

*As Amended by Senate Committee*

[As Amended by House Committee of the Whole]

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*Session of 2004*

## HOUSE BILL No. 2749

By Committee on Appropriations

2-6

14 AN ACT concerning the state capitol and surrounding areas; relating to  
15 memorials; amending K.S.A. 75-2266 and K.S.A. 2003 Supp. 75-36,104  
16 and 75-36,105 and repealing the existing sections.  
17

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

19 Section 1. K.S.A. 75-2266 is hereby amended to read as follows: 75-  
20 2266. (a) There is hereby established the statehouse art ~~and~~ history *and*  
21 *memorials* committee. The committee shall consist of three members, as  
22 follows:

23 (1) The secretary of administration or the secretary's designee;

24 (2) the director of legislative administrative services; and

25 (3) the executive director of the state historical society.

26 (b) The secretary of administration or the secretary's designee shall  
27 serve as chairperson of the committee. The committee shall meet on call  
28 of the chairperson or at the request of a majority of the members of the  
29 committee.

30 (c) The committee shall:

31 (1) Develop a long-range plan for displays in the capitol to represent  
32 the art, history and culture of all Kansas citizens;

33 (2) adopt procedures and criteria for evaluating and approving art  
34 work for display in the capitol, based on the excellence and aesthetics of  
35 the work and its representation of the multicultural art and history of the  
36 state;

37 (3) adopt procedures and criteria for evaluating and approving re-  
38 moval of art work displayed in the capitol, based on the criteria specified  
39 in subsection (c)(2), and disposition and preservation of such art work;

40 (4) adopt procedures and criteria for evaluating and approving special  
41 events and displays to be held in the capitol, based on the quality of the  
42 event or display and its relevance to the history and culture of Kansas  
43 citizens; ~~and~~

- 1 (5) adopt and implement procedures and criteria for the display,  
2 maintenance ~~and~~ preservation of art works in the capitol; *and*  
3 (6) *review each proposal for a memorial to be constructed or placed*  
4 *on the grounds of the capitol and make recommendations to the capitol*  
5 *area plaza authority in accordance with K.S.A. 2003 Supp. 75-36,104 and*  
6 *75-36,105, and amendments thereto*]; **and**  
7 **(7) review and make recommendations concerning the re-es-**  
8 **tablishment of the capitol grounds tree identification marker pro-**  
9 **gram, showing the donor state, if any, the date of the gift, and the**  
10 **variety of the tree**].
- 11 (d) Requests for display of art works in the capitol shall be submitted  
12 to the secretary of administration or the secretary's designee. The sec-  
13 retary of administration or the secretary's designee, the director of leg-  
14 islative administrative services and the executive director of the state his-  
15 torical society shall evaluate and approve or disapprove those requests in  
16 accordance with the procedures and criteria adopted by the committee.
- 17 (e) Requests for displays or special events in the capitol shall be sub-  
18 mitted to the following for approval or disapproval in accordance with the  
19 procedures and criteria adopted by the committee:
- 20 (1) The director of legislative administrative services, for displays or  
21 special events to be held in areas assigned to the legislature or to a leg-  
22 islative staff office, department or agency; and
- 23 (2) the secretary of administration or the secretary's designee, for  
24 displays or special events to be held in other areas.
- 25 Sec. 2. K.S.A. 2003 Supp. 75-36,104 is hereby amended to read as  
26 follows: 75-36,104. (a) ~~The secretary of administration~~ *statehouse art, his-*  
27 *tory and memorials committee* shall review the historic structure report  
28 on the capitol and shall develop and maintain a preservation plan for the  
29 capitol grounds. In addition, ~~the secretary of administration~~ *statehouse*  
30 *art, history and memorials committee* shall develop guidelines and stan-  
31 dards for memorials on the grounds of the capitol. All guidelines and  
32 standards for memorials on the grounds of the capitol shall be consistent  
33 with the statement of purpose and use for the capitol grounds and shall  
34 be designed to:
- 35 (1) Ensure the subjects of memorials are of historic and lasting sig-  
36 nificance for Kansas;
- 37 (2) ensure the design excellence of all memorials on the grounds of  
38 the capitol;
- 39 (3) preserve, protect and enhance the limited amount of available  
40 space on the capitol grounds;
- 41 (4) preserve and further the implementation of the long-range plan  
42 of development for the capitol area;
- 43 (5) ensure that memorials proposed for the grounds of the capitol are

1 appropriately planned, designed and sited and are reviewed, funded and  
2 constructed in a timely manner;

3 (6) ensure that adequate and appropriate opportunities are provided  
4 for the involvement of or comment by interested members of the public  
5 throughout the development of the proposal for the memorial; and

6 (7) ensure that individuals, groups and organizations have a clear un-  
7 derstanding of the process that must be completed in order to propose  
8 and to have a memorial constructed or placed on the grounds of the  
9 capitol.

