

SESSION OF 2006

**SUPPLEMENTAL NOTE ON
HOUSE CONCURRENT RESOLUTION NO. 5032**

As Amended by House Select Committee
on School Finance

Brief*

HCR 5032, as amended, would provide for an amendment to the *Constitution of the State of Kansas* that neither the Judicial Branch nor the Executive Branch can force the Legislative Branch of government to appropriate money, except as the Legislative Branch may provide by law or as may be required by the *Constitution of the United States*. The resolution also would prohibit the Judicial Branch from ordering a change in how money is spent after it has been appropriated by the Legislative Branch, except as provided by law or the *U.S. Constitution*. If money is appropriated by for a particular purpose, the Judicial Branch could not stop that money from being spent for that purpose. Finally, the resolution would void any current court order directing the Legislative Branch to make an appropriation of money.

Background

Representative Mike O'Neal and Representative Lance Kinzer appeared before the Committee as proponents. A representative of the Kansas Bar Association appeared as an opponent of the resolution citing that passage may result in unintended consequences having nothing to do with financing of public education.

The House Committee amended the bill by stating that "A vote against this amendment would provide no change to the *Kansas Constitution* and any existing order that directs the legislative branch to make an appropriation of money shall remain in effect." In the original version of the bill the wording was ". . . and the existing order that directs the legislative branch to make an appropriation of money shall remain in effect."

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>