

HOUSE CONCURRENT RESOLUTION NO. _____

By Committee on Judiciary

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

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

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

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

(b) The legislature shall make **suitable** provision for finance of the educational interests of the state as follows: For any fiscal year that commences on or after July 1, 2017, the legislature shall designate and appropriate for the finance of public elementary and secondary schools an amount that is 45% of the preceding fiscal year's total state revenue for the ensuing fiscal year. The state board of education shall have exclusive

authority and responsibility to allocate and distribute funds designated and appropriated by the legislature for the finance of public elementary and secondary schools. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

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

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

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

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

(2) moneys received from the federal government; and

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

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

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

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

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

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

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