

IN THE SUPREME COURT OF KANSAS

Luke GANNON, by his Next Friends)
and Guardians, et al., Appellees,) Case No. 113,267
)
v.)
)
STATE of Kansas, Appellant.)

**GOVERNOR KELLY’S MOTION FOR
LEAVE TO FILE BRIEF OF *AMICUS CURIAE***

Governor Laura Kelly moves under Supreme Court Rule 6.06(a) for leave to file an amicus brief supporting the constitutionality of Senate Bill 16. In support, Governor Kelly states:

1. Kansas Supreme Court Rule 6.06(a) provides that “[a] brief of an *amicus curiae* may be filed when: (1) an application to file the brief is served on all parties and filed with the clerk of the appellate courts; and (2) the appellate court enters an order granting the application.”

2. For more than a decade, first as a member of the Kansas Senate and now as governor, Governor Kelly has been intimately familiar with school finance legislation and the disputes regarding the constitutionality of various school finance bills.

3. The current school funding plan before the Court, Senate Bill 16, is a product of numerous groups and legislators, each of whom have contributed to its enactment.

4. Before Governor Kelly’s election in November 2018, the Kansas State Board of Education (“KSBOE”) adopted a proposal to respond to this Court’s decision, *Gannon v. State*, 308 Kan. 372, 420 P.3d 477 (Kan. 2018) (“*Gannon VT*”), regarding the constitutionality of the school funding plan enacted during the 2018 legislative session.

5. As part of preparations to present her budget proposal to the Legislature, then Governor-elect Kelly adopted KSBOE’s school funding plan and incorporated it into her budget proposal.

6. Senate Bill 16 is the legislative culmination of the work KSBOE did to craft and adopt its July 2018 plan, the work of Governor Kelly and her budget team to incorporate the KSBOE plan into the comprehensive state budget, and the work of Governor Kelly, her legislative team, and legislators themselves to secure the bill's passage.

7. Governor Kelly's perspective on the factual and legal issues before the Court is unique and would benefit the Court as it considers the constitutionality of Senate Bill 16.

8. Because the Legislature passed Senate Bill 16 on April 5, 2019, and because oral argument is set for May 9, 2019, Governor Kelly is unable to meet Rule 6.06(b)'s requirement that an amicus brief be filed at least 30 days prior to oral argument.

9. If the Court grants her leave, Governor Kelly suggests that the Court set a deadline of April 26, 2019, to file her brief.

WHEREFORE, Governor Kelly respectfully requests leave to file an amicus brief in support of Senate Bill 16 on or before April 26, 2019.

RESPECTFULLY SUBMITTED

GOVERNOR LAURA KELLY

/s/Clay Britton

Clay Britton, #23901

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Governor Laura Kelly

CERTIFICATE OF SERVICE

I certify that the foregoing will be served on counsel for each party through the Court's electronic filing system, which will send a "Notice of Electronic Filing" to each party's registered attorney.

/s/Clay Britton

Clay Britton, #23901

*Attorney for Amicus Curiae
Governor Laura Kelly*