt} + \beta_7(\text{Per Capita Income})_{xt} + \boldsymbol{\varphi_x} + \boldsymbol{\tau_t} + \varepsilon_{xt}\end{aligned}$$

$$\begin{aligned}(\text{State and Local Expenditure Share})_{xt} \quad (2)\\ = \beta_0 + \beta_1(\text{Dummy TEL})_{xt} + \beta_2(\text{Dummy TEL})_{xt}(\text{Per Capita Income})_{xt}\\ + \beta_3 \ln(\text{Populaion})_{xt} + \beta_4(\text{Percent 18 to 64})_{xt} + \beta_5(\text{Percent Urban})_{xt}\\ + \beta_6(\text{Unemployment Rate})_{xt} + \beta_7(\text{Per Capita Income})_{xt} + \boldsymbol{\varphi_x} + \boldsymbol{\tau_t} + \varepsilon_{xt}\end{aligned}$$

I also included a set of control variables, taken from the standard literature on state spending.[10] For each state in each year, I included the natural logarithm of the population, the share of the population aged 18 to 64, the share of the population living in an urban setting, the unemployment rate, and the real per capita income level (measured in 2008 dollars). The inclusion of these control variables was meant to capture variation in state spending that may be unrelated to the presence of TELs. By including the population and the share of the population in an urban setting, I effectively controlled for economies of scale in the provision of government services. Because younger residents and older residents tend to generate the most demand for public services, the share of the population aged 18 to 64 accounts for this factor. The unemployment rate is a proxy for potential claims on unemployment insurance and other state welfare programs, so its inclusion controlled for these demands. Lastly, by including real per-capita income, I accounted for whatever demand for public services results from higher income.

[10] See, for example, Crain (2003); Crain and Crain (1998); Bohn and Inman (1996); Matsusaka and Gilligan (1995); Poterba (1994); and Alt and Lowry (1994).

φ_x represents a set of state dummy variables, one for each state in the sample, while τ_t represents a set of dummy variables for each year in the sample. Lastly, ε_{xt} is a random disturbance term. The results of these tests are reported in table 3.

Table 3. A Simple Test of the Effect of TELs

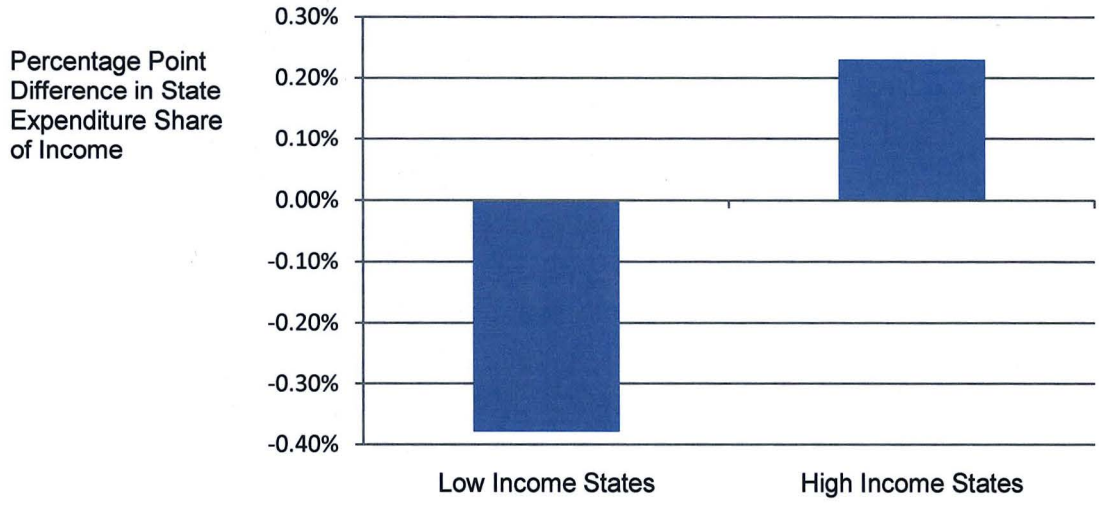
	Dependent Variable: State Expenditures as a Share of Income	Dependent Variable: State and Local Expenditures as a Share of Income
Independent Variables	**Model 1**	**Model 2**
Variables of Interest		
Dummy TEL	–0.016	–0.018
	(0.008)**	(0.009)*
Interaction: (Dummy TEL)	0.0005	0.0005
X (Per Capita Income)	(0.0003)*	(0.0003)
Control Variables		
ln (Population)	–0.024	–0.024
	(0.010)**	(0.013)*
Percent 18 to 64	0.046	–0.095
	(0.066)	(0.104)
Percent Urban	–0.037	–0.043
	(0.036)	(0.051)
Unemployment Rate	0.168	0.290
	(0.050)***	(0.074)***
Per Capita Income, thousands	–0.003	–0.003
	(0.0006)***	(0.0008)***
Year Dummy Variables	Yes	Yes
State Dummy Variables	Yes	Yes
Total Panel Observations	1470	1372
Adjusted R-Squared	0.92	0.87

Notes:

Robust standard errors account for clustering at the state level and are reported in parentheses.
* Indicates significance at the 10 percent level for a two-tailed test. ** Indicates significance at the 5 percent level for a two-tailed test. ***Indicates significance at the 1 percent level for a two-tailed test.

In the first model, the estimated coefficient on the dummy TEL obtains statistical significant at the 5 percent level, while the coefficient on the interaction term obtains significance at the 10 percent level.[11] This suggests that there is some reason to suspect that TELs impact state spending. The negative estimated coefficient on the Dummy TEL in conjunction with the positive coefficient on the interaction term suggest that in low-income states, TELs are associated with less spending, while in high-income states, TELs are actually associated with more spending. Figure 1 depicts the respective marginal effects of a TEL in a low- and high-income state.[12]

Figure 1. The Marginal Impact of a TEL on State Expenditure Share of Income



Source: Author's calculations based on regression results from model 1 in table 5.
Note: High-income states are those whose per-capita income is one standard deviation above the average, and low-income states are those whose per-capita income is one standard deviation below the average.

Note, first, that the effects are relatively modest. In the best case-scenario, a TEL in a low-income state (which I define as a state with per capita income one standard deviation below average) is associated with a state spending share of income that is about 4/10 of one percentage point lower than

[11] When the interaction term is not included, the dummy TEL variable fails to obtain statistical significance.
[12] The marginal effect is given by: $\hat{\beta}_1 + \hat{\beta}_2 \cdot (\text{Per Capita Income})$ where $\hat{\beta}_1$ and $\hat{\beta}_2$ are estimates of β_1 and β_2, respectively.

average. The average state share of spending is about 13.4 percent. So, in low-income states, TELs seem to decrease the state spending share of income by less than 3 percent (=0.37/13.4).

Now, however, consider the impact of a TEL in a high-income state. In these states, TELs are associated with a state spending share of income that is a little more than 2/10 of one percentage point *greater* than average.

The second model estimated the effect of TELs on state and local spending, instead of state-only spending. In this model, the estimated coefficient on the Dummy TEL obtains statistical significance at the 10 percent level, while the estimated coefficient on the interaction term fails to obtain statistical significance at all. On the one hand, this suggests that in terms of combined state and local spending, TELs may not have a differential impact in low and high-income states. On the other hand, the marginal statistical significance on the dummy coefficient suggests that there is relatively weak evidence that TELs impact combined state and local spending at all.

Getting into the Details: Testing the Stringency of TELs

As I noted in section II above, no two TELs are exactly alike. It is quite possible, then, that a simple dummy variable test like the one reported in the last section fails to capture the rich variation in TELs and, with it, the differential impact that these various types of TELs may have on spending. Each TEL may or may not have a number of additional characteristics (outlined in table A1 in the appendix) that impact its effectiveness. Theoretically, a number of factors seem likely to make TELs more effective in limiting spending:

- **Adopted by initiative, referendum, or constitutional convention:** This is important because if a TEL is the result of a referendum or a constitutional convention, rather than the result of ordinary legislation, then it represents an extra-legislative constraint on policy makers.[13]
- **Constitutional:** TELs can be codified in state constitutions or in state statutes. The latter can be easily changed or overridden by subsequent simple-majority vote legislation. But constitutional TELs are not easily undone.
- **Applies to spending**: A TEL can limit either the spending or the revenue side of a state's budget. States may respond to revenue-based TELs by resorting to fees or borrowing, but a spending-based TEL is more difficult to evade.
- **Requires a supermajority or public vote for override:** All TELs contain provisions that permit them to be overridden or suspended. TELs that require either a supermajority legislative vote or a vote of the people to do this are more stringent than TELs that do not. In fact, one might say that TELs without this characteristic are not limiting at all.
- **Automatically refunds surpluses:** TELs often stipulate what is to be done with government revenue that is in excess of the allowable amount. Sometimes it is placed in a rainy day fund. Sometimes it is returned to the voters. TELs that immediately refund surpluses to voters are more stringent because they make it difficult for governments to use the excess funds and because they give taxpayers an incentive to support the TEL.
- **Prohibits unfunded mandates on local governments:** States may react to TELs by forcing lower levels of government to carry out certain governmental functions. Some TELs attempt to limit this by either automatically adjusting the TEL when functions are devolved to lower levels of government or by forcing the state to fund any activity it mandates lower levels perform. These provisions make it more difficult for states to evade the intent of a TEL.

[13] See Buchanan and Tullock (1965) or Buchanan and Brennan (1985) on constitutional rules that restrain in-period political outcomes.

These characteristics are not mutually exclusive and are often highly correlated (for example, the correlation coefficient between those TELs that limit spending and those that were adopted by referendum is 0.56). I, therefore, cannot test all of these characteristics in one regression using separate indicator variables. Instead, I developed an "index variable." The index was created by assigning one point for each of the above-listed characteristics thought to make a TEL more stringent. Like the other variables in this study, it is described above in table 1 and its summary statistics are reported in table 2.

In testing the stringency index, I employed a model similar to that of models 1 and 2. As I did with the dummy TEL indicator, I interacted the stringency index with real per-capita income. This allowed me to capture the differential impact that more-stringent TELs have in high and low-income states. As with models 1 and 2, I employed state and year fixed effects and a standard set of control variables. Now, for brevity, I allow the matrix $\mathbf{X}$ to stand in for the control variables. The models are given by equations 3 and 4:

$$(\text{State Expenditure Share})_{xt} = \beta_0 + \beta_1(\text{TEL Index})_{xt} + \beta_2(\text{TEL Index})_{xt}(\text{Per Capita Income})_{xt} + \boldsymbol{\Phi}\mathbf{X} + \boldsymbol{\varphi}_x + \boldsymbol{\tau}_t + \varepsilon_{xt} \quad (3)$$

$$(\text{State and Local Expenditure Share})_{xt} = \beta_0 + \beta_1(\text{TEL Index})_{xt} + \beta_2(\text{TEL Index})_{xt}(\text{Per Capita Income})_{xt} + \boldsymbol{\Phi}\mathbf{X} + \boldsymbol{\varphi}_x + \boldsymbol{\tau}_t + \varepsilon_{xt} \quad (4)$$

The results of these tests are reported in table 4.

Table 4. Testing the Stringency of TELs

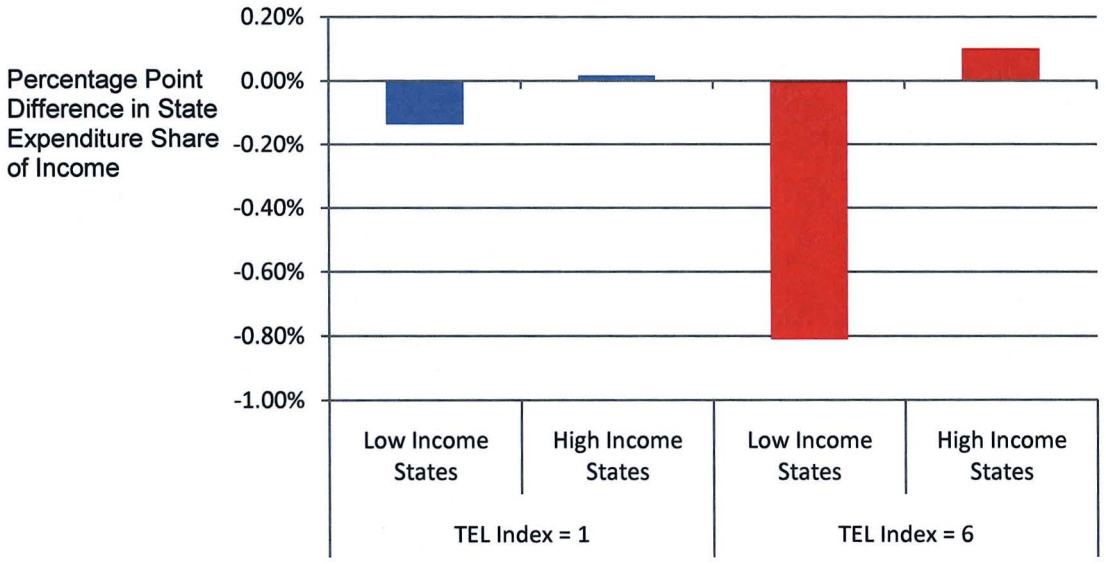
Independent Variables	Dependent Variable: State Expenditures as a Share of Income Model 3	Dependent Variable: State and Local Expenditures as a Share of Income Model 4
Variables of Interest		
TEL Index	–0.004	–0.003
	(0.002)**	(0.002)
Interaction: (TEL Index)	0.0001	0.0001
X (Per Capita Income)	(0.00006)*	(0.00008)
Control Variables		
All Control Variables From Model 1	Yes	Yes
Year Dummy Variables	Yes	Yes
State Dummy Variables	Yes	Yes
Total Panel Observations	1470	1372
Adjusted R-Squared	0.92	0.86

Notes:
Robust standard errors account for clustering at the state level and are reported in parentheses.
* Indicates significance at the 10 percent level for a two-tailed test. ** Indicates significance at the 5 percent level for a two-tailed test.

In the regression model on state-only spending, the estimated coefficients on the TEL Index obtained statistical significance at the 5 percent level, while that of the interaction term obtained significance at the 10 percent level. In the regression model on state and local spending, neither coefficient obtained statistical significance. Figure 2 depicts the marginal impact of the TEL stringency index. It shows the different impact that strong and weak TELs have in low and high-income states. Weak TELs—those with an Index that takes a value of 1—tend not to impact state spending very much in either low or high-income states. At best, they decrease spending by about 1/10 of one percentage point in low-income states. At worst, they increase spending by less than 1/100 of one percentage point in high-income states.

The most-stringent TELs, on the other hand, do have an appreciable impact on state spending. In low-income states, those TELs with an index value of 6 (i.e., those that have all of the 6 characteristics listed above) are associated with a spending share of income that is about 8/10 of one percentage point lower than would otherwise be the case. This is 6 percent less than the average state spending share of income. In high-income states, these more-stringent TELs are associated with spending shares that are about 1/10 of one percentage point greater.

Figure 2. The Marginal Impact of TEL Stringency on State Spending



Source: Author's calculations based on regression results from model 3 in table 4.
Note: High-income states are those whose per capita income is one standard deviation above the average, and low-income states are those whose per capita income is one standard deviation below the average.

If more-stringent TELs seem to be more impactful, which of the six characteristics listed above seem to matter the most? To answer this question, I ran separate regressions, each with a dummy variable indicating one of the 6 characteristics listed above. Each regression also included an interaction term

that was the product of the characteristic dummy and real per capita income. I ran these tests for both state-only and state and local spending as a share of income.[14]

In terms of their impact on state spending as a share of income, all factors obtained the predicted sign, but only four were statistically significant in some way. Three factors obtained statistical significance at the 10 percent level. These were constitutional TELs, TELs that limit spending, and TELs that automatically and immediately refund surpluses. An additional characteristic obtained statistical significance at the 1 percent level: TELs that require a supermajority or public vote to be overridden.

