

As Amended by House Committee

Session of 2018

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 **establish adequacy of**
4 **financing for education as exclusively within the legislative power**
5 **of the state.**

6
7 *Be it resolved by the Legislature of the State of Kansas, two-thirds of*
8 *the members elected (or appointed) and qualified to the House of*
9 *Representatives and two-thirds of the members elected (or appointed)*
10 *and qualified to the Senate concurring therein:*

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

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

22 (b) ~~As all political power is inherent in the people, The~~
23 ~~legislature shall make determine~~ **make** suitable provision for
24 ~~finance of the educational interests of the state. The determination~~
25 ~~of the total amount of funding that constitutes suitable provision~~
26 ~~for finance of the educational interests of the state is exclusively a~~
27 ~~legislative power, and shall be made as provided by law. Such~~
28 ~~power is committed to the legislature under article 2 of this~~
29 ~~constitution and shall be shown due respect by the other branches~~
30 ~~of government. No court, or other tribunal, established by this~~
31 ~~constitution or otherwise by law shall alter, amend, repeal or~~
32 ~~otherwise abrogate such power, nor shall such power be exercised~~
33 ~~by, either directly or indirectly, by any such court or other tribunal~~
34 **Such provision is suitable if it is adequate and equitable. The**
35 **power to establish and the jurisdiction to resolve all questions**
36 **regarding the adequacy of such provision shall be exclusively**

1 **within the legislative power of the state.**

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

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

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

11 "*Explanatory statement.* The purpose of this amendment is to
12 state that the financing of the educational interests of this
13 state is exclusively a legislative power and cannot be altered
14 or revoked by any state court **provide that suitable**
15 **provision for the financing for public education means**
16 **that the provision is adequate and equitable. Questions of**
17 **adequacy of total funding of public education shall be**
18 **determined by the legislature.**

19 "A vote for this proposition would ~~make financing of the~~
20 ~~educational interests of this state determined solely by state~~
21 ~~law, and would not be subject to amendment or repeal by~~
22 ~~any state court~~ **require suitable provision for the financing**
23 **of public education to be both adequate and equitable**
24 **and would reserve the power to establish and resolve any**
25 **question of the adequacy of the funding to the legislature.**

26 "A vote against this proposition would ~~retain the current~~
27 ~~provision in the Kansas constitution, which has been~~
28 ~~interpreted by the Kansas supreme court as empowering that~~
29 ~~court to order the Kansas legislature to fund public schools~~
30 ~~in whatever amounts that the Kansas supreme court may~~
31 ~~determine necessary~~ **make no change in current law and**
32 **maintain the current provisions regarding suitability of**
33 **the provision made for the finance of education."**

34 Sec. 3. This resolution, if approved by two-thirds of the members
35 elected (or appointed) and qualified to the House of Representatives, and
36 two-thirds of the members elected (or appointed) and qualified to the
37 Senate shall be entered on the journals, together with the yeas and nays.
38 The secretary of state shall cause this resolution to be published as
39 provided by law and shall cause the proposed amendment to be submitted
40 to the electors of the state at the general election in November in the year
41 2018, unless a special election is called at a sooner date by concurrent
42 resolution of the legislature, in which case it shall be submitted to the
43 electors of the state at the special election.