

## Message from the Governor

Pursuant to Article 2, Section 14 of the Kansas Constitution I veto **House Bill 2507**.

One fundamental principle of representative democracy is that minority rights must be protected, especially when majorities are powerful. Legislative rules provide some protection for minority voices, as does the separation of powers. In the regular legislative session, majorities can govern, but their bills are subject to the executive's veto.

Within the legislative branch of government, the Legislative Coordinating Council is charged with serving the interests of all Kansas citizens while the legislature is out of session. Therefore, it is important that all of the elected representatives who serve as members of the Legislative Coordinating Council have an effective voice in the process.

If enacted into law, **HB 2507** would undermine the ability of minority-party representatives on the Legislative Coordinating Council to affect some crucial decisions. In that the council represents the Legislature as a whole, and by extension the entire Kansas citizenry, minority-party rights must be vigorously protected; otherwise, many citizens will go unrepresented by a body that has substantial policy-making authority.

With these considerations in mind, I must veto **House Bill 2507**.

Dated May 16, 2005

Kathleen Sebelius  
Governor.

SENATE Substitute for HOUSE BILL No. 2507

AN ACT concerning the legislature; providing for appointment of the legislative counsel; concerning the composition of the joint committee on special claims against the state; amending K.S.A. 46-912 and 46-1222 and repealing the existing sections; also repealing K.S.A. 46-1223.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 46-912 is hereby amended to read as follows: 46-912. There is hereby established the joint committee on special claims against the state which shall have 13 members consisting of five members of the senate and eight members of the house of representatives. The representative members shall be appointed by the speaker, and the senator members shall be appointed by the senate committee on organization, calendar and rules. ~~Not less than two representative members and two senator members shall be attorneys licensed to practice law in the state of Kansas.~~ *Not less than one member shall be an attorney licensed to practice law in the state of Kansas.* Not less than one representative member shall be a member of the house committee on appropriations and not less than one senator member shall be a member of the senate committee on ways and means. In the biennium commencing with the convening of the regular session of the legislature in 1979, and in the biennium commencing with the convening of the regular session of the legislature each four years thereafter, the chairperson of the joint committee shall be a representative member designated by the speaker of the house of representatives. In the biennium commencing with the convening of the regular session of the legislature in 1981, and in the biennium commencing with the regular session of the legislature each four years thereafter, the senate committee on organization, calendar and rules shall designate a senator member to be the chairperson of the joint committee. If a chairperson shall die, resign or otherwise be incapable of serving as chairperson for the full two-year period, a successor shall be designated to fill the unexpired portion of such period in the same manner as the original chairperson was selected. The members appointed from each house shall include minority party representation thereon. The joint committee shall meet in the interim between legislative sessions on the call of the chairperson as authorized by the legislative coordinating council. Any seven members of the joint committee shall constitute a quorum. Any action of such joint committee may be taken by an affirmative vote of a majority of the members present, if a quorum is present.

The provisions of article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on special claims against the state to the extent the same do not conflict with the specific provisions of this act applicable to such committee.

Sec. 2. K.S.A. 46-1222 is hereby amended to read as follows: 46-1222. (a) There is hereby established the office of legislative counsel. The legislative counsel shall be appointed by the legislative coordinating council ~~for a term of four (4) years, and may be removed by the legislative coordinating council for cause. The appointment and removal of the legislative counsel shall be made by a vote of five (5) members of the legislative coordinating council.~~ The legislative counsel shall be appointed from a panel of three (3) persons selected by a nominating committee composed of the chairman of the senate standing committee on judiciary, a minority member of said senate committee having seniority thereon, to be appointed by the minority leader of the senate, the of the house standing committee on judiciary, a minority member of said house committee having seniority thereon, to be appointed by the minority leader of the house, and the chief justice of the supreme court. ~~Of the panel of three (3) persons selected by the nominating committee, not more than two (2) of such persons shall be members of the same political party and shall be an attorney in the private practice of law employed by the legislative coordinating council pursuant to a contract entered into by the legislative coordinating council and such attorney.~~

(b) No person shall be eligible for ~~nomination or~~ appointment as legislative counsel unless: ~~(a) He~~ (1) *Such person* has been admitted to practice law in Kansas for not less than five (5) years prior to ~~his nomination.~~ ~~(b) He~~ *appointment; and* (2) *such person* is admitted to practice in the federal court. In addition to the foregoing qualifications, in considering persons for ~~nomination, the nominating committee~~ *appointment as legislative counsel the legislative coordinating council* shall investigate their

experience in legal research, trial and appellate practice and related areas in order that ~~nominees~~ *such person* shall possess the experience and judgment deemed necessary to fulfill the duties and responsibilities of the office. The ~~nominating committee~~ *legislative coordinating council* shall further make such investigation of persons considered for ~~nomination~~ *appointment* as will ~~insure~~ *ensure* that such ~~nominees~~ *persons* are of high professional standing.

(c) *The provisions of the contract entered into by the legislative coordinating council and the legislative counsel shall provide that the legislative counsel may be removed from the position of legislative counsel and the contract entered into by the legislative coordinating council and the legislative counsel terminated by a vote of five members of the legislative coordinating council taken at any regular meeting of the council. The legislative counsel shall be in the unclassified service of the Kansas civil service act and shall receive compensation fixed by the legislative coordinating council, and such compensation shall not be subject to approval of the state finance council in accordance with the contract entered into by the legislative coordinating council and the legislative counsel. The legislative counsel shall receive expenses as provided by law for non-legislator officers of the legislative branch. Such compensation and expenses shall be paid from appropriations for the legislature. The contract entered into by the legislative coordinating council and the legislative counsel shall provide for such other matters as the parties to the contract deem appropriate.*

(d) *Expenditures provided for in this act shall not be subject to approval under any other statute and shall be paid from appropriations for the legislature. No contract made under authority of this act shall require approval under any other statute.*

Sec. 3. K.S.A. 46-912, 46-1222 and 46-1223 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

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HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*