

House Concurrent Resolution No. 5007

By Select Committee on School Finance

7-6

9 A CONCURRENT RESOLUTION responding to the Kansas supreme
10 court's decision in the case of Montoy v. State of Kansas.

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12 WHEREAS, It is the legislature's judgment that the Kansas supreme
13 court's order of June 3, 2005, ordering the legislature to implement a
14 minimum increase of \$285 million in additional funds for school finance
15 intrudes upon the exclusive constitutional authority of the legislature to
16 make appropriations; and

17 WHEREAS, The legislature respects the authority of the Kansas su-
18 preme court to interpret the constitution, and the legislature has recog-
19 nized and acted in good faith to fulfill its constitutional obligation to make
20 suitable provision for finance of the educational interests of the state,
21 both through the enactment of 2005 House Bill No. 2247 and 2005 Sen-
22 ate Bill No. 43 and by attending a special session of the legislature to
23 provide additional funding for schools; and

24 WHEREAS, The legislature must balance its constitutional duty to
25 fund schools with the competing demands of other fundamental state
26 interests in light of the constitutional obligation to balance the budget
27 and the economic realities of limited resources: Now, therefore,

28 *Be it resolved by the House of Representatives of the State of Kansas,*
29 *the Senate concurring therein:* That the legislature hereby reaffirms and
30 reserves its exclusive constitutional authority to make appropriations on
31 behalf of the state; and

32 *Be it further resolved:* That the legislature hereby declares its view
33 that the court lacks the constitutional authority to order the legislature to
34 make a specific appropriation in sum certain by a specific date; and

35 *Be it further resolved:* That the legislature hereby declares that any
36 appropriation of additional funds for schools does not represent an ac-
37 ceptance of the court's authority to order the legislature to make an
38 appropriation.