

HISTORY OF THE EDUCATION ARTICLE OF THE CONSTITUTION OF THE STATE OF KANSAS

EXECUTIVE SUMMARY

Recent Kansas school finance litigation has focused on the constitutional provisions contained in Article 6 of the Constitution of the State of Kansas and has specifically focused on the language provided in Article 6 §6(b). The current constitutional provisions in Article 6 came from a 1966 constitutional amendment that was passed by the Legislature during the 1966 special session and later ratified by the people of Kansas in the November general election of 1966. The provisions in Article 6 have not changed since the 1966 amendment. The following bullet points provide an executive summary of the history of the 1966 constitutional amendment to Article 6.

- When Kansas was admitted as the 34th state of the union in 1861, Article 6 of the “Wyandotte Constitution” contained nine education sections that were generally “designed to provide for the establishment of schools during pioneer times.”¹
- Legislative enthusiasm to modernize the state’s educational system became a prominent focus of the Legislature, particularly after World War II.²
- During the 1965 Legislative session, the Legislature directed the Kansas Legislative Council to study “the education article of the constitution and any needed amendments thereto.”³
- To assist with the study, the Kansas Legislative Council appointed an Education Advisory Committee to report its findings and conclusions regarding any necessary constitutional amendments.⁴
- In October 1965, the Education Advisory Committee submitted its report recommending that Article 6 be completely rewritten and proposed new constitutional provisions for Article 6.⁵

¹ *The Education Amendment to the Kansas Constitution*, Kansas Legislative Council Publication No. 256, at 3 (December 1965).

² *Id.* at 1.

³ *Id.* at iii.

⁴ *Id.* at 5.

⁵ *Id.*

- In December 1965, the Kansas Legislative Council issued its report recommending that the Legislature should pass a constitutional amendment rewriting Article 6 and proposed new constitutional provisions for Article 6 which were similar in many regards to those proposed by the Education Advisory Committee.⁶
- The Kansas Legislative Council’s recommended language for Article 6 §6(b) was different than the language that is currently contained in §6(b). The Council’s recommended language was intended to give the Legislature “considerable flexibility in taking whatever appropriate action might be necessary in financing educational programs.”⁷
- During the 1966 special session, the Legislature passed House Concurrent Resolution 505 completely rewriting Article 6. Upon HCR 505’s introduction, the language contained in §6(b) of HCR 505 was not the language that the Kansas Legislative Council recommended for that section but was the same language that currently exists in Article 6 §6(b).⁸
- It is unclear why HCR 505 was introduced with language in Article 6 §6(b) that deviated from the Kansas Legislative Council’s proposed language for such section.
- The Legislature passed HCR 505 upon a vote of 30-2 in the Senate and a vote of 95-19 in the House.⁹
- The question was submitted to the voters at the November 8, 1966, general election and passed with 286,400 votes in favor and 211,027 votes opposed.
- Article 6 of the Constitution of the State of Kansas has not been amended since.

⁶ *Id.* at iii.

⁷ *Id.*

⁸ House Journal, 1966 Special Session at 7-10.

⁹ See Senate Journal, 1966 Special Session at 22-23; and House Journal, 1966 Special Session at 40-42.

COMPREHENSIVE ANALYSIS

From the beginning of Kansas statehood, Article 6 of the Constitution of the State of Kansas has been the education article of the constitution. When Kansas was admitted as the 34th state of the union in 1861, the “Wyandotte Constitution” contained nine education sections in Article 6 that were generally “designed to provide for the establishment of schools during pioneer times.”¹⁰ Those nine sections in the Wyandotte Constitution remained unchanged for a little over a century, even as the educational needs of Kansans changed drastically over that period.¹¹

Legislative enthusiasm to modernize the state’s educational system became a prominent focus of the Legislature, particularly after World War II. During the Legislative session of 1965, the Legislature directed the Kansas Legislative Council to consider “rebuilding the legal foundations of the educational system” which should include a “study of the education article of the constitution and any needed amendments thereto.”¹² The Kansas Legislative Council studied the issue and in 1966, submitted its report recommending that Article 6 be rewritten to “establish a framework capable of providing a modern educational system, possibly for the next 100 years.”¹³

Shortly after receiving Kansas Legislative Council’s report recommending that Article 6 be rewritten, the Legislature approved a constitutional amendment that completely rewrote Article 6 during the 1966 special session. Such amendment was then ratified by the people of Kansas on November 8, 1966. Article 6 has not changed since the 1966 amendment.

This memorandum will provide a brief history of the original educational provisions contained in the Wyandotte Constitution of 1861, an examination of the impetus for the 1966 constitutional amendment, an overview of the constitutional recommendations that were made by the Kansas Legislative Council with a specific focus on the recommendation regarding Article 6 §6(b), and finally, the Legislative history pertaining to the passage of the 1966 constitutional amendment during the 1966 special session.

¹⁰ *The Education Amendment to the Kansas Constitution*, Kansas Legislative Council Publication No. 256, at 3 (December 1965).

¹¹ See Attachment A. Sections one through nine of Article VI of the Wyandotte Constitution were adopted as part of the original Wyandotte Constitution of 1861 whereas section 10 was adopted in 1918. After their respective adoption dates, no such provisions were amended or repealed until the 1966 education amendment to the Constitution.

¹² *The Education Amendment to the Kansas Constitution*, at iii, v.

¹³ *The Education Amendment to the Kansas Constitution*, at iii.

Article 6 of the Wyandotte Constitution

On January 29, 1861, the Wyandotte Constitution officially became the Constitution of the State of Kansas when Kansas was admitted to the United States of America as the 34th state. Like the current version of the Kansas Constitution, the education article of the Wyandotte Constitution was placed in Article 6. Such article originally had nine sections and, because it was adopted when the state was first being settled, Article 6 was “designed to provide for the establishment of a school system during pioneer times.”¹⁴ The nine original sections of Article 6 in the Wyandotte Constitution remained unchanged for a little over a century. The only constitutional change that occurred to Article 6 during that time came in the form of an additional section when a new section 10 was added in 1918.

Attachment A provides the full text of the education article of the Wyandotte Constitution as it existed prior to the 1966 education amendment. Article 6 section 1 of the Wyandotte Constitution vested an elected state superintendent of public instruction with general supervision of school funds and the educational interests of the state. Section 2 required the Legislature to “encourage the promotion of intellectual, moral, scientific and agricultural improvement by establishing a uniform system of common schools, and schools of a higher grade.” Section 3 concerned proceeds from certain land sales and estates which must be applied to schools. Section 4 provided that state school funds be disbursed annually to county treasurers then disbursed to school districts “in equitable proportion to the number of children and youth resident therein.” Section 5 related to the sale and lease of school lands. Section 6 concerned moneys that must be applied to the state school fund. Section 7 required the Legislature to establish a “State University, for the promotion of literature and the arts and sciences, including a normal and agricultural department.” Section 8 prohibited any religious sect or sects from controlling school funds. Section 9 vested the management and investment of school funds in a board of commissioners which consisted of the State Superintendent, the Secretary of State, and the Attorney General. Section 10, which was ratified in 1918, authorized the Legislature to levy a permanent tax for the state educational institutions.

¹⁴ *The Education Amendment to the Kansas Constitution*, at 3.

