

Substitute for HOUSE BILL No. 2532

AN ACT concerning certain state historical agencies and commissions; relating to the state historical society; establishing the Kansas territorial sesquicentennial commission; amending K.S.A. 75-2701, as amended by section 377 of 2001 Senate Bill No. 15, and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-2701, as amended by section 377 of 2001 Senate Bill No. 15, is hereby amended to read as follows: 75-2701.(a) The state historical society, heretofore organized under the incorporation laws of the state, shall be the trustee of the state. As such, the society shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, shall hold all the society's present and future collections of property for the state and shall not sell, mortgage, transfer or dispose of in any manner or remove from the ~~society's~~ building or buildings *occupied for historical interests of the state*, except for temporary purposes, any article of property without authority of law. This shall not prevent the sale, exchange, donation or other disposition by the society of ~~its~~ publications, duplicate property in ~~its~~ collection holdings, property outside ~~its~~ the scope of collection, hazardous property or property with insufficient research, educational or exhibit value, but:

(1) No such property shall be disposed of except by sale or exchange until the society adopts rules and regulations establishing procedures for disposition;

(2) no rules and regulations establishing procedures for disposition of such property shall be adopted until the society first advises and consults with the joint committee on administrative rules and regulations regarding the proposed rules and regulations;

(3) such rules and regulations shall provide, with respect to property which was donated by an individual, procedures reasonably calculated to notify and offer such property to such individual or such individual's immediate family prior to disposal, if the property is disposed of within 20 years after the donation; and

(4) such rules and regulations shall provide, with respect to property with research, educational or exhibit value, procedures for notifying local institutions that such property is being disposed of.

(b) There shall continue to be a board of directors of the *Kansas state historical society, inc., and an executive committee of such board of directors, each to consist of as many members as the Kansas state historical society, inc., determines.*

(c) The society may acquire property, real or personal, by gift, bequest or otherwise, in any amount, and upon such conditions as the society's executive committee deems best for the interests of the society. Any such property so acquired and any state-owned historic site, structure or other property which has been placed by law under the jurisdiction and supervision of the society shall be administered by the society in the public interest, and the society shall provide for the preservation of such property and shall adopt rules and regulations as necessary for the proper use and enjoyment of such property. For this purpose the society may fix, charge and collect fees for admittance to any state-owned historic site, structure or property which has been placed under the jurisdiction and supervision of the society and is further authorized to provide exemptions from such fees or to fix reduced fees for one or more categories of persons.

(d) The society shall remit all moneys received by the society under the provisions of subsection (c) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the historic properties fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~secretary~~ *executive director* of the state historical society or a person designated by the ~~secretary~~ *executive director*.

(e) *The state historical society is a state agency within the executive branch of state government for all purposes under the statutes and laws of Kansas. The Kansas state historical society, inc., is a not-for-profit corporation organized under the incorporation laws of Kansas. All real and personal property under the control and supervision of the state historical society that is not property owned and maintained by the Kansas state*

historical society, inc., as a not-for-profit corporation organized under the incorporation laws of Kansas, in order to accomplish the purposes of the corporation as stated in the articles of incorporation and bylaws, including but not limited to investments, office equipment, property and revenues of the museum stores and income from membership fees and assessments, belongs to the state of Kansas.

(f) (1) The governor shall appoint the executive director of the state historical society, subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto. The governor may appoint the executive director of the state historical society from a list of three qualified persons nominated by the executive committee of the Kansas state historical society, inc. The governor may reject all nominees submitted on any such list and may request an additional list of three other qualified persons to consider for appointment to the office of executive director of the state historical society. The executive director of the state historical society shall be in the unclassified service under the Kansas civil service act and shall be subject to evaluation in accordance with this section. The executive director of the state historical society shall receive an annual salary fixed by the governor.

(2) The executive director of the state historical society shall be qualified by education or training and experience in the field of history, historic preservation, education, museum administration or a related field and shall have demonstrated executive and administrative ability to discharge the duties of the office of executive director of the state historical society.

(3) An evaluation of the executive director of the state historical society shall be conducted annually by the executive committee of the Kansas state historical society, inc., and the results of such evaluation shall be submitted to the governor for review. The executive director shall be subject to removal by the governor.

(4) Whenever the office of the executive director of the state historical society becomes vacant, the executive committee of the Kansas state historical society, inc., shall be notified of such vacancy and shall prepare and submit a list of three qualified nominees to the governor for the appointment of a successor.

(g) On and after the effective date of this act, whenever the secretary of the state historical society or the executive director of the state historical society, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the executive director of the state historical society.

(h) On and after the effective date of this act, whenever the state historical society or words of like effect is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state agency within the executive branch of state government and shall not be deemed to refer to the Kansas state historical society, inc., a not-for-profit corporation organized under the corporation laws of Kansas, unless the reference is specifically to that corporation or within the context of the reference clearly refers to that corporation.

New Sec. 2. (a) There is created the Kansas territorial sesquicentennial commission. The commission shall be composed of nine residents of the state appointed by the governor, one of whom shall be designated by the governor as chairperson of the commission.

(b) Members of the commission shall serve without compensation or reimbursement of expenses.

(c) The commission is authorized to hire staff sufficient to carry out the purposes of sections 2 through 6, inclusive, and amendments thereto.

