

SESSION OF 2010

**SUPPLEMENTAL NOTE ON  
SENATE CONCURRENT RESOLUTION NO. 1621**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SCR 1621 is a nonbinding resolution expressing the sentiment that:

- The appropriation power under the *Constitution of the State of Kansas* rests with the Legislature, therefore any order of the court directing a specific level of funding is advisory;
- The Legislature should act based solely upon its own deliberative judgment regarding the determination of proper public policy and the amount of appropriation to be provided;
- The court lacks the constitutional authority to order the Legislature to make specific amounts of appropriations; and
- No public moneys or moneys derived from taxes shall be expended to finance or support litigation challenging the constitutionality of the amount of any Legislative appropriation.

**Background**

Senator Dick Kelsey sponsored the resolution and testified in support of it. The other proponents of the resolution who presented testimony in the Senate Committee hearing were representatives of the Kansas Chamber of Commerce and Americans for Prosperity.

The opponent of the bill, as introduced, who presented testimony in the Senate Committee hearing was a representative of the Kansas Association of School Boards.

There was no fiscal note on the resolution.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>