Legislative Recognition of the Need for Changes to the Education Article

As the state’s educational system progressed beyond the educational system that was contemplated during territorial times, the Legislature implemented statutory changes to meet and keep up with modern educational demands.¹⁵ A few examples of these statutory changes include: Expanding the constitutional one university system into a system of three universities; statutorily creating a state board of education and a state board of regents; creating high school districts; undertaking a comprehensive study of education in the late 1950s; passing the 1963 school unification act which reduced the number of school districts from 1,745 districts to 380 districts; and in 1965, expanding state aid to public schools by establishing a foundation finance plan to help localities finance education requirements.¹⁶

Despite those changes, the Legislature recognized that more changes were still needed to replace the inherited educational system with a system that was more reflective of modern conditions.¹⁷ In the 1965 regular legislative session, the Legislature passed House Concurrent Resolution 537 directing the Kansas Legislative Council to study “the scope, function, and organization of the state in supervising education” and “the education article of the constitution and any needed amendments thereto.”¹⁸

The Kansas Legislative Council appointed an Education Advisory Committee to assist with the comprehensive study of the education article of the constitution. The Education Advisory Committee was composed of eleven prominent citizens of Kansas.¹⁹ The major recommendations by the Education Advisory Committee included: Completely rewriting the education article of the Kansas Constitution to provide a new framework for present and future educational requirements; providing for a constitutional state board of regents and state board of education; placing responsibility of public education below the college level with the state board of education; and giving the Legislature greater flexibility in educational finance.²⁰ The Education Advisory Committee’s report proposed new constitutional language for the education article to effectuate its recommendations. On November 9, 1965, the Education Advisory Committee submitted its report to the Kansas Legislative Council for consideration.²¹

¹⁵ *The Education Amendment to the Kansas Constitution*, at 1.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at v.

¹⁹ *Id.* at 5.

²⁰ *Id.* at 6.

²¹ *Id.* at 6.

Kansas Legislative Council's Report

In December 1965, the Kansas Legislative Council issued its report recommending that the Legislature should pass and submit a vote to the people of Kansas a proposed amendment rewriting Article 6.²² The Kansas Legislative Council gave primary credit to the Education Advisory Committee for the development of the proposed revision to Article 6 of the constitution and stated that the Kansas Legislative Council report “has borrowed extensively from the material in the advisory committee’s report in preparing the text of this report.”²³

The Council’s report provided an overview of some of the developments in educational policies that were driving the need for changes to the legal basis of Kansas education:

*Important developments are occurring in public education. Enrollments are increasing. The federal government has entered the field of education with new programs involving substantial sums of money. Area vocational-technical schools, community junior colleges, and manpower programs are being organized. Unified districts are becoming the dominant type of local school district. Educational programs of the local schools are being upgraded and expanded. As a result of all these developments, greater coordination is needed than can be achieved under the present system of departments and agencies with statutory responsibilities divided among uncoordinated bodies.*²⁴

Recognizing those educational developments, the Kansas Legislative Council pointed out inadequacies of Article 6 of the Wyandotte Constitution. Generally, the Council noted that the provisions of the Wyandotte Constitution were created when the state was first being settled and “no longer constitute an adequate foundation on which to base a rapidly developing educational system.”²⁵

The Council found that Article 6 section 1 of the Wyandotte Constitution gave the state superintendent of public instruction general supervision over the educational interests of the state but found that no references were made to the State Board of Education or the State Board of Regents even though they were statutory bodies that, at that time were “considered of paramount importance in educational administration.”²⁶ The Council stated that “the growth of the educational programs of the state over the years now requires a great amount of coordination and supervision.”²⁷

²² *Id.* at iii.

²³ *Id.*

²⁴ *Id.* at 4.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

The Council found that Article 6 section 2 of the Wyandotte Constitution placed a duty on the Legislature to establish a “uniform system of common schools” but noted that, due to the many differences between school districts and educational programs, variations were common.²⁸ The Council found that strict uniformity between schools may not actually be desired depending on the needs of different communities.²⁹ The Council distinguished uniformity from the goal of equal educational opportunity, stating that equality of educational opportunity is something that everyone agrees upon but “cannot always be achieved by uniform treatment because of differences in circumstances and conditions.”³⁰ The Council also found that section 2’s reference to normal and preparatory schools was obsolete because those types of schools had all but disappeared.³¹ Instead, kindergartens, junior high schools, high schools, vocational schools, a technical institute, junior colleges, colleges, and universities were now part of the educational system.³²

Additionally, the Council found that certain provisions in Article 6 of the Wyandotte Constitution were either obsolete or inoperative, such as section 4, section 6, and section 7.³³ For example, the Council noted that section 7 mandated the establishment of a state university but, during the past century, the state had established three state universities.³⁴

The Council also found that constitutional changes were needed due to the increasing importance of vocational education.³⁵ The Council pointed out that the State’s current scheme of utilizing separate governance for vocational education and public-school education was largely due to conflicts between federal law and the State’s constitution, as federal law required supervision of vocational education by a board rather than an individual to be eligible for federal funds.³⁶ The Council thought that this conflict needed to be resolved because “vocational and technical education should be an integral part of the educational structure.”³⁷

The Council cited other reasons for changes, including: Administration of interschool athletics and related extracurricular activities was separate from education agencies; the state

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 3.

³¹ *Id.*

³² *Id.*

³³ *Id.* at 4-5.

³⁴ *Id.*

³⁵ *Id.* at 5.

³⁶ *Id.*

³⁷ *Id.*

permanent school fund established in 1861 provided less than 0.12% of the tax funds raised for the 1964-1965 school year; federal funds were now providing supplemental financing for certain school activities; the Legislature substantially increased the state share of public school financing in 1965 and future changes in amounts and method of distribution could be expected and “new techniques for determining needs, reporting and auditing accounts, and determining the results of aid funds need to be developed.”³⁸

Kansas Legislative Council’s Report – Constitutional Amendment Recommendations

The Council’s report recommended that a complete rewrite of Article 6 be passed by the Legislature in the 1966 budget session and submitted to the people of Kansas.³⁹ The Council’s report proposed new constitutional language for Article 6 and provided explanations of the Council’s findings and reasoning for each of the proposed constitutional sections. The Council summarized the purpose of its proposed constitutional language, stating that:

*The proposed new article would establish a framework capable of providing for a modern educational system, possibly for the next 100 years. It would eliminate obsolete provisions, nullify portions of [section one] relating to the election of the state superintendent, give the legislature greater freedom in dealing with educational problems, and provide constitutional guarantees of local control of local schools.*⁴⁰

The structure of the Council’s proposed constitutional sections was very similar to the structure of Article 6 as it currently exists. The Council’s recommendation for section one provided a statement of public policy for the educational system and a guarantee of equal rights in education.⁴¹ Sections two and three provided for the creation of a constitutional state board of education and a state board of regents.⁴² Section four provided for the creation of a commissioner of education.⁴³ Section five provided that local schools shall be operated by locally elected boards.⁴⁴ Section six provided educational finance provisions.⁴⁵ Section seven

³⁸ *Id.*

³⁹ *Id.* at iii.

⁴⁰ *Id.*

⁴¹ *Id.* at 9-10.

⁴² *Id.* at 11-25.

⁴³ *Id.* at 26-28.

⁴⁴ *Id.* at 29.

⁴⁵ *Id.* at 30-37.

provided that funds from the penal system be used for education.⁴⁶ Finally, section eight provided a savings clause.⁴⁷

Because the focus of modern school finance litigation has been on Article 6 §6(b), this memorandum will focus on the Council’s specific recommendation for Article 6 §6(b) and will highlight how the Council’s recommended language differed from the language that currently exists in Article 6 §6(b).⁴⁸

The Council’s report recommended that section 6 should add new provisions on school finance to Article 6.⁴⁹ The Council’s recommended language for Article 6 §6(b) was:

*(b) The legislature may make provision for finance of educational and scientific activity by: (1) Transfer of funds or appropriations from one object or fund to another, (2) creation of special corporate entities authorized to perform any function related to education or scientific research, (3) pooling of public and private funds for educational research purposes, (4) any other method not prohibited by the constitution.*⁵⁰

The Council’s report noted that such language was recommended by the Education Advisory Committee and was intended “to enable the state to ‘take appropriate action as necessary’ to finance public education.”⁵¹ The Education Advisory Committee believed that the Constitution should convey certain specific legislative powers that would give the Legislature “considerable flexibility in taking whatever appropriate action might be necessary in financing educational programs.”⁵²

Not all members of the Legislative Council thought the finance provision was necessary or desirable.⁵³ According to some members, the Legislature already had authority to enact the types of legislation that were being suggested by the proposed provision.⁵⁴ Such counter-viewpoint suggested that the recommended provision would “merely add unnecessary details to the constitution which would tend to limit rather than enlarge legislative powers in the long run.”⁵⁵ The Council did note in its report that, except for the authorization to create special

⁴⁶ *Id.* at 37.

