

Approved April 13, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Rick Bowden at
Chairperson

3:30 ~~am~~ p.m. on March 28, 1991 in room 519-S of the Capitol.

All members were present except:

All Present

Committee staff present:

Avis Swartzman, Revisor of Statutes Office
Ben Barrett, Legislative Research
Dale Dennis, Kansas Department of Education
Donna Luttjohann, Secretary to the Committee

Conferees appearing before the committee:

Chairman Bowden opened the meeting at 3:30 p.m. Rep. Hensley motioned to pass HB 2333 favorably out of committee. It was seconded by Rep. Harder. Motion carried. Discussion was again opened on SB 26. Rep. Jones made the motion to pass the bill favorably out of committee. It was seconded by Rep. Lahti. A substitute motion by Rep. Crumbaker was made to take out the provision in Section 7, Sub-section G-1, of the bill, removing the 3/5th's provision. Rep. Jennison seconded the motion. The motion failed with 6 for and 16 against. Rep. Crumbaker then motioned to phase in the definition of wealth to include 75%, 50% and 24% over three years. It was seconded by Rep. Jennison. The motion failed with a vote of 5 for and 17 against. On the motion of Rep. Jones, the bill passed favorably out of committee, unamended on a vote of 12 for and 10 against. Recorded as voting no are Rep. Lane, Ramirez, Blumenthal, Benlon, Jennison, Amos, Empson and M. Smith.

The Chairman then opened the hearing for SB 107. Mark Tallman, KASB was the first proponent of the bill. He stated that this program provides incentives and that KASB does not object to the amendments made by the Senate. (Attachment 1)

Jerry Henderson, USA, stated that his organization was in favor of the bill in order to continue to do innovative teaching. (Attachment 2)

Comments were made by Craig Grant, KNEA, in saying that his organization was frustrated with the program itself by not funding it properly and changing the rules from the beginning. (Attachment 5)

The hearing was closed on SB 107 and HCR 5019 was opened for hearing.

Pat Baker, KASB, was the first proponent of the bill. She made note of a typographical error in her written testimony. She stated that the bill gives the opportunity to provide flexibility. (Attachment 3)

Jerry Henderson, USA, was the next proponent of the bill. He said the bill would enable people to be able to be paid for what they offer students. (Attachment 4)

Offering comments was Craig Grant, KNEA. He disagreed with page 1, line 41 saying they thought the schools were now able to bring in people to help and teach their expertise. KNEA feels however, that a certified teacher should remain in charge. (Attachment 6)

Connie Hubbell, Kansas Board of Education, was opposed to the bill. She said they support the concept, but that the bill conflicts with another statute. (Attachment 7)

Hearings on HCR 5019 were closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

room 519-S, Statehouse, at 3:30 XXX a.m./p.m. on March 28, 99.

Discussion on SCR 1613 took place. Rep. Wiard made the motion to pass the bill out of committee and place it on the consent calendar. It was seconded by Rep. Pottorff. Motion carried.

Discussion on SB 48 took place. On motion by Rep. Empson to pass the bill favorably out of committee and to place it on the consent calendar was seconded by Rep. Hackler. Motion carried.

Discussion on SB 122 took place. Rep. Harder motioned to pass it favorably out of committee and place it on the consent calendar. It was seconded by Rep. Amos. Motion carried.

Reference was made by Chairman Bowden, to the minutes handed out for March 21, 25 and 20. On motion by Rep. Jones and second by Rep. Hackler, the motion carried to approve the minutes.

The meeting adjourned at 5:14 p.m. with the next meeting scheduled for Friday, March 29, 1991 in room 519-S on adjournment of the House.

DATE March 28, 91
3:30 pm.

