

**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.