In terms of their impact on state and local combined spending, all factors showed the predicted sign but only one factor obtained statistical significance. This, again, was the supermajority or public vote requirement for overriding the TEL. As in the state-only tests, this factor obtained statistical significance at the 1 percent level. These results suggest that among all of the characteristics listed above, a supermajority vote or a public vote to override the TEL stands out. This fits with the theoretical prediction. And, indeed, some researchers have coded states as having "advisory" limits if they lack a supermajority or public vote requirement (see, e.g., Skidmore, 1999).

In the next section, I examine the different impact of different TEL formulas. Given the importance of the supermajority or public vote override characteristic, I coded states as having TELs only if they had a supermajority vote requirement (see table 1, above, for a description of the variables).

[14] For the sake of brevity, I do not report these tests. I am happy to share the results with anyone who is curious, however.

More Details: Testing Different TEL Formulas

As I noted in section II, above, one of the most important distinguishing characteristics of a TEL is the formula by which it limits the budget. In this section, I describe a number of tests that were designed to assess the impact that different TEL formulas may have on spending.

The models are given by equations 5 and 6, below. As before, I employed a standard set of control variables as well as state and year fixed effects. I tested four different varieties of TELs:

1. Those whose formulas permit budgets to grow no faster than inflation plus population growth;
2. Those whose formulas permit budgets to grow no faster than state income growth;
3. Those whose formulas limit the overall budget size to some share of income in the state; and
4. An "other" category that captures all other varieties of TELs. These are often a combination of inflation or some fixed number; see appendix table A2 for details.

As with the previous models, I also included interaction terms to account for the different impact that TELs may have in high- and low-income states. Recall that researchers have used these terms because TELs often incorporate income in their formulas. Now that I am using separate variables to account for the different types of TELs, however, I only interact per capita income with those TEL types that include income in their formula (that is, with TEL types 2 and 3 above).[15] Descriptions and summary statistics for these variables are reported tables 1 and 2, respectively. The results of these tests are reported in table 5, below.

[15] I also ran regressions with interaction terms on all TEL types. As expected, the interaction terms on TEL types 1 and 4—those without income in their formulas—failed to obtain statistical significance.

$$\text{(State Expenditure Share)}_{xt} \tag{5}$$

$$= \beta_0 + \beta_1(\text{Inflation Plus Pop TEL})_{xt} + \beta_2(\text{Income Growth TEL}) + \beta_3(\text{Income Growth TEL})_{xt}(\text{Per Capita Income})_{xt} + \beta_4(\text{Income Share TEL})_{xt} + \beta_5(\text{Income Share TEL})_{xt}(\text{Per Capita Income})_{xt} + \beta_6(\text{Other TEL})_{xt} + \mathbf{\Phi X} + \boldsymbol{\varphi}_x + \boldsymbol{\tau}_t + \varepsilon_{xt}$$

$$\text{(State and Local Expenditure Share)}_{xt} \tag{6}$$

$$= \beta_0 + \beta_1(\text{Inflation Plus Pop TEL})_{xt} + \beta_2(\text{Income Growth TEL}) + \beta_3(\text{Income Growth TEL})_{xt}(\text{Per Capita Income})_{xt} + \beta_4(\text{Income Share TEL})_{xt} + \beta_5(\text{Income Share TEL})_{xt}(\text{Per Capita Income})_{xt} + \beta_6(\text{Other TEL})_{xt} + \mathbf{\Phi X} + \boldsymbol{\varphi}_x + \boldsymbol{\tau}_t + \varepsilon_{xt}$$

Those TELs that restrict budget growth to inflation plus population growth seem not to have a statistically significant impact on state expenditures as a share of income. In model 5, the coefficient on this term failed to obtain statistical significance. This is somewhat surprising given the fact that these TELs are widely regarded as the most restrictive. There is some evidence that this variety of TEL does, however, seem to impact state and local expenditures as a share of income. In model 6, the coefficient on this term obtained significance at the 5 percent level.

Those TELs that limit budget growth to state income growth seem to have a statistically significant impact on both state spending and state and local spending. Their coefficients obtained statistical significance at the 5 percent level in the state-only tests and at the 1 percent level in state and local spending tests. TELs that limit budgets to some share of income had no statistically significant impact on either state-only spending or on combined state and local spending. Lastly, those TELs that are based on other factors seem to have a statistical significant impact on state-only spending (at the 1 percent level), but no statistically significant impact on state and local spending.

Table 5. Testing Different TEL Formulas

Independent Variables	Dependent Variable: State Expenditures as a Share of Income Model 5	Dependent Variable: State and Local Expenditures as a Share of Income Model 6
Variables of Interest		
Inflation + Pop Basis	–0.004	–0.006
	(0.002)	(0.003)**
Income Growth Basis	–0.020	–0.038
	(0.008)**	(0.011)***
Interaction Term: (Income Growth Basis) X (Per Capita Income)	0.001	0.001
	(0.0003)**	(0.0004)***
Income Share Basis	–0.016	–0.004
	(0.012)	(0.017)
Interaction Term: (Income Share Basis) X (Per Capita Income)	0.001	0.0003
	(0.0004)	(0.0006)
Other Basis	0.014	0.0071
	(0.005)***	(0.007)
Control Variables		
All Control Variables from Model 1	Yes	Yes
Year Dummy Variables	Yes	Yes
State Dummy Variables	Yes	Yes
Total Panel Observations	1470	1372
Adjusted R-Squared	0.92	0.87

Notes:

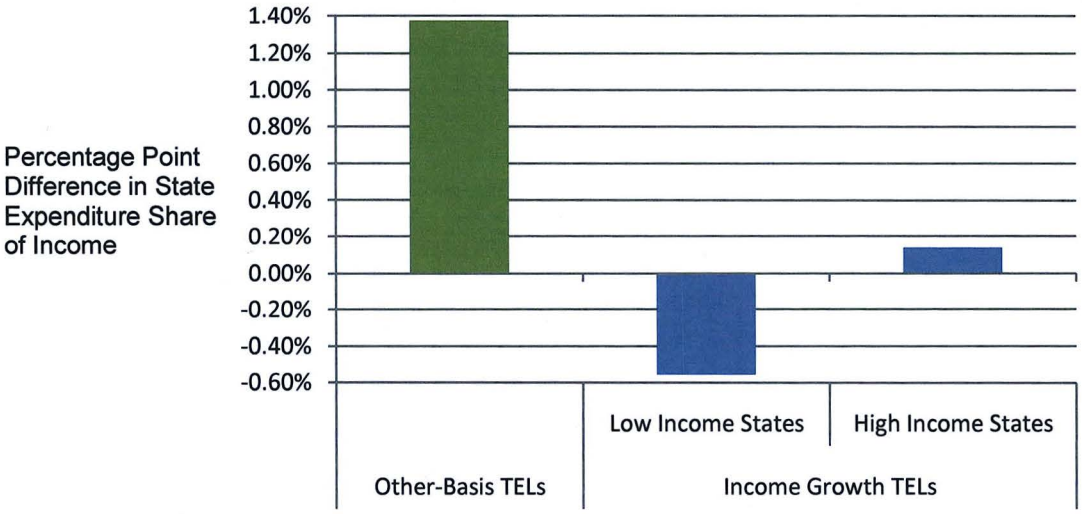
Robust standard errors account for clustering at the state level and are reported in parentheses. ** Indicates significance at the 5 percent level for a two-tailed test. ***Indicates significance at the 1 percent level for a two-tailed test.

Figure 2 displays the marginal impact of those TEL varieties that have a statistically significant impact on state-only spending. In the case of income-growth-based TELs, the impact on state spending depends on whether the state is a high or low-income state. In low-income states, income-growth-based TELs are associated with an expenditure share of income that is nearly 6/10 of a percentage point lower relative to other states. Since the average state's expenditure share of income is about 13.4 percent, this represents a 4 percent difference compared to the average. In high-income states, however, these types

of TELs are associated with spending that is more than 1/10 of a percentage point higher relative to other states (about 1 percent higher compared to the average state spending share).

Those TELs that limit budgets by some other basis have a comparatively worse record. They are associated with state spending shares that are nearly 1.4 percentage points higher than other states. Compared with a typical spending share, this is a more than 10 percent difference. Unlike the income-based TELs, the impact of the other-based TELs does not depend on whether the state is high or low income.

Figure 2. The Marginal Impact of Different TELs on State Expenditure Share of Income



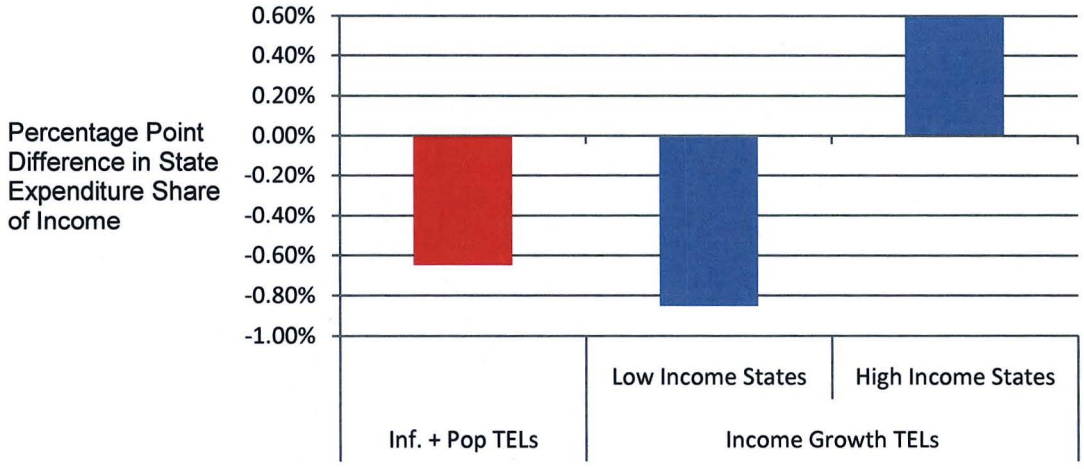
Source: Author's calculations based on regression results from model 5 in table 5.
Note: High income-states are those whose per capita income is one standard deviation above the average, and low-income states are those whose per capita income is one standard deviation below the average.

Figure 3 depicts the marginal impact of those types of TELs that have a statistically significant effect on combined state and local spending as a share of income. Those TELs that limit budget growth to the sum of inflation plus population growth are associated with state and local spending shares that are

about 6/10 of one percentage point lower (this is a 3 percent difference relative to the typical state and local spending share). This impact holds in both high- and low-income states.

Income-growth based TELs, however, have a different impact depending on whether the state is a low-income or a high-income state. In low-income states, these TELs are associated with state and local spending shares that are more than 8/10 of one percentage point lower (this is a 4 percent difference relative to the typical state and local spending share). In high-income states, however, they are associated with state and local spending shares that are nearly 6/10 of one percentage point higher (a difference of nearly 3 percent relative to the typical state and local spending share).

Figure 3. The Marginal Impact of Different TELs on State and Local Expenditure Share of Income



Source: Author's calculations based on regression results from model 6 in table 5.
Note: High income-states are those whose per capita income is one standard deviation above the average, and low-income states are those whose per capita income is one standard deviation below the average.

III. Discussion and Conclusion

Over the last half-century, real state and local government spending has grown at a remarkable clip, outpacing real growth in the private sector by 34 percent.[16] According to the Government Accountability Office, absent policy changes, state and local spending will continue to grow at an unsustainable pace for at least the next 50 years. As a consequence, the "fiscal position [of state and local governments] will steadily decline through 2060."[17]

As policy makers look for tools to arrest the growth of government budgets, TELs are likely to be part of the discussion. In terms of limiting budgets, however, the TEL record is somewhat mixed. The most common variety of TEL—that which limits state budget growth to growth in state income—is associated with smaller budgets in low-income states, but is actually associated with *larger* budgets in high-income states. It may be that this variety of TEL serves as an excuse for policy makers to spend up to the limit, rather than as a binding constraint on spending. Another common variety of TEL limits budgets to some share of income. These TELs, however, have no statistically significant impact on either state-only spending or state-and-local spending as a share of income. It may be that policy makers are careful to set these limits so high that they are not binding. Lastly, TELs that are based on some other factors such as inflation or a fixed number are associated with significantly more state spending as a share of income. Here, again, it is plausible that policy makers view these limits as an excuse to spend up to the limit rather than as a constraint.

Those TELs that limit budgets to inflation plus population growth seem to limit combined state and local spending. In states with this variety of TEL, state and local spending as a share of state income is about 6/10 of a percentage point less than in other states (this is a 3-percent difference relative to the

[16] Author's calculations, based on data from the National Economic Accounts. See, also, Mitchell, 2010.
[17] See Government Accountability Office, 2010.

average state and local spending share). Unlike income growth-based TELs, this variety of TEL seems to have an impact in both high- and low-income states. This variety of TEL is often favored by advocates of limited government because it is particularly restrictive (the sum of inflation and population growth is typically less than income growth). But this research suggests another reason for these advocates to favor the inflation-plus-population TEL: it limits spending in both low and high-income states.

In addition to the formulas on which they are based, there are other characteristics that can make TELs more effective. These include extra-legislative adoption, constitutional codification, a limit that is based on spending rather than on revenue, a supermajority or public vote requirement for overrides, a provision that automatically and immediately refunds surpluses in excess of the limit, and a prohibition on unfunded mandates to the local levels. I found that those TELs with more of these characteristics tended to have more of an impact on spending. Separate tests of each characteristic suggest that a supermajority or public vote requirement is particularly important.

Given the continued interest in limiting the growth of state and local budgets, policy makers would do well to remember that TELs are not the only arrow in their quiver. Strict balanced-budget requirements are another option (while all states but Vermont have some sort of balanced budget requirement, some are more strict than others). Mark Crain (2003) and David Primo (2007) have both found that states with stricter balanced budget requirements tend to spend less than other states. The impact is at least as large as the best-case impact of a TEL. Similarly, Bohn and Inman (1996) have shown that when states with balanced budget requirements encounter budget shortfalls, they tend to react by cutting spending rather than by raising taxes.

Another option is a supermajority requirement for all tax increases. Crain and Miller (1990), Knight (2000), and Crain (2003) have all found that these requirements are associated with smaller budgets.

Knight found the effect to be quite large; he showed that these requirements decrease taxation levels by about 8 percent relative to the mean state.

A special variety of veto power known as the item-reduction veto has also been shown to limit state budgets. This kind of veto gives the governor an option to write in a lower spending amount for a particular item. In contrast with other veto varieties, these have been shown to have a statistically significant impact on state spending.[18] The impact is quite significant. Crain (2003) found that states with this power spend about 14 percent less per capita than others.

[18] See Crain and Miller (1990) and Crain (2003).

Bibliography

Abrams, Burton, and William Dougan. "The Effects of Constitutional Restraints on Government Spending." *Public Choice* 49 (1986): 101–16.

Alt, James, and Robert Lowry. "Divided Government, Fiscal Institutions, and Budget Deficits: Evidence from the States." *The American Political Science Review* 88, no. 4 (1994): 811–828.

Bails, Dale. "The Effectiveness of Tax-Expenditure Limitations: A Re-evaluation." *American Journal of Economics and Sociology* 49, no. 2 (1990): 223–238.

Bails, Dale, and Margie Tieslau. "The Impact of Fiscal Constitutions on State and Local Expenditures." *Cato Journal* 20, no. 2 (2000): 255–277.

