

As Amended by House Committee

Session of 2006

House Concurrent Resolution No. 5032

By Representatives Kinzer, Aurand, Beamer, Brown, Brunk, Carlson, Carter, Dahl, DeCastro, Faber, Freeborn, George, Goico, Grange, Hayzlett, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Knox, Mast, Masterson, Mays, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Schwab, Schwartz, Siegfried, Watkins, Weber, and Wilk

1-26

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

19
20 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
21 *members elected (or appointed) and qualified to the House of Repre-*
22 *sentatives, and two-thirds of the members elected (or appointed) and*
23 *qualified to the Senate concurring therein:*

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

28 “§ 24. **Appropriations.** No money shall be drawn from the
29 treasury except in pursuance of a specific appropriation made by
30 law. *The executive and judicial branches shall have no authority to*
31 *direct the legislative branch to make any appropriation of money*
32 *or to redirect the expenditure of funds appropriated by law, except*
33 *as the legislative branch may provide by law or as may be required*
34 *by the Constitution of the United States. Any existing order direct-*
35 *ing the legislative branch to make an appropriation of money shall*
36 *be unenforceable as of the date this provision is adopted.”*

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

39 “*Explanatory statement.* The purpose of this amendment is to clar-
40 ify that the executive and judicial branches shall not direct the
41 legislative branch to make any appropriation of money or to re-
42 direct the expenditures of funds appropriated by law, except as
43 the legislative branch may provide by law or as may be required

1 by the Constitution of the United States. Any existing court order
2 which is inconsistent with this amendment is unenforceable.

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

17 “A vote against this amendment would provide no change to the
18 Kansas Constitution and ~~the~~ **any** existing order that directs the
19 legislative branch to make an appropriation of money shall re-
20 main 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 the general election to be held on November
28 7, 2006.