New Sec. 3. (a) There is hereby created an advisory committee to assist in the work of the Kansas territorial sesquicentennial commission. The advisory committee shall be composed of the following members:

(1) The executive director of the Kansas state historical society, who shall serve as chairperson of the advisory committee;

(2) the director of the Kansas humanities council or the director's designee;

(3) the director of the Kansas arts commission or the director's designee;

- (4) the director of the division of travel and tourism development of the department of commerce and housing or the director's designee;
 - (5) the commissioner of education or the commissioner's designee;
 - (6) fifteen members appointed by the governor as follows: (A) Six members of history faculties of universities under the supervision of the state board of regents; (B) six members of history faculties of community colleges or private colleges or universities in the state; (C) a representative of the travel industry association of Kansas; (D) a representative of the Kansas museums association; and (E) a representative of the territorial Kansas heritage alliance;
 - (7) two members appointed by the speaker of the house of representatives;
 - (8) two members appointed by the minority leader of the house of representatives;
 - (9) two members appointed by the president of the senate; and
 - (10) two members appointed by the minority leader of the senate.
- (b) The chairperson of the advisory committee shall appoint a person to serve as secretary of the committee.
 - (c) Members of the advisory committee shall serve without compensation or reimbursement of expenses.

New Sec. 4. (a) The state motto, *ad astra per aspera* ("to the stars through difficulties"), references the seven-year struggle to make the Kansas territory into the 34th star of the United States flag. That struggle shall frame the remembrance of many of the important events in the territorial era that led to statehood, such as territorial elections in 1855, the battle of black jack in 1856, the Lecompton constitution in 1857, the marais des cygnes massacre in 1858 and many others.

(b) The year 2004 shall be considered the kick-off date for the remembrance and commemoration of the history, heritage and national impact of the Kansas territorial era and, ultimately, for the commemoration in January 2011 of the sesquicentennial of Kansas statehood.

(c) The sesquicentennial of the Kansas territory, 2004, will be commemorated commencing January 2004 during Kansas day ceremonies in Topeka. The Kansas territorial sesquicentennial commission shall prepare an overall program for commemorating the signing of the Kansas-Nebraska Act in 1854 and plan, encourage, develop and coordinate observances and activities commemorating the creation of the Kansas territory in 1854 and its implications, both positive and negative, for the peoples in the region and for the future. Special consideration will be given to the history, heritage and national impact of the Kansas territorial period.

(d) In preparing its plans and programs, the Kansas territorial sesquicentennial commission shall consider recommendations developed by the advisory committee and local and private groups. The commission may designate special committees with representatives from local and private groups to plan, develop and coordinate specific activities. The advisory committee shall recommend to the commission ways in which Kansans of all ages may become familiar with the events involved in the history of the territorial period in Kansas and the nation.

(e) The Kansas territorial sesquicentennial commission, no later than July 1, 2002, shall submit to the governor a comprehensive report incorporating the commission's specific recommendations for commemoration of the Kansas sesquicentennial and related events. The governor shall transmit the commission's report to the legislature. The report may recommend activities, including, but not limited to:

- (1) The production, publication and distribution of books, pamphlets, films and other education materials on the history, culture and political life of the people in the region during the territorial period;
- (2) the development of bibliographical and documentary projects and publications, a website and other interactive media;
- (3) conferences, convocations, lectures, seminars and other programs;
- (4) the development of libraries, museums, historic sites and exhibits, including mobile exhibits;
- (5) ceremonies and celebrations commemorating specific events;
- (6) programs and activities on the national and international significance of the territorial period in Kansas history;

(7) the issuance of commemorative medals, seals, license plates and certificates of recognition; and

(8) proposals for legislation and administrative action that the commission considers necessary to carry out the commission's recommendations.

(f) The Kansas territorial sesquicentennial commission, no later than January 15, 2005, shall submit to the governor and the legislature:

(1) A report of all activities sponsored or supported by the commission pursuant to sections 2 through 6, inclusive, and amendments thereto, and recommendations of how the state can support continued territorial sesquicentennial activities and events from 2005 to 2011; and

(2) recommendations for planning the sesquicentennial of Kansas statehood in 2011.

New Sec. 5. (a) In fulfilling its responsibilities, the Kansas territorial sesquicentennial commission shall consult, cooperate with and seek advice from appropriate state agencies, local and public bodies, learned societies and historical, patriotic, philanthropic, civil, professional and related organizations. State agencies shall cooperate with the commission in planning, encouraging, developing and coordinating appropriate commemorative activities.

(b) The chief executive officer of each state university shall cooperate with the commission, especially in the encouragement and coordination of scholarly works and presentations on the history, culture and political activities related to the territorial period in Kansas history.

(c) The state historical society and the state librarian shall cooperate with the commission, especially in the development and displays of exhibits and collections and in the development of bibliographies, catalogs and other materials relevant to the territorial period.

(d) The division of travel and tourism development of the department of commerce and housing shall cooperate with the commission in marketing to potential visitors to the state commemorative activities enabling visitors to experience the cultural heritage of Kansas.

New Sec. 6. (a) The Kansas territorial sesquicentennial commission is hereby authorized and empowered to accept donations, gifts, bequests and other contributions of money to be used in furthering sesquicentennial activities.

(b) (1) There is hereby created in the state treasury the sesquicentennial fund which shall be administered by the state historical society. The chairperson of the Kansas territorial sesquicentennial commission shall remit to the state treasurer all moneys received by or for the commission for the purposes of sections 2 through 6, inclusive, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the sesquicentennial fund.

(2) Moneys in the sesquicentennial fund shall be expended only for the purposes of sections 2 through 6, inclusive, and amendments thereto, and only upon approval of the Kansas territorial sesquicentennial commission.

(3) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the sesquicentennial fund interest earnings based on: (A) The average daily balance of moneys in the sesquicentennial fund for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month.

(4) All expenditures from the sesquicentennial fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by a person authorized by the Kansas territorial sesquicentennial commission for the purposes set forth in this section.

New Sec. 7. The provisions of sections 2 through 6 of this act shall expire on July 1, 2005.

Sec. 8. K.S.A. 75-2701, as amended by section 377 of 2001 Senate Bill No. 15, is hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.