Bohn, Henning, and Robert Inman. "Balanced Budget Rules and Public Deficits: Evidence from the U.S. States." *Carnegie-Rochester Conference Series on Public Policy* 45 (1996): 13–76.

Buchanan, James, and Geoffrey Brennan. *The Reason of Rules: Constitutional Political Economy.* Indianapolis, IN: Liberty Fund, 1985.

Buchanan, James, and Gordon Tullock. *The Calculus of Consent: Logical Foundation of Constitutional Democracy.* Ann Arbor: The University of Michigan, 1965.

Bureau of Economic Analysis. *National Economic Accounts.* 2010. http://www.bea.gov/national/index.htm#gdp (accessed July 10, 2010).

Crain, Mark. *Volatile States: Institutions, Policy, and the Performance of American State Economies.* Ann Arbor, MI: University of Michigan Press, 2003.

Crain, Mark, and James C. Miller III. "Budget Process and Spending Growth." *William and Mary Law Review* 31, no. 4 (1990): 1021–46.

Crain, Mark, and Nicole Crain. "Fiscal Consequences of Budget Baselines." *Journal of Public Economics* 67, no. 3 (1998): 421-36.

Elder, Harold. "Exploring the Tax Revolt: An Analysis of the Effectiveness of State Tax and Expenditure Limitation Laws." *Public Finance Quarterly* 20, no. 1 (1992): 47–63.

Government Accountability Office. *State and Local Governments: Fiscal Pressures Could Have Implications for future Delivery of Intergovernmental Programs.* Washington, D.C.: U.S. Government Printing Office, 2010.

Knight, Brian. "Supermajority Voting Requirements for Tax Increases: Evidence from the States." *Journal of Public Economics* 76, no. 1 (2000).

Kousser, Thad, Matthew McCubbins, and Ellen Moule. "For Whom the TEL Tolls: Can State Tax and Expenditure Limits Effectively Reducer Spending?" *State Politics and Policy Quarterly* 8 (2008): 331–361.

Matsusaka, John, and Thomas Gilligan. "Deviations from Constituent Interests: The Role of Legislative Structure and Political Parties in the States." *Economic Inquiry* 33 (1995): 383–401.

Mitchell, Matthew. "State Spending Restraint: An Analysis of the Path Not Taken." *Mercatus Center at George Mason University Working Paper*, no. 48 (August 2010).

New, Michael. "Limiting Government Through Direct Democracy: The Case of State Tax and Expenditure Limitations." *Policy Analysis* 420 (2001).

New, Michael. "Proposition 13 and State Budget Limitations: Past Successes and Future Options." *Cato Institute Briefing Papers* 83 (2003).

Poterba, James. "State Responses to Fiscal Crises: The Effects of Budgetary Institutions and Politics." *The Journal of Political Economy* 102 (1994): 799–821.

Primo, David. *Rules and Restraint: Government Spending and the Design of Institutions.* Chicago, IL: University of Chicago Press, 2007.

Rueben, Kim. "Tax Limitation and Government Growth: The Effect fo State Tax and Expenditure Limits on State and Local Government." *Mimeo, Department of Economics, MIT*, 1995.

Shadbegian, Ronald. "Do Tax and Expenditure Limitations Affect the Size and Growth of State Government?" *Contemporary Economic Policy* 14 (1996): 22–35.

Appendix

Table A1. Characteristics of TELs

State	Time	Adoption Method	Con. or Statute	Limits Spending or Revenue	Supermaj. or Public Vote is Required to Over-ride	Immediate Refunds of Surpluses	No Unfunded Mandate
Alabama	1970–present	-	-	-	-	-	-
Alaska	1970–1981	-	-	-	-	-	-
Alaska	1982–present	Referenda	Constitution	Spending	Yes	No	No
Arizona	1970–1977	-	-	-	-	-	-
Arizona	1978–present	Referenda	Constitution	Spending	Yes	No	Yes
Arkansas	1970–present	-	-	-	-	-	-
California	1970–1978	-	-	-	-	-	-
California	1979–1988	Initiative	Constitution	Revenue	Yes	Yes	Yes
California	1989–present	Initiative	Constitution	Revenue	Yes	Yes	Yes
Colorado	1970–1977	-	-	-	-	-	-
Colorado	1978–1990	Legislature	Statute	Spending	No	No	No
Colorado	1991	Legislature	Statute	Spending	Yes	No	No
Colorado	1992–2005	Initiative	Constitution	Revenue and Spending	Yes	Yes	Yes
Colorado	2006–2011	Initiative	-	-	-	-	-
Connecticut	1970–1990	-	-	-	-	-	-
Connecticut	1991–present	Legislature	Statute	Spending	Yes	No	No
Delaware	1970–present	-	-	-	-	-	-
Florida	1970–1993	-	-	-	-	-	-
Florida	1994–present	Referenda	Constitution	Revenue	Yes	No	No
Georgia	1970–present	-	-	-	-	-	-
Hawaii	1970–1977	-	-	-	-	-	-

Hawaii	1978–present	Con. Convention	Constitution	Spending	Yes	No	Yes
Idaho	1970–1979	-	-	-	-	-	-
Idaho	1980–present	Legislature	Statute	Spending	Yes	No	Yes
Illinois	1970–present	-	-	-	-	-	-
Indiana	1970–2001	-	-	-	-	-	-
Indiana	2002–present	Legislature	Statute	Spending	No	No	Yes
Iowa	1970–1991	-	-	-	-	-	-
Iowa	1992–present	Legislature	Statute	-	-	-	-
Kansas	1970–present	-	-	-	-	-	-
Kentucky	1970–present	-	-	-	-	-	-
Louisiana	1970–1979	-	-	-	-	-	-
Louisiana	1980–present	Legislature	Statute	Revenue	No	No	No
Louisiana	1993–present	Referenda	Constitution	Revenue and Spending	Yes	No	No
Maine	1970–2004	-	-	-	-	-	-
Maine	2005–present	Legislature	Statute	Spending	No	No	No
Maryland	1970–present	-	-	-	-	-	-
Massachusetts	1970–1985	-	-	-	-	-	-
Massachusetts	1986–2001	Initiative	Statute	Revenue	No	No	No
Massachusetts	2002–present	Legislature	Statute	Revenue	No	No	No
Michigan	1970–1977	-	-	-	-	-	-
Michigan	1978–present	Initiative	Constitution	Revenue	Yes	Yes	Yes
Minnesota	1970–present	-	-	-	-	-	-
Mississippi	1970–1982	-	-	-	-	-	-
Mississippi	1983–1992	Legislature	Statute	-	-	-	-
Mississippi	1993–present	Legislature	Statute	Spending	-	-	-
Missouri	1970–1980	-	-	-	-	-	-
Missouri	1981–present	Initiative	Constitution	Revenue	Yes	Yes	Yes

Montana	1970–1981	-	-	-	-	-	-
Montana	1982–2005	Legislature	Statute	Spending	Yes	No	
Montana	2006–present	-	-	-	-	-	-
Nebraska	1970–present	-	-	-	-	-	-
Nevada	1970–1978	-	-	-	-	-	-
Nevada	1979–present	Legislature	Statute	Proposed Spending	-	-	-
New Hampshire	1970–present	-	-	-	-	-	-
New Jersey	1970–1975	-	-	-	-	-	-
New Jersey	1976–1983	Legislature	Statute	Spending	Yes	No	?
New Jersey	1984–1990	-	-	-	-	-	-
New Jersey	1991–present	Legislature	Statute	Spending	No	No	Yes
New Mexico	1970–present	-	-	-	-	-	-
New York	1970–present	-	-	-	-	-	-
North Carolina	1970–1991	-	-	-	-	-	-
North Carolina	1992–present	Legislature	Statute	Spending	No	No	
North Dakota	1970–present	-	-	-	-	-	-
Ohio	1970–2005	-	-	-	-	-	-
Ohio	2006–present	Legislature	Statute	Spending	Yes	No	?
Oklahoma	1970–1984	-	-	-	-	-	-
Oklahoma	1985–present	Referenda	Constitution	Spending	No	No	No
Oregon	1970–1979	-	-	-	-	-	-
Oregon	1980–2000	Legislature	Statute	Spending	No	Yes	Yes
Oregon	2001–present	Initiative	Constitution	Revenue and Spending	No	Yes	Yes
Pennsylvania	1970–present	-	-	-	-	-	-
Rhode Island	1970–1976	-	-	-	-	-	-
Rhode Island	1977–1991	-	-	-	-	-	-
Rhode Island	1992–present	Referenda	Constitution	-	-	-	-

South Carolina	1970–1979	-	-	-	-	-	-
South Carolina	1980–present	Referenda	Constitution	Spending	Yes	No	No
South Dakota	1970–present	-	-	-	-	-	-
Tennessee	1970–1977	-	-	-	-	-	-
Tennessee	1978–present	Con. Convention	Constitution	Spending	No	No	Yes
Texas	1970–1977	-	-	-	-	-	-
Texas	1978–present	Referenda	Constitution	Spending	No	No	No
Utah	1970–1988	-	-	-	-	-	-
Utah	1989–present	Legislature	Statute	Spending	Yes	No	Yes
Vermont	1970–present	-	-	-	-	-	-
Virginia	1970–present	-	-	-	-	-	-
Washington	1970–1979	-	-	-	-	-	-
Washington	1980–1992	Legislature	Statute	Revenue	?	No	?
Washington	1993–present	Initiative	Statute	Spending	Yes	No	Yes
West Virginia	1970–present	-	-	-	-	-	-
Wisconsin	1970–2000	-	-	-	-	-	-
Wisconsin	2001–present	Legislature	Statute	Spending	No	No	?
Wyoming	1970–present	-	-	-	-	-	-

Sources: Bert Waisanen, "State Tax and Expenditure Limits–2010" (Washington, DC: *National Conference of State Legislatures*, 2010); Mandy Rafool, "State Tax and Expenditure Limits" (Washington, DC: National Conference of State Legislatures, 1996); Daniel Mullins and Bruce Wallin, "Tax and Expenditure Limitations: Introduction and Overview," *Public Budgeting & Finance*, Winter 2004; Michael New, "Limiting Government Through Direct Democracy: The Case of State Tax and Expenditure Limitations," *Policy Analysis*, 2001, No. 420; Michael New, "Propostion 13 and State Budget Limitations: Past Successes and Future Options," *Cato Institute Briefing Papers*, 2003, No. 83; Mark Skidmore, "Tax and Expenditure Limitations and the Fiscal Relationships Between State and Local Governments," *Public Choice*, 1999, Vol. 99, pp. 77–102. Question marks indicate the data is unknown and were coded as "0" in the dataset. Please contact the author with any additional information.

Table A2. Basis of Limit

State	Time	Growth in Population Plus Inflation	Growth in Income	Some Share of Total State Income	Based on Some Other Number	If "Other", what?
Alabama	1970–present	-	-	-	-	-
Alaska	1970–1981	-	-	-	-	-
Alaska	1982–present	Yes	-	-	-	-
Arizona	1970–1977	-	-	-	-	-
Arizona	1978–present	-	-	Yes	-	-
Arkansas	1970–present	-	-	-	-	-
California	1970–1978	-	-	-	-	-
California	1979–1988	Yes	-	-	-	-
California	1989–present	-	Yes	-	-	-
Colorado	1970–1977	-	-	-	-	-
Colorado	1978–1990	-	-	-	Yes	7 percent over the previous year.
Colorado	1991	-	-	Yes	-	-
Colorado	1992–2005	Yes	-	-	-	-
Colorado	2006–2011	-	-	-	-	-
Connecticut	1970–1990	-	-	-	-	-
Connecticut	1991–present	-	Yes	-	Yes	Average growth in income in 5 previous years, or last year's inflation, whichever is greater.
Delaware	1970–present	-	-	-	-	-
Florida	1970–1993	-	-	-	-	-
Florida	1994–present	-	Yes	-	-	-
Georgia	1970–present	-	-	-	-	-
Hawaii	1970–1977	-	-	-	-	-
Hawaii	1978–present	-	Yes	-	-	-
Idaho	1970–1979	-	-	-	-	-
Idaho	1980–present	-	-	Yes	-	-
Illinois	1970–present	-	-	-	-	-
Indiana	1970–2001	-	-	-	-	-
Indiana	2002–present	-	-	-	Yes	A complex formula.
Iowa	1970–1991	-	-	-	-	-
Iowa	1992–present	-	-	-	-	-
Kansas	1970–present	-	-	-	-	-
Kentucky	1970–present	-	-	-	-	-
Louisiana	1970–1979	-	-	-	-	-
Louisiana	1980–present	-	-	Yes	-	-

Louisiana	1993–present	-	Yes	Yes	-	-
Maine	1970–2004	-	-	-	-	-
Maine	2005–present	-	Yes	-	Yes	Average of 10 year personal income growth or maximum of 2.75%. Formulas are based on state's tax burden ranking.
Maryland	1970–present	-	-	-	-	-
Massachusetts	1970–1985	-	-	-	-	-
Massachusetts	1986–2001	-	Yes	-	-	-
Massachusetts	2002–present	-	Yes	-	Yes	The 2002 law added a definition for a limit that was tied to inflation in government purchases plus 2 percent.
Michigan	1970–1977	-	-	-	-	-
Michigan	1978–present	-	-	Yes	-	-
Minnesota	1970–present	-	-	-	-	-
Mississippi	1970–1982	-	-	-	-	-
Mississippi	1983–1992	-	-	-	-	-
Mississippi	1993–present	-	-	-	-	-
Missouri	1970–1980	-	-	-	-	-
Missouri	1981–present	-	-	Yes	-	-
Montana	1970–1981	-	-	-	-	-
Montana	1982–2005	-	Yes	-	-	-
Montana	2006–present	-	-	-	-	-
Nebraska	1970–present	-	-	-	-	-
Nevada	1970–1978	-	-	-	-	-
Nevada	1979–present	Yes	-	-	-	-
New Hampshire	1970–present	-	-	-	-	-
New Jersey	1970–1975	-	-	-	-	-
New Jersey	1976–1983	-	Yes	-	-	-
New Jersey	1984–1990	-	-	-	-	-
New Jersey	1991–present	-	Yes	-	-	-
New Mexico	1970–present	-	-	-	-	-
New York	1970–present	-	-	-	-	-
North Carolina	1970–1991	-	-	-	-	-
North Carolina	1992–present	-	-	Yes	-	-
North Dakota	1970–present	-	-	-	-	-

Ohio	1970–2005	-	-	-	-	-
Ohio	2006–present	Yes	-	-	Yes	3.5% if Inf + Pop < 3.5%.
Oklahoma	1970–1984	-	-	-	-	-
Oklahoma	1985–present	-	-	-	Yes	12% annual growth.
Oregon	1970–1979	-	-	-	-	-
Oregon	1980–2000	-	Yes	-	-	-
Oregon	2001–present	-	-	Yes	-	-
Pennsylvania	1970–present	-	-	-	-	-
Rhode Island	1970–1976	-	-	-	-	-
Rhode Island	1977–1991	-	-	-	-	-
Rhode Island	1992–present	-	-	-	-	-
South Carolina	1970–1979	-	-	-	-	-
South Carolina	1980–present	-	Yes	Yes	-	-
South Dakota	1970–present	-	-	-	-	-
Tennessee	1970–1977	-	-	-	-	-
Tennessee	1978–present	-	Yes	-	-	-
Texas	1970–1977	-	-	-	-	-
Texas	1978–present	-	Yes	-	-	-
Utah	1970–1988	-	-	-	-	-
Utah	1989–present	Yes	-	-	-	-
Vermont	1970–present	-	-	-	-	-
Virginia	1970–present	-	-	-	-	-
Washington	1970–1979	-	-	-	-	-
Washington	1980–1992	-	Yes	-	-	-
Washington	1993–present	Yes	-	-	-	-
West Virginia	1970–present	-	-	-	-	-
Wisconsin	1970–2000	-	-	-	-	-
Wisconsin	2001–present	-	Yes	-	-	-
Wyoming	1970–present	-	-	-	-	-

Sources: Bert Waisanen, "State Tax and Expenditure Limits--2010" (Washington, DC: *National Conference of State Legislatures*, 2010); Mandy Rafool, "State Tax and Expenditure Limits" (Washington, DC: National Conference of State Legislatures, 1996); Daniel Mullins and Bruce Wallin, "Tax and Expenditure Limitations: Introduction and Overview," *Public Budgeting & Finance*, Winter 2004; Michael New, "Limiting Government Through Direct Democracy: The Case of State Tax and Expenditure Limitations," *Policy Analysis*, 2001, No. 420; Michael New, "Propostion 13 and State Budget Limitations: Past Successes and Future Options," *Cato Institute Briefing Papers*, 2003, No. 83; Mark Skidmore, "Tax and Expenditure Limitations and the Fiscal Relationships Between State and Local Governments," *Public Choice*, 1999, Vol. 99, pp. 77–102. These sources occasionally conflict. In that case, state websites were consulted. Please contact the author if you have additional information.

