

Approved 2-7-90
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~p.m.~~ on February 6, 1990 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mary Galligan, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Senator Doug Walker	Jim Clark, KS Co/Dist. Attys.
Richard Pankratz, State Historical Society	Doug Murphy, Maize Police
Ann Colgan, Department of Administration	Bill Jacobs, KHP
Warren Corman, Board of Regents	Terry Maple, KHP
Thomas Sloan, Department of Corrections	
Eugene Robben, Department of Transportation	
Susan Stanley, Assistant Attorney General	

A committee request was made to introduce legislation relating to the secretary of the state historical society. (Attachment 1)

A motion was made by Senator Bond and seconded by Senator Vidricksen that the proposal be introduced. The motion carried.

A committee request was made that a proposal be introduced which would aim to alleviate the regressive tax situation. (Attachment 2)

A motion was made by Senator Vidricksen and seconded by Senator Strick that the proposal be introduced. The motion carried.

A letter directed to the Secretary of Administration was distributed for approval, per committee directive at previous meeting. (Attachment 3)

A committee request was made to introduce a proposal relating to the consumption of alcoholic liquor at the Cultural Education Center of the Johnson County Community College. (Attachment 4)

A motion was made by Senator Bond and seconded by Senator Anderson that the proposal be introduced. The motion carried.

The minutes of the January 31 and February 1, 1990, meetings were approved.

Hearing on: SB 461 - State owned buildings and structures having historical significance

Sen. Doug Walker presented testimony in support of the bill. (Attachment 5)

Dr. David Haury, Kansas State Historical Society, introduced Richard Pankratz, Director of the Historic Preservation Department of the Kansas State Historical Society.

Richard Pankratz presented background information and testimony in support of the bill. (Attachment 6)

Ann Colgan, Department of Administration, Division of Facilities

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on February 6, 1990.

Management, gave testimony in opposition to the bill, stating that implementing it would be costly and redundant. (Attachment 7)

Warren Corman, Architect, Kansas Board of Regents, stated that he is a believer in preserving historic buildings, but he is concerned with the word "remodel," in that it could be carried to extremes. He is involved with about \$10 million of remodeling a year and fears this bill would lead to his department getting bogged down with paperwork. He said their work improves rather than damages aging buildings.

Hearing on: SB 497 - Disposal of Department of Corrections surplus property

Tom Sloan, Department of Corrections, explained that this bill was designed to shorten the amount of time they have to hold surplus property; it would aid in getting rid of eyesores, allowing them to be converted to revenue sooner.

Eugene Robben, Kansas Department of Transportation, presented testimony supporting the bill, as it would reduce the time they need to physically maintain property; it should also be cost effective. (Attachment 8)

A motion was made by Senator Bond that the bill be recommended favorably and placed on the consent calendar. The motion was seconded by Senator Strick. The motion carried.

Hearing on: HB 2018 - Sale to or possession of firearms by felons

Susan Stanley, Assistant Attorney General, presented testimony in support of the bill as a step toward getting guns away from those with a propensity to commit violent crimes. (Attachment 9) Another handout shows a breakdown of various weapons used in several types of crimes. (Attachment 10)

Jim Clark, Kansas County and District Attorneys Association, said they support the bill; they do not want penalties to be lowered.

Doug Murphy, Maize Chief of Police, said that this bill speaks to crimes against persons rather than gun control, and he requested support for the bill.

Bill Jacobs, Kansas Highway Patrol, expressed full support of the bill. The Chairman invited him to present written testimony at a later date.

Terry Maple, Kansas Highway Patrol, said the bill would help to protect troopers on the road, especially as more crimes are drug-related.

Action on: SB 461 - State owned buildings and structures having historical significance

A motion was made by Senator Walker and seconded by Senator Reilly to adopt the amendments presented with Senator Walker's testimony. The motion carried.

Staff was directed to modify the term "add onto."

A memo was presented by staff addressing a question that had been raised at an earlier meeting, regarding who could buy lottery tickets. (Attachment 11)

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,
room 254-E Statehouse, at 11:00 a.m./~~p.m.~~ on February 6, 1990

A motion was made by Senator Bond and seconded by Senator Morris that SB 498, SB 500, and SB 502 be placed on the consent calendar. The motion carried.

The following dates were given as possibilities for a committee dinner: Feb. 19, Mar. 6, 7, and 8.

The meeting was adjourned at 11:55 a.m.

SENATE BILL NO. ___

AN ACT relating to the secretary of the state historical society;
amending K.S.A. 75-3148 and repealing the existing section.

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

Section 1. K.S.A. 75-3148 is hereby amended to read as follows: 75-3148. The secretary of the state historical society is hereby authorized to appoint an assistant secretary, librarian, museum director, state archeologist, state archivist, and such other employees as may be necessary, within available appropriations, and all of such employees, except the assistant secretary, shall be within the classified service. The secretary of the state historical society elected by the board of directors of the state historical society incorporated under the laws of the state of Kansas shall be the executive director of the historical society of the state of Kansas and shall be within the unclassified service and shall serve for the period during which such person remains the secretary of the historical society incorporated under the laws of the state. The assistant secretary of the state historical society shall be within the unclassified service.

