

SESSION OF 2004

## SUPPLEMENTAL NOTE ON SENATE BILL NO. 324

As Recommended by Senate Committee on Judiciary

### **Brief\***

SB 324 amends an appellate jurisdiction statute regarding appeals to the Kansas Supreme Court. The bill provides that the appellate jurisdiction of the Kansas Supreme Court may be invoked by appeal as a matter of right from a preliminary or final decision in which a Kansas statute has been held unconstitutional as a violation of Article 6, the Education Article, of the Kansas Constitution. Any appeal filed shall be filed within 30 days of the date the preliminary or final decision is filed or within 30 days of the effective date of this act, whichever is later. The provisions of this subsection shall expire on July 1, 2006.

The bill is effective upon publication in the *Kansas Register*.

### **Background**

Senator Schmidt was a proponent of the bill. The bill was introduced in response to a district court decision rendered on December 2, 2003, which held the Kansas school finance law was unconstitutional and would require approximately \$1 billion to fix. The district court decision was rendered in the form of a temporary order, which most persons believe prevents an appeal of the decision. The judge denied a request to make his order a permanent order from which an appeal could be taken and noted that he would issue a final order on July 1, 2004, after the 2004 Legislature has had a chance to address the school finance issue.

Proponents said efforts to build consensus on how to proceed have been undercut by the preliminary order issued by the Shawnee County District Court, and noted that the broad sweep and direct language of the District Court decision – coupled with the judge's refusal to allow an immediate appeal from his preliminary order – have impeded efforts to accomplish school finance reform. The issue has

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

become the propriety and correctness of the judge's order rather than the issue being how best to fix school finance.