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ECONOMIC PERSPECTIVES

STATE BUDGET INSTITUTIONS

Prepared by Matthew D. Mitchell and Olivia Gonzalez

Over the past six decades, state and local government spending has increased at more than twice the rate of private sector growth.[1] Left unchecked, this growth puts state and local governments on a costly path that is unsustainable.[2] Either spending growth must slow, taxes must rise, or both. Spending growth can contribute to significant fiscal stress,[3] requiring difficult adjustments when large budget gaps arise. Unfortunately, short-term thinking often dominates the adjustment process so that legislators frequently make choices—such as underfunding pension obligations—that improve the short-term fiscal outlook at the expense of worsening the long-term outlook.

By altering the institutions, or rules, that govern the fiscal decision-making process, policymakers can encourage the sort of long-term thinking that is too often absent from the budgeting process. Reforming the institutions that shape legislators' spending and taxing decisions is a better way to put states on a more sustainable fiscal path.

INSTITUTIONS THAT CONSTRAIN BUDGETS

A study by Mercatus Center economists identified 15 institutions that are significantly associated with less spending.[4] These institutions shape fiscal outcomes in three areas: the budget process, the legislative process, or the political process.

INSTITUTIONS THAT SHAPE THE BUDGET PROCESS

Many state constitutions include budget rules that have an explicit goal of improving fiscal health. Specific goals of budget rules involve restraining government spending, eliminating deficits, or cutting wasteful programs in some way.

- *A balanced budget requirement*. This is one rule that many states have implemented to reduce or eliminate deficits. They vary in stringency, but in general they require a state to balance its budget so that expenditures do not exceed revenues over a given time.

A well-designed budget rule should seek to reduce budget gaps or constrain spending growth and cannot easily be manipulated. To achieve this, there are four main principles that policymakers can use to guide the design of rules that shape the budget process:[5]

- *Broad scope.* Applying a budget rule to all spending categories forces legislators to place all spending on the table if cuts are needed. It also reduces the incentive for future lawmakers to place their favorite items beyond the scope of these rules.

- *Few escape clauses.* Legislators should not have opportunities to sidestep the rule. It is essential that escape clauses cannot be used as an easy way out of difficult spending decisions. If an escape clause is to be used, the threshold for activating it should be high, such as requiring the approval of 90 percent of voters.

- *Minimal accounting discretion.* Too much discretion leads policymakers to create new spending categories, such as "off-budget" entities not subject to the rules.

- *Enforcement.* A budget rule is only effective if it has teeth. Internal enforcement is often susceptible to manipulation while external enforcement through the courts can act as a powerful motivator for legislators to follow budget rules. In either scenario, the enforcer should be credible and have limited discretion. Constitutional rules are typically the most binding rules because they provide a check against legislative discretion.

When approaching each state's unique fiscal situation, state policymakers can use the principles of well-designed budget rules as a general guide for informing policy reform. The following seven institutions are specific examples of budget rules proven to be associated with less spending and a better fiscal outlook.

- *Vetoes.* Line-item vetoes allow governors to strike specific sections of bills, whereas item-reduction vetoes allow governors to write in a lower spending amount for these sections rather than zeroing out an entire budget item. Research suggests[6] that in states where different parties control the executive branch and

Balanced budget rules enforced externally through state constitutions and by independently elected judges have been shown to lead to effective budget balancing. States with more stringent requirements spend about $180 less per capita per year, or about $830 million for the median state.

the legislature, line-item vetoes are associated with less spending per capita[7]—about $100 per year. This translates into a reduction of about $460 million for the median state. Even more significantly, item-reduction vetoes have been shown to lower per capita expenditures by about $470 per year,[8] a reduction of about $2 billion for the median state.

- *Strict balanced budget requirements.* The mere existence of a balanced budget requirement does not guarantee a balanced budget. Most states have these requirements, but some are ineffective. More stringent rules require end-of-the-year balanced budgets and don't permit deficits to be carried over into the next year. Rules enforced externally through state constitutions and by independently elected judges have been shown to lead to effective budget balancing.[9] States with more stringent requirements spend about $180 less per capita per year[10] or about $830 million for the median state. Other benefits include an increased likelihood of having larger rainy day funds and surpluses, making it easier for states to weather economic downturns.

- *Annual budget cycles.* Having a budget cycle that lasts one year as opposed to two years has been shown to be associated with less spending. It has been theorized that biennial cycles are more susceptible to influence by special interest groups pushing for more spending. Moreover, under a biennial cycle, agencies have a longer leash and may be able to use that greater discretion to increase their budgets, whereas annual budget cycles allow legislators to exercise greater oversight. Empirical evidence demonstrates that states with annual budgets tend to spend about $120 less per capita per year than states with biennial cycles.[11]

- *Supermajority requirements for tax increases.* Tax increases may be an enticing way to quickly balance a budget, but their costs are often overlooked, and studies suggest they tend to lead to future spending increases.[12] Some states require that for any tax increase to pass it must gain supermajority approval by the state legislature—usually three-fifths, two-thirds, or three-fourths of the legislature's consent. Although raising taxes can already be politically challenging, imposing a supermajority can act as an additional constraint on tax hikes. The latest research shows that supermajority requirements for tax increases are associated with about $100 less spending per capita per year.[13] States with these requirements also have lower effective tax rates[14] and tend to see a lower spending growth rate than other states.[15]

- *Tax and expenditure limits (TELs).* Many states create TELs to limit budget growth. The limit is determined by a preset formula. The effectiveness of TELs varies greatly depending on their design.

  Effective TEL formulas limit spending to the sum of inflation plus population

growth. This type of formula is associated with statistically significantly less spending. TELs tend to be more effective when they require a supermajority vote to be overridden, are constitutionally codified, and automatically refund surpluses. These rules are also more effective when they limit spending rather than revenue and when they prohibit unfunded mandates on local government. Having one or more of these characteristics tends to lead to less spending.[16]

Ineffective TELs are unfortunately the most common variety. TELs that tie state spending growth to growth in private income are associated with *more* spending in high-income states.

- *No automatic shutdown provision.* Some state governments cease operations in the event of a budget impasse because of the presence of an automatic shutdown provision. Research demonstrates that the absence of such a provision is better for a state's fiscal health.

  States without an automatic shutdown provision spend about $80 less per capita per year or about $370 million for the median state.[17]

  In the presence of automatic shutdown provisions, legislators or governors who prefer to increase spending have bargaining power when presenting their budgets. This type of rule can lead to more spending because policymakers usually prefer to accept a budget that is not ideal to no spending at all.

- *Baseline budgeting.* When considering a new budget, states can create a baseline using either the dollars spent in the previous year or using the level of services that those dollars bought. Research shows that spending grows more slowly in states that use dollars spent as the baseline, rather than services rendered.[18]

INSTITUTIONS THAT SHAPE THE LEGISLATIVE PROCESS

The following six institutions shape the legislative process and have been found to be associated with more constrained budgets.

- *Separate spending and taxing committees.* In some states, legislative rules consolidate spending and taxing authority into one committee whose members both allocate funds and set tax policy. This committee design makes it easier for members to direct spending toward their preferred projects, which in turn causes them to favor higher tax rates. In other states, a tax committee has sole responsibility for setting tax rates while a separate committee allocates spending. Evidence suggests that states with separate spending and taxing committees spend much less than other states.[19] States in which one legislative committee has both spending and taxing powers spend between $300 and $450 more per person per year.

- *State rainy day funds.* Policymakers can create rainy day funds in which they deposit extra revenue so that they have reserves to draw from when budget shortfalls arise. Well-designed rainy day funds are governed by strict rules that compel legislators to ensure a predetermined level of funding. Policymakers should exercise caution when designing these funds to make sure there is not too much legislative discretion regarding the input and withdrawal of funds. Research shows that states with well-structured rainy day funds experience less spending volatility[20] and less fiscal stress.[21]

- *Centralized spending committees.* When states disperse spending authority into several legislative committees it can also be detrimental to budgetary restraint.[22] Multiple spending committees create a fiscal commons,[23] a situation in which many can draw from a common resource while responsibility for the total level of spending rests with no single group. This leaves little incentive for each group to keep spending in check. In contrast, states that centralize spending authority spend about $200 less per capita each year.[24]

- *Small senates.* The larger the senate, the greater the incentive members face to spend because the cost is spread across more districts. There is evidence that senates with 10 fewer seats relative to other states spend about $170 less per capita per year.[25]

- *Large house-to-senate seat ratio.* For bicameral legislatures, a larger ratio of house to senate seats is associated with less spending. All else being equal, when senate districts are divided into more house districts, each house member's constituency is smaller. States with a one-unit larger house-to-senate ratio spend about $45 less per capita compared with other states.[26]

- *"Part-time" legislatures.* Legislatures made up of members who don't make legislating their only means of employment tend to spend less than states that have full-time legislators. States in which members work year-round and are considered professional legislators demonstrate a propensity to spend more.[27]

INSTITUTIONS THAT SHAPE THE POLITICAL PROCESS

The following two institutions have been thought to constrain budgets by improving incentives in the political process. In both instances, however, the empirical evidence is more complicated.

- *Direct democracy.* When citizens are allowed to vote directly on legislation in statewide ballots, policies are thought to better reflect public attitudes toward spending. Researchers have found that direct democracy was associated with[28] more spending in the early 20th century, but with less spending more recently.

- *Term limits*. While early research found that legislative term limits were associated with less spending,[29] more recent research[30] finds that legislative term limits are associated with *more* spending (particularly pork-barrel spending). On the other hand, gubernatorial term limits have been associated with less spending since the 1970s,[31] while the same limits were associated with more spending prior to the 1970s. The expectation that term limits would make policymakers more accountable for fiscal outcomes is a reasonable hypothesis, but the empirical evidence is mixed.

LINKS

1. http://mercatus.org/publication/state-and-local-governments-outpace-growth-private-sector
2. http://mercatus.org/publication/state-spending-restraint
3. http://mercatus.org/publication/state-fiscal-crises-states-abilities-withstand-recessions
4. http://mercatus.org/publication/institutions-and-state-spending-overview
5. http://mercatus.org/publication/making-budget-rules-bite
6. http://mercatus.org/publication/institutions-and-state-spending-overview
7. http://www.jstor.org/stable/3217387?seq=1#page_scan_tab_contents
8. http://www.press.umich.edu/16580/volatile_states
9. http://www.nber.org/papers/w5533
10. http://press.uchicago.edu/ucp/books/book/chicago/R/bo5509178.html
11. http://www.press.umich.edu/16580/volatile_states
12. http://mercatus.org/publication/state-budget-gaps-and-state-budget-growth
13. http://www.jstor.org/stable/3217387?seq=1#page_scan_tab_contents
14. http://www.sciencedirect.com/science/article/pii/S0047272799000821
15. http://heinonline.org/HOL/LandingPage?handle=hein.journals/wmlr31&div=41&id=&page=
16. http://mercatus.org/publication/principles-privilege-free-tax-system-applications-state-nebraska
17. http://mercatus.org/publication/institutions-and-state-spending-overview
18. http://www.sciencedirect.com/science/article/pii/s0047272797000637
19. http://mercatus.org/publication/state-fiscal-policy-separate-taxing-and-spending-committees
20. http://pfr.sagepub.com/content/33/4/439.abstract
21. http://mercatus.org/publication/state-fiscal-crises-states-abilities-withstand-recessions
22. http://mercatus.org/publication/institutions-and-state-spending-overview
23. http://link.springer.com/article/10.1007/s10602-012-9119-2
24. http://www.jstor.org/stable/725688?seq=1#page_scan_tab_contents
25. http://onlinelibrary.wiley.com/doi/10.1111/j.1465-7295.1995.tb01870.x/abstract
26. http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=1405176&fileId=S0003055407070566

27. http://pfr.sagepub.com/content/28/3/210.abstract

28. http://link.springer.com/article/10.1007/BF00138166

29. http://object.cato.org/sites/cato.org/files/serials/files/cato-journal/2000/11/cj20n2-7.pdf

30. http://ftp.iza.org/dp6456.pdf

31. http://www.jstor.org/discover/10.2307/3217387?sid=21105853000451&uid=3739832&uid=2&uid=4&uid=3739256

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A House Divided against Itself Cannot Spend (as Much)

The Fiscal Effect of Separate Taxing and Spending Committees in State Legislatures

Matthew D. Mitchell and
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May 2015

MERCATUS WORKING PAPER

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Matthew D. Mitchell and Pavel A. Yakovlev. "A House Divided against Itself Cannot Spend (as Much): The Fiscal Effect of Separate Taxing and Spending Committees in State Legislatures." Mercatus Working Paper, Mercatus Center at George Mason University, Arlington, VA, May 2015.

Abstract

In recent years, a raft of studies has examined the effect of various institutions on state fiscal outcomes, especially per capita spending. A review of the literature reveals that one institution has an especially large effect on government spending: states with separate legislative committees overseeing taxing and spending legislation spend significantly less than states without separate committees. The size of this effect was found to be an order of magnitude larger than that of any other institution. Despite this large effect, separate committees are one of the least studied state institutions. We found only one peer-reviewed study of separate taxing and spending committees, and it was based on data from a relatively short time period in the 1980s. We offer the first formal theoretical model of the institution, emphasizing the important role that transaction costs play in political logrolls. We empirically test the model, improving on the previous test with a longer panel (spanning 40 years), a larger set of controls, separate tests on different measures of fiscal policy, and tests to learn whether it makes a difference if taxing and spending committees are separate in one or both legislative chambers. Controlling for other factors, we find that states with separate taxing and spending committees spend between $300 and $450 less per capita than states without separate committees. Having these functions separate in one chamber seems to have a larger effect than having them separate in both chambers. Moreover, the pattern does not hold for all subcategories of state spending.

JEL codes: H11, H72, H75, H76

Keywords: institutions, state spending, public choice, legislative committees, legislative logroll, political transactions costs

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I. State Spending and Fiscal Institutions

As state governments have expanded in both size and scope, policymakers have adopted several fiscal institutions explicitly designed to rein in spending and minimize fiscal pressure. The earliest of these institutions were adopted in the wake of the fiscal crises of the late 1830s and were intended to limit state debt accumulation (Ratchford 1941, 121; Rodden 2006, 145). More modern institutional limits on state spending were adopted in the 1970s, beginning with New Jersey's adoption of a tax and expenditure limit (TEL) in 1976 and gaining momentum after California's adoption of Proposition 13 in 1978 and Colorado's Taxpayer Bill of Rights in 1992 (Bails and Tieslau 2000).