Sec. 2. K.S.A. 75-3148 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Senate F&SA
2-6-90
Att. #1

Concerned Taxpayers of Leavenworth County

Senator Edward F. Reilly
Rep. Clyde Graber
Rep. Martha Jenkins

Dear State Legislators:

This letter is two fold in purpose. First, a formal invitation to be guest speakers at the next CTLC general membership meeting. We understand that chairman elect, Louis Klemp, has verbally contacted you regarding this meeting, and we hope that you will attend. Please respond as to your intentions regarding this invitation.

A meeting was held on the 25th day of January, 1990, at the Leavenworth Riverfront Community Center. This meeting was for the express purpose of confronting the horrendous Real Property Tax issue that has been placed upon the citizens of Kansas. This unbearable tax burden has been perpetrated upon Kansas citizens by Re-Appraisal, Re-Classification, and Bloated local budgets.

Louis Klemp, Chairman elect of CTLC outlined a well defined and simplified plan to alleviate the regressive tax situation in the State of Kansas. This plan had the previous vote of approval by the CTLC executive board. This plan was approved in its entirety, no dissentions.

Now, we, the CTLC executive board, and CTLC membership do hereby present this simple, defined plan to rectify the injustices perpetrated upon the citizens of Kansas. This plan reads, and is explained, as follows:

- (1) State Income Tax to remain the same.
- (2) State Sales Tax remains at the rate of .0425 (4¼) percent; but, all Sales Tax Exemptions and Exclusions to be removed. In effect, Sales Tax to be placed upon all Sales & Services, as per memorandum, Nov. 28, 1989. Ed. C. Rolfs, Secretary of Revenue, State of Kansas, and as attached.
- (3) Usage tax to be imposed upon manufacturing, and other similiar business-rate to be determined.
- (4) Elimination, in full, of all Real & Personal Property Taxes, and Excise Taxes, no execeptions.

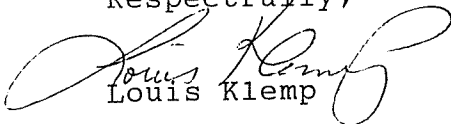
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Att. #2

Concerned Taxpayers of Leavenworth County

- (5) Budgetary lids must be assigned to all Taxing Authorities; State, Counties, Municipalities, Townships, School Districts. If State Revenue increases, spending can be increased; if revenue decreases, spending shall be decreased. The amount of the yearly increase or decrease in budgets, shall be determined by a percentage factor, never to vary more than 3% annually.
- (6) If, for some inconceivable reason, this simple plan for funding budgets is not forwarded into legislative action; then a reversion to 1988 Real Property Tax rates should take place immediately; until, a satisfactory taxing system is devised.
- (7) The Governor of the State of Kansas, in his State of the State message, stated that he would veto any bill that indicated an Income or Sales Tax increase. This proposal has no increases, just removal of all exemptions, and exclusions.
- (8) This is a general concept by CTLC, and certain refinements and changes could take place with a concensus of opinion.

This plan is presented to you in the hope that as responsible, sensitive elected officials of the citizens of Kansas; that you will forward this plan into legislative action at the state level. By so doing, the CTLC, and the citizens of Kansas, would be more favorable in supporting any of your future endeavors.

Respectfully,


Louis Klemp

DRAFT

Shelby Smith
Secretary of Administration
2nd Floor, Statehouse
Topeka, KS

Dear Secretary Smith:

During discussion of S.B. 502 regarding publications of state agencies, the Senate Committee on Federal and State Affairs directed me to communicate to you its concerns about publications produced by state agencies. In particular, the Committee is concerned about the large number of "slick", magazine-style, four color publications complete with numerous pictures. The Committee is concerned that these publications are very costly to produce in comparison to the amount of information they convey.

The Committee would appreciate your suggestions about mechanisms that might be implemented to ensure that state agency publications are produced in the most economical format possible consistent with the purpose of making the maximum amount of information readily available to the public.

The Committee looks forward to an opportunity to discuss this issue with you.

Sincerely,

Edward Reilly

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Att. #3

41-719. Consumption of alcoholic liquor prohibited in certain places. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-8103 and amendments thereto takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-8103 and amendments thereto takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-8103 and amendments thereto takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or K.S.A. 1987 Supp. 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking

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Att. #4

establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city having a population of more than 200,000.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if such liquor is domestic wine or wine imported under subsection (e) of K.S.A. 41-308a and amendments thereto and is consumed only for purposes of judging competitions.

(6) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f) or (g).

(d) Any city may exempt, by ordinance, specified property, title of which is vested in such city, from the provisions of subsection (c).

(e) The board of county commissioners of any county may exempt, by resolution, specified property, the title of which is vested in such county, from the provisions of subsection (c).