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Pat Baker	KASB	Topeka
Rep. Don Reynolds	Leg	
Dan Hermos	DOB	Topeka
John Marshall	Harris News Service	Topeka
Red Bickel	KSDE	Topeka
Nancy P. Green	KSDE	Topeka
John Perez		Lakin, Ks
Karen Perez		LAKIN, KS
Helen Naydlett		Lakin, Ks
Gerald Henderson	USA JKs	Topeka
Craig Grant	H-NEA	Topeka
Kay Allen	KNFA	Topeka
Mark Tallman	KASB	Topeka
Robin Nichols	USD 259	Wichita
Jim Ludwig	KPL	Topeka
Jeff Thomas	Leg	Topeka
Whitney Danner	Copper Co. Coalition	Topeka
Jerry (Lawrence)	KGE	LAWRENCE
Trey Han	Internship	Olathe
Ken Baker	4th District USD's	Topeka
TREVA POTTER	PEOPLES NAT. GAS	"
Marshall Clark	KEC	Topeka
Bonnie Koch	Wichita Chamber	Wichita
David Symonick	Washburn	Topeka
Dan Haas	KCPK	Overland Park
John Koepke	KASB	Topeka

**KANSAS
ASSOCIATION**



**OF
SCHOOL
BOARDS**

5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

**Testimony on S.B. 107
before the
House Committee on Education**

by

**MARK TALLMAN
Coordinator of Governmental Relations**

Kansas Association of School Boards

March 28, 1991

Mr. Chairman, members of the committee, I appreciate the opportunity to express the views of Kansas school boards on SB 107, which would encourage the development of cooperative and interlocal agreements for the educational excellence grant program.

As long as funding for educational programs is limited, schools must make the most efficient use of every dollar available to them. In many instances, cooperative or interlocal agreements are effective ways to maximize resources, and it seems logical to extend this principle to the grant program. SB 107 would encourage cooperation among districts, without discriminating single district grants when appropriate.

KASB supports the passage of SB 107, and urge you to report it favorably.

HOUSE EDUCATION
Attachment 1
March 28, 1991



SB 107

March 28, 1991

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas

Mister Chairman and members of the committee. United School Administrators of Kansas supports **SB 107** as amended. The Educational Excellence Grant Program is a good vehicle for encouraging districts to try innovative teaching/learning strategies. We would encourage the committee to keep the program on course.

Our one concern is that the program needs to be funded at a level which fosters sufficient interest to warrant completing the necessary application. We are supportive of the amendment made in the senate committee which speaks to keeping districts of all sizes on somewhat a level playing field.

SB107/gwh

HOUSE EDUCATION
Attachment 2
March 28, 1991



Testimony on HCR 5019
before the
House Committee on Education

by

Patricia E. Baker
Associate Executive Director/General Counsel
Kansas Association of School Boards

March 28, 1991

Mr. Chairman, Committee members, thank you for the opportunity to appear in support of HCR 5019.

As we strive to improve our schools and the performance of our students, it is important to be able to reach into our communities for involvement and assistance.

Under current accreditation requirements, some schools are hampered in their ability to use knowledgeable and talented people even on a "special" basis to educate students.

Skilled technicians, musicians, governmental officials, artists are often willing to share their knowledge and expertise with students in our schools. We want to be able to encourage them and to take advantage of the enrichment they might offer.

We do not in any way see the provisions of HCR 5019 as replacing our certificated classroom teachers. They are and will remain the mainstay of a system of public instruction. Our students cannot only benefit from the combination of trained instructors and others from the fields of the arts, business and industry.

Thank you.

HOUSE EDUCATION
Attachment 3
March 28, 1991



HCR 5019

March 28, 1991

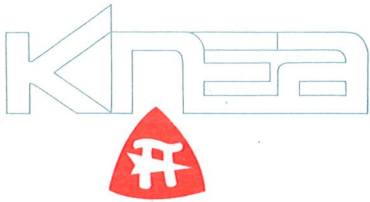
Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas

Mister Chairman and members of the committee. United School Administrators of Kansas has been supportive of nearly every measure introduced during this session which would serve to enhance learning opportunities for Kansas students. While we believe that schools can under current regulations bring assistant or surrogate teachers to classrooms without jeopardizing school accreditation, we support this attempt to encourage such practice and to remove any accreditation barriers if such exit.

We do not believe that this resolution in any way suggests that teaching is not an exacting profession. Nor do we believe that this measure in any way suggests that those in charge of our state's classrooms not be highly trained and skilled professional educators. We view this resolution as a means to enhance the learning process, and as such we encourage you to recommend it favorably for passage.