In recent decades, academic interest in institutions that might affect state spending has also grown. This interest has been fueled, in part, by a newfound theoretical appreciation for institutions as those "humanly devised constraints that shape human interaction" (North 1990a, 3). This interest has also been fueled by greater availability of panel data and newer techniques with which to analyze such data. A number of institutions have been studied, including term limits (Erler 2007), direct democracy (Matsusaka 2008), biennial budgeting (Crain 2003), baseline budgeting (Crain and Crain 1998), tax and expenditure limits (Mitchell 2010; Zycher 2013), certain varieties of vetoes (Besley and Case 2003), various balanced budget requirements (Primo 2007), supermajority requirements for tax increases (Crain 2003), "citizen" legislatures in which legislating is a part-time job (Owings and Borck 2000), government shutdown procedures in the event of a budgetary impasse (Primo 2007), and even legislature size (Chen and Malhotra 2007).

Besley and Case (2003) offer an overview of institutions and state policy outcomes, whereas Mitchell and Tuszynski (2012) review studies that specifically focus on the effect of institutions on state spending. Figure 1 (page 28), adapted from Mitchell and Tuszynski (2012), suggests that state institutions differ widely in their effect on per capita state spending. It also shows that among these institutions, one stands out. Crain and Muris's (1995) study found that those states in which separate committees have jurisdiction over taxing and spending decisions seem to spend significantly less than those in which one committee has jurisdiction over both issues. By their estimate, this institution of separate committees has an effect on per capita spending that is more than twice as large as an item reduction veto (the second-largest effect) and more than 12 times as large as the effects of other institutions surveyed by Mitchell and Tuszynski (2012) and commonly advocated as ways to rein in spending.

Although the estimated fiscal effect of separate taxing and spending committees is economically significant, this institution remains among the least studied. Whereas balanced budget requirements, supermajority requirements for tax increases, and TELs have each been analyzed extensively, separate taxing and spending committees have, to our knowledge, been studied only once, by Crain and Muris (1995). This research gap is unfortunate because, in many cases, subsequent analysis has yielded a more nuanced understanding of the way that institutions affect policy. TELs, for example, arrest state spending only in certain circumstances or when designed in certain ways (Mitchell 2010). In some cases, subsequent analysis has completely overturned previous understanding. Erler (2007), for example, finds that legislative term limits are associated with higher per capita spending whereas earlier estimates by Bails and Tieslau (2000) indicated that they were associated with lower per capita spending. More recently, Yakovlev, Tosun, and Lewis (2012) explore the fiscal effect of binding legislative term limits

and find that term limit stringency increases state government spending primarily through higher transfers to local governments. Similarly, more recent data may tell a more nuanced story on the fiscal effect of separate taxing and spending committees.

Crain and Muris's (1995) analysis is two decades old and is based on data from a six-year period in the 1980s. We improve on their study in a number of ways. First, we offer the first theoretical model of the institution, emphasizing the role that political transaction costs play in disrupting legislative logrolls. Second, we test the model with a longer and more up-to-date panel dataset, which includes a wider array of institutional and demographic factors as control variables. We also test to learn whether a difference occurs if these functions are separate in both legislative chambers or in just one. Finally, we evaluate the effect of the institution on several fiscal measures: general spending per capita, general revenue per capita, and five subcategories of state government spending.

In the next section, we offer further context for the institution. In section III, we develop a simple theoretical model. In section IV, we present the results of our data analysis, and in section V, we offer concluding remarks.

II. Political Transaction Costs and Separate Taxing and Spending Committees

A mutually beneficial exchange is costly. Beyond the price that a buyer agrees to pay a seller, both the buyer and the seller incur economic transaction costs that include the cost of searching for and acquiring information about one another and their respective products, the cost of bargaining with one another, and the cost of enforcing whatever agreement is struck. The subfield known as *transaction cost economics* (Williamson 1979; 1985; 1991) analyzes how different institutional arrangements affect those costs.

Beginning with North (1990b) and Dixit (1998), a number of authors have awakened political and economic theorists to the notion of *political transaction costs*. Like economic transaction cost models, political transaction cost models emphasize the costs associated with entering into an exchange. In this case, however, the focus is on political exchange rather than on economic exchange. Whereas North (1990b) and Dixit (1998) studied exchange among citizens and politicians, others have examined agreements or logrolls between politicians (Weingast and Marshall 1988; Epstein and O'Halloran 1999; Johnson and Libecap 2003; Spiller and Tommasi 2003). A frequent argument is that political transaction costs are likely to be substantially larger than economic transaction costs. First, political transactions typically involve agreements between more than two parties (Dixit 1998, 48). Second, these exchanges are often more vague, thereby allowing more room for interpretation (Dixit 1998, 49). Finally, these agreements involve significant commitment problems because "parties holding political power cannot make commitments to bind their future actions because there is no outside agency with the coercive capacity to enforce such agreements" (Acemoglu 2003, 620).

A number of political transaction cost models have focused on logrolls between legislators with different spending priorities (Weingast and Marshall 1988; Congleton and Tollison 1999; Johnson and Libecap 2003). In these models, one group of legislators agrees to vote for spending that benefits another group in exchange for the latter's support for the former's priorities. Typically, authors working in this literature have implicitly assumed that the power to appropriate funds to a particular end is commensurate with the power to raise those funds initially.

In some cases, this assumption is true. In South Carolina, for example, the House Ways and Means Committee crafts both revenue and appropriations bills, and the Senate Finance Committee does the same. In a number of states, however, these functions reside in separate

committees in each house. In Colorado, for example, the House and Senate Finance Committees put together revenue bills while separate Appropriations Committees develop legislation to allocate this money. In still other states, such as New Mexico, separate committees oversee these functions in one chamber (the House), while a single committee oversees them in the other chamber (the Senate). Consulting local officials, state statutes, and legislative websites, we have developed an original dataset that accounts for these arrangements.[1] Figure 2 (page 29) shows the current arrangement in all 50 states.

In seven states, these functions are separate in one chamber only, whereas in 25 other states, they are separate in both chambers. Sometimes the separation of these functions is effectuated through formal rules. In North Dakota, for example, House and Senate Rules specify the powers granted to the Appropriations Committees and do not include the power to raise revenue (North Dakota Legislative Assembly 2013). In Tennessee, in contrast, formal rules codify the union of these powers in one committee (Office of the Chief Clerk of the Senate 2013). Tennessee Senate Rules state that the Committee on Finance, Ways, and Means shall have responsibility for crafting all bills related to 10 areas, including the following:

> All measures relating to taxes and the raising of revenue . . . Expenditure of funds . . . All measures dealing with the appropriation of state funds . . . General appropriations bills . . . Assessment and collection of property taxes. (Office of the Chief Clerk of the Senate 2013, 24).[2]

In many states, however, the de facto separation of these powers into separate committees or the de facto union in one committee is achieved by informal norms and practices rather than by formal de jure rules. In the Idaho House, for example, where the Revenue and Taxation

[1] See section IV of this paper for more details.

[2] In the House in Tennessee, the procedures are slightly less formal. That chamber has a similarly named House Committee on Finance, Ways, and Means. In practice, this committee has jurisdiction over both revenue raising and appropriations, and no other standing committees deal with either type of legislation. However, the House rules fail to explicitly name the respective jurisdictions of committees.

Committee is typically responsible for crafting bills to raise revenue and the Appropriations Committee is responsible for writing bills that spend the revenue, the formal House Rules say nothing about these de facto powers (State of Idaho Legislature 2014).

A number of new institutional economists have emphasized the importance of both formal and informal institutions. North (1990a, 4), for example, argues that "institutions include any form of constraint that human beings devise to shape human interaction" and emphasizes that these can be both "formal constraints" and "informal constraints—such as conventions and codes of behavior." Similarly, new institutional economist Avner Greif (2006, 30) defines an *institution* as a "system of social factors that conjointly generate a regularity of behavior" and is at pains to be clear that these factors include rules, beliefs, norms, and organizations. Yet despite the theoretical importance of informal as well as formal rules, most empirical institutional work tends to neglect the informal aspect (Shirley 2005).

In our empirical analysis of state committee powers (section IV of this paper), we account for both the formal and the informal separation of spending and taxing functions. In the next section, we present a stylized theoretical model of the institution.

III. Theoretical Model

Our model is a modified version of Meltzer and Richard's (1981; 1983) classic model of the size of government. It begins with the following assumptions:

1. Let the fraction of time that i spends in leisure be $l_i = 1 - n_i$, where n_i is the fraction of time i spends at work.
2. Let i's income be $y_i = n_i x_i$, where x_i is i's productivity.

3. Let i's consumption be $c_i = (1-t)y_i + g_i$, where $(1-t)y_i$ is after-tax private consumption, t is a flat tax rate, and g_i is i's share of public spending.
4. Let total government spending be $G = tH\bar{y} = tH\bar{n}\bar{x}$, where H is the size of the population and the bars indicate that these are mean values for the population's income, $\bar{y}$;; fraction of time worked, $\bar{n}$; and productivity, $\bar{x}$.
5. Let i's share of government public spending be $g_i = \frac{G}{H^{\gamma}}$, where γ measures the degree of rivalry in public spending, so that $\gamma = 0$ indicates that public spending is completely nonrival and $\gamma = 1$ indicates it is completely rival.
6. Let i's utility be quasi-linear in leisure and take the form $U_i = c_i + \beta_i \ln(l_i)$.

Taxes reduce after-tax private consumption but fund an individual's share of public spending. Because of the labor–leisure tradeoff, some revenue-maximizing tax rate is less than 1. The first task of the tax writer is to understand the relationship between tax rates and average hours worked. If one makes the appropriate substitutions, a representative individual's utility function can be written as equation 1:

$$U_i = (1-t)n_i x_i + g_i + \beta_i \ln(1-n_i). \quad (1)$$

Though g_i is a function of the average fraction of time worked, $\bar{n}$, the individual can do little to affect this. All the individual can choose is his or her own fraction of hours worked. Taking the derivative of equation 1 with respect to n_i, setting it equal to 0, and solving for n_i yields $n_i = 1 - \frac{\beta_i}{(1-t)x_i}$. This equation is the individual's labor supply function. It says that the fraction of hours an individual works is a positive function of his or her ability, x_i, but a negative function of the tax rate, t, and his or her marginal value of leisure, β_i. If the average taxpayer has the same labor supply function, we can rewrite this as equation 2, where the bars indicate that these are average values:

$$\bar{n} = 1 - \frac{\bar{\beta}}{(1-t)\bar{x}}. \quad (2)$$

We can now define government spending in terms of this average labor supply function:

$$G = tH\bar{n}\bar{x} = tH\bar{x} - \frac{tH\bar{\beta}}{(1-t)}. \quad (3)$$

This equation tells the tax writer that at low levels of t, a marginal increase in the tax rate increases revenue, but at high levels of t, a marginal tax increase decreases revenue. The revenue-maximizing tax rate, found by taking the first-order condition, is

$$t_{max} = 1 - \sqrt{\frac{\bar{\beta}}{\bar{x}}}. \quad (4)$$

A. A Committee with Both Spending and Taxing Authority

We next consider the case of a direct democracy in which one legislative committee (a subset of the entire population) possesses both taxing and spending authority. This spending and taxing committee (STC) is capable of steering all rivalrous spending toward a subset of the population, *and* it is capable of setting its own tax rate. Though the committee members can steer spending to whomever they wish, whatever proposal they develop must still pass the full legislature if it is to become law. So in the extreme case, the STC will form a minimum winning coalition of size $\frac{H+1}{2}$ and distribute rivalrous public spending toward members of this coalition (Buchanan and Tullock 1962; Riker and Ordeshook 1973; Riker 1984).[3] The STC funds this spending with a flat income tax that is paid by the entire population. In this case, we can define the share of public spending allocated to a member of the STC:

[3] This assumption is stylized. A number of authors (Weingast 1979; Collie 1988; Groseclose and Snyder 1996) have noted that coalitions are often significantly larger than the minimum necessary to win. Thus, one should think of our minimum winning coalition as an extreme bound.

$$g_{STC} = \frac{G}{\left(\frac{H+1}{2}\right)^{\gamma}} = \frac{tH\bar{n}\bar{x}}{\left(\frac{H+1}{2}\right)^{\gamma}}. \quad (5)$$

If spending is completely rival ($\gamma = 1$), then the coalition member's share of spending is equal to total spending, divided by the number of members of the minimum winning coalition (with whom he or she must share that rival spending). However, if spending is completely nonrival ($\gamma = 0$), then his or her share of spending is simply the entire government spending bill.

Now we substitute equation 2, the average fraction of hours worked, into equation 5, so that one's share of government spending can be written in terms of the tax rate:

$$g_{STC} = \frac{tH\bar{x}}{\left(\frac{H+1}{2}\right)^{\gamma}} - \frac{tH\bar{\beta}}{\left(\frac{H+1}{2}\right)^{\gamma}(1-t)}. \quad (6)$$

Now we consider the utility of the STC committee member:

$$U_{STC} = (1-t)y_{STC} + \frac{tH\bar{x}}{\left(\frac{H+1}{2}\right)^{\gamma}} - \frac{tH\bar{\beta}}{\left(\frac{H+1}{2}\right)^{\gamma}(1-t)} + \beta \ln(1 - n_{STC}). \quad (7)$$

This member will select the utility-maximizing tax rate:

$$t^*_{STC} = 1 - \sqrt{\frac{\bar{\beta}}{x - y_{STC}\frac{\left(\frac{H+1}{2}\right)^{\gamma}}{H}}}. \quad (8)$$

By substituting this tax rate and the labor supply function of equation 2 into the equation for total government spending, $G = tH\bar{n}\bar{x}$, we arrive at an equation for total government spending when one committee has the authority to both allocate rival spending and set the tax rate:

$$G^*_{STC} = \left(1 - \sqrt{\frac{\bar{\beta}}{\bar{x} - y_{STC}\frac{\left(\frac{H+1}{2}\right)^{\gamma}}{H}}}\right) H \left(\bar{x} - \frac{\bar{\beta}}{\sqrt{\frac{\bar{\beta}}{\bar{x} - y_{STC}\frac{\left(\frac{H+1}{2}\right)^{\gamma}}{H}}}}\right). \quad (9)$$

B. Separate Spending and Taxing Committees

In the previously described scenario, STC members are able to set the tax rate and allocate rival spending in whatever way they please. Now we consider an alternative institutional arrangement in which one set of legislators on a spending committee (SC) allocates rival spending, while members of a taxing committee (TC) set the tax rate. If transaction costs are minimal, then the members of these separate committees can easily logroll; SC members can ensure that TC members are part of the minimum winning coalition that obtains the rival spending.[4] In this case, separating these two legislative powers does not change the outcome. Total government spending will be equal to equation 9.

As the discussion in the previous section suggests, however, the assumption of zero transaction costs may be unrealistic. Because no court will enforce a logrolling agreement, TC members have no assurance that SC members will cut them in on the deal and allocate them their promised share of rival spending. And if no member simultaneously sits on both committees, then no official forum exists in which logrolling packages can be assembled. Thus, all deals must be struck behind closed doors and therefore are not easily monitored.

