



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

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MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

ATTORNEY GENERAL OPINION NO. 89- 141

The Honorable Bill Graves
Secretary of State
2nd Floor, State Capitol
Topeka, Kansas 66612-1594

Re: Census--Census Data for Reapportionment of
Senatorial and Representative Districts--Definitions

Synopsis: The purpose of L. 1989, ch. 257, is to facilitate adjustment of census figures supplied by the federal census bureau. Pursuant to Art. 10, § 1 of the Kansas Constitution, those census figures are to be adjusted to more accurately reflect the residence of students "attending" colleges or universities. Because individuals enrolled in off-campus courses are not "attending" a college or university they are not required to complete the census data cards distributed pursuant to L. 1989, ch. 257, § 3. Cited herein: L. 1989, ch. 257; Kan. Const., Art. 10, § 1.

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Dear Mr. Graves:

You request our opinion regarding the distribution of census data cards to college and university students. Specifically, you ask whether those individuals attending college and university classes in their home communities rather than on-campus are required to complete census data cards.

The constitution of the state of Kansas requires that senatorial and representative districts be reapportioned upon

the basis of the population of the state as established by the latest published federal census, "adjusted: (1) to exclude . . . nonresident students attending colleges and universities within the state; and (2) to include . . . students attending colleges and universities within the state who are residents of the state in the district of their permanent residence." (Emphasis added) Kan. Const., Art. 10, § 1. The language of a constitutional provision should be interpreted to mean what the words imply to men of common understanding. State ex rel. Frizzell v. Highwood Service, Inc., 205 Kan. 821. "Attend" is defined in the Merriam-Webster Dictionary, p. 59 (1974) as "to be present at." Therefore, the Constitution does not require that adjustments be made as to those individuals taking college-level classes who are not present at a college or university.

Further, in determining the intent of the legislature, it is proper to consider the purpose to be accomplished by the legislation. Tilley v. Keller Trade and Implement Corp., 200 Kan. 641 (1968). The purpose of L. 1989, ch. 257 is to collect data regarding the residence or nonresidence of those individuals whose residence is subject to adjustment. Therefore, data regarding residence or nonresidence is to be collected from those students attending classes at a college or university. Because students enrolled in correspondence courses are not "attending" the college or university, such individuals are not required to complete the census data cards distributed pursuant to L. 1989, ch. 257, § 3.

Very truly yours,


ROBERT T. STEPHAN
Attorney General of Kansas


Richard D. Smith
Assistant Attorney General