

House Concurrent Resolution No. 5012

By Representatives Kinzer, Brown, Brunk, Carlson, Faber, Fund, Goico, Grange, Hodge, M. Holmes, Kelley, Kelsey, Kiegerl, Knox, Mast, Masterson, O'Neal, Peck, Siegfried, Watkins and Wilk

2-2

11 A PROPOSITION to amend section 24 of article 2 of the constitution
12 of the state of Kansas, relating to appropriations.
13

14 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
15 *members elected (or appointed) and qualified to the House of Represen-*
16 *tatives, and two-thirds of the members elected (or appointed) and quali-*
17 *fied to the Senate concurring therein:*

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

22 “§ 24. **Appropriations.** No money shall be drawn from the treas-
23 ury except in pursuance of a specific appropriation made by law.
24 *The executive and judicial branches shall have no authority to direct*
25 *the legislative branch to make any appropriation of money or to*
26 *redirect the expenditure of funds appropriated by law, except as the*
27 *legislative branch may provide by law or as may be required by the*
28 *Constitution of the United States.”*

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

31 *“Explanatory statement.* The purpose of this amendment is to clar-
32 ify the relationship of the legislative, executive and judicial
33 branches with regard to any appropriation of money or the
34 expenditures of funds appropriated by law.

35 “A vote for this amendment would clarify that section 24 of article
36 2 of the Kansas Constitution provides that neither the judicial
37 branch nor the executive branch can force the legislative
38 branch to appropriate money, except as the legislative branch
39 may provide by law or as may be required by the Constitution
40 of the United States. The amendment would also prohibit the
41 judicial branch from ordering a change in how money is spent
42 after it has been appropriated by the legislative branch, except
43 as the legislative branch may provide by law or as may be re-

1 quired by the Constitution of the United States. If money is
2 appropriated for a particular purpose the judicial branch could
3 not stop that money from being spent for that purpose.

4 “A vote against this amendment would provide no change to the
5 Kansas Constitution.”

6 Sec. 3. This resolution, if approved by two-thirds of the members
7 elected (or appointed) and qualified to the House of Representatives, and
8 two-thirds of the members elected (or appointed) and qualified to the
9 Senate shall be entered on the journals, together with the yeas and nays.
10 The secretary of state shall cause this resolution to be published as pro-
11 vided by law and shall cause the proposed amendment to be submitted
12 to the electors of the state at the general election to be held on the first
13 Tuesday after the first Monday in November, 2008, unless a special elec-
14 tion is called at an earlier date by concurrent resolution of the legislature,
15 in which case the proposed amendment shall be submitted to the electors
16 of the state at the special election.