

**Senate Concurrent Resolution No. 1603**

By Committee on Ways and Means

6-22

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. ~~The~~*  
25 *judicial branch shall not fashion any remedy that interferes with*  
26 *the expenditure of funds from the treasury in compliance with an*  
27 *appropriation made by law or to redirect the expenditure of*  
28 *funds appropriated by law, except as the legislative branch*  
29 *may provide by law or as may be required by the Constitution*  
30 *of the United States. Any existing order directing the legislative*  
31 *branch to make an appropriation of money shall be unenforceable*  
32 *as of the date this provision is adopted.”*

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

35 “*Explanatory statement.* The purpose of this amendment is to clar-  
36 ify that the executive and judicial branches shall not direct the  
37 legislative branch to make any appropriation of money ~~nor shall~~  
38 ~~the judicial branch fashion any remedy that interferes with the~~  
39 ~~legislative branch’s constitutional authority to make any appro-~~  
40 ~~priation of money nor to redirect the expenditures of funds~~  
41 ~~appropriated by law, except as the legislative branch may~~  
42 ~~provide by law or as may be required by the Constitution~~  
43 ~~of the United States. Any existing court order which is incon-~~

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

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

21          Sec. 3. This resolution, if approved by two-thirds of the members  
22          elected (or appointed) and qualified to the Senate, and two-thirds of the  
23          members elected (or appointed) and qualified to the House of Repre-  
24          sentatives shall be entered on the journals, together with the yeas and  
25          nays. The secretary of state shall cause this resolution to be published as  
26          provided 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 approval**  
29          **of this resolution by both the Senate and the House of Representa-**  
30          **tives of the Kansas legislature.**