HCR5019/gwh

HOUSE EDUCATION
Attachment 4
March 28, 1991



Craig Grant Testimony Before The
House Education Committee
Thursday, March 28, 1991

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate the opportunity to make comments on SB 107.

The reason I am asking to make comments on this bill is not because K-NEA opposes the concept of school district cooperation in educational excellence grant programs. Our concern stems from the frustrations of adding one more hurdle to an already under-funded program.

Let me try to explain. As the bill first was conceptualized, there was to be a pool of money that districts could apply for to help them fund innovative programs to help improve education. Immediately we added an "at-risk" component to the bill. The conservative estimate of dollars needed was \$10 million - $\frac{1}{2}$ in each component. That year we funded and today we continue to fund less than 25% of that amount. As a result, the following problems have occurred:

1. Only one-third of the applications are funded (probably $\frac{1}{2}$ of those which would have qualified; and
2. Districts granted funding for one year have had the funding pulled from them the second year so programs had to be curtailed or discontinued.

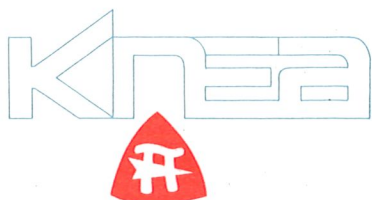
The second year we better defined the program to make sure that elementary as well as secondary would qualify. That encouraged more applications, but we did not increase the money. We then added a criteria to consider that districts should try to develop school-business partnerships. This was a good idea--but we still kept the funding down.

Now we are going to give priority consideration to those districts who work together. Even though the section says that individual plans will not be disparaged or denied, but we know that the language will cause many

programs of individual districts to either be disapproved or be changed to comply with the intent. Yet we still won't fund the program. If we want a special appropriation for 2-way interactive video, we should have a line for that area. Now we may have a bill to give special consideration to three and four year old "at risk" youth. It is no wonder some districts feel they are being yanked by a chain toward whatever the popular fad is today. If we had state education goals and would fund programs which head in those directions, we would do a better job meeting the needs of education in this state.

What we are most worried about is that this program, well conceived and needed in our state, is becoming the "catch all" for funding programs that cannot get funding in other means. We need more money and consistent direction to this program.

Thank you for listening to the concerns of our members.



Craig Grant Testimony Before The
House Education Committee
Thursday, March 28, 1991

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to make some comments on HCR 5019.

It would be impossible to oppose the goal which we read into HCR 5019, which appears to us to be the increased usage of community resource people with unique skills and knowledge in our schools. Kansas-NEA is certainly in agreement with that; however, a resolution encouraging better utilization would have been sufficient.

Frankly, we do not believe a change in school accreditation requirements are necessary to bring "outside" people into our schools. In other words, we disagree with the paragraph on page 1 starting on line 41 and extending to page 2. Teachers and administrators are now able and certainly do bring outside resources into the classroom. My wife teaches 6th grade science and health in Lawrence. She's had policemen talk about drug abuse; she had a veterinarian in her class to help students dissect a cow's heart; she has had parents talk to the class about a number of science and health related matters. There have been no repercussions from using these people without formal teacher preparation training. As long as the certified person is in effect in charge of the class and responsible, there seems to be no limitations to the expertise which can be brought into our classrooms. (As an aside, my wife has even brought in a certain state senator--certainly not trained as a teacher to talk to the class.)

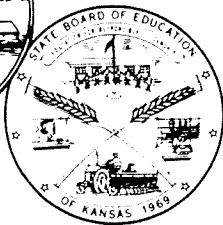
If the goal is, on the other hand, to bring in "assistant or surrogate teachers" to take complete charge of a class, then we have some problems with this practice of allowing uncertified personnel to be teachers in our schools. I cannot imagine that an organization which introduced a bill

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which would require home schools to utilize certified teachers would depart from that principle so dramatically in this measure.

So since we have rejected the second goal as the real desire, Kansas-NEA believes that a change in HCR 5019 is needed to accurately reflect the initial goal. Lines 40-43 on page 1, plus line 1 on page 2, should be eliminated and lines 6-10 should be revised to request that "the State Board of Education develop, in conjunction with local school districts and business interests, a list of community resource people along with their expertise and to share that list with all Unified School Districts so that those resources can be utilized by the professional educators in Kansas to improve the instruction given to students."

