

House Concurrent Resolution No. 5029

By Committee on Taxation

3-29

1 A PROPOSITION to amend section 6 of article 6 of the constitution of
2 the state of Kansas; declaring the power to appropriate state funds for
3 education to be exclusively a legislative power.
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 House of*
7 *Representatives and two-thirds of the members elected (or appointed)*
8 *and qualified to the Senate 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) *As all political power is inherent in the people, the*
21 *legislature shall ~~make~~ determine suitable provision for finance of*
22 *the educational interests of the state. The determination of the total*
23 *amount of funding that constitutes suitable provision for finance of*
24 *the educational interests of the state is exclusively a legislative*
25 *power, and shall be made as provided by law. Such power is*
26 *committed to the legislature under article 2 of this constitution and*
27 *shall be shown due respect by the other branches of government.*
28 *No court, or other tribunal, established by this constitution or*
29 *otherwise by law shall alter, amend, repeal or otherwise abrogate*
30 *such power, nor shall such power be exercised by, either directly or*
31 *indirectly, by any such court or other tribunal.*

32 (c) No tuition shall be charged for attendance at any public
33 school to pupils required by law to attend such school, except such
34 fees or supplemental charges as may be authorized by law. The
35 legislature may authorize the state board of regents to establish
36 tuition, fees and charges at institutions under its supervision.

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

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

5 "*Explanatory statement.* The purpose of this amendment is to
6 state that the financing of the educational interests of this
7 state is exclusively a legislative power and cannot be altered
8 or revoked by any state court.

9 "A vote for this proposition would make financing of the
10 educational interests of this state determined solely by state
11 law, and would not be subject to amendment or repeal by
12 any state court.

13 "A vote against this proposition would retain the current
14 provision in the Kansas constitution, which has been
15 interpreted by the Kansas supreme court as empowering that
16 court to order the Kansas legislature to fund public schools
17 in whatever amounts that the Kansas supreme court may
18 determine necessary."

19 Sec. 3. This resolution, if approved by two-thirds of the members
20 elected (or appointed) and qualified to the House of Representatives, and
21 two-thirds of the members elected (or appointed) and qualified to the
22 Senate shall be entered on the journals, together with the yeas and nays.
23 The secretary of state shall cause this resolution to be published as
24 provided by law and shall cause the proposed amendment to be submitted
25 to the electors of the state at the general election in November in the year
26 2018, unless a special election is called at a sooner date by concurrent
27 resolution of the legislature, in which case it shall be submitted to the
28 electors of the state at the special election.