⁴⁷ *Id.* at 38-40.

⁴⁸ Attachment B provides an excerpt from Council’s report on its proposed language for §6. Further analysis can be provided upon request regarding the Council’s recommendations on any of the other constitutional sections.

⁴⁹ *The Education Amendment to the Kansas Constitution*, at 30.

⁵⁰ *Id.* at 31.

⁵¹ *Id.* at 30.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.* at 30.

corporate entities, this provision “would not give the Legislature any new power which it does not already have.”⁵⁶

The differences between the Legislative Council’s recommendation and the current language of Article 6 §6(b) are evident when comparing the two. The table below provides a side by side comparison of the Council’s recommended language and the current language of Article 6 §6(b). Some notable differences between the two versions are that the word “may” was replaced with “shall” and the word “suitable” was inserted before “provision for finance.” Additionally, instead of being directed to “educational and scientific activity,” the finance requirement was directed to the “educational interests of the state.” Lastly, the four specific legislative powers proposed by the Legislative Council were removed.

| Kansas Legislative Council’s Recommendation for §6(b) | Current Text of §6(b) |
|---|---|
| The legislature may make provision for finance of educational and scientific activity by: (1) Transfer of funds or appropriations from one object or fund to another, (2) creation of special corporate entities authorized to perform any function related to education or scientific research, (3) pooling of public and private funds for educational research purposes, (4) any other method not prohibited by the constitution | The legislature shall make suitable provision for finance of the educational interests of the state.* *The remaining text of §6(b) has been omitted. |

⁵⁶ *Id.* at 31.

1966 Budget Session

During the 1966 budget session of the Kansas Legislature, three concurrent resolutions making amendments to Article 6 of the Kansas Constitution were introduced: SCR 9; SCR 12; and HCR 509.⁵⁷ Of those three, SCR 12 was the proposal that gained the most traction and the one that was the most similar to the Kansas Legislative Council’s proposal. SCR 12 was introduced by the Committee on Education. Notably, when SCR 12 was introduced, Article 6 §6(b) was drafted exactly as such provision currently exists in the Kansas Constitution and was not drafted with the Council’s recommended language.⁵⁸ It is unclear why SCR 12 was introduced with language for Article 6 §6(b) that deviated from the Council’s proposed language for such section. The resolution passed the Senate then went to the House where it was referred to the Committee on Education. The committee recommended SCR 12 favorably for passage but the proposal died in the House upon adjournment.

1966 Special Session – HCR 505 Passed

Six days after the 1966 Legislature adjourned the 1966 budget session, they returned for a special session. The 1966 special session was called to deal with mandates from court decisions regarding apportionment of the House of Representatives and the Senate.⁵⁹ Like any legislative session, at the beginning of the special session, the Legislature passed rules resolutions governing the special session. Of note was the adoption of SCR 1 which prohibited the introduction or consideration of any bills or resolutions except those pertaining to reapportionment and election laws, constitutional amendments, or the financing and governance of the special session.⁶⁰

During the 1966 special session of the Kansas Legislature, three concurrent resolutions making amendments to Article 6 of the Kansas Constitution were introduced: HCR 503; HCR 505; and HCR 506.⁶¹ Of those three, HCR 505 was the concurrent resolution that was ultimately adopted by the Legislature and submitted to and approved by the people of Kansas.

⁵⁷ SCR 9 only proposed an amendment to Article 6 §1. HCR 509 was introduced by an individual legislator and proposed to rewrite the entirety of Article 6. Such resolution was referred to the Committee on Education but did not pass out of the committee. HCR 509 provided in its proposed Article 6 §5(b) “The legislature shall make provision for the finance of schools and other educational interests.”

⁵⁸ Sen. Journal, Kansas Legislature 1966 Budget Session at 56-59.

⁵⁹ Sen. Journal, 1966 Special Session at 5.

⁶⁰ Sen. Journal, 1966 Special session at 3.

⁶¹ HCR 503 proposed an amendment to Article 6 §1. HCR 506 was introduced by eleven individual legislators and was a proposal to rewrite to the entirety of Article 6. Such resolution was referred to the Committee on Education

When HCR 505 was introduced, the proposed language for Article 6 §6(b) was drafted exactly as such provision currently exists in the Kansas Constitution.⁶² It is unclear why HCR 505 was introduced with language for Article 6 §6(b) that deviated from the Council’s proposed language for such section.⁶³ Also, such provision was never changed throughout the entirety of the Legislative process.⁶⁴ The Legislature did make certain amendments to HCR 505 but none of those amendments modified the introduced language for Article 6 §6(b).⁶⁵ One proposed amendment would have changed Article 6 §6(b) of HCR 505, but this amendment was voted down by the House.⁶⁶

The Legislature passed HCR 505 upon a vote of 30-2 in the Senate and a vote of 95-19 in the House.⁶⁷ The question was submitted to the voters at the November 8, 1966, general election and passed with 286,400 votes in favor and 211,027 votes opposed. Article 6 of the Kansas Constitution has not been amended since that time.

did not pass out of committee. HCR 506 provided in its proposed Article 6 §5(b) “The legislature shall make provision for the finance of schools and other educational interests.”

⁶² House Journal, 1966 Special Session at 7-10.

⁶³ Attachment C provides the Legislative history of HCR 505. Attachment D provides explanations of vote upon HCR 505.

⁶⁴ House Journal, 1966 Special Session at 10.

⁶⁵ Compare HCR 505 as introduced in the House to the House’s final action on HCR 505 with the adoption of the conference committee report. Introduced version may be found in the House Journal, 1966 Special Session at 10. Final action on conference committee report of HCR 505 may be found in the House Journal, 1966 Special Session at 40-41.

⁶⁶ On February 18, 1966, during a Committee of the Whole discussion, motion was made to amend HCR 505 but failed. Such motion would have replaced the provisions of Article 6 §6(b) of HCR 505 with a new Article 6 §5(b) stating “The legislature shall make provision for the finance of schools and other educational interests.” See, House Journal, 1966 Special Session at 15.

⁶⁷ See Senate Journal, 1966 Special Session at 22-23; also see House Journal, 1966 Special Session at 40-42.

ATTACHMENTS

- ATTACHMENT A:** Article 6 of the Wyandotte Constitution of 1861.
- ATTACHMENT B:** Excerpt from the 1965 Kansas Legislative Council report of the Council’s recommended constitutional finance provisions for Article 6 §6(b).
- ATTACHMENT C:** HCR 505 Legislative Actions Report.
- ATTACHMENT D:** Explanations of Vote on HCR 505.
- ATTACHMENT E:** 1966 Newspaper Articles:
- Kansas Education Amendment Killed
 - House Agrees to Put School Plan on Ballot
 - School Row Far from Over: Proposed Amendment to Travel Rocky Road
 - LJ World Op-Ed: Legalese
- ATTACHMENT F:** 1966 Election Statistics: Constitutional Amendments.
- ATTACHMENT G:** Article 6 of the Constitution of the State of Kansas.

WYANDOTTE CONSTITUTION OF 1861- ARTICLE 6

Article VI – Education

SECTION 1.

The State Superintendent of Public Instruction shall have the general supervision of common-school funds and educational interests of the State, and perform such other duties as may be prescribed by law. A Superintendent of Public Instruction shall be elected in each county, whose term of office shall be two years, and whose duty and compensation shall be prescribed by law.

SEC. 2.

The Legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of higher grade, embracing normal, preparatory, collegiate, and university departments.

SEC. 3.

The proceeds of all lands that have been, or may be, granted by the United States to the State, for the support of schools, and five hundred thousand acres of land granted to the new State, under an act of Congress distributing the proceeds of public lands among the several States of the Union, approved September 4, A.D., 1841, and all estates of persons dying without heir or will, and such per cent as may be granted by Congress on the sale of lands in this State, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the Legislature may provide, by tax or otherwise, shall be inviolably appropriated to the support of common schools.

