



STATE OF KANSAS
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February 5, 2019

Honorable Anthony Hensley
Senate Democratic Leader
State Capitol, Room 308-E
Topeka, Kansas 66612

Dear Senator Hensley:

Thank you for your letter dated January 29, 2019, inquiring of my thoughts about the preferred timing of any school finance legislation enacted during this legislative session.

As you point out, during the 2018 legislative session I recommended legislative action be completed by March 1, 2018, to provide ample time for the State's attorneys to fully understand provisions of that remedial legislation, work with legislative staff to obtain all necessary legislative history documents (some of which, such as approved committee minutes, can sometimes take considerable time to obtain), and prepare and timely file the State's briefs in the Kansas Supreme Court.

This year, the substance of the legislature's school finance enactment during the current legislative session will determine the amount of time needed by State's counsel to properly conduct the tasks listed above and timely file opening briefs by the April 15, 2019, deadline established by the Supreme Court. In the event the legislature chooses to provide funding for an inflation adjustment and makes no other changes to the school finance statutes, then the scope of issues that must be presented to the Supreme Court is likely to be significantly narrower than last year. Assuming we can timely obtain from the legislature all necessary documents and explanations regarding legislative history, it would seem to me we could properly prepare the State's briefing if the new enactment becomes law by March 15, 2019.

On the other hand, if the legislature were to decide to make other material changes in school finance law, or if the legislature and governor were to disagree about the appropriate enactment this year, then I would respectfully request enactment into law by March 1, 2019, to allow sufficient time for State's counsel to complete our due diligence, fully understand what has been done, and properly prepare the State's briefs.

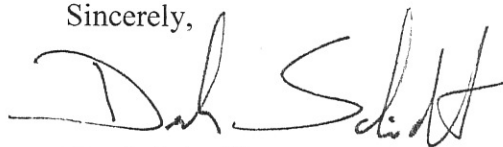
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There is one other variable I also should note. Last year, the legislature hired legislative counsel, which provided our office a single point of contact in each chamber to obtain all necessary legislative history information. I am unaware of the legislature, or either chamber thereof, hiring counsel this year. The absence of legislative counsel has the potential to slow our efforts post-enactment to obtain a full understanding of what has been done and to timely obtain any necessary legislative history.

I realize the legislature may not meet these suggested timelines – it did not meet our recommendations last year -- because it has many considerations in addition to optimizing counsel's ability to fully and properly brief the State's legal position. I want to assure you we will do our absolute best to properly prepare and present the State's position once the legislature acts, whenever that may be.

I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Schmidt". The signature is fluid and cursive, with the first name "Derek" and last name "Schmidt" clearly distinguishable.

Derek Schmidt
Kansas Attorney General

cc: Senate President Susan Wagle
House Speaker Ron Ryckman
House Democratic Leader Tom Sawyer