

(Special Session)
[As Amended by House Committee of the Whole]

As Amended by House Committee

Special Session of 2005

House Concurrent Resolution No. 5003

By Committee on Taxation

6-22

12 A PROPOSITION to amend section 24 of article 2 of the constitution
13 of the state of Kansas, relating to appropriations.
14

15 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
16 *members elected (or appointed) and qualified to the House of Repre-*
17 *sentatives, and two-thirds of the members elected (or appointed) and*
18 *qualified to the Senate concurring therein:*

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

23 “§ 24. **Appropriations.** No money shall be drawn from the treasury
24 except in pursuance of a specific appropriation made by law. *The ex-*
25 *ecutive and judicial branches shall have no authority to direct the leg-*
26 *islative branch to make any appropriation of money. The judicial*
27 *branch shall not fashion any remedy that interferes with the expendi-*
28 *ture of funds from the treasury in compliance with an appropriation*
29 *made by law or to redirect the expenditure of funds appropriated*
30 *by law, except as the legislative branch may provide by law or*
31 *as may be required by the Constitution of the United States. Any*
32 *existing order directing the legislative branch to make an appropriation*
33 *of money shall be unenforceable as of the date this provision is*
34 *adopted.”*

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

37 “*Explanatory statement.* The purpose of this amendment is to clarify
38 that the executive and judicial branches shall not direct the legis-
39 lative branch to make any appropriation of money ~~nor shall the~~
40 ~~judicial branch fashion any remedy that interferes with the legisla-~~
41 ~~tive branch’s constitutional authority to make any appropriation of~~
42 ~~money or to redirect the expenditures of funds appropriated~~
43 ~~by law, except as the legislative branch may provide by law~~

1 **or as may be required by the Constitution of the United**
2 **States.** ~~Any existing court order which is inconsistent with this~~
3 ~~amendment is unenforceable.~~

4 “A vote for this amendment would clarify that section 24 of article 2
5 of the Kansas Constitution provides that neither the judicial branch
6 nor the executive branch can force the legislative branch to appro-
7 priate money ~~for any purpose~~, **except as the legislative branch**
8 **may provide by law or as may be required by the Constitution**
9 **of the United States.** The amendment would also prohibit the
10 judicial branch from ordering ~~any~~ a change in how money is spent
11 after it has been appropriated by the legislative branch, **except as**
12 **the legislative branch may provide by law or as may be re-**
13 **quired by the Constitution of the United States.** If money is
14 appropriated for a particular purpose the judicial branch could not
15 stop that money from being spent for that purpose. ~~Finally, the~~
16 ~~amendment would void any current court order directing the leg-~~
17 ~~islative branch to make an appropriation of money.~~

18 “A vote against this amendment would provide no change to the Kan-
19 sas Constitution and the existing order that directs the legislative
20 branch to make an appropriation of money shall remain in effect.”

21 Sec. 3. This resolution, if approved by two-thirds of the members
22 elected (or appointed) and qualified to the House of Representatives, and
23 two-thirds of the members elected (or appointed) and qualified to the
24 Senate shall be entered on the journals, together with the yeas and nays.
25 The secretary of state shall cause this resolution to be published as pro-
26 vided by law and shall cause the proposed amendment to be submitted
27 to the electors of the state at a special election to be held on August 16,
28 2005 **the first Tuesday following 60 calendar days after the ap-**
29 **proval of this resolution by both the Senate and the House of Rep-**
30 **resentatives of the Kansas legislature.**