House Concurrent Resolution No. 5004

By Representative Siegfreid

6-24

9   A PROPOSITION to amend section 6 of article 6 of the constitution of
10   the state of Kansas, relating to school finance.
11
12   *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
13   *members elected (or appointed) and qualified to the House of Repre-*
14   *sentatives and two-thirds of the members elected (or appointed) and*
15   *qualified to the Senate concurring therein:*
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17   Section 1.   The following proposition to amend the constitution of the
18   state of Kansas shall be submitted to the qualified electors of the state
19   for their approval or rejection: Section 6 of article 6 of the constitution
20   of the state of Kansas is hereby amended to read as follows:
21   "§ **6.**   **Finance.** (a) The legislature may levy a permanent tax
22   for the use and benefit of state institutions of higher education and
23   apportion among and appropriate the same to the several institu-
24   tions, which levy, apportionment and appropriation shall continue
25   until changed by statute. Further appropriation and other provision
26   for finance of institutions of higher education may be made by the
27   legislature.
28   (b)   The legislature shall make suitable provision for finance of
29   the educational interests of the state*: Provided, that the distribution*
30   *of state funding shall not be precluded, and public schools shall not*
31   *be closed by any entity other than a locally elected board of edu-*
32   *cation, as a remedy for finding that the legislature has not made*
33   *suitable provision for finance of the education interests of the state*.
34   No tuition shall be charged for attendance at any public school to
35   pupils required by law to attend such school, except such fees or
36   supplemental charges as may be authorized by law. The legislature
37   may authorize the state board of regents to establish tuition, fees
38   and charges at institutions under its supervision.
39   (c)   No religious sect or sects shall control any part of the public
40   educational funds."
41   Sec. 2.   The following statement shall be printed on the ballot with
42   the amendment as a whole:
43   *"Explanatory statement.* The purpose of this amendment is to pro-

1   vide that the distribution of state funding shall not be precluded,
2   and public schools shall not be closed by any entity other than a
3   locally elected board of education, as a remedy for a finding that
4   the legislature has not made suitable provision for finance of the
5   educational interests of the state.
6   "A vote for this amendment would provide that the distribution of
7   state funding shall not be precluded, and public schools shall not
8   be closed by any entity other than a locally elected board of
9   education, as a remedy for a finding that the legislature has not
10   made suitable provision for finance of the educational interests
11   of the state.
12   "A vote against this amendment would continue in effect the cur-
13   rent interpretation by the Kansas Supreme court that this pro-
14   vision of the Kansas constitution requires the Kansas legislature
15   to make suitable provision for the finance of the educational
16   system of the state in an amount determined by the court without
17   specifically addressing the distribution of funds and the closing
18   of schools as a court remedy."
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 pro-
24 vided 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
26 year 2006 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.