

As Further Amended by House Committee

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

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

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

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

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

28 "A vote for this amendment would clarify that section 24 of article
29 2 of the Kansas constitution provides that neither the judicial
30 branch nor the executive branch can force the legislative branch
31 to appropriate money, except as the legislative branch may
32 provide by law or as may be required by the constitution of the
33 United States. The amendment would also prohibit the judicial

1 branch from ordering a change in how money is spent after it
2 has been appropriated by the legislative branch, except as the
3 legislative branch may provide by law ~~or as may be required by~~
4 ~~the constitution of the United States~~. If money is appropriated
5 for a particular purpose the judicial branch could not stop that
6 money from being spent for that purpose.

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

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