With those changes, which would better clarify what the intent either is or should be, Kansas-NEA would move rapidly to the proponent side of HCR 5019. Thank you for listening to our concerns.



Kansas State Board of Education

Kansas State Education Building (913) 296-3203

120 East 10th Street Topeka, Kansas 66612-1103

Mildred McMillon
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

I. B. "Sonny" Rundell
District 5

Wanda Morrison
District 7

Timothy R. Emert
District 9

Paul D. Adams
District 3

Gwen Nelson
District 10

March 28, 1991

TO: House Education Committee

FROM: State Board of Education

SUBJECT: House Concurrent Resolution 5019

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before the Committee on behalf of the State Board.

The State Board of Education wants to briefly review the current regulation governing individuals who have not completed teacher education programs. The Board has recognized that there are many people within the community that can support the classroom teachers. For example, physicians, cattlemen, architects, engineers, legislators, and publishers may be utilized by the school district to assist the teacher in the classroom.

The current regulation requires that a certified teacher must supervise classroom activities while outside professionals are providing information. For example, there are some school districts that utilize a newspaper publisher to provide information one day a week to a journalism course or in other appropriate areas. A physician may assist teachers in areas such as human sexuality and AIDS education or other health related areas. It is not uncommon for a teacher to request the assistance of an attorney on issues dealing with the Constitution, school law, and other areas in which the class may benefit from the attorney's knowledge and experience.

You should also be aware that most certified vocational positions do not require the completion of a teacher education program. For example, an experienced child-care professional can, under existing regulations, be certified to teach in a vocational home economics occupational program. Experienced carpenters, electricians, cosmetologists, and welders can be endorsed to teach approved vocational programs upon completion of a trade competency test and a 30-contact hour beginning vocational teachers workshop.

The State Board of Education wholeheartedly supports the utilization of persons to share their knowledge and experience with the students of this state and will continue to review accreditation requirements as it implements the new quality performance accreditation (outcomes based accreditation) program. However, the State Board opposes any proposal to require its regulations to be inconsistent with existing state statutes.

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before September 15 in each school year for which the policy is to be in effect.

(c) If the board of any school district, or its designee, shall determine that inclement weather will cause hazardous driving conditions, the board, or its designee, may close any or all of the schools within the district. The amount of time pupils have been in attendance when such determination is made shall be considered a school day of a school term under the provisions of subsection (a) and shall be considered the number of school hours designated in any policy adopted under the provisions of subsection (b) for pupils to be in attendance at school in a day. Consonant with the provisions of subsection (a) or subsection (b), whichever is applicable, a board may schedule any number of days or hours in excess of the regularly scheduled school days or school hours which the board determines will be necessary to compensate for those school days or school hours that schools of the district will remain closed during the school term due to hazardous driving conditions. If the number of days or hours schools remain closed due to hazardous driving conditions exceeds the number of days or hours scheduled by the board to compensate for such school days or school hours, the excess number of days or hours, not to exceed whichever is the lesser of (1) the number of compensatory days or hours scheduled by the board or (2) five days or the number of school hours regularly scheduled in five days, that schools remain closed due to such conditions shall be considered school days or school hours.

(d) The state board of education may waive the requirements of law relating to the duration of the school term upon application for such waiver by a school district. Such waiver may be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions have existed in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with statutory requirements. Such waiver shall not exempt a school district from providing a school offering for each pupil which is substantially equivalent to that required by law.

(e) Time reserved for parent-teacher

conferences for discussions on the progress of pupils may be considered part of the school term.

(f) Time reserved for staff development or inservice training programs for the purpose of improving staff skills, developing competency in new or highly specialized fields, improving instructional techniques, or curriculum planning and study may be considered part of the school term for an aggregate amount of time equal to the amount of time in excess of the school term which is scheduled by a board of education for similar activities.

(g) Boards of education may employ noncertificated personnel to supervise pupils for noninstructional activities.