10 (b) After advising and consulting with the state historic preservation  
11 officer ~~of the state historical society~~, the legislative coordinating council  
12 and the heads of other state agencies with offices located in the capitol,  
13 the ~~secretary of administration~~ *statehouse art, history and memorials com-*  
14 *mittee* shall recommend guidelines and standards for memorials on the  
15 grounds of the capitol to the capitol area plaza authority. After receipt of  
16 such guidelines and standards, the capitol area plaza authority shall review  
17 and consider such guidelines and standards. If the authority approves of  
18 the proposed guidelines and standards, the authority shall adopt the pro-  
19 posed guidelines and standards for memorials on the grounds of the cap-  
20 itol. If the authority does not adopt the recommended guidelines and  
21 standards or any amendments thereto, the authority shall make recom-  
22 mendations to the ~~secretary of administration~~ *statehouse art, history and*  
23 *memorials committee* for amendments or additions to the proposed guide-  
24 lines and standards or any amendments thereto.

25 (c) In the same manner, the ~~secretary of administration~~ *statehouse*  
26 *art, history and memorials committee* may propose and recommend  
27 amendments or additions to the guidelines and standards for memorials  
28 on the grounds of the capitol for consideration by the capitol area plaza  
29 authority.

30 Sec. 3. K.S.A. 2003 Supp. 75-36,105 is hereby amended to read as  
31 follows: 75-36,105. (a) No memorial shall be constructed or placed on the  
32 grounds of the capitol except in accordance with the procedures and  
33 subject to the conditions and limitations prescribed by this act. Each  
34 proposal for a memorial to be constructed or placed on the grounds of  
35 the capitol shall be consistent with the statement of purpose and use  
36 adopted for the grounds of the capitol and shall be subject to the guide-  
37 lines and standards for memorials on the grounds of the capitol adopted  
38 by the capitol area plaza authority.

39 (b) In addition to other requirements or provisions of law applicable  
40 thereto, each proposal for a memorial to be constructed or placed on the  
41 grounds of the capitol shall be submitted to the ~~secretary of administra-~~  
42 ~~tion~~ *statehouse art, history and memorials committee* for consideration in  
43 accordance with this act. Prior to being adopted or rejected by the ~~see-~~

1 ~~secretary of administration~~ *statehouse art, history and memorials committee*,  
 2 each such proposal shall be submitted to and reviewed and considered  
 3 by the following officials:

4 ~~—(1)— the state historic preservation officer of the state historical soci-~~  
 5 ~~ety,(2) and the director of facilities management of the department of~~  
 6 ~~administration, and of facilities management of the department of~~  
 7 **administration.**

8 ~~(3) the director of legislative administrative services.~~

9 (c) ~~The secretary of administration shall receive and consider the rec-~~  
 10 ~~ommendations from the state historic preservation officer of the state~~  
 11 ~~historical society, director of facilities management of the department of~~  
 12 ~~administration and director of legislative administrative services regarding~~  
 13 ~~any such proposal prior to adopting any recommendation regarding such~~  
 14 ~~proposal. After review and consideration of the recommendations from~~  
 15 ~~each such official~~ **the director of facilities management of the de-**  
 16 **partment of administration** *and the state historic preservation officer,*  
 17 ~~the secretary of administration~~ *statehouse art, history and memorials com-*  
 18 ~~mittee~~ may approve or reject the proposal. If the ~~secretary of administra-~~  
 19 ~~tion~~ *statehouse art, history and memorials committee* recommends ap-  
 20 proval of any such proposal, the ~~secretary~~ *committee* shall submit the  
 21 proposal to the capitol area plaza authority for consideration by the  
 22 authority.

23 (d) Each memorial proposed to be constructed or placed on the  
 24 grounds of the capitol that is recommended by the ~~secretary of admin-~~  
 25 ~~istration~~ *statehouse art, history and memorials committee* shall be pre-  
 26 sented to the capitol area plaza authority. If any such proposal is approved  
 27 by the capitol area plaza authority, such proposal shall be submitted to  
 28 the governor and the legislative coordinating council for appropriate  
 29 action.

30 Sec. 4. K.S.A. 75-2266 and K.S.A. 2003 Supp. 75-36,104 and 75-  
 31 36,105 are hereby repealed.

32 Sec. 5. This act shall take effect and be in force from and after its  
 33 publication in the statute book.