

Ben Sanford Paulen

Message of Governor Ben S. Paulen

To the Members of the Legislature of the Special Session of 1928:

A substantial majority of the membership of the legislature have petitioned the governor to call a special session to submit an amendment to our constitution enabling the state of Kansas to construct, reconstruct and maintain highways and have declared that they deem such action advisable and necessary in order that the state of Kansas may continue to receive federal aid in highway construction, and further declare the amendment should be submitted to the voters for their approval or rejection at the general election in 1928. We have previously received federal aid by virtue of a section in the appropriation bill which provided "that in any state where the existing constitution or laws will not permit the state to provide revenues for the construction, reconstruction or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said state for the period covered by this act if he shall find that said state has complied with the provisions of this act in so far as its existing constitution and laws will permit."

The last appropriation bill did not contain any provision by which states whose constitution prohibited works of internal improvements would be in a position to secure federal aid. Immediately after congress passed the bill this matter was taken up with the Secretary of Agriculture and the Bureau of Public Roads by the Highway Department and the governor. A conference with members of the Highway Department, the Secretary of Agriculture and the governor was held at the statehouse. Every phase of the federal highway law and the statutes of our state and also the fact that our constitution prohibited works of internal improvement by the state was discussed. The Secretary of Agriculture told us plainly it was his opinion that the state of Kansas was not in a position to receive federal aid. We asked him to render his opinion in writing. A copy of Secretary Jardine's letter was sent to each member of the legislature. However, I desire to call your attention to this significant paragraph:

"I find it necessary to advise you that it is the view of the Department that at this time not only does the existing law of the state fail to meet the requirements of the federal highway act, but that the state constitution may have to be amended in order that the state legislature may be empowered to enact legislation which will adequately meet such requirements."

Also the following paragraph from a message of Senator Charles Curtis: "If the people of Kansas desire further aid I am confident after careful consideration with Bureau of Public Roads and Secretary it will be necessary for them to amend the state constitution." Also the following paragraph from a statement by Senator Capper: "In my judgment the Kansas legislature should meet in special session and submit a road amendment to the constitution giving the state government sufficient power to meet the requirements of the federal highway act, and allow the voters to decide what they want Kansas to do."

A short synopsis was also mailed you of past legislation showing why we had received federal aid in the past and why it is impossible to receive it now, and calling your attention to the fact that the last appropriation bill passed by congress did not make any provisions for our state.

Naturally we become very much concerned at the possibility of losing more than two million dollars annually for roads in Kansas. The petition with reference to a special session was mailed to each member. Your reply was prompt and your efforts to enact the necessary legislation to save federal aid for Kansas will be appreciated by the whole body of our people.

It would be needless to enter into an extended discussion with reference to the desirability of securing this aid for our people. Under the federal law the people of Kansas must pay their share in this fund and it is only the part of wisdom and good sound business sense to place ourselves in a position to be the beneficiary when allotments are made to the several states.

Senators Curtis and Capper are both agreed that a change in our constitution is absolutely necessary if we continue to receive federal aid. You should be able to pass the necessary legislation permitting the people to decide this important question without any great differences of opinion. I am sure you will realize the importance of a short, clear and concise amendment without incumbrance of matters which are clearly legislative. The session should be short and expenses kept to a minimum.

You are called in special session for the express and only purpose of providing a method whereby the electors of Kansas can decide for themselves whether or not they shall continue to receive their share of federal funds to be used in road construction.

Kansas is the only state which does not now comply with the federal highway act.

The constitution provides that on extraordinary occasions the governor may convene the legislature by proclamation. I deem this to be an emergency in which is involved the highway policy of the state for the future.

The people of Kansas should have the right to say for themselves whether or not they desire to receive future federal aid for roads. The only way this can be done is to amend our constitution. The only way our constitution can be amended is by a vote of the people. The only way the people can vote on the question of amending the constitution is by authority given them by the legislature. The responsibility rests wholly and entirely on you. Regardless of your individual opinion as to the advisability of adopting the proper amendment, it certainly is of sufficient important that your better judgment, sense of fairness, and desire to abide by the will of the majority will induce you to give the voters of the state an opportunity to express themselves on this important matter.

**Respectfully submitted,
BEN S. PAULEN, Governor.**

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