

SENATE RESOLUTION No. 1859

A RESOLUTION authorizing the Legislative Coordinating Council to participate in the case of *Montoy v. State*.

WHEREAS, The Kansas Supreme Court in the case of *Montoy v. State*, 278 Kan. 769, \_\_\_ P.3rd \_\_\_ (2005) held that the legislature had failed to meet its burden as imposed by Article 6 of the Kansas Constitution to “make suitable provision for finance” of the public schools, but withheld a formal opinion until the Kansas Legislature, by April 12, 2005, had enacted corrective legislation; and

WHEREAS, The legislature during the 2005 session has introduced bills, accepted testimony and debated the financing of public education, and has in good faith enacted legislation to comply with the decision of the Kansas Supreme Court; and

WHEREAS, The legislature is not a party in *Montoy v. State* but has a responsibility to ensure that the courts are fully informed of the legislature’s actions and the reasons therefor; and

WHEREAS, During the legislative session one house of the legislature may pass a resolution to authorize the Legislative Coordinating Council to participate in a lawsuit, pursuant to K.S.A. 46-1224: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Legislative Coordinating Council is authorized to file an amicus curiae brief or otherwise participate in the case of *Montoy v. State*; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to the Chairperson of the Legislative Coordinating Council.

Senate Resolution No. 1859 was sponsored by Senators Morris, D. Schmidt and Vratil.

I hereby certify that the above RESOLUTION originated in the SENATE, and was adopted by that body

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*President of the Senate.*

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*Secretary of the Senate.*