

Senate Concurrent Resolution No. 1602

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 define the legal remedies for
3 violations of article 6.
4

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

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

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

20 (b) The legislature shall make suitable provision for finance of
21 the educational interests of the state. No tuition shall be charged for
22 attendance at any public school to pupils required by law to attend
23 such school, except such fees or supplemental charges as may be
24 authorized by law. The legislature may authorize the state board of
25 regents to establish tuition, fees and charges at institutions under its
26 supervision.

27 (c) *In any civil action in which a statute or other legislative*
28 *enactment of this state has been held unconstitutional as a*
29 *violation of this article, no court shall have the authority to order a*
30 *school district or any attendance center within a school district to*
31 *be closed, or make or enforce any other order or remedy, the effect*
32 *of which is to prohibit the expenditure of funds such that a school*
33 *district or any attendance center within a school district shall not*
34 *operate. Nor shall the legislature have such authority when its*
35 *action is in direct response to a court ruling that a statute or other*
36 *legislative enactment of this state has been held unconstitutional as*

1 *a violation of this article.*

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

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

6 "*Explanatory statement.* The purpose of this amendment is to
7 limit the legal remedies available to both the courts of this
8 state and the legislature by prohibiting the closure of schools
9 as a legal remedy in cases where a law is held to be
10 unconstitutional as a violation of article 6 of the constitution
11 of the state of Kansas.

12 "A vote for this proposition would prohibit courts in this state
13 from issuing any order to close one or more schools as a
14 remedy in a lawsuit where a law is held to be
15 unconstitutional as a violation of article 6 of the constitution
16 of the state of Kansas. It would also prohibit the legislature
17 from enacting any law that would close one or more schools
18 if such law is in direct response to a court ruling that a law is
19 unconstitutional as a violation of article 6 of the constitution
20 of the state of Kansas.

21 "A vote against this proposition would make no changes to
22 current law, and courts would be able to continue issuing
23 orders that could have the effect of closing schools, and the
24 legislature would retain authority to close schools by law."

25 Sec. 3. This resolution, if approved by two-thirds of the members
26 elected (or appointed) and qualified to the Senate, and two-thirds of the
27 members elected (or appointed) and qualified to the House of
28 Representatives shall be entered on the journals, together with the yeas
29 and nays. The secretary of state shall cause this resolution to be published
30 as provided by law and shall cause the proposed amendment to be
31 submitted to the electors of the state at the primary election in August in
32 the year 2016, unless a special election is called at a sooner date by
33 concurrent resolution of the legislature, in which case it shall be
34 submitted to the electors of the state at the special election.