

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

68-West-Statehouse, 300 SW 10th Ave.
 Topeka, Kansas 66612-1504
 (785) 296-3181 □ FAX (785) 296-3824

kslegres@klrd.ks.gov

<http://www.kslegislature.org/klrd>

November 9, 2017

PROPOSED AMENDMENTS TO ARTICLE 6 OF THE KANSAS CONSTITUTION

The following table lists proposed amendments to the *Kansas Constitution* concerning K - 12 school finance and governance considered since the enactment of the School District Finance and Quality Performance Act in 1992. The table includes a brief summary of the proposed amendment and any action taken by either chamber. Of the amendments proposed, none have received the required two-thirds majority in both chambers to be advanced to Kansas voters. The summaries are intended to provide a general idea of what was proposed and so should not be considered a comprehensive summary of the amendments.

Article 6 Constitutional Amendments Proposed Since 1992			
Year/Number	Subject	House Action	Senate Action
1993 HCR 5016	Would have amended Article 6 to remove constitutional provisions governing the State Board of Education (KSBE) and to state: <i>The legislature shall provide for a state board of education and for its general supervision of public schools</i>	Adopted: 103-20	No action
1995 HCR 5021	Would have amended Article 6 to remove constitutional provisions governing the KSBE and to state: <i>The legislature shall make suitable provision for governance of the system of public education and the schools and institutions which are parts of the system. The legislature shall provide for such instrumentalities of governance as may be necessary, and such instrumentalities shall exercise such power and perform such duties as may be prescribed by law.</i> Would also have amended Article 6, Sec. 6 to state: <i>The legislature shall make suitable provision for finance of the system of public education.</i>	Adopted: 91-34	No action
1996 HCR 5040	Would have amended Article 6 to allow Governor to appoint the Commissioner of Education subject to Senate confirmation	No action	

**Article 6 Constitutional Amendments
Proposed Since 1992**

Year/Number	Subject	House Action	Senate Action
1997 SCR 1607	Substantially similar to 1995 HCR 5021		No action
1997 HCR 5008	Would have amended Article 6 to give legislature authority over the KSBE similar to the proposed language in 1993 HCR 5016 and to allow Governor to appoint the Commissioner of Education subject to Senate confirmation	No action	
1997 HCR 5009	Substantially similar to 1997 HCR 5008 with language allowing Governor to appoint a Commissioner of Higher Education subject to Senate confirmation	No action	
1999 HCR 5003	Would have amended Article 6 to increase the number of KSBE members from 10 to 11 and replace requirement for member districts to be composed of 4 state Senate districts with single-member districts established by law	No action	
1999 HCR 5008	Substantially similar to 1997 HCR 5008	No action	
1999 HCR 5029	Would have amended Article 6 to add an 11 th KSBE member appointed by the Governor and to provide for nonpartisan elections of the other members	No action	
2000 HCR 5058	Substantially similar to 1997 HCR 5008	No action	
2000 HCR 5062	Substantially similar to 1996 HCR 5040	No action	
2000 HCR 5066	Would have amended Article 6 to add 11 th KSBE member elected from the state at-large who would serve as chairperson	No action	
2000 HCR 5073	Would have amended Article 6 to give legislature authority over the KSBE similar to the proposed language in 1993 HCR 5016 and to allow Governor to appoint an 11 th KSBE member	No action	
2003 SCR 1601	Would have amended Article 6 to replace elected 10-member KSBE with 9-members appointed by the Governor and confirmed by the Senate		Hearing: no action

