

As Amended by House Committee

Session of 2011

House Concurrent Resolution No. 5006

By Representative Kinzer

1-24

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

3 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
4 *members elected (or appointed) and qualified to the House of*
5 *Representatives, and two-thirds of the members elected (or appointed)*
6 *and qualified to the Senate concurring therein:*

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

11 "§ 24. **Appropriations.** No money shall be drawn from the
12 treasury except in pursuance of a specific appropriation made by
13 law. *The executive and judicial branches shall have no authority to*
14 *direct the legislative branch to make any appropriation of money*
15 *or to redirect an appropriation or limit in any fashion an*
16 *appropriation already made by law, except as the legislative*
17 *branch may provide by law or as may be required by the*
18 *constitution of the United States."*

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

21 "*Explanatory statement.* The purpose of this amendment is to
22 clarify that the executive and judicial branches shall not direct
23 the legislative branch to make any appropriation of money or
24 redirect or limit the expenditures of funds appropriated by law,
25 except as the legislative branch may provide by law or as may
26 be required by the constitution of the United States.

27 "A vote for this amendment would clarify that section 24 of article
28 2 of the Kansas constitution provides that neither the judicial
29 branch nor the executive branch can force the legislative branch
30 to appropriate money, except as the legislative branch may
31 provide by law or as may be required by the constitution of the
32 United States. The amendment would also prohibit the judicial
33 branch from ordering a change in how money is spent after it
34 has been appropriated by the legislative branch, except as the
35 legislative branch may provide by law or as may be required by

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

4 “A vote against this amendment would provide no change to the
5 Kansas constitution ~~and the existing order that directs the~~
6 ~~legislative branch to make an appropriation of money shall~~
7 ~~remain in effect.”~~

8 Sec. 3. This resolution, if approved by two-thirds of the members
9 elected (or appointed) and qualified to the House of Representatives, and
10 two-thirds of the members elected (or appointed) and qualified to the
11 Senate shall be entered on the journals, together with the yeas and nays.
12 The secretary of state shall cause this resolution to be published as
13 provided by law and shall cause the proposed amendment to be submitted
14 to the electors of the state at the general election in ~~April~~ **November** in the
15 year ~~2011~~ **2012** unless a special election is called at a sooner date by
16 concurrent resolution of the legislature, in which case it shall be
17 submitted to the electors of the state at the special election.