SEC. 4.

The income of the State school funds shall be disbursed annually, by order of the State Superintendent, to the several County Treasurers, and thence to the Treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein, between the ages of five and twenty-one years: Provided, That no school district in which a common school has not been maintained at least three months in each year shall be entitled to receive any portion of such funds.

SEC. 5.

The school lands shall not be sold unless such sale be authorized by a vote of the people at a general election; but, subject to revaluation every five years, they may be leased for any number of years not exceeding twenty-five, at a rate established by law.

SEC. 6.

All money which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall vest in the taker-up; and the proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several counties in which the money is paid or fines collected, to the support of common schools.

SEC. 7.

Provisions shall be made by law for the establishment, at some eligible and central point, of a State University, for the promotion of literature and the arts and sciences, including a normal and agricultural department. All funds arising from the sale or rents of lands granted by the United States to the State for the support of a State University, and all other grants, donations or bequests, either by the State or by individuals, for such purpose, shall remain a perpetual fund, to be called the "University fund;" the interest of which shall be appropriated to the support of the State University.

SEC. 8.

No religious sect or sects shall ever control any part of the common-school or University funds of the State.

SEC. 9.

The State Superintendent of Public Instruction, Secretary of State and Attorney General shall constitute a Board of Commissioners for the management and investment of the school funds. Any two of said Commissioners shall be a quorum.

SEC. 10. (Adopted in November, 1918)

The legislature may levy a permanent tax for the use and benefit of the state educational institutions and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Nothing herein contained shall prevent such further appropriation by the legislature as may be deemed necessary from time to time for the needs of said state educational institutions.

*Obtained from the Kansas Historical Society webpage at <http://www.kansasmemory.org/item/90272/text>.



**THE EDUCATION AMENDMENT
TO THE KANSAS CONSTITUTION**

Publication No. 256

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Kansas Legislative Council

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ATTACHMENT B

SECTION 6 -- Educational Finance

"Financing" is one of the major ways to effect changes in educational policy. The provisions of Section 6 add to the constitution new provisions on school finance. Legislative implementation of these new powers would make changes in policy and procedure of almost equal importance to changes in the structure and powers of the two state educational boards. These provisions were proposed by the education advisory committee to enable the state to "take appropriate action as necessary" to finance public education. Costs have risen markedly in the past and will apparently continue to increase. Because of the growing importance of education to the welfare and economic growth of Kansas, the advisory committee believed it would be desirable to state in the constitution certain specific legislative powers. These would give the legislature considerable flexibility in taking whatever appropriate action might be necessary in financing educational programs.

From the discussions in the Legislative Council it is evident that this view is not shared by all of its members. It is the opinion of some members that the Legislature now has sufficient authority to achieve the objectives in so far as these are desirable and, in most instances, could now enact the type of legislation which has been suggested. According to this view, the provisions of section 6 (b) and (d) would merely add unnecessary details to the constitution which would tend to limit rather than enlarge legislative powers in the long run. Reference is made to these differing points of view in the subsequent pages.

Educational Building Fund

6. (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

Section 6 (a) continues the present authority upon which the permanent state property tax levy for the educational building fund is based, and replaces the present Section 10. In phrasing Section 6 (a) the wording was changed in one place so that the proceeds of the building levy could be used only for institutions of higher learning. Occasionally in the past, some of the levy has been used for the state schools for the blind and deaf. The levy could no longer be used in this way. However, these two schools are eligible for allocations for buildings from the separately created benevolent and charitable institutions building fund (Article 7, Section 6).

The Committee on Education made one change in the wording proposed by the advisory committee: The term "state institutions" was substituted for "public institutions" in line two. There was some objection to the

words "public institutions" because they might broaden the authority to use this fund for such possible objects as for community junior colleges or municipal universities.

New Financial Provisions

6. (b) The legislature may make provision for finance of educational and scientific activity by: (1) Transfer of funds or appropriations from one object or fund to another, (2) creation of special corporate entities authorized to perform any function related to education or scientific research, (3) pooling of public and private funds for educational research purposes, (4) any other method not prohibited by the constitution.

The broad authority of the legislature to finance all levels of education is stated in Section 6 (b) (4), authorizing "any other method" not prohibited by the constitution. This provision, therefore, would not give the legislature any new power which it does not already have, but simply states what the situation is in the constitution. Included in these powers would be enactment of such laws as budget requirements, authority to levy local taxes, limitations on tax levies or budgets, provision for state aid or foundation finance programs, appropriation of money for public schools and higher education, prescription of methods and procedures for conducting the financial affairs of public schools and institutions of higher education, and the use of federal or private funds for educational purposes.

Special Provisions

In addition to this broad statement of legislative powers, the advisory committee recommended several special financial provisions be included in Section 6. These would give the legislature power to authorize:

1. Transfer of funds or appropriations from one object to another.
2. Appropriations and revenue measures for more than two years.
3. Creation of special corporate entities for educational or scientific research.
4. Pooling of public and private funds for educational research purposes.

The advisory committee emphasized that the legislature should have specific broader powers in the financing of educational programs, in matching federal funds, and in providing a more effective system of scientific research. None of these special constitutional provisions could be implemented unless the legislature so desired. Of these four provisions, items 2 and 3 are specifically prohibited by the present constitution.

LEGISLATIVE ACTION ON HCR 505 DURING THE 1966 SPECIAL SESSION

| Body | Date | Action | Notes |
|--------|-------------|---|---|
| House | February 16 | Introduced by the Committee on Education | Article 6 §6(b) was drafted as it currently exists today. |
| House | February 17 | Referred to Committee of the Whole | |
| House | February 18 | Committee of the Whole Report recommending passage adopted. | Motion was made to amend HCR 505 but failed. ¹ |
| House | February 21 | Final Action. Passed 95 to 25. | Three explanations of vote offered. |
| Senate | February 21 | Received from House | |
| Senate | February 22 | Referred to Committee on Education | |
| Senate | February 22 | Committee Report recommending HCR 505 be amended was adopted. | Amendment did not change Article 6 §6(b). |
| Senate | February 23 | Committee of the Whole Report recommending passage as further amended by the Committee of the Whole was adopted | Amendment did not change Article 6 §6(b). |
| Senate | February 24 | Final Action. Passed 37 to 1. | |
| House | February 28 | Motion to concur with Senate amendments failed 80 to 42. Resolution killed. | Explanation of vote upon failed motion to concur. |
| House | March 1 | Reconsidered prior action. Nonconcurrent with Senate amendments and requested a conference committee. | |
| Senate | March 1 | Accede to request for conference. | |
| Senate | March 1 | Adopt conference committee Report. 30 to 2. | Conference committee report did not change Article 6 §6(b). |
| House | March 2 | Adopt conference committee Report. 95 to 19. | Explanation of vote offered. |

¹ During this Committee of the Whole discussion, motion was made to amend HCR 505 but failed. Such motion would have replaced the provisions of Article 6 §6(b) of HCR 505 with a new Article 6 §5(b) stating "The legislature shall make provision for the finance of schools and other educational interests." See, House Journal, 1966 Special Session at 15.

1966 SPECIAL SESSION - EXPLANATIONS OF VOTE UPON HCR 505

Some Legislators offered explanations of vote upon HCR 505 as it progressed through the legislative process. This document provides those explanations. Note that, with each of the following explanations of vote, the language provided in HCR 505 for Article 6 §6(b) was presented as it currently exists in Article 6 §6(b) of the Kansas Constitution.

