

## House Concurrent Resolution No. 5001

By Committee on Judiciary

6-23

1 A PROPOSITION to amend article 6 of the constitution of the state of  
2 Kansas by amending section 6 thereof to establish requirements for  
3 the finance of public elementary and secondary schools and to define  
4 the legal remedies for violations of article 6.

5  
6 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
7 *members elected (or appointed) and qualified to the House of*  
8 *Representatives and two-thirds of the members elected (or appointed)*  
9 *and qualified to the Senate concurring therein:*

10 Section 1. The following proposition to amend the constitution of  
11 the state of Kansas shall be submitted to the qualified electors of the state  
12 for their approval or rejection: Section 6 of article 6 of the constitution of  
13 the state of Kansas is hereby amended to read as follows:

14 "§ 6. **Finance.** (a) The legislature may levy a permanent tax  
15 for the use and benefit of state institutions of higher education and  
16 apportion among and appropriate the same to the several  
17 institutions, which levy, apportionment and appropriation shall  
18 continue until changed by statute. Further appropriation and other  
19 provision for finance of institutions of higher education may be  
20 made by the legislature.

21 (b) The legislature shall make suitable provision for finance of  
22 the educational interests of the state *as follows: For any fiscal*  
23 *year that commences on or after July 1, 2017, the legislature shall*  
24 *designate and appropriate for the finance of public elementary and*  
25 *secondary schools an amount that is 45% of the preceding fiscal*  
26 *year's total state revenue for the ensuing fiscal year. The state*  
27 *board of education shall have exclusive authority and*  
28 *responsibility to allocate and distribute funds designated and*  
29 *appropriated by the legislature for the finance of public elementary*  
30 *and secondary schools. No tuition shall be charged for attendance*  
31 *at any public school to pupils required by law to attend such*  
32 *school, except such fees or supplemental charges as may be*  
33 *authorized by law. The legislature may authorize the state board of*  
34 *regents to establish tuition, fees and charges at institutions under its*  
35 *supervision.*

36 (c) *In any civil action in which a statute or other legislative*

1       enactment of this state has been held unconstitutional as a  
2       violation of this article, no court shall have the authority to order a  
3       school district or any attendance center within a school district to  
4       be closed, or make or enforce any other order or remedy, the effect  
5       of which is to prohibit the expenditure of funds such that a school  
6       district or any attendance center within a school district shall not  
7       operate. Nor shall the legislature have such authority when its  
8       action is in direct response to a court ruling that a statute or other  
9       legislative enactment of this state has been held unconstitutional as  
10      a violation of this article.

11      ~~(e)~~ (d) No religious sect or sects shall control any part of the  
12      public educational funds.

13      (e) As used in this section, the term "total state revenue"  
14      means all moneys received by the state from any source except any  
15      of the following:

16      (1) Moneys received as grants, gifts or donations which are to  
17      be expended for purposes specified by the donor;

18      (2) moneys received from the federal government; and

19      (3) moneys which are income earned on moneys in permanent  
20      endowment funds, trust funds, deferred compensation funds or  
21      pension funds and which are credited to such funds."

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

24      "*Explanatory statement.* The purpose of this amendment is to  
25      specify, as a percentage of the state's total revenue, the  
26      amount of funds the legislature is to appropriate each year  
27      for public schools. The amendment also gives the state board  
28      of education exclusive authority to allocate and distribute  
29      funds appropriated for public schools. The amendment also  
30      limits the legal remedies available to both the courts of this  
31      state and the legislature by prohibiting the closure of schools  
32      as a legal remedy in cases where a law is held to be  
33      unconstitutional as a violation of article 6 of the constitution  
34      of the state of Kansas.

35      "A vote for this proposition would require the legislature to  
36      appropriate 45% of the state's total revenue each year for the  
37      purpose of financing public schools and would grant  
38      exclusive authority to the state board of education to allocate  
39      and distribute such funds. It would also prohibit courts in  
40      this state from issuing any order to close one or more  
41      schools as a remedy in a lawsuit where a law is held to be  
42      unconstitutional as a violation of article 6 of the constitution  
43      of the state of Kansas. It would also prohibit the legislature

1 from enacting any law that would close one or more schools  
2 if such law is in direct response to a court ruling that a law is  
3 unconstitutional as a violation of article 6 of the constitution  
4 of the state of Kansas.

5 "A vote against this proposition would make no changes to  
6 current law. The legislature would retain its responsibility to  
7 provide suitable finance for the educational interests of this  
8 state. Also, courts would be able to continue issuing orders  
9 that could have the effect of closing schools, and the  
10 legislature would retain authority to close schools by law."

11 Sec. 3. This resolution, if approved by two-thirds of the members  
12 elected (or appointed) and qualified to the House of Representatives, and  
13 two-thirds of the members elected (or appointed) and qualified to the  
14 Senate shall be entered on the journals, together with the yeas and nays.  
15 The secretary of state shall cause this resolution to be published as  
16 provided by law and shall cause the proposed amendment to be submitted  
17 to the electors of the state at the general election in November in the year  
18 2016, unless a special election is called at a sooner date by concurrent  
19 resolution of the legislature, in which case it shall be submitted to the  
20 electors of the state at the special election.