

Senate Concurrent Resolution No. 1613

By Senators Huelskamp, Barnett, Brownlee, Gilstrap, Jordan, O'Connor,
Ostneyer, Palmer, Pyle, Taddiken, Wagle and Wilson

1-9

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

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

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

21 “§ 24. **Appropriations.** No money shall be drawn from the treas-
22 ury except in pursuance of a specific appropriation made by law.
23 *The executive and judicial branches shall have no authority to direct*
24 *the legislative branch to make any appropriation of money or to*
25 *redirect the expenditure of funds appropriated by law, except as the*
26 *legislative branch may provide by law or as may be required by the*
27 *Constitution of the United States. Any existing order directing the*
28 *legislative branch to make an appropriation of money shall be unen-*
29 *forceable as of the date this provision is adopted.”*

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

32 “*Explanatory statement.* The purpose of this amendment is to clar-
33 ify that the executive and judicial branches shall not direct the
34 legislative branch to make any appropriation of money nor to
35 redirect the expenditures of funds appropriated by law, except
36 as the legislative branch may provide by law or as may be re-
37 quired by the Constitution of the United States. Any existing
38 court order which is inconsistent with this amendment is
39 unenforceable.

40 “A vote for this amendment would clarify that section 24 of article
41 2 of the Kansas Constitution provides that neither the judicial
42 branch nor the executive branch can force the legislative branch
43 to appropriate money, except as the legislative branch may pro-

1 vide by law or as may be required by the Constitution of the
2 United States. The amendment would also prohibit the judicial
3 branch from ordering a change in how money is spent after it
4 has been appropriated by the legislative branch, except as the
5 legislative branch may provide by law or as may be required by
6 the Constitution of the United States. If money is appropriated
7 for a particular purpose the judicial branch could not stop that
8 money from being spent for that purpose. Finally, the amend-
9 ment would void any current court order directing the legislative
10 branch to make an appropriation of money.

11 “A vote against this amendment would provide no change to the
12 Kansas Constitution and the existing order that directs the leg-
13 islative branch to make an appropriation of money shall remain
14 in effect.”

15 Sec. 3. This resolution, if approved by two-thirds of the members
16 elected (or appointed) and qualified to the Senate, and two-thirds of the
17 members elected (or appointed) and qualified to the House of Repre-
18 sentatives shall be entered on the journals, together with the yeas and
19 nays. The secretary of state shall cause this resolution to be published as
20 provided by law and shall cause the proposed amendment to be submitted
21 to the electors of the state at the general election to be held in November,
22 2006.