

## House Concurrent Resolution No. 5002

By Committee on Federal and State Affairs

6-22

9 A PROPOSITION to amend article 6 of the constitution of the state of  
10 Kansas by adding a new section thereto, concerning education.

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

16 Section 1. The following proposition to amend the constitution of the  
17 state of Kansas shall be submitted to the qualified electors of the state  
18 for their approval or rejection: Article 6 of the constitution of the state of  
19 Kansas is amended by adding a new section thereto to read as follows:

20 “§ 11. The courts of the state of Kansas shall have no jurisdiction to  
21 review the financing of public education or the distribution of educa-  
22 tion expenditures in the state, or to apply section 6 of article 6 of this  
23 constitution. Determining the structure and level of educational fi-  
24 nance is a power exclusively reserved to the elected representatives of  
25 the people of Kansas and the governor.”

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

28 *“Explanatory statement.* This amendment would clarify that the courts  
29 would not have authority to review the funding of public education  
30 or the distribution of education expenditures nor to apply the pro-  
31 visions of section 6 of article 6 of the Kansas constitution. Such  
32 authority to determine the structure and level of education funding  
33 is a power exclusively reserved to the elected representatives of the  
34 people and the governor.

35 “A vote for this amendment would create a new provision under article  
36 6 of the Kansas constitution. Under this new provision, the judicial  
37 branch would have no authority to review the way in which public  
38 schools are financed, or to interpret section 6 of article 6 of the  
39 Kansas constitution. The authority to determine the way public  
40 schools are funded and how much money they receive would rest  
41 completely with the legislature and the governor.

42 “A vote against this amendment would provide no change to the Kan-  
43 sas constitution.”

1     Sec. 3. This resolution, if approved by two-thirds of the members  
2     elected (or appointed) and qualified to the House of Representatives, and  
3     two-thirds of the members elected (or appointed) and qualified to the  
4     Senate shall be entered on the journals, together with the yeas and nays.  
5     The secretary of state shall cause this resolution to be published as pro-  
6     vided by law and shall cause the proposed amendment to be submitted  
7     to the electors of the state at a special election to be held August 16,  
8     2005.