History: L. 1876, ch. 122, art. 5, § 2; R.S. 1923, 72-1106; L. 1943, ch. 248, § 38; L. 1957, ch. 384, § 1; L. 1969, ch. 314, § 1; L. 1975, ch. 366, § 1; L. 1975, ch. 367, § 1; L. 1976, ch. 309, § 1; L. 1977, ch. 243, § 1; L. 1978, ch. 288, § 1; L. 1979, ch. 221, § 8; L. 1980, ch. 217, § 1; L. 1982, ch. 293, § 1; L. 1984, ch. 261, § 6; L. 1984, ch. 262, § 2; July 1.

Source or prior law:

L. 1869, ch. 86, § 16.

Cross References to Related Sections:

Certificated employees to have valid certificate, see 72-1390.

CASE ANNOTATIONS

1. Payments to teachers under oral contracts for extra work held valid. *Joint Consolidated School Dist. v. Johnson*, 166 K. 636, 639, 203 P.2d 242.

2. Statute is of general application; to be considered with K.S.A. 1965 Supp. 72-4801. *State v. Garber*, 197 K. 567, 571, 419 P.2d 896.

3. Proposal to establish committee to make recommendations as to in-service education is mandatorily negotiable. *Chee-Craw Teachers Association v. U.S.D.* No. 247, 225 K. 561, 570, 593 P.2d 406.

4. Cited in appeal of determinations of whether certain bargaining proposals mandatorily negotiable. *NEA-Parsons v. U.S.D.* No. 503, 225 K. 581, 582, 593 P.2d 414.

72-1106a.

History: L. 1973, ch. 280, § 1; Repealed, L. 1974, ch. 292, § 1; March 22.

72-1106b. School term; exceptions not to affect employee contracts; immunity from liability for boards of education. Exceptions to the duration of the school term provided for under authority of K.S.A. 72-1106, shall not be construed or applied in any manner so as to affect or impair the obligations of lawful contracts of employees for the school

(c) The privilege to teach at any level or in any field or subject, if such privilege is or has been granted when a certificate is issued, may not be withheld during the term for which the certificate is issued except as provided in K.S.A. 72-1383 or 72-5412, and amendments to such sections.

History: L. 1947, ch. 362, § 1; L. 1969, ch. 317, § 4; L. 1984, ch. 264, § 1; L. 1985, ch. 238, § 1; July 1.

Source or prior law:

72-1358, 72-1378.

Cross References to Related Sections:

Law relating to rules and regulations, see article 85 of chapter 72, 72-1383 and 72-5412.

72-1389. Signature and registration of certificates. All teachers' certificates shall, before issuance, be signed by appropriate personnel of the state department of education designated by the state board of education and such certificates shall be registered in the state department of education. The provisions of this act [*] shall not invalidate teachers' certificates that have been duly issued prior to the effective date of this act [*].

History: L. 1947, ch. 362, § 2; L. 1969, ch. 317, § 5; April 25.

* "This act," see, also, 72-1381, 72-1383, 72-1387, 72-1388, 72-1390, 72-5410, 72-5412.

Source or prior law:

72-1338, 72-1370.

72-1390. Payment of salaries unlawful, when. It shall be unlawful for the board of education of any school district to issue an order for payment of the salary of any certificated employee who does not hold a certificate which is valid in the state of Kansas for the particular kind of work to be performed.

History: L. 1947, ch. 362, § 3; L. 1969, ch. 317, § 6; April 25.

Source or prior law:

72-1356, 72-1376.

Cross References to Related Sections:

Personnel for noninstructional activities, see 72-1106.

72-1391.

History: L. 1951, ch. 395, § 22; Repealed, L. 1969, ch. 317, § 9; April 25.

72-1392. Student teaching certificates; contracts for student teachers; cost. The board of education of any school district

may enter into contracts with colleges and universities for the use of student teachers in the public schools. The state board of education, by rules and regulations, shall provide for the issuance of student teaching certificates and may authorize persons holding such student teaching certificates to assume responsibilities of teachers in schools within limitations prescribed by the state board. Student teaching certificates shall be issued without the charge of any fee or cost by the state board of education.