With transaction costs in mind, we consider the extreme case in which TC members believe that they have absolutely no reason to expect that SC members will allocate them their promised share of rival spending. In this case, SC members will continue to allocate rival spending to a minimum winning spending coalition of size $\frac{H+1}{2}$. But TC members will select the optimal tax rate by figuring the probability that they will be selected as members of the minimum winning coalition that will eventually pass the spending bill. If each member of the legislature

[4] In assumption 6, i's utility is quasi-linear in leisure and takes the form $U_i = c_i + \beta_i \ln(l_i)$. Hence, preferences are not lexicographic, and individuals are willing to make tradeoffs.

has an equal chance of being selected for the minimum winning coalition, then the probability that any one member will be in the coalition is equal to the size of the coalition, divided by the size of the legislature, $\frac{\frac{H+1}{2}}{H}$. Thus, the TC member's expectation of benefiting from government spending is $\left(\frac{\frac{H+1}{2}}{H}\right)^{\gamma}$. Note that if the good is completely rival ($\gamma = 1$), this is equal to the probability that a TC member will be selected as a member of the coalition, whereas if the good is completely nonrival ($\gamma = 0$), this is simply equal to 1, because even those outside the coalition may consume the good.

Therefore, the TC member's *expected* share of government spending will be

$$g_{TC}^{e} = \left(\frac{\frac{H+1}{2}}{H}\right)^{\gamma} \frac{G}{\left(\frac{H+1}{2}\right)^{\gamma}} = \left(\frac{\frac{H+1}{2}}{H}\right)^{\gamma} \frac{tH\bar{n}\bar{x}}{\left(\frac{H+1}{2}\right)^{\gamma}}$$

$$= \frac{\left(\frac{H+1}{2}\right)^{\gamma}}{H^{\gamma}} \frac{tH\bar{n}\bar{x}}{\left(\frac{H+1}{2}\right)^{\gamma}} = \frac{tH\bar{n}\bar{x}}{H^{\gamma}}. \tag{10}$$

Substituting equation 2 for the average fraction of time worked and simplifying this equation results in the following:

$$g_{TC}^{e} = \frac{tH\bar{x}}{H^{\gamma}} - \frac{tH\bar{\beta}}{H^{\gamma}(1-t)}. \tag{11}$$

Now we consider the utility of a TC member:

$$U_{TC} = (1-t)y_{TC} + g_{TC}^{e} + \beta \ln(1 - n_{TC}). \tag{12}$$

Substituting equation 11 into equation 12, we obtain equation 13:

$$U_{TC} = (1-t)y_{TC} + \frac{tH\bar{x}}{H^{\gamma}} - \frac{tH\bar{\beta}}{H^{\gamma}(1-t)} + \beta \ln(1 - n_{TC}). \tag{13}$$

The TC member selects the tax rate that maximizes his or her utility:

$$\frac{\partial U_{TC}}{\partial t} = -y_{TC} + \frac{H\bar{x}}{H^{\gamma}} - \frac{H\bar{\beta}H^{\gamma}(1-t) - tH\bar{\beta}(-H^{\gamma})}{\left(H^{\gamma}(1-t)\right)^{2}} = 0. \tag{14}$$

This equation simplifies to equation 15:

$$t_{TC}^{*} = 1 - \sqrt{\frac{\bar{\beta}}{\bar{x} - y_{TC}\frac{H^{\gamma}}{H}}}. \tag{15}$$

We compare this tax rate with that selected by the committee with both taxing and spending powers, t_{STC}^{*}, equation 8. If we assume $y_{TC} \sim y_{STC}$ (and there is no obvious reason why incomes would be systematically different), then we obtain the following inequality:

$$1 - \sqrt{\frac{\bar{\beta}}{\bar{x} - y_{TC}\frac{H^{\gamma}}{H}}} \leq 1 - \sqrt{\frac{\bar{\beta}}{\bar{x} - y_{STC}\frac{\left(\frac{H+1}{2}\right)^{\gamma}}{H}}}$$

$$t_{TC}^{*} \leq t_{STC}^{*}. \tag{16}$$

In the presence of large transaction costs, the tax rate selected by the committee with only taxing authority, t_{TC}^{*}, will be less than or equal to that selected by the committee with both taxing and spending authority, t_{STC}^{*}. In the limiting case of a pure public good, when $\gamma = 0$, the two tax rates are equal.

By substituting this tax rate and the labor supply function of equation 2 into the equation for total government spending, $G = tH\bar{n}\bar{x}$, we can now write an equation for total government spending when the tax-writing committee lacks the power to allocate rival spending:

$$G_{TC}^{*} = \left(1 - \sqrt{\frac{\bar{\beta}}{\bar{x} - y_{TC}\frac{H^{\gamma}}{H}}}\right) H \left(\bar{x} - \frac{\bar{\beta}}{\sqrt{\frac{\bar{\beta}}{\bar{x} - y_{TC}\frac{H^{\gamma}}{H}}}}\right). \tag{17}$$

We know that $t_{TC}^{*} \leq t_{STC}^{*}$, so the question is whether G_{TC}^{*} is greater than or smaller than G_{STC}^{*}. The higher tax rate set by the STC will cause laborers to work less, so the net effect depends on whether or not these taxes are below the apex of the Laffer Curve. Recall from equation 4 that the apex of the Laffer Curve is at $t_{max} = 1 - \sqrt{\frac{\bar{\beta}}{\bar{x}}}$. Clearly,

$t^*_{STC} = 1 - \sqrt{\frac{\bar{\beta}}{\bar{x} - y_{STC}\frac{\left(\frac{H+1}{2}\right)Y}{H}}}$ and $t^*_{TC} = 1 - \sqrt{\frac{\bar{\beta}}{\bar{x} - y_{TC}\frac{HY}{H}}}$ are both below the revenue-maximizing tax rate, so we know that the higher tax rate selected by the STC will generate more revenue and spending than the tax rate selected by the TC.

The model offers two clear theoretical predictions. First, in the presence of transaction costs, those legislative bodies with separate taxing and spending committees will spend less on rival public spending than those with combined committees. Second, even if political transaction costs are significant, legislatures with separate taxing and spending committees will spend the same amount on nonrival goods as legislatures with combined committees. Because state government spending consists of both rival and nonrival categories, we expect total spending and total revenue to be lower in states with separate taxing and spending committees primarily as a result of lower rival expenditures.

IV. Empirical Investigation

A. Models and Data Description

To test these theoretical predictions, we surveyed state legislative bodies to create two dummy variables. The first, *separate committees in one chamber*, takes the value 1 only if one of the state's two legislative chambers has separate committees with jurisdiction over spending and taxing bills. The variable takes the value 0 otherwise. The second variable, *separate committees in both chambers*, takes the value 1 if both of the state's legislative chambers have separate committees with jurisdiction over spending and taxing bills; otherwise, it takes the value 0. This information was gathered from phone interviews with legislative committee members and their staff members. We then cross-checked the data against state legislative rules and committee

websites. To create a panel dataset, we asked respondents about past committee jurisdictions. In some cases, the historical record was clear enough to answer with certainty. In other cases, however, historical knowledge had a shorter timeline, which limited the length of the panel for some states. The resulting dataset is an unbalanced panel of 47 states from 1970 to 2010 (owing to uncertainty, some states have shorter time spans). Because these arrangements are dictated by longstanding formal and informal rules, we believe that reverse causality is a minimal concern.

We regressed seven measures of state fiscal policy on both of these dummy variables and a series of controls. The first two dependent variables—state general expenditures per capita and state general revenue per capita—gauge the institutions' relationship with the overall size of government. The remaining five—health care expenditures per capita, education expenditures per capita, highway and infrastructure expenditures per capita, welfare expenditures per capita, and local government aid per capita—gauge the institutions' relationship with particular categories of spending. All expenditure data were gathered from the US Census (US Census Bureau 2014a, 2014c).

All models are estimated using OLS (ordinary least squares) with Driscoll and Kraay (1998) standard errors that are robust to general forms of heteroskedasticity, autocorrelation, and spatial correlation. Exploiting institutional variation across time, we use a two-way fixed-effect model that controls for time and state fixed effects. We also use three vectors of controls that respectively account for demographic, economic, and politico-institutional differences that might affect state fiscal outcomes. Thus, for each of the seven fiscal outcomes, we estimate the following:

$$\begin{aligned} Fiscal\ Outcome_{i,t} = \alpha &+ \delta_1 Separate\ Committees\ in\ One\ Chamber_{i,t} \\ &+ \delta_2 Separate\ Committees\ in\ Both\ Chambers_{i,t} \\ &+ \mathbf{X}_{i,t}\boldsymbol{\beta_1} + \mathbf{Z}_{i,t}\boldsymbol{\beta_2} + \boldsymbol{\Theta}_{i,t}\boldsymbol{\beta_3} + \boldsymbol{\Gamma}_{i-1} + \boldsymbol{\Pi}_{t-1} + \varepsilon_{i,t}. \end{aligned} \quad (18)$$

Subscripts $i = 1,\ldots,47$ and $t = 1970,\ldots,2010$ denote the state and year, respectively. The vector $\boldsymbol{\Gamma_{i-1}}$ is a set of all but one state dummies, the vector $\boldsymbol{\Pi_{t-1}}$ is a set of all but one year dummies, α is the y-intercept, and $\varepsilon_{i,t}$ is a random disturbance term. The vector $\mathbf{X}_{i,t}$ includes demographic factors known from previous studies to be significant determinants of state fiscal variables. It includes the natural logarithm of state population, the percentage of the population that is Caucasian, and the percentage of the population over 65 years of age (National Cancer Institute 2015).

The vector $\mathbf{Z}_{i,t}$ contains economic variables known to affect state fiscal outcomes. It includes real gross state product per capita (Bureau of Economic Analysis 2014), the unemployment rate (US Bureau of Labor Statistics 2014), federal aid to the state per capita (US Census Bureau 2014c), and percentage of revenue resulting from severance taxation (US Census Bureau 2014d).

The vector $\boldsymbol{\Theta}_{i,t}$ contains six politico-institutional variables known to affect fiscal policy. First, it includes Berry et al.'s (1998; 2012) measure of citizen ideology (higher values indicate more liberal states). Second, it includes an indicator variable that equals 1 if state i has lifetime term limits in year t and 0 otherwise. Third, to capture the varying stringency of term limits across states, it includes an index that is equal to the reciprocal of the term limit length in years so that shorter term limits, which are considered more stringent, cause the variable to take on a greater value. Fourth, it includes the Tax and Expenditure Limit index constructed by Amiel, Deller, and Stallmann (2009), in which greater values indicate stricter limits. Fifth, it includes a lame duck governor indicator variable (Klarner 2013a). This variable takes the value 1 if the governor is in his or her last term before being term limited and 0 otherwise. And sixth, it includes a divided

government indicator variable (Klarner 2013b).[5] This variable takes the value 1 if both chambers of the legislature and the executive branch are not controlled by the same party and 0 otherwise. Table 1 (page 30) describes each of the variables used and presents their descriptive statistics.

Previous studies have found the demographic, economic, and politico-institutional factors included in the vectors $\mathbf{X}_{i,t}$, $\mathbf{Z}_{i,t}$, and $\mathbf{\Theta}_{i,t}$ to be significant determinants of state fiscal variables (see, for example, Crain 2003, Erler 2007, and Besley and Case 2003).

B. Results

Table 2 (page 31) presents the results of a series of regressions using real per capita state expenditures as the dependent variable. In every specification, the estimated coefficient on *separate committees in one chamber* is negative and statistically significant at the 1 percent level. The magnitude of these estimates is quite large, suggesting that the institution is also economically significant. Moreover, the result is robust to the inclusion and exclusion of control variables.[6] Other factors being equal, we find that those states in which one chamber of the legislature has separate committees that oversee taxing and spending legislation spend between $300 and $450 less per capita than other states do. In other words, states with this institutional feature spend between 9 and 13 percent less per capita than does the average state. Though our estimated effect is not as large as that found by Crain and Muris (1995), if one compares it to the other estimates reported in figure 1, the effect is clearly larger than that of almost any other institution previously studied.

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[5] As a result, Nebraska, with its unicameral legislature and missing divided government data, is omitted from our analysis. Following standard practice, we also omit Alaska and Hawaii because of their unusual fiscal characteristics.

[6] We ran a number of robustness checks that are not reported. In one set of regressions, we used panel-corrected standard errors, which assume that the disturbances are heteroskedastic and contemporaneously autocorrelated. The estimated effect of *separate committees in one chamber* on general expenditures per capita remained statistically significant and did not change much in magnitude. In another set of tests, we clustered the robust standard errors on states. Again, the results did not change.

Table 2 also shows that those states with separate taxing and spending committees in both chambers spend statistically significantly less per capita. In three of the four specifications, the estimated effect of *separate committees in both chambers* is slightly smaller than that of *separate committees in one chamber*. This finding suggests that most of the expenditure-reducing effect of having separate taxing and spending committees is achieved when just one chamber separates these functions. Again, these results are robust to various specifications.[7]

Though they are not our primary focus, the estimated effects of our control variables are worth noting. Two of the three demographic control variables obtain statistical significance in predicting per capita expenditures. First, more populated states tend to spend less per capita, which suggests that there are economies of scale in state spending. Second, states with a larger population over age 65 spend more per capita, which is consistent with the theory that this portion of the population relies more heavily on government services. In our tests, the estimated effect of *percentage that is Caucasian* is consistently negative but never obtains standard statistical significance.

Three of our four economic control variables obtain statistical significance in the per capita expenditure regressions. In particular, states with higher per capita gross domestic product, more federal aid per capita, and a greater share of revenue from severance taxes tend to spend more per capita. Though the estimated effect of the unemployment rate is consistently positive, it does not obtain statistical significance in any of these tests.

Among the six politico-institutional control variables in our tests, three are statistically significant in predicting per capita expenditures. According to our estimates, states with lifetime and longer (less stringent) legislative term limits spend more per capita. This finding suggests

[7] Nor do they change when we use panel-corrected standard errors or cluster the robust standard errors on states. The unreported results are available from the authors on request.

that nonlifetime term limits with shorter terms may restrain state spending. The estimated magnitude suggests that a one standard deviation increase in the stringency of the term limit is associated with $48 less in per capita expenditures. We also find that states with politically divided governments spend about $52 more per capita than other states. Three politico-institutional factors were statistically insignificant. Though a more liberal citizenry is positively related to per capita spending, the effect is not statistically significant. Tax and expenditure limits and lame duck governors are both negatively related to per capita expenditures, but neither effect is statistically significant.

Table 3 (page 32) presents the results when real general state revenue per capita is the dependent variable. States with separate taxing and spending committees in one chamber are found to collect between $100 and $350 less per capita in revenue. The effect is statistically significant at the 1 percent level and robust to various specifications.[8] The estimated effect of *separate committees in both chambers* is found to be statistically significant in only two regressions and changes signs in one (statistically insignificant) specification. Thus, most of the revenue-reducing effect of separate committees is achieved when just one chamber separates these functions. With one exception, the effects of the remaining explanatory variables in the general revenue regressions are comparable to those found in the general expenditures tests. The exception is the estimated effect of more stringent tax and expenditure limits. Interestingly, more stringent limits are found to *positively* correlate with general revenue per capita.

Table 4 (page 33) presents the results for the five main components of state government spending. Interestingly, the expenditure-reducing effect of having separate taxing and spending

[8] In three of four specifications with panel-corrected standard errors, the estimated effect was statistically significant and comparable in magnitude. In all four specifications with robust clustered errors on states, the estimated effect was statistically significant. These results are available from the authors on request.

committees is not consistent across all subcategories of spending. Although having *separate committees in one chamber* has a negative and statistically significant relationship with health care and local aid per capita, it has a positive and statistically significant relationship with highway and infrastructure spending per capita (and no statistically significant relationship with education and welfare spending per capita). A somewhat similar pattern is evident with *separate committees in both chambers*: it has a negative and statistically significant effect on health care and welfare spending per capita, but a positive and statistically significant effect on highway and infrastructure spending per capita (and no statistically significant effect on education and local aid per capita).