Article 6 Constitutional Amendments Proposed Since 1992			
Year/Number	Subject	House Action	Senate Action
2003 SCR 1611	Would have amended Article 6 to provide for KSBE members to be elected by members of the boards of education of the school districts located within each member's district		Hearing: no action
2003 SCR 1612	Would have amended Article 6 to increase KSBE members from 10 to 13, with 3 appointed by the Governor and confirmed by the Senate		Hearing; advanced to the floor; returned to committee: no further action
2004 SCR 1618	Would have amended Article 6, Sec. 6 to read: <i>The legislature shall make suitable provision, as determined by the legislature, for finance of the educational interests of the state.</i>		No action
2004 HCR 5030	Would have amended Article 6 to give legislature oversight authority of K-12 and higher education and replace the KSBE and Commissioner of Education with a Secretary of Education appointed by the Governor	Hearing: no action	
2005 Special Session SCR 1602	Would have amended Article 6, Sec. 6 to read: <i>The legislature shall provide for finance of the educational interests of the state in the manner and amount as determined solely by the legislature.</i>		Hearing: no action
2005 Special Session SCR 1603	Would have amended Article 2, Sec. 24 to prohibit executive and judicial branches from directing the legislative branch to make any appropriation or redirect the expenditure of funds " <i>except as the legislative branch may provide by law or as may be required by the Constitution of the United States. Any existing order directing the legislative branch to make an appropriation of money shall be unenforceable as of the date this provision is adopted.</i> "	Failed: 70-53	Adopted: 30-9
2005 Special Session SCR 1604	Would have added to Article 6, Sec. 1: <i>No court shall order any remedy for a violation of any provision of this article that shall cause the closure,</i>	Failed: 74-49	Adopted: 29-9

**Article 6 Constitutional Amendments
Proposed Since 1992**

Year/Number	Subject	House Action	Senate Action
	<i>or prevent the operation, of public schools.'</i>		
2006 SCR 1613	Identical to 2005 Special Session SCR 1603		No action
2006 SCR 1615	Identical to 2005 Special Session SCR 1602		No action
2006 HCR 5026	Would have amended Article 6, Sec. 1 to add: <i>No court shall order any remedy for a violation of any provision of this article that shall cause the closure, or prevent the operation, of public schools.</i>	No action	
2007 SCR 1601	Identical to 2005 Special Session SCR 1602		Hearing: no action
2007 HCR 5012	Would have amended Article 2, Sec. 24 to prohibit executive and judicial branches from directing the legislative branch to make any appropriation or redirect the expenditure of funds " <i>except as the legislative branch may provide by law or as may be required by the Constitution of the United States.</i> " (similar to 2006 SCR 1613)	No action	
2009 SCR 1613	Identical to 2007 HCR 5012		Hearing: No action
2011 HCR 5010	Would have amended Article 6, Sec. 6 to read: <i>The legislature shall make suitable provision for finance of the educational interests of the state in an amount to be determined the legislature.</i>	Died on House Calendar	
2011 HCR 5018	Would have amended Article 6 to give Legislature oversight authority of K-12 and higher education and replace KSBE and Commissioner of Education with a Secretary of Education appointed by the Governor	Hearing: no action	
2013 SCR 1608	Would have added to Article 6, Sec. 6: <i>The financing of the educational interests of the state is exclusively a legislative power under Article 2 of the constitution of the State of Kansas and as such shall be established solely by the legislature.</i>	No action	Adopted: 27-13

**Article 6 Constitutional Amendments
Proposed Since 1992**

Year/Number	Subject	House Action	Senate Action
2016 Special Session SCR 1602	Would have amended Article 6, Sec. 6 to add a subsection prohibiting school closure as a judicial remedy		Failed: 26-13
2016 Special Session SCR 1603	Would have amended Article 6 to add a new section prohibiting school closure as a judicial remedy		No action
2016 Special Session HCR 5001	Would have removed "suitable" from Article 6, Sec. 6 and added the following: <i>For any fiscal year that commences on or after July 1, 2017, the legislature shall designate and appropriate for the finance of public elementary and secondary schools an amount that is 45% of the preceding fiscal year's total state revenue for the ensuing fiscal year. The state board of education shall have exclusive authority and responsibility to allocate and distribute funds designated and appropriated by the legislature for the finance of public elementary and secondary schools.</i>	No action	