- On February 21, 1966, three explanations of vote were offered when HCR 505 was first passed by the House:

MR. SPEAKER: I believe HCR 505 has serious shortcomings. It does, however, propose substantial improvements to our educational system and deserves a chance with the voters. Therefore, I vote “yes” on the proposition with the hope that we fully advise the voters of the problems which might arise if the amendment is adopted so that they can make an intelligent decision. – DONALD H. BELL.¹

MR. SPEAKER: While I feel that the educational amendment in its present form is a constitutional abortion and it will be necessary to repeat this process in only a few years because excessive detail renders it inflexible; it does in a ponderous way accomplish educational reforms I believe to be imperative, I reluctantly vote yea on HCR 505. – ROBERT MORTON.²

MR. SPEAKER: HCR 505 provides for a ten-member state school board. If this board should, as it well could, develop into a five-five split the education of our children could be brought to a stand still. In times such as we have now the state’s highest educational authority must not be subject to the possibility of stand off brought on by partisan politics. Recognizing this flaw as well as others, this proposed constitution amendment is better than the present system. But as I vote yes on this amendment I must, as a matter of conscience, call on the future members of the Kansas House of Representatives to make appropriate changes in the educational amendment at an early date and submit the changes to the people. – JACK N. TURNER.³

¹ House Journal, 1966 Special Session at 20-21.

² *Id.*

³ *Id.*

- On February 28, 1966, one explanation of vote was offered upon a failed motion in the House to concur with the Senate’s amendments to HCR 505:

MR. SPEAKER: This is a bad constitutional amendment; it reads more like a statute than a constitution. Propositions are frozen into our constitution that should be left to the legislature. However, in checking with my local school people I am informed that the reforms exceed the bad features and I must therefor reluctantly vote yes. – PHIL WOODWORTH.⁴

- On March 2, 1966, one explanation of vote was offered upon the House’s adoption of the conference committee report on HCR 505:

MR. SPEAKER: I believe that there is a need for a constitutional amendment affecting the state board of education; however, I do not believe that this is the best resolution that could have been presented. I reluctantly vote yea on this resolution. – LEE CAIN.

⁴ *Id.* at 35.

Kansas Education Amendment Killed

Top St. J. 2-28-66
By JACK COFFMAN

A proposed educational amendment to the state Constitution died in the Kansas House this morning when it failed to get the necessary two-thirds majority.

The action came on a vote of 80-45 which is just three votes short of the two-thirds majority required in proposing constitutional amendments.

The House, which passed the measure 95-25 last week, killed the amendment in voting on Senate changes in the proposal.

State Rep. Bill Fribley, R-Crestline, House majority leader, and State Rep. J. C. Tilton, R-Norton, speaker pro tempore, said this action kills the amendment's chances of getting on the ballot.

The proposed amendment was embroiled in controversy since it was unveiled in the 1966 budget session and continued erupting throughout the special session.

Arguments centered around the proposed 10-member state school board to replace the superintendent of public instruction.

The amendment, killed this morning, provided for election of the board.

'Freeze' Opposed

Vocal opposition came from House members who did not want to "freeze" this provision into the Constitution.

The Senate, however, changed the House bill slightly and provided that the Legislature would outline the qualifications for office.

State Rep. John Bower, R-McLouth, chairman of the House Education Committee, said this was aimed at excluding professional educators from membership on the board.

Minds Changed

Debate on the Senate changes apparently changed several minds during the morning arguments which lasted two hours. State Rep. Rees Hughes, R-

Pittsburg, said there was need for further study and that the Legislature should wait two years.

Bower said action should be taken now before a reapportioned Legislature takes office.

Educators 'Scared'

State Rep. Don Smith, R-Colby, a vocal advocate of the elected provision, said it appears the professional educators are "scared of the people."

Opposition to the amendment came from State Rep. Lawrence Slocombe, R - Peabody, who said, "I think the people of Kansas have had enough of education being crammed down their throats by this Legislature for the time being."

The vote came as something of a surprise in face of the 95-25 approval last week.

What effect this will have on other proposed constitutional amendments is to be seen.

The Senate now is considering a proposed amendment aimed at annual general sessions of the Legislature.

The House Assessment and Taxation Committee this afternoon will consider a proposed amendment, already passed by the Senate, which would make state income tax regulations identical to those of the federal government.

Just Right Song

To End Legislature

On the heels of reapportionment, the Washburn University Singers have been invited to sing at the opening of the Kansas House of Representatives' session Tuesday at 10 a.m.

The group will sing a number requested by House members—"The Vacant Chair."

A Statesmanlike Job

Top St. J. 2-28-66
The Kansas House of Representatives did itself proud in an historic reapportioning of districts. It was a thoroughly distasteful job which overturned a constitutional provision that has stood ever since Kansas became a state.

It took statesmanlike courage on the part of many members of the House to vote for the measure, knowing as they did so they were voting themselves out of jobs. Nearly 40 members cannot possibly return for the next session of the Legislature.

It was a decision that had to be made. The United States Supreme Court in its one-man, one-vote edict had made it inevitable, no matter how unpopular the high court decision was.

Once the House reapportionment plan receives Senate approval, it must stand the scrutiny of the Kansas Supreme Court, which ordered the reapportionment and has retained jurisdiction.

Population of the districts ranges from 15,609 to 19,521 but 122 of the 125 districts have a range between 16,000 and 19,000.

The committee which worked out the redistricting of the state had been faced with a monumental task. It was one which meant cutting through county lines. Counties which for more than a century had enjoyed their own representatives had to be thrown in with others to meet the population requirements.

It was a history-making move. With it control passes from the rural areas of the state to the urban centers.

Through the years the leadership which came from rural Kansas has been sound and stable. With control now passing from these hands into domination by the cities, will this same high type of leadership continue? It is a challenge that urban legislators must accept.

The House, having done a commendable job, must now await word from the court on whether it is acceptable. It will be the first time in wee

least members of the reapportionment committee will feel like relaxing.

House Agrees Senators Roll On To Put School To End of Session Plan on Ballot

By JACK COFFMAN

The on again, off again education amendment to the state Constitution finally made it onto the ballot.

By a vote of 95 to 19, the House today approved minor Senate changes and gave it final endorsement by the necessary two-thirds margin.

This action is seen as removal of the last stumbling block to adjournment today.

Only brief explanation preceded the voting on the amendment which has consumed literally hours of legislative time the last two weeks.

Thought Dead Monday

On Monday, the education amendment failed to gain the necessary two-thirds margin in the House and was considered dead.

The following day it was revived and reconsidered. The Senate backed away from changes it had made and the measure finally breezed through.

The proposed amendment calls for creation of a 10-member elected state board of education and elimination of the elected offices of superintendent of public instruction and county school superintendents.

The announced aim of the amendment is to streamline state supervision of public education in Kansas and to promote a closer coordination of vocational education with the rest of the program.

Little Left to Do

All that remains today is House approval of minor Senate changes in the House reapportionment bill and a list of local minor matters.

The only possible tangle could come over two proposed changes in the foundation finance plan, part of a package agreed upon by the two houses for expanding the subject matter of the special session.

The remaining legislation is expected to whisk through the Legislature on an emergency basis. The Legislature has been in special session since Feb. 15.

Begins Clearing Calendar

In brisk action the House then proceeded to give final passage to several of the minor measures left on the calendar.

An end to the session was predicted for late this afternoon.

The House approved several measures given swift okay in the Senate early in the day and sent them to the governor.

The Kansas Senate set the stage for adjournment of the special session with a relaxed morning meeting today during which it passed 11 bills.

Senate leaders said they were set to introduce the adjournment resolution when the upper chamber reconvened at 1:30 p.m.

There was no debate and little discussion of the 11 measures passed by the Senate Wednesday.

Foremost among them was a bill changing provisions in the School Foundation Finance Act and legislation authorizing the gift of land at Kansas State University to the federal government for a U.S. Grain Marketing Research Center.

The Senate also passed one House bill Wednesday, a measure that changes Kansas election laws to provide for the multicounty representative districts enacted by the New House reapportionment bill.

Under existing state election statutes, there is no provision for handling some of the mechanics of running for office from a representative district with more than one county.

On Ballots and Vacancies

The election changes pertain to placement of candidates' names on the ballot, the filling of vacancies and campaign expenses.

A minor change in the House election bill was made by the Senate, requiring the measure to be returned for an agreement between the two houses.

There were two Foundation Act changes.

One repeals the May 10 deadline for filing an appeal from the 104 per cent budget limitation.

