

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by SENATOR AUGUST "GUS" BOGINA at
Chairperson

10:30 a.m./~~p.m.~~ on April 30, 1988 in room 123-S of the Capitol.

All members were present except:

Senators Feleciano, Gaines and Harder excused

Committee staff present:

Research Department: Scott Rothe, Lynne Holt, Ellen Piekalkiewicz

Revisor's Office: Norman Furse

Committee Office: Pam Parker

Conferees appearing before the committee:

SB 764 - Historic preservation penalties for failure to obtain certain permits.

Staff reviewed SB 764 and stated that as the bill stands there is no mechanism for enforcing the protection of the historical property. (Attachment 1) Staff noted that Section 2 of SB 764 has been amended once during the session and pointed out that the underscored language on page two of Attachment 1 would further amend the bill on the suggestion of the Attorney General. Senator Bogina stated that he had an amendment he intended to propose on the Floor of the Senate accomplishing this issue.

It was pointed out during discussion by Senator Werts that the new language in the bill at the bottom of page two, subsection (n), would allow the Attorney General to enforce the local law. It was decided that a floor amendment might be needed to reference K.S.A. 75-2724 rather than K.S.A. 2724 as written in subsection (n).

With the understanding a floor amendment would be offered, Senator Johnston moved, Senator Winter seconded, to report SB 764 favorably. The vote was held for a bulk roll call vote.

SB 755 - Limitations on expenditures from state aid funds to libraries.

Senator Bogina explained that currently libraries around the state are prohibited from using grants-in-aid money for utilities or capital outlay other than the purchase of books, periodicals and other circulating library materials or library service communications. When the subcommittee increased the grants-in-aid they asked that some of that money be used to purchase disc readers. With the understanding that an amendment would be offered on the Floor to accomplish the Subcommittee's intent, Senator Johnston offered a motion to report SB 755 favorably and Senator Talkington seconded the motion. Both motions regarding SB 764 and SB 755 carried on a bulk roll call vote.

Minutes

Senator Winter moved, Senator Gannon seconded, the approval of the minutes from the March 30, 11:00 a.m.; March 30, 1:30 p.m.; March 31, 11:00 a.m.; March 31, 1:30 p.m.; and, April 1, 1988 meetings. The motion carried on a voice vote.

INTRODUCTION OF BILLS

Senator Doyen moved, Senator Werts seconded, the introduction of bill draft 7 RS 2949, an act concerning uniform consumer credit code; reconciling amendments. The motion included referring the bill to the Committee of the Whole. The motion carried on a voice vote.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS,
room 123-S Statehouse, at 10:30 a.m./~~p.m.~~ on April 30, 1988

HB 2900 - Direct deposit state employees, salaries, KPERS benefits.

Senator Winter moved, Senator Johnston seconded, to report HB 2900 favorably for passage. During discussion, it was stated that an amendment would be offered on the floor making the effective date January 1, 1989. Following further discussion, the motion carried on a roll call vote.

SB 765 - Temporary financing of state assisted municipal services or improvements.

Senator Winter moved, Senator Doyen seconded, to report SB 765 favorably for passage. The motion carried on a roll call vote.

The meeting was adjourned.

Proposed Committee Amendment to Senate Bill No. 764

Be Amended:

On page 3, by striking all of lines 83 to 119, inclusive;

On page 4, by striking all of lines 120 to 127, inclusive;
preceding line 128, by inserting the following:

"Sec. 2. K.S.A. 1987 Supp. 75-2724, as amended by section 2 of 1988 House Bill No. 2699, is hereby amended to read as follows: 75-2724. The state or any political subdivision of the state, or any instrumentality thereof, shall not undertake any project which will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places or the environs of such property until the state historic preservation officer has been given notice, as provided herein, and an opportunity to investigate and comment upon the proposed project. Notice to the state historic preservation officer shall be given by the state or any political subdivision of the state when the proposed project, or any portion thereof, is located within 500 feet of the boundaries of a historic property located within the corporate limits of a city, or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county. Notwithstanding the notice herein required, nothing in this section shall be interpreted as limiting the authority of the state historic preservation officer to investigate, comment and make the determinations otherwise permitted by this section regardless of the proximity of any proposed project to the boundaries of a historic property. The state historic preservation officer may solicit the advice and recommendations of the historic sites board of review with respect to such project and may direct that a public hearing or hearings be held thereon. If the state historic preservation officer determines, with or without having been given notice of the proposed project, that such proposed project will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of

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historic places or the environs of such property, such project shall not proceed until: (a) The governor, in the case of a project of the state or an instrumentality thereof, or the governing body of the political subdivision, in the case of a project of a political subdivision or an instrumentality thereof, has made a determination, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use and (b) five days' notice of such determination has been given, by certified mail, to the state historic preservation officer.

Any person aggrieved by the determination of the governor pursuant to this section may seek review of such determination in accordance with the act for judicial review and civil enforcement of agency actions. Any person aggrieved by the determination of a governing body pursuant to this section may seek review of such determination in accordance with K.S.A. 60-2101 and amendments thereto.

The failure of the state historic preservation officer to initiate an investigation of any proposed project within 30 days from the date of receipt of notice thereof shall constitute such officer's approval of such project.

Failure of any person or entity to apply for the proper or required building or demolition permit when undertaking a project that will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places, or the environs of such property, shall be subject to prosecution by the attorney general. Such failure is subject to penalties of not to exceed \$10,000 for each violation."

Also on page 4, in line 128, following "75-2724" by inserting the following: ", as amended by section 2 of 1988 House Bill No. 2699,";

On page 1, in the title, line 20, following "75-2724" by inserting the following: ", as amended by section 2 of 1988 House Bill No. 2699,";