

Senate Concurrent Resolution No. 1613

By Senators Wagle, Abrams, Brownlee, Bruce, Colyer, Donovan, Huelkamp, Kelsey, Lynn, Masterson, Ostmeier, Petersen, Pilcher-Cook, Pyle, D. Schmidt, Steineger and Taddiken

3-5

11 A PROPOSITION to amend section 24 of article 2 of the constitution
12 of the state of Kansas, relating to appropriations.
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14 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
15 *members elected (or appointed) and qualified to the Senate, and two-*
16 *thirds of the members elected (or appointed) and qualified to the House*
17 *of Representatives concurring therein:*

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

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

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

31 *“Explanatory statement.* The purpose of this amendment is to clar-
32 ify that the executive and judicial branches shall not direct the
33 legislative branch to make any appropriation of money or to re-
34 direct the expenditures of funds appropriated by law, except as
35 the legislative branch may provide by law or as may be required
36 by the Constitution of the United States.

37 “A vote for this amendment would clarify that section 24 of article
38 2 of the Kansas Constitution provides that neither the judicial
39 branch nor the executive branch can force the legislative branch
40 to appropriate money, except as the legislative branch may pro-
41 vide by law or as may be required by the Constitution of the
42 United States. The amendment would also prohibit the judicial
43 branch from ordering a change in how money is spent after it

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

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

10 Sec. 3. This resolution, if approved by two-thirds of the members
11 elected (or appointed) and qualified to the Senate, and two-thirds of the
12 members elected (or appointed) and qualified to the House of Repre-
13 sentatives shall be entered on the journals, together with the yeas and
14 nays. The secretary of state shall cause this resolution to be published as
15 provided by law and shall cause the proposed amendment to be submitted
16 to the electors of the state at the general election in November in the
17 year 2010 unless a special election is called at a sooner date by concurrent
18 resolution of the legislature, in which case it shall be submitted to the
19 electors of the state at the special election.