

Will An Independent Judiciary Survive in Kansas?

April 2005- The Kansas Supreme Court declares the state's educational financing system in violation of the state constitutional mandate that schools receive adequate and equitable funding and orders the state to increase annual educational appropriations by hundreds of million. The legislature complies by increasing appropriations by several hundred million dollars.

July 2006. The Kansas Supreme Court holds that the new financing system satisfies the state's constitutional obligation and closes the case.

2007-2011. The Kansas legislature reduces school funding. Several parties again sue. The state Supreme Court denies their request to reopen the case.

May 2012. Kansas' new Governor, Republican Sam Brownback signs a bill that includes income tax cuts of over \$800 million.

January 2013. The Kansas District Court again rules the state's K-12 educational system "unconstitutionally underfunded" and requires about \$400 million a year in additional funding.

June 2013. Governor Brownback signs into law a state budget that increases school funding very modestly and, according to the Kansas State Department of Education would leave schools underfunded by over \$300 million a year.

March 7, 2014. The State Supreme Court upholds the District Court decision and gives the Legislature until July 1, 2014 to comply.

April 17, 2014. Governor Brownback retaliates by signing HB 2338, a bill that strips the state Supreme Court of the power to appoint chief judges to district courts.

February 18, 2015. A chief district judge files a lawsuit against HB 2338 as an unconstitutional violation of the separation of powers.

June 4, 2015. Brownback signs a budget for the courts that contains a self-destruct button. If any court rules against HB 2338 the state's entire judicial budget becomes "null and void".

September 2, 2015. District Judge Larry Hendricks finds HB 2338 unconstitutional. Per HB 2338, the state immediately defunds its state courts. A constitutional crisis ensues. How can the state defend its law in court if the courts themselves have been shut down?

September 3, 2015. Hendricks agrees to put his ruling on hold until the state Supreme Court can resolve the HB 2338 case.

September 4, 2015. Four judges file a new lawsuit challenging the constitutionality of the “null and void” provision.

September 18, 2015. Kansas Attorney General Derek Schmidt convinces a Brownback appointed judge in tiny Neosho County, with no deliberation, to temporarily freeze the “null and void” provision, thereby allowing the courts to continue to function but doesn’t resolve the legal issue. The decision is appealed to the state Supreme Court.

November 10, 2015. Two weeks before the Kansas Supreme court considers HB 2338 the Legislature requires the recusal of every justice on the court from ruling on the issue. In essence, the state argues it has created a law its highest court cannot review. The chief justice recuses himself, but the other six justices hear the case.

December 13, 2015. The state Supreme Court finds HB 2338 unconstitutional.

February 8, 2016. Brownback backs down, signing a bill to reverse the “null and void” provision and preserve the judicial budget.

February 11, 2016. The state Supreme Court threatens to shut down the schools if the state does not appropriate sufficient funding. Later that day, lawmakers pass a new budget that ignores the ruling. The legislature now has until June 30, 2016 to appropriate the money; otherwise schools may not open in August.

March 22, 2016 the Kansas Senate narrowly passes a bill that would let lawmakers impeach state judges for “discourteous conduct” and other transgressions, a measure that might be invoked if the state Supreme Court continues to challenge the education budget.