Nondiscretionary spending may be one explanation. Some subcategories of spending, such as education and welfare, may possibly be so formula driven that they are largely unaffected by discretionary logrolling among legislators. However, the theoretical model of section III of this paper suggests another explanation. The model predicts that separate taxing and spending committees will spend less than unified committees on rival goods but will spend the same amount on nonrival goods. We note that those states with separate committees in either one or both chambers spend statistically significantly less on three subcategories: health care, welfare, and local aid expenditures per capita. Each of these goods is rival; when one constituent consumes it, another may not. Now we note that states with separate committees in one and both chambers spend statistically significantly more on highway and infrastructure spending per capita. This may be the least rival subcategory: one constituent's consumption of these services does not inhibit that of another. That states with separate committees spend *more* on this category rather than the same amount as states with combined committees is a somewhat mysterious finding. When legislators are unable to concentrate spending on rival goods, they may be more likely to substitute into nonrival public goods.

V. Conclusion

When James Buchanan won the Nobel Prize in economics, he was asked to summarize the central insight of public choice economics. Reportedly, he replied simply: "Don't let the fox guard the chicken coop." This idea—also evident in Juvenal's rhetorical question, "*Quis custodiet ipsos custodes?*"—is the motivation behind a number of institutional checks and balances adopted by states over the years. Some of these institutions—such as balanced budget rules, term limits, and tax and expenditure limits—have been the subject of extensive political and academic analysis. In this paper, we explore the fiscal implications of a relatively simple but mostly ignored institution: the separation of taxing and spending authority into different legislative committees.

First, we develop a simple theoretical model of the institution. The model assumes that in the states where taxing and spending functions are combined in one committee, members of that committee will allocate public spending to a minimum winning coalition of the whole legislature. In contrast, if tax writers and appropriators serve on separate committees, and if political transaction costs are significant (Dixit 1998; Acemoglu 2003), then tax writers cannot be certain that appropriators will include them in the minimum winning coalition. In accordance with this expectation, tax writers will therefore set a lower tax rate in such a setting and total government spending will be lower than in the case where the same committee sets the tax rate and appropriates funds.

Political transaction cost models typically stress the notion that transaction costs stand in the way of efficiency-enhancing Coasean bargains (see, for example, Acemoglu 2003). Our model, by contrast, highlights the positive role that transaction costs might play in thwarting

*in*efficient legislative logrolls of the nature explored by Riker (1984) and Buchanan and Tullock (1962). In other words, what's good for the goose may not be good for the gander.

To the best of our knowledge, this institution has been studied only once before, by Crain and Muris (1995). In an effort to improve on their study, we examine a longer panel, incorporate a larger set of control variables, run separate tests on seven different dependent variables, and examine whether it matters if states have separate committees in one or both chambers.

Other factors being equal, we find that those states with separate taxing and spending committees spend between $300 and $450 less per capita (between $790 and $1,200 less per household) than other states.[9] They also raise between $100 and $350 less in per capita revenue than do other states. We find that whether spending and taxing functions are separate in both chambers or merely in one makes little difference. Interestingly, we find that the effect also varies across subcategories of state spending. The marginal effect of having separate committees in one or both houses is negative and statistically significant for health care, welfare, and local aid spending per capita but is positive and significant for highway and infrastructure spending per capita. This finding may suggest that highway and infrastructure spending is less rivalrous than these other categories.

[9] According to the latest estimates, a household has approximately 2.63 persons (US Census Bureau 2014b).

References

Acemoglu, Daron. 2003. "Why Not a Political Coase Theorem? Social Conflict, Commitment, and Politics." *Journal of Comparative Economics* 31 (4): 620–52.

Amiel, Lindsay, Steven Deller, and Judith Stallmann. 2009. "The Construction of a Tax and Expenditure Limitation Index for the US." Staff Paper 536, Department of Agricultural and Applied Economics, University of Wisconsin–Madison.

Bails, Dale, and Margie A. Tieslau. 2000. "The Impact of Fiscal Constitutions on State and Local Expenditures." *Cato Journal* 20 (2): 255–77. http://ideas.repec.org/a/cto/journl/v20y2000i2p.html.

Berry, William D., Evan J. Ringquist, Richard C. Fording, and Russel L. Hanson. 1998. "Measuring Citizen and Government Ideology in the American States, 1960–93." *American Journal of Political Science* 42 (1): 327–48.

———. 2012. "State Ideology Data." September 13. https://rcfording.wordpress.com/state-ideology-data/.

Besley, Timothy, and Anne Case. 2003. "Political Institutions and Policy Choices: Evidence from the United States." *Journal of Economic Literature* 41 (1): 7–73. doi:10.1257/002205103321544693.

Buchanan, James M., and Gordon Tullock. 1962. *The Calculus of Consent: Logical Foundations of Constitutional Democracy*. Ann Arbor: University of Michigan Press.

Bureau of Economic Analysis. 2014. "Regional Economic Accounts." October. http://www.bea.gov/regional/.

Chen, Jowei, and Neil Malhotra. 2007. "The Law of *k*/*n*: The Effect of Chamber Size on Government Spending in Bicameral Legislatures." *American Political Science Review* 101 (4): 657–76.

Collie, Melissa P. 1988. "Universalism and the Parties in the US House of Representatives, 1921–80." *American Journal of Political Science* 32 (4): 865–83.

Congleton, Roger D., and Robert D. Tollison. 1999. "The Stability Inducing Propensities of Very Unstable Coalitions: Avoiding the Downward Spiral of Majoritarian Rent-Seeking." *European Journal of Political Economy* 15 (2): 193–205. doi:10.1016/S0176-2680(99)00003-8.

Crain, W. Mark. 2003. *Volatile States: Institutions, Policy, and the Performance of American State Economies*. Ann Arbor: University of Michigan Press.

Crain, W. Mark, and Nicole Verrier Crain. 1998. "Fiscal Consequences of Budget Baselines." *Journal of Public Economics* 67 (3): 421–36. doi:10.1016/S0047-2727(97)00063-7.

Crain, W. Mark, and Timothy J. Muris. 1995. "Legislative Organization of Fiscal Policy." *Journal of Law and Economics* 38 (2): 311–33.

Dixit, Avinash K. 1998. *The Making of Economic Policy: A Transaction-Cost Politics Perspective*. Cambridge, MA: MIT Press.

Driscoll, John C., and Aart C. Kraay. 1998. "Consistent Covariance Matrix Estimation with Spatially Dependent Panel Data." *Review of Economics and Statistics* 80 (4): 549–60. doi:10.1162/003465398557825.

Epstein, David, and Sharyn O'Halloran. 1999. *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers*. New York: Cambridge University Press.

Erler, H. Abbie. 2007. "Legislative Term Limits and State Spending." *Public Choice* 133 (3–4): 479–94. doi:10.1007/s11127-007-9209-2.

Greif, Avner. 2006. *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade*. New York: Cambridge University Press.

Groseclose, Tim, and James M. Snyder Jr. 1996. "Buying Supermajorities." *American Political Science Review* 90 (2): 303–15. doi:10.2307/2082886.

Johnson, Ronald N., and Gary D. Libecap. 2003. "Transaction Costs and Coalition Stability under Majority Rule." *Economic Inquiry* 41 (2): 193–207.

Klarner, Carl. 2013a. "Governors Dataset." *Klarner Politics, Indiana State University*. January 11. http://www.indstate.edu/polisci/klarnerpolitics.htm.

———. 2013b. "State Partisan Balance Data." *Klarner Politics, Indiana State University*. January 11. http://www.indstate.edu/polisci/klarnerpolitics.htm.

Matsusaka, John G. 2008. *For the Many or the Few: The Initiative, Public Policy, and American Democracy*. Chicago: University of Chicago Press.

Meltzer, Allan H., and Scott F. Richard. 1981. "A Rational Theory of the Size of Government." *Journal of Political Economy* 89 (5): 914–27.

———. 1983. "Tests of a Rational Theory of the Size of Government." *Public Choice* 41 (3): 403–18. doi:10.1007/BF00141072.

Mitchell, Matthew. 2010. "TEL It Like It Is: Do State Tax and Expenditure Limits Actually Limit Spending?" Mercatus Working Paper 10-71, Mercatus Center, George Mason University, Arlington, VA. http://mercatus.org/sites/default/files/publication/TEL%20It%20Like%20It%20Is.Mitchell.12.6.10.pdf.

Mitchell, Matthew, and Nick Tuszynski. 2012. "Institutions and State Spending: An Overview." *Independent Review* 17 (1): 35–49.

National Cancer Institute. 2015. "US Population Data: 1969–2013." SEER (database). http://seer.cancer.gov/popdata/.

North, Douglass C. 1990a. *Institutions, Institutional Change, and Economic Performance*. New York: Cambridge University Press.

———. 1990b. "A Transaction Cost Theory of Politics." *Journal of Theoretical Politics* 2 (4): 355–67. doi:10.1177/0951692890002004001.

North Dakota Legislative Assembly. 2013. *Senate and House Legislative Manual, 2013–14, 63rd Legislative Assembly, State of North Dakota*. Bismarck: North Dakota Legislative Assembly. http://www.legis.nd.gov/files/resource/63-2013/legislative-rules/rules13a.pdf?20140115121827.

Office of the Chief Clerk of the Senate. 2013. *Temporary Rules of Order of the Senate for the One Hundred Eighth General Assembly State of Tennessee*. Nashville, TN: Office of the Chief Clerk of the Senate. http://capitol.tn.gov/senate/publications/Temp%20Rules%20Of%20Order%20108th.pdf.

Owings, Stephanie, and Rainald Borck. 2000. "Legislative Professionalism and Government Spending: Do Citizen Legislators Really Spend Less?" *Public Finance Review* 28 (3): 210–25. doi:10.1177/109114210002800304.

Primo, David M. 2007. *Rules and Restraint: Government Spending and the Design of Institutions*. Chicago: University of Chicago Press.

Ratchford, Benjamin Ulysses. 1941. *American State Debts*. Durham, NC: Duke University Press.

Riker, William H. 1984. *The Theory of Political Coalitions*. Westport, CT: Greenwood Press.

Riker, William H., and Peter C. Ordeshook. 1973. *An Introduction to Positive Political Theory*. Englewood Cliffs, NJ: Prentice-Hall.

Rodden, Jonathan. 2006. *Hamilton's Paradox: The Promise and Peril of Fiscal Federalism*. New York: Cambridge University Press.

Shirley, Mary. 2005. "Institutions and Development." In *Handbook of New Institutional Economics*, edited by Claude Ménard and Mary Shirley, 611–38. Dordrecht, Netherlands: Springer.

Spiller, Pablo T., and Mariano Tommasi. 2003. "The Institutional Foundations of Public Policy: A Transactions Approach with Application to Argentina." *Journal of Law, Economics, and Organization* 19 (2): 281–306.

State of Idaho Legislature. 2014. "House Rules." http://legislature.idaho.gov/house/rules.htm.

US Bureau of Labor Statistics. 2014. *Unemployment Rate*. Washington, DC: U.S. Bureau of Labor Statistics.

US Census Bureau. 2014a. "Federal, State, and Local Governments: Definitions." January 23. http://www.census.gov/govs/definitions/.

———. 2014b. "State and County QuickFacts." December 3. http://quickfacts.census.gov/qfd/states/00000.html.

———. 2014c. "State Government Finances." January 23. http://www.census.gov/govs/state/.

———. 2014d. "State Government Tax Collections." October. https://www.census.gov/govs/statetax/historical_data.html.

Weingast, Barry R. 1979. "A Rational Choice Perspective on Congressional Norms." *American Journal of Political Science* 23 (2): 245–62.

Weingast, Barry R., and William J. Marshall. 1988. "The Industrial Organization of Congress; or, Why Legislatures, Like Firms, Are Not Organized as Markets." *Journal of Political Economy* 96 (1): 132–63.

Williamson, Oliver E. 1979. "Transaction-Cost Economics: The Governance of Contractual Relations." *Journal of Law and Economics* 22 (2): 233–61.

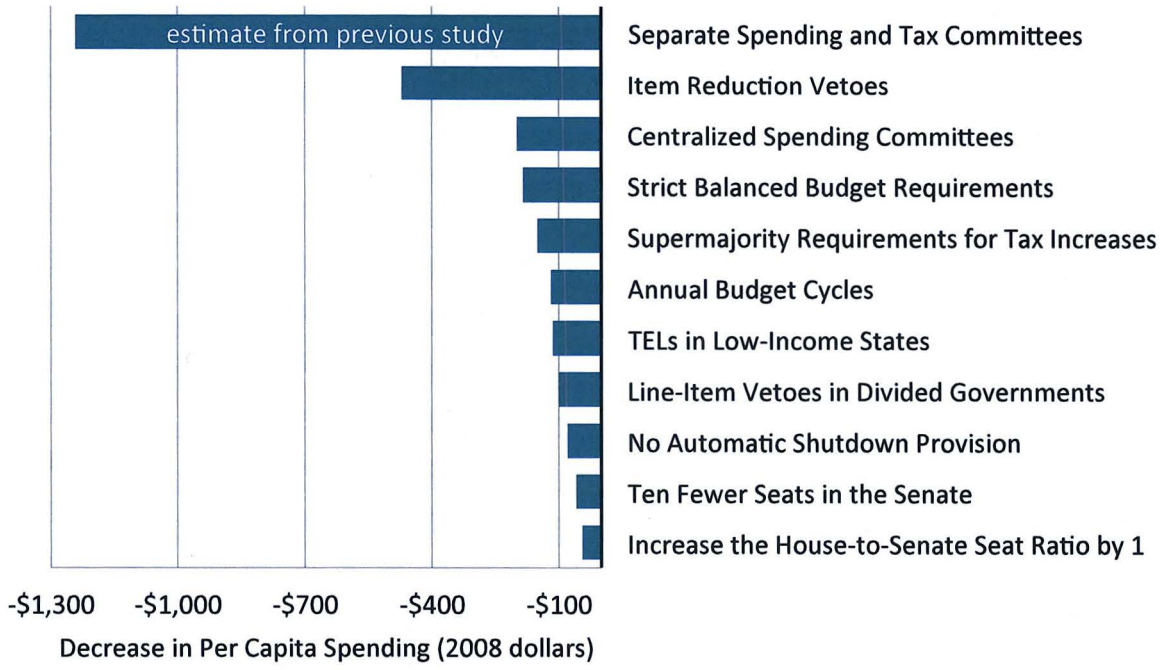
———. 1985. *The Economic Institutions of Capitalism*. New York: Free Press.

———. 1991. "Comparative Economic Organization: The Analysis of Discrete Structural Alternatives." *Administrative Science Quarterly* 36 (2): 269–96. doi:10.2307/2393356.

Yakovlev, Pavel A., Mehmet Serkan Tosun, and William P. Lewis. 2012. "Legislative Term Limits and State Aid to Local Governments." IZA Discussion Paper 6456, Institute for the Study of Labor, Bonn. http://papers.ssrn.com/abstract=2039642.

Zycher, Benjamin. 2013. *State and Local Spending: Do Tax and Expenditure Limits Work?* Washington, DC: American Enterprise Institute.

Figure 1. The Marginal Effect of Institutions on Per Capita Spending



Adapted from Matthew Mitchell and Nick Tuszynski (2012), "Institutions and State Spending: An Overview," *Independent Review* 17 (1): 35–49.

