

**IN THE SUPREME COURT OF THE STATE OF KANSAS**

No. 122,765

GOVERNOR LAURA KELLY, in Her Official Capacity,  
*Petitioner,*

v.

LEGISLATIVE COORDINATING COUNCIL,  
KANSAS HOUSE OF REPRESENTATIVES, and  
KANSAS SENATE,  
*Respondents.*

**ORDER**

K.S.A. 75-764(a) "declare[s] to be the public policy of the state of Kansas that the attorney general, as the state's chief legal officer, should have notice and the opportunity to appear and be fully heard before any statute or constitutional provision of this state is determined by the judicial branch to be invalid as violating the constitution of the state of Kansas, the United States constitution or any other provision of federal law." The statute further directs, "[t]his section shall be liberally construed to effectuate that public policy."

The obligation of providing the notice to the attorney general required by K.S.A. 75-764 falls on both the parties and our courts. See, e.g., K.S.A. 75-764(c)(2) (directing that in "any matter before the supreme court . . . the court shall ensure that the attorney general has been provided notice and an opportunity to appear before determining any statute or constitutional provision of this state to be invalid as violating the constitution of the state of Kansas, the United States constitution or any other provision of federal law."); see also Supreme Court Rule 11.01 (2019 Kan. S. Ct. R. 69) (implementing the requirements of K.S.A. 75-764 for pleadings filed in the appellate courts).

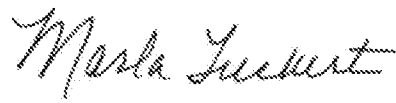
Because the Petitioner's allegations in this action may implicate or fall within the parameters of this statutorily declared public policy, the court orders the Clerk of the Appellate Courts to serve on the Kansas Attorney General by electronic means a copy of all pleadings and orders filed in this case to date, including the Original Action Petition in

Quo Warranto, the Memorandum in Support of that petition, the Motion to Expedite, and the Motion for Ex Parte Disposition.

Given the expedited nature of these proceedings, the Attorney General must seek to appear or intervene no later than 11 a.m., tomorrow, April 10, 2020. If the Attorney General seeks to appear or intervene, he is directed to explain to this court why he believes K.S.A. 75-764 applies in this action.

Dated this 9th day of April 2020.

FOR THE COURT



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MARLA LUCKERT,  
Chief Justice

#### Certificate of Service

This order will be served on all counsel of record by notice of electronic filing. In light of the exigent circumstances alleged in this matter and in keeping with the court's efforts to mitigate outbreaks of the coronavirus as outlined in Supreme Court Administrative Order 2020-PR-32, all nonattorney parties will be served via the email addresses provided in the certificate of service for the Petition in Quo Warranto.