The other softens penalties assessed against school districts which overestimate their enrollment and levy too high a local tax to support the estimate.

Instead of being penalized for the amount budgeted, the schools

now would be penalized only for the amount they actually spend.

The K-State land transfer bill re-enacts a measure passed during the budget session.

Sen. Charles Arthur, R-Manhattan, said the attorney general has ruled the bill was unconstitutional because it was passed by the budget session.

Other bills passed Wednesday by the Senate would:

- Allow school districts along the Kansas border to pay up to \$15 a week in transportation and tuition costs for pupils living in the district but attending out of state schools.

- Allow Waterville High School in Marshall County to use the \$25,000 annual income from a bequest without affecting its Foundation Act entitlement.

- Allow Downs to issue up to \$250,000 in bonds to improve its sewer system so a local industry can expand.

- Allow the city of Osborne to turn over its hospital to Osborne County to operate.

- Ratify the Arkansas River Basin Compact between Oklahoma and Kansas.

- Re-enact authority for townships in Wyandotte County to issue bonds for construction of water distribution systems.

- Eliminate the need to list liens against farm crops from real estate abstracts.

- Amend the Police and Firemen's Pension Act of 1965 to prohibit the men from receiving both a disability and a retirement payment. They could receive only one or the other.

Proposed Amendment to Travel Rocky Road

School Row Far From Over

By ROGER MYERS

There's still a long, hard road ahead for the proposed constitutional amendment on education. A number of potential roadblocks could spring up even before it comes to the next major bridge it must cross — the November general elections.

At least one state-wide school organization has expressed dissatisfaction with the proposed amendment and might decide to actively oppose it.

Approval by the voters this fall would guarantee the amendment's success, but would only set the stage for squabbles that are sure to develop over how it should be implemented.

Despite legislative criticism of the amendment's alleged detail, it is a broad and general piece of legislation that needs statutory refinement and explanation.

These problems and unanswered questions about how the amendment, if approved, is to be put in effect, are common to most constitutional proposals.

They always require enabling statutes from the Legislature and this one probably doesn't have any more than its fair share, especially for a proposal of such wide effect.

Controversies in which the amendment was embroiled during the budget and special sessions of the 1966 Legislature are misleading.

Few quibbled with the basic need for such a constitutional overhaul.

Most of the debate and dissension centered on one provision in the amendment — that is, whether the State Board of Education should be elected or appointed.

Stalwarts and diehards on both sides of the question almost debated the amendment to death and at one point during the special session actually killed the proposal.

It was revived the next day, however, and hustled through to final adoption.

The amendment finally approved for submission to the voters contains provisions for an elected State Board of Education.

Because of this elective proviso, the amendment could not go into effect until 1969.

Could Run in '68

The State Board could not be elected this year because the question has not yet been decided by the voters. The next year in which they could run for election is 1968 and the first year State Board members could take office is 1969.

It would be up to the Legislature — in its 1967 session if the amendment passes — to prescribe details on how the State Board of Education will be elected.

According to terms of the amendment, the Legislature must create 10 special districts across the state, each composed of four state senatorial districts.

Once this apportionment is decided, the lawmakers must establish election machinery for the State Board candidates.

Filing Fee Amount

This includes such details as the amount of the filing fee, the place for filing, provisions for filling vacancies, how the names are to be listed on the ballot and a myriad of other, and as yet unknown, details.

The Legislature also must decide whether the State Board will run for two-, four- or six-year terms. The amendment is silent on this matter.

Another problem to be solved is establishment of overlapping terms for the first State Board that is elected. The amendment specifically calls for overlapping terms in office and directs the Legislature to set it up.

One knotty problem will be defining the duties of the elected State Board.

The amendment would give it authority over all public education below the college and university level. This includes jurisdiction over Community Vocational-Technical Schools and junior colleges.

Areas Jealous

Areas with vocational schools and jocos are jealous of their local autonomy in administering these facilities, and presently are responsible to separate state commissions.

If the amendment is approved by the voters, the State Board of Education will be the ultimate power.

The Legislature would have to exercise considerable tact in transferring jurisdiction from the State Board of Vocational Education and local junior college officials to the State Board of Education.

Another problem to be dealt with later is perfection of qualifications for the commissioner of education which the amendment would establish.

It's unknown at this point whether the Legislature will prescribe the duties and qualifications of the commissioner, but it's a likely task for the lawmakers.

As the State Board of Education's executive officer and full-time servant, he would carry out the policies of the policy-making body.

Might Set Salary

One important criteria the Legislature might set for the commissioner of education is his salary.

The amendment also spells out the basis for establishment of a State Board of Regents. This group, which received complaints from almost everyone during consideration of the proposed amendment, would be subject to some rules and regulations developed by the Legislature.

The amendment provides for a nine-member Board of Regents to be appointed by the governor—provisions similar to the present law.

The State Board of Regents would have control and supervision over public institutions of higher education.

These institutions are defined as colleges and universities granting baccalaureate (bachelors) or postbaccalaureate (masters and PhD) degrees.

This clause is the one that distinguishes between jocos and four-year universities and gives the State Board of Education authority over the junior colleges.

Distinctions Made

The proposed amendment makes some important distinctions between current statutes governing the Regents and the proposed change.

The amendment calls for one Regent from each of the state's five congressional districts with the remaining four to be appointed from the state at large.

The current law makes no such provision for geographical representation.

But, most important to the Legislature, the amendment states no two members of the Board of Regents shall reside in the same county at the time of their appointment.

This prohibition against "duplication" would have a direct future effect on Topeka because two of the city's residents, Henry Bubb and Eldon Sloan, are members of the Board.

The Legislature dislikes having two men on the Board of Regents from the same town.

If the Regents are reconstituted by the Legislature before all the present members' terms expire, one of the Topeka men may have to be eliminated to

comply with the amendment's provisions.

Most of the remaining provisions in the proposed amendment restate the existing Education Article, or lend legality to practices that have been under way a number of years.

For example, the amendment would authorize local school boards, mentioned for the first time in a Kansas Constitution, could enter into cooperative agreements with other boards under general supervision of the State Board of Education.

Many local school boards already have such agreements, many in connection with vocational-technical schools, and this clause would provide them with specific constitutional blessing.

Important Change

Another technical, but important, change the amendment would make concerns the charging of tuition by state institutions of higher education.

These schools presently charge tuition, but must label them as fees because of existing constitutional prohibitions against charging tuition at state-supported institutions.

This technicality has generated some controversy in the past from people who contend it's unconstitutional to charge tuition by whatever name it is called.

Changing the label should end the hypocrisy of charging fees without calling them tuition.

Several state-wide organizations lost much of their enthusiasm for the proposed amendment when provisions for electing the State Board were written into the amendment.

Decision for KSAB

One was the Kansas Assn. of School Boards, with representatives from 300 local boards across the state including all the major city Boards of Education.

The KSAB very much wanted an education amendment but wanted an appointed State Board just as strongly.

This position has left them at odds with a proposal of great potential value to education in Kansas and they will meet soon to determine if the KSAB should oppose, stay mute or work in support of the amendment.

Dr. Marion McGhehey, executive secretary of the KSAB, said the organization's legislative committee will meet March 18 and 19 in Wichita to try and grind out a recommendation.

Following that meeting, the KSAB will hold regional meetings in nine Kansas cities to get a consensus of rank and file members.

Delegate Assembly

In May, the KSAB will have a delegate assembly meeting and take its formal position on the amendment.

The organization is knowledgeable and powerful. Its stand could have a real effect on the amendment's fate.

Another organization that was disappointed with elective provisions for the State Board was the State Federation of Labor.

Floyd Black of Topeka, executive secretary of the State AFL-CIO, was a member of the citizens' advisory committee that drafted the amendment originally.

He strongly favors an appointive State Board of Education.

But, he indicates his 95,000-member organization will receive a recommendation to vote for the amendment this November even with its distasteful elective state board provisions.

"In view of the serious need or the amendment," Black

said, "I'm pretty sure we'll go along with it in hopes that later it can be amended to provide for an appointive board if the elective board should prove unsatisfactory."