Sources: W. Mark Crain and Timothy J. Muris (1995), "Legislative Organization of Fiscal Policy," *Journal of Law and Economics* 38 (2): 311–33: separate committees, centralized spending committees. W. Mark Crain (2003), *Volatile States: Institutions, Policy, and the Performance of American State Economies* (Ann Arbor: University of Michigan Press): item reduction vetoes, supermajority requirements for tax increases, annual budget cycles, tax and expenditure limits in low-income states. David M. Primo (2007), *Rules and Restraint: Government Spending and the Design of Institutions* (Chicago: University of Chicago Press): strict balanced-budget requirements, shutdown provision. Jowei Chen and Neil Malhotra (2007), "The Law of *k/n*: The Effect of Chamber Size on Government Spending in Bicameral Legislatures," *American Political Science Review* 101 (4): 657–76: House-to-Senate ratio, number of senators.

Note: TEL = tax and expenditure limit. All figures are converted into 2008 dollars.

Figure 2. States with Separate Taxing and Spending Legislative Committees

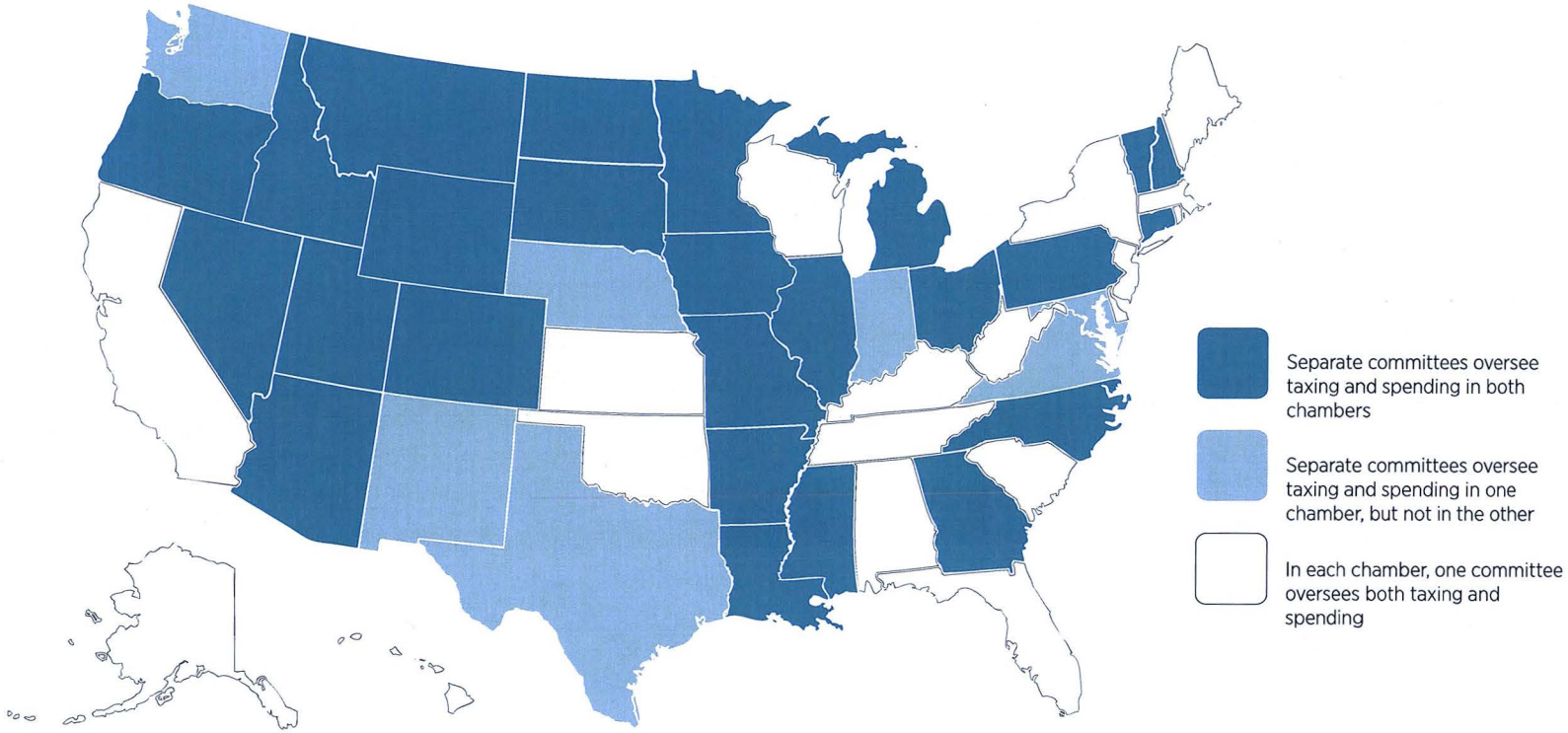


Table 1. Variables and Descriptive Statistics

Variable	Description	Observations	Mean	Standard deviation	Minimum	Maximum
General expenditures per capita	Total state expenditures per capita (2005 dollars); excludes utility expenditures, liquor store expenditures, and employee retirement or other insurance trust expenditures	1,421	3,552.07	1,203.33	1,307.16	9,129.62
General revenue per capita	Total state revenue per capita (2005 dollars); excludes revenue from utilities, liquor stores, and insurance trusts	1,421	3,562.50	1,169.73	1,310.65	9,818.47
Health care spending per capita	State health care expenditures per capita (2005 dollars)	1,421	221.89	98.67	51.54	630.26
Education spending per capita	State education expenditures per capita (2005 dollars)	1,421	573.52	191.61	189.40	1,316.06
Highway and infrastructure spending per capita	State highway and infrastructure expenditures per capita (2005 dollars)	1,421	305.71	141.20	103.29	1,220.72
Welfare spending per capita	State welfare expenditures per capita (2005 dollars)	1,421	705.82	385.96	28.19	2,008.69
Local aid spending per capita	State local aid expenditures per capita (2005 dollars)	1,421	1,026.47	404.26	127.14	3,119.58
Separate committees in one chamber	Separate taxing and spending committees in one chamber	1,421	0.12	0.32	0	1
Separate committees in both chambers	Separate taxing and spending committees in both Chambers	1,421	0.51	0.50	0	1
Ln(population)	Log of state population	1,421	14.99	1.01	12.72	17.44
Percentage that is Caucasian	Percentage of state population that is Caucasian	1,421	85.99	9.31	60.76	99.64
Percentage over age 65	Percentage of state population that is over age 65	1,421	12.24	1.93	6.92	18.41
Real gross state product per capita	Gross state product per capita (2005 dollars)	1,421	34,235.93	8,512.20	18,468.77	72,560.93
Unemployment rate	Unemployment rate	1,421	5.80	1.99	2.25	17.45
Federal aid to state per capita	Federal aid to state per capita (2005 dollars)	1,421	1,018.95	455.58	282.68	3,646.15
Percentage of state revenue resulting from severance tax	Percentage of state revenue resulting from severance tax	1,421	1.44	3.46	0.00	28.50
Citizen ideology	Citizen ideology index created by Berry et al. (1998) and subsequently revised (2012); value of 0 for the most conservative position and 100 for the most liberal position	1,421	47.73	15.45	7.49	95.97
Lifetime legislative term limit	Value of 1 if the state had a binding term limit in that year that prevents legislators from seeking office ever again; 0 otherwise	1,421	0.04	0.20	0	1
Term Limit Stringency index	Reciprocal of the term limit length in years; 0 if no term limit	1,421	0.01	0.02	0.00	0.08
Tax and expenditure limit	Tax and Expenditure Limit (TEL) index developed by Amiel, Deller, and Stallmann (2009); higher values indicate more restrictive rules regarding taxation and expenditures	1,421	6.53	7.85	0.00	30.00
Lame duck governor	Value of 1 if the governor is in the last term before he or she is term limited; 0 otherwise	1,421	0.33	0.47	0	1
Politically divided government	Value of 1 if both legislative chambers and the governor's office are not controlled by the same party; 0 otherwise	1,421	0.53	0.50	0	1

Table 2. Determinants of General Expenditures Per Capita

Variables	(1)	(2)	(3)	(4)
Separate committees in one chamber	−409.9***	−449.9***	−285.5***	−313.2***
	(81.06)	(92.27)	(62.29)	(67.48)
Separate committees in both chambers	−390.2***	−552.7***	−252.0***	−263.1***
	(100.9)	(116.4)	(68.07)	(78.30)
Ln(population)		−863.2***	−477.0***	−446.2***
		(216.4)	(116.4)	(123.8)
Percentage that is Caucasian		−8.215	−19.45	−16.69
		(8.680)	(12.58)	(13.39)
Percentage over age 65		147.9**	116.4***	109.8***
		(57.27)	(32.52)	(27.35)
Real gross state product per capita			0.0306***	0.0301***
			(0.00691)	(0.00695)
Unemployment rate			14.94	13.34
			(12.82)	(13.71)
Federal aid to state per capita			0.983***	0.991***
			(0.102)	(0.103)
Percentage of state revenue resulting from severance tax			29.03**	27.39**
			(12.77)	(12.59)
Citizen ideology				1.651
				(2.121)
Lifetime legislative term limit				190.7***
				(65.41)
Term Limit Stringency index				−2,381***
				(424.4)
Tax and expenditure limit				−1.820
				(2.848)
Lame duck governor				−3.560
				(16.03)
Politically divided government				52.54***
				(16.62)
Constant	2,144***	14,240***	8,423***	7,738***
	(63.32)	(2,746)	(1,288)	(1,488)
State fixed effects	Yes	Yes	Yes	Yes
Year fixed effects	Yes	Yes	Yes	Yes
R-squared	0.90	0.91	0.94	0.95
Observations	1,421	1,421	1,421	1,421
Number of groups	47	47	47	47

Note: Estimated with ordinary least squares with Driscoll and Kraay (1998) standard errors (in parentheses). State and year fixed-effects coefficients are not reported. Sample consists of 47 states (Alaska, Hawaii, and Nebraska are excluded).

*** indicates significance at 1 percent; ** indicates significance at 5 percent; * indicates significance at 10 percent.

Table 3. Determinants of General Revenue Per Capita

Variables	(1)	(2)	(3)	(4)
Separate committees in one chamber	−259.3***	−347.1***	−109.3**	−183.5***
	(39.78)	(54.11)	(46.72)	(52.87)
Separate committees in both chambers	−176.1**	−376.5***	32.85	−20.73
	(69.04)	(90.24)	(87.14)	(92.00)
Ln(population)		−1,241***	−776.2***	−730.1***
		(204.6)	(74.90)	(72.52)
Percentage that is Caucasian		2.838	−16.020	−8.747
		(15.93)	(13.02)	(12.60)
Percentage over age 65		113.7**	86.33***	95.51***
		(55.65)	(23.72)	(20.85)
Real gross state product per capita			0.0377***	0.0377***
			(0.00502)	(0.00473)
Unemployment rate			−11.02	−12.31
			(12.06)	(13.49)
Federal aid to state per capita			1.188***	1.173***
			(0.0580)	(0.0566)
Percentage of state revenue resulting from severance tax			65.01***	65.09***
			(8.910)	(8.091)
Citizen ideology				−2.211
				(1.439)
Lifetime legislative term limit				177.6***
				(45.15)
Term Limit Stringency index				−2,137***
				(555.6)
Tax and expenditure limit				3.584*
				(1.890)
Lame duck governor				10.26
				(13.26)
Politically divided government				49.10***
				(13.99)
Constant	1,952***	18,965***	12,403***	11,099***
	(38.63)	(2,061)	(768.5)	(948.0)
State fixed effects	Yes	Yes	Yes	Yes
Year fixed effects	Yes	Yes	Yes	Yes
R^2	0.86	0.88	0.96	0.96
Observations	1,421	1,421	1,421	1,421
Number of groups	47	47	47	47

Note: Estimated with ordinary least squares with Driscoll and Kraay (1998) standard errors (in parentheses). State and year fixed-effects coefficients are not reported. Sample consists of 47 states (Alaska, Hawaii, and Nebraska are excluded).

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Table 4. Determinants of Categorical Expenditures Per Capita

Variables	Health care spending per capita	Education spending per capita	Highway and infrastructure spending per capita	Welfare spending per capita	Local aid spending per capita
Separate committees in one chamber	−119.3***	−20.30	50.69***	21.20	−83.37**
	(13.71)	(13.08)	(17.24)	(16.04)	(33.94)
Separate committees in both chambers	−73.08***	−18.06	79.94***	−109.2**	106.1
	(18.31)	(21.38)	(28.29)	(41.75)	(69.65)
Ln(population)	74.92***	−247.0***	17.60	−109.4***	45.50
	(18.16)	(25.27)	(38.09)	(33.93)	(32.74)
Percentage that is Caucasian	−2.402	0.888	−6.855	1.178	9.200
	(2.628)	(3.131)	(4.243)	(7.762)	(8.783)
Percentage over age 65	29.47***	21.02***	6.134	−0.633	5.304
	(5.494)	(6.190)	(6.192)	(9.910)	(15.03)
Real gross state product per capita	0.00390***	0.00235***	0.00258**	0.000205	0.00322
	(0.000629)	(0.000847)	(0.00101)	(0.00231)	(0.00474)
Unemployment rate	5.379***	−2.702	−3.024	−2.272	6.452
	(1.253)	(2.927)	(2.639)	(5.559)	(5.416)
Federal aid to state per capita	0.0349**	−0.0101	0.0589***	0.339***	0.334***
	(0.0160)	(0.0153)	(0.0203)	(0.0515)	(0.0541)
Percentage of state revenue resulting from severance tax	−0.0660	0.656	−0.236	−0.278	23.10***
	(1.988)	(1.593)	(2.492)	(4.024)	(6.636)
Citizen ideology	−0.0634	0.821**	−0.274	2.086***	0.653
	(0.229)	(0.339)	(0.281)	(0.711)	(1.057)
Lifetime legislative term limit	4.952	53.33***	−23.04***	48.55**	132.2**
	(14.58)	(7.010)	(6.638)	(18.64)	(60.25)
Term Limit Stringency index	55.55	−846.7***	468.8***	−1,467***	−844.3**
	(187.4)	(92.52)	(80.21)	(292.2)	(391.0)
Tax and expenditure limit	0.576	0.130	0.603	−0.192	−4.914***
	(0.494)	(0.551)	(0.438)	(0.635)	(1.626)
Lame duck governor	−10.75***	−5.086	−8.224*	−14.29	24.21*
	(3.114)	(5.840)	(4.881)	(9.507)	(12.73)
Politically divided government	12.16***	2.153	8.077*	0.307	33.21**
	(3.522)	(2.646)	(4.228)	(7.496)	(14.72)
Constant	−1,137***	3,693***	536.9	1,504	−1,319
	(396.3)	(633.7)	(469.0)	(967.0)	(981.5)
State fixed effects	Yes	Yes	Yes	Yes	Yes
Year fixed effects	Yes	Yes	Yes	Yes	Yes
R^2	0.54	0.85	0.31	0.92	0.74
Observations	1,421	1,421	1,421	1,421	1,421
Number of groups	47	47	47	47	47

Note: Estimated with ordinary least squares with Driscoll and Kraay (1998) standard errors (in parentheses). State and year fixed-effects coefficients are not reported. Sample consists of 47 states (Alaska, Hawaii, and Nebraska are excluded).

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Acknowledgments

We gratefully acknowledge research assistance by Andrea Castillo, Jacob Feldman, Steven Rossi, Emily Washington, Olivia Gonzalez, Adam Michel, Tyler Richards, and Michael Farren. We received numerous helpful suggestions from Michael Farren, Thomas Stratmann, and two anonymous reviewers. We are responsible for any errors that remain.