

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 of*
8 *Representatives concurring therein:*

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

13 "**§ 6. Finance.** (a) The legislature may levy a permanent tax for
14 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 violation*
29 *of this article, no court shall have the authority to order a school*
30 *district or any attendance center within a school district to be*
31 *closed, or make or enforce any other order or remedy, the effect of*
32 *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 (☉) (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 the
5 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 unconstitutional
15 as a violation of article 6 of the constitution of the state of
16 Kansas. It would also prohibit the legislature from enacting
17 any law that would close one or more schools if such law is in
18 direct response to a court ruling that a law is unconstitutional
19 as a violation of article 6 of the constitution of the state of
20 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 and
29 nays. The secretary of state shall cause this resolution to be published as
30 provided by law and shall cause the proposed amendment to be submitted
31 to the electors of the state at the ~~primary~~ **general** election in ~~August~~
32 **November** in the year 2016, unless a special election is called at a sooner
33 date by concurrent resolution of the legislature, in which case it shall be
34 submitted to the electors of the state at the special election.