COPE to Act

The State Federation's political education arm, the Committee on Political Education (COPE), will meet following the filing date of June 20 and after the state primary election in August to make its endorsement of candidates.

Black said the question of supporting the amendment, opposing it or doing nothing will be presented to the COPE organization at those two meetings.

The one state-wide group that has endorsed the elective State Board provision from the start is the Kansas Congress of Parents and Teachers.

Its president, Mrs. Quentin Nelson, Chanute, said the approximately 200,000 members of her organization would be urged to work actively for approval of the amendment.

"The amendment has our wholehearted support, and we plan an educational program to help win its passage this November," she said.

Little Need

There apparently was little question about the need for modernization of the state's education article before the Legislature got hung up on the method of selecting the State Board of Education.

Now there's some question as to whether the voters believe a change is necessary in view of the nearly even split in opinion between lawmakers on the question.

The proposed amendment would abolish the Superintendent of Public Instruction and the 105 offices of County Superintendent of Public Instruction after Jan. 1, 1967.

How the Legislature should deal with these public officials if the amendment carries this fall is another unanswered question as of now.

A curtailment of their power or a reduction of their statutory salaries, or both, has been proposed.

It's another of the many narrow bridges the amendment must successfully cross before it can even become the subject of implementation.

Historic House Remap Measure Signed by Avery

By JACK COFFMAN

With a stroke of the pen Monday afternoon Gov. William H. Avery signed into law the historic House reapportionment bill changing a system of representation in effect since 1873.

Atty. Gen. Robert C. Londerholm quickly filed a motion in the Kansas Supreme Court asking that the reapportionment act passed in the special session of the Legislature be upheld.

Avery, in a statement following the signing, said the reapportionment of the Kansas House "could well mark the greatest impact on the complexion of state government since the adoption of the Wyandotte Constitution (present state constitution)."

The governor praised the Legislature in its adoption of the touch reapportionment plan.

"I think the Legislature acted with wisdom and courage in proceeding with the unpleasant task of reapportionment," said Avery.

"I want to pay tribute to the Speaker (State Rep. Clyde Hill, R-Yates Center) and other lead-

ers of the House for bringing about the enactment of the reapportionment measure," he said.

But the governor indicated a coolness to apportionment on a basis of population only.

"The mandate to reapportion both houses of the Legislature on a one-man, one-vote basis is not in conformity with the platform of my political party at the state or national level," said Avery.

Court Order

However, Avery said, the Legislature had no alternative but to carry out the court order.

Reapportionment will not cause drastic changes in state government, the governor predicted.

"Whereas this obviously represents a substantial geographical change in representation, I do not expect it to reflect any drastic change in the stable and progressive legislative programs that have been enacted by the Kansas Legislature throughout the years of our statehood," he said.

Legalese

Tuesday's election in Kansas provided an outstanding reason why lawyers or bureaucrats should never be allowed to write things like constitutional amendments, especially when those amendments are going to appear on ballots for people to read at election.

Tuesday, Kansas voted on three Constitutional Amendments and passed them all. One was on annual sessions of the Legislature, another on state income tax procedures and the third on the state educational setup.

The meanings and significances of all three of these items were obscured in the usual maze of governmentese that so often results from a lawyer-dominated Legislature. But the most cumbersome and ponderous when it came to just plain understanding was the educational amendment. If the voter didn't have a pretty good idea of what these three items were all about when he entered the polling booth, Heaven was about the only power that could have helped him if he tried to comprehend the situation.

The result was that a lot of people had to stand in line waiting to vote on a day when there was a record turnout and facilities were short.

There are good reasons for having full explanations of the amendments on the ballots, but either summary forms should be offered or else the amendments should be written a lot shorter and more clearly. There was just too much legalese involved.

Lawyers, bureaucrats and legislators are notorious for the way they can complicate the writing of official business and more attention should be made to presenting such things more simply.

STATE OF KANSAS

ELECTION STATISTICS

1966

Primary and
General Elections



Elwill M. Shanahan

Secretary of State

Topeka, Kansas

General Election, November 8, 1966

QUESTIONS SUBMITTED—CONSTITUTIONAL AMENDMENTS

| COUNTIES | No. 1 | | No. 2 | | No. 3 | |
|------------------|--|--|---|---|--|--|
| | For question submitted pertaining to legislature | Against question submitted pertaining to legislature | For question submitted pertaining to taxation | Against question submitted pertaining to taxation | For question submitted pertaining to education | Against question submitted pertaining to education |
| Allen..... | 2,496 | 1,151 | 1,909 | 1,482 | 2,268 | 1,374 |
| Anderson..... | 1,483 | 812 | 1,101 | 1,053 | 1,358 | 962 |
| Atchison..... | 3,199 | 1,619 | 2,376 | 2,137 | 2,889 | 2,034 |
| Barber..... | 1,298 | 752 | 960 | 963 | 1,184 | 967 |
| Barton..... | 6,236 | 2,627 | 5,064 | 3,430 | 5,451 | 3,174 |
| Bourbon..... | 2,534 | 1,836 | 1,865 | 2,279 | 2,542 | 1,862 |
| Brown..... | 2,206 | 1,000 | 1,668 | 1,319 | 1,840 | 1,295 |
| Butler..... | 6,051 | 4,414 | 4,255 | 5,807 | 4,686 | 5,956 |
| Chase..... | 714 | 459 | 551 | 550 | 588 | 600 |
| Chautauqua..... | 770 | 514 | 545 | 655 | 683 | 583 |
| Cherokee..... | 2,768 | 1,449 | 2,066 | 1,862 | 2,466 | 1,444 |
| Cheyenne..... | 718 | 319 | 495 | 461 | 783 | 319 |
| Clark..... | 695 | 352 | 521 | 455 | 516 | 551 |
| Clay..... | 2,038 | 1,106 | 1,536 | 1,351 | 1,671 | 1,361 |
| Cloud..... | 2,269 | 1,228 | 1,742 | 1,510 | 1,888 | 1,657 |
| Coffey..... | 1,224 | 911 | 932 | 1,061 | 1,044 | 1,176 |
| Comanche..... | 633 | 329 | 479 | 414 | 513 | 474 |
| Cowley..... | 6,843 | 3,096 | 5,102 | 4,316 | 6,156 | 3,831 |
| Crawford..... | 7,170 | 2,956 | 5,600 | 4,117 | 6,885 | 2,959 |
| Decatur..... | 1,031 | 573 | 774 | 735 | 765 | 772 |
| Dickinson..... | 3,882 | 1,847 | 2,952 | 2,395 | 3,216 | 2,522 |
| Doniphan..... | 975 | 695 | 713 | 820 | 950 | 820 |
| Douglas..... | 8,191 | 3,030 | 6,708 | 3,785 | 6,597 | 3,755 |
| Edwards..... | 862 | 724 | 661 | 823 | 652 | 970 |
| Elk..... | 648 | 607 | 519 | 673 | 565 | 672 |
| Ellis..... | 3,338 | 1,678 | 2,750 | 2,140 | 2,895 | 1,857 |
| Ellsworth..... | 1,363 | 888 | 1,044 | 1,090 | 1,075 | 1,095 |
| Finney..... | 2,795 | 757 | 2,239 | 1,137 | 2,663 | 901 |
| Ford..... | 3,807 | 1,753 | 2,943 | 2,332 | 3,032 | 2,443 |
| Franklin..... | 3,342 | 1,328 | 2,631 | 1,741 | 2,697 | 1,914 |
| Geary..... | 3,017 | 976 | 2,155 | 1,596 | 2,484 | 1,388 |
| Gove..... | 606 | 626 | 446 | 726 | 517 | 709 |
| Graham..... | 798 | 627 | 584 | 747 | 651 | 758 |
| Grant..... | 825 | 294 | 517 | 526 | 655 | 418 |
| Gray..... | 711 | 371 | 551 | 450 | 610 | 468 |
| Greeley..... | 362 | 126 | 285 | 177 | 400 | 162 |
| Greenwood..... | 1,666 | 1,081 | 1,247 | 1,349 | 1,393 | 1,386 |
| Hamilton..... | 435 | 250 | 302 | 322 | 446 | 287 |
| Harper..... | 1,442 | 864 | 1,023 | 1,150 | 1,199 | 1,174 |
| Harvey..... | 5,071 | 2,644 | 3,825 | 3,584 | 4,181 | 3,707 |
| Haskell..... | 577 | 269 | 423 | 372 | 515 | 364 |
| Hodgeman..... | 449 | 370 | 330 | 444 | 344 | 474 |
| Jackson..... | 1,858 | 1,059 | 1,359 | 1,342 | 1,689 | 1,397 |
| Jefferson..... | 1,698 | 975 | 1,311 | 1,294 | 1,445 | 1,296 |
| Jewell..... | 1,148 | 814 | 804 | 1,017 | 891 | 1,118 |
| Johnson..... | 38,472 | 9,335 | 30,188 | 16,029 | 34,269 | 12,656 |
| Kearny..... | 623 | 210 | 478 | 316 | 565 | 282 |
| Kingman..... | 1,410 | 1,093 | 977 | 1,388 | 1,455 | 1,297 |
| Kiowa..... | 883 | 462 | 685 | 559 | 733 | 658 |
| Labette..... | 4,534 | 1,738 | 3,522 | 2,368 | 4,215 | 1,819 |
| Lane..... | 585 | 300 | 456 | 376 | 492 | 411 |
| Leavenworth..... | 5,666 | 2,826 | 4,315 | 3,794 | 4,589 | 2,946 |
| Lincoln..... | 769 | 730 | 538 | 861 | 586 | 928 |
| Linn..... | 1,394 | 548 | 1,041 | 723 | 1,446 | 620 |
| Logan..... | 681 | 457 | 482 | 596 | 626 | 576 |