History: L. 1970, ch. 278, § 1; L. 1971, ch. 226, § 1; July 1.

72-1393. Prohibition from adoption of certain rules and regulations concerning certification of administrators, teachers or instructors or conditions of employment at two-year colleges or community junior colleges. The state board of education is hereby prohibited from adopting rules and regulations which require certification of administrators, teachers or instructors in any two-year college or in any public community junior college or which require any such administrators, teachers or instructors to meet any other conditions for qualification for employment in any such two-year college or public community junior college. From and after the effective date of this act, any requirements in any rules and regulations adopted by the state board of education which conflict with the prohibition prescribed in this section shall be null and void.

History: L. 1975, ch. 360, § 2; L. 1975, ch. 359, § 2; April 11.

72-1394. Examination for certification; duties of state board; confidentiality; availability of specifications and results. (a) The state board of education shall prescribe an examination designed to insure that certification of a person as a teacher is a reliable indicator that the person has the basic knowledge and qualifications necessary to engage in the profession of teaching in this state.

(b) In order to comply with the requirements of subsection (a), the state board of education shall select an examination which will measure the basic knowledge and qualifications of applicants for certification as teachers and shall provide for administration and validation of the examination.

and the rules and regulations published by the Kansas department of transportation.

- (p) Length of school year. The length of the school year shall be at least 180 days taught or 1080 hours taught as provided by K.S.A. 72-1106 (a)(2).
- (q) Length of school day. The length of the school day shall be at least six hours except as provided by K.S.A. 72-1106.

(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988.)

91-31-7. Staff.

- (a) District school administrator.
 - (1) Each school in a district shall be under the supervision of a district school administrator who holds a valid certificate with the appropriate endorsement for that assignment. Each district school administrator shall be assigned at least one-half time to administration and supervision of the schools in the district.
 - (2) Any school district with an enrollment of fewer than 400 students may also assign the district school administrator as elementary and high school building administrator if the district school administrator is also certified as a building administrator.
- (b) Building administrators. Each board of education shall employ building administrators under a written contract, and except as provided in subsection (a)(2), each building administrator shall hold a valid certificate with the appropriate endorsements for the level or levels of assignment.
- (c) Assistant building administrator. In schools where the building administrator requires assistance because of administrative responsibilities, the staff shall include an assistant building administrator.
- (d) Alternative administrative plan; management by objectives. As an alternative to S.B.R. 91-31-12a(b) and 91-31-14a(d), any board of education may develop and disseminate an administrative plan based upon management by objectives. The plan shall be in writing and set out the goals, objectives and expected outcomes for the administrative assignment. There shall be broad-based community involvement in the plan. The

plan: I provide for the services of a building administrator who shall be assigned the necessary time to perform administrative responsibilities, and shall indicate the amount and kinds of supportive services available to supplement particular administrative responsibilities. The plan shall be approved by and filed with the state board.

- (e) **Teachers. Each teacher shall hold a valid certificate with the appropriate endorsement or endorsements for the subject and level of assignment.**
- (f) **Aides. Non-certified personnel may be employed to supervise pupils in non-instructional activities and shall work under the supervision of certified personnel.** Each instructional paraprofessional hired as a special teacher in special education services shall be authorized to assist certified personnel in the instruction of exceptional children as provided by K.S.A. 1987 Supp. 72-962 and K.A.R. 91-12-61.
- (g) Substitutes. Each person holding a substitute teaching endorsement shall teach not more than 90 days in any school year.
- (h) Emergency substitute. Each person holding an emergency substitute teaching endorsement shall teach not more than 30 days in one semester.
- (i) If a teacher holding a valid certificate with an appropriate elementary, secondary K-12 or substitute endorsement is not available, any school district may:
 - (A) Use a substitute teacher holding a valid Kansas certificate at any level in any field or subject; or
 - (B) employ persons who have been certified by the state board as emergency substitute teachers.
- (j) Report staff assignments. The names of each certified staff member shall be reported on the certified personnel report or the supplemental certified personnel report. Each certified personnel staff change that occurs between September 15 and the end of the school year shall be reported on a form prescribed by the state board within 30 days of the staff change.

(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended July 1, 1989.)