General Election, November 8, 1966

QUESTIONS SUBMITTED—CONSTITUTIONAL AMENDMENTS—CONCLUDED

| COUNTIES | No. 1 | | No. 2 | | No. 3 | |
|--------------|--|--|---|---|--|--|
| | For question submitted pertaining to legislature | Against question submitted pertaining to legislature | For question submitted pertaining to taxation | Against question submitted pertaining to taxation | For question submitted pertaining to education | Against question submitted pertaining to education |
| Lyon | 5,497 | 2,059 | 4,378 | 2,744 | 4,596 | 2,825 |
| Marion | 2,335 | 1,062 | 1,710 | 1,408 | 1,968 | 1,516 |
| Marshall | 2,422 | 1,803 | 1,740 | 2,184 | 2,154 | 2,033 |
| McPherson | 4,540 | 1,942 | 3,584 | 2,582 | 3,892 | 2,744 |
| Meade | 897 | 394 | 670 | 562 | 804 | 505 |
| Miami | 2,757 | 1,651 | 2,027 | 2,168 | 2,419 | 1,904 |
| Mitchell | 1,487 | 1,013 | 1,113 | 1,301 | 1,269 | 1,321 |
| Montgomery | 7,097 | 4,206 | 4,962 | 5,808 | 6,794 | 4,066 |
| Morris | 1,395 | 809 | 1,026 | 1,023 | 1,259 | 1,049 |
| Morton | 614 | 348 | 441 | 444 | 534 | 431 |
| Nemaha | 1,884 | 1,502 | 1,434 | 1,745 | 1,597 | 1,843 |
| Neosho | 3,303 | 1,588 | 2,574 | 2,044 | 3,166 | 1,759 |
| Ness | 967 | 605 | 708 | 772 | 812 | 839 |
| Norton | 1,389 | 863 | 929 | 1,175 | 998 | 1,222 |
| Osage | 2,066 | 1,460 | 1,450 | 1,838 | 1,562 | 1,993 |
| Osborne | 1,158 | 830 | 805 | 1,010 | 933 | 1,090 |
| Ottawa | 933 | 844 | 636 | 1,047 | 837 | 961 |
| Pawnee | 1,754 | 968 | 1,506 | 1,135 | 1,537 | 1,248 |
| Phillips | 1,493 | 903 | 1,086 | 1,133 | 1,264 | 1,134 |
| Pottawatomie | 1,888 | 1,116 | 1,413 | 1,364 | 1,650 | 1,442 |
| Pratt | 2,084 | 1,088 | 1,597 | 1,387 | 1,966 | 1,240 |
| Rawlins | 776 | 413 | 529 | 558 | 655 | 513 |
| Reno | 10,120 | 5,512 | 8,062 | 6,767 | 9,134 | 6,925 |
| Republic | 1,679 | 1,150 | 1,164 | 1,487 | 1,588 | 1,368 |
| Rice | 2,640 | 1,465 | 2,060 | 1,730 | 2,168 | 1,774 |
| Riley | 6,405 | 1,921 | 5,139 | 2,743 | 5,641 | 2,668 |
| Rooks | 1,295 | 886 | 928 | 1,110 | 988 | 1,158 |
| Rush | 1,013 | 705 | 769 | 868 | 802 | 892 |
| Russell | 2,113 | 984 | 1,592 | 1,326 | 1,881 | 1,244 |
| Saline | 7,104 | 3,286 | 5,365 | 4,513 | 5,671 | 4,662 |
| Scott | 866 | 429 | 636 | 586 | 787 | 566 |
| Sedgwick | 37,058 | 24,415 | 27,539 | 32,353 | 30,843 | 30,314 |
| Seward | 2,429 | 896 | 1,856 | 1,328 | 2,102 | 1,243 |
| Shawnee | 22,919 | 13,922 | 18,789 | 17,718 | 19,222 | 17,707 |
| Sheridan | 616 | 522 | 404 | 638 | 393 | 814 |
| Sherman | 1,373 | 710 | 998 | 964 | 1,176 | 945 |
| Smith | 1,157 | 976 | 768 | 1,187 | 890 | 1,184 |
| Stafford | 1,404 | 773 | 1,121 | 949 | 1,134 | 1,145 |
| Stanton | 453 | 210 | 326 | 286 | 425 | 284 |
| Stevens | 735 | 473 | 526 | 621 | 623 | 605 |
| Sumner | 4,283 | 2,277 | 3,155 | 3,074 | 3,866 | 2,733 |
| Thomas | 1,392 | 642 | 1,059 | 868 | 1,133 | 928 |
| Trego | 695 | 595 | 532 | 695 | 636 | 636 |
| Wabaunsee | 1,171 | 707 | 829 | 895 | 973 | 1,079 |
| Wallace | 379 | 232 | 286 | 268 | 365 | 240 |
| Washington | 1,469 | 1,024 | 1,058 | 1,259 | 1,211 | 1,388 |
| Wichita | 479 | 219 | 375 | 272 | 434 | 301 |
| Wilson | 2,195 | 1,144 | 1,519 | 1,566 | 1,975 | 1,350 |
| Woodson | 829 | 575 | 618 | 686 | 708 | 656 |
| Wyandotte | 11,213 | 4,401 | 8,395 | 6,455 | 10,051 | 4,941 |
| Totals | 331,479 | 168,382 | 252,731 | 223,643 | 286,400 | 211,027 |

Article 6.—EDUCATION

§ 1. Schools and related institutions and activities. The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.

§ 2. State board of education and state board of regents. (a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law.

(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or postbaccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

(c) Any municipal university shall be operated, supervised and controlled as provided by law.

§ 3. Members of state board of education and state board of regents.

(a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

(b) The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.

(c) Subsequent redistricting shall not disqualify any member of either board from service for the remainder of his term. Any member of either board may be removed from office for cause as may be provided by law.

§ 4. Commissioner of education. The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer.

§ 5. Local public schools. Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state board of education, but such agreements shall be subject to limitation, change or termination by the legislature.

§ 6. Finance. (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.

§ 7. Savings clause. (a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, 1969.

(b) Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.

(c) The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and income, to the support of the public schools supervised by the state board of education.