(f) The state board of regents may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

(i) The board of trustees of Johnson County Community College may exempt from the provisions of subsection (c) portions of the Cultural Education Center located on the campus of Johnson County Community College which are not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: CONFIRMATIONS
EDUCATION
ENERGY AND NATURAL RESOURCES
FEDERAL AND STATE AFFAIRS
PUBLIC HEALTH AND WELFARE

DOUG WALKER
SENATOR, 12TH DISTRICT
MIAMI, BOURBON, LINN,
ANDERSON, ALLEN AND
NEOSHO COUNTIES
212 FIRST
OSAWATOMIE, KANSAS 66064
(913) 755-4192 (HOME)
(913) 296-7380 (STATE CAPITOL)

SB 461

For the past several months I have been trying to save South Main building on the grounds of the Osawatomie State Hospital from demolition. In reviewing the process which led to the decision to raze the structure, it became evident that the building's historic significance and potential preservation had never been considered.

SB 461 would allow the State Historical Society to comment on the historic significance and potential impact of any proposed changes to state owned building 50 years old or older. These comments would then be attached to the budget document and would give legislators more information on the historic significance of a building before decisions were made to significantly alter or raze a structure.

Preserving the state's architectural heritage should be an important consideration in assessing the state's building needs. SB 461 will provide the legislature with additional information to assist those making such decisions.

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SENATE BILL No. 461

By Senators Walker, Anderson, Kanan, Karr, Lee, Martin, McClure, Parrish, Petty, Rock, Strick, Vidricksen and Winter

1-12

AN ACT relating to preservation of state owned buildings and structures having historical significance.

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

Section 1. The legislature has determined that the historical, architectural, archeological, and cultural heritage of Kansas is an important asset of the state and that as a matter of public policy the state shall foster and promote the conservation and use of historical property.

Sec. 2. The legislature recognizes that there are many buildings and structures owned by the state of Kansas which are more than 50 years of age and which have not been evaluated for historical significance. The legislature recognizes that state government has a responsibility to consider the preservation of the state's heritage in determining future uses of state owned buildings and structures.

Sec. 3. (a) In order that the governor and the legislature may be advised of the potential historical significance of any state building or structure 50 years old or older prior to recommending the withholding or approving funding for projects that might destroy, damage or otherwise alter the historical character of any such property, there is hereby established a procedure for the state historic preservation officer to be afforded an opportunity to review and comment on the historical significance of that property early in the planning and budgeting process.

(b) Any state agency having responsibility for a building or structure 50 or more years old for which it plans to submit a budget request for funding to abandon, replace, demolish, remodel, renovate or restore such a building or structure shall first request the state historic preservation officer's comments on the historical significance of such property and the impact the proposed abandonment, replacement, demolition, remodeling, renovation or restoration will have on the historical significance of the property.

(c) The affected state agency shall provide the state historic pres-

not listed on the state or national register of historic places

add onto

potential addition,

5-2

1 ervation officer such information as may be necessary to determine
2 the historical significance of property proposed to be abandoned,
3 replaced, demolished, remodeled, renovated or restored. added onto

4 (d) The state historic preservation officer shall provide comments
5 to the state agency requesting such comments within 30 days after
6 receiving sufficient information to evaluate the historic significance
7 of the building or structure and the effects the proposed changes
8 would have on the building's historic significance.

9 (e) The opinion and comments of the state historic preservation
10 officer shall accompany the budget document and shall be considered
11 by the governor and the legislature in evaluating the agency's request
12 for funding.

13 Sec. 4. The state historic preservation officer may adopt such
14 rules and regulations necessary to implement this act.

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

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TESTIMONY OF RICHARD PANKRATZ, DIRECTOR, HISTORIC PRESERVATION DEPARTMENT,
KANSAS STATE HISTORICAL SOCIETY, TO THE SENATE FEDERAL AND STATE AFFAIRS
COMMITTEE CONCERNING S.B. 461, February 6, 1990

During the War of 1812, the State of Pennsylvania sought to tear down Independence Hall and sell the land to commercial developers. Protests saved the building, but not before two wings were demolished and the woodwork stripped from the room where the Declaration of Independence had been signed. Efforts to save historically important properties did not gain widespread support until the mid-1800s when Mount Vernon was acquired as a shrine to President Washington. Businessmen had sought to turn Washington's home into a hotel. In the last half of the nineteenth century, a number of organizations were formed to preserve both the records of our nation's past and the buildings hallowed by association with distinguished patriots or which were representative of an earlier more serene time. (It was during this period that the Kansas State Historical Society was formed.)

In our century, businessmen increasingly became involved in bringing history to the people by preserving buildings. New York lawyers and financiers saved Jefferson's Monticello. Henry Ford acquired Wayside Inn in Massachusetts, which had been built in 1702, (and was celebrated in a Longfellow poem), and he had preserved many historic structures at his Early American Village (popularly known as Greenfield Village) in Dearborn, Michigan. Perhaps the most famous project was the reconstruction of Williamsburg in the 1930s with the financial backing of John D. Rockefeller Jr.

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In the post World War II period, the federal government became actively involved in historic preservation through the enactment of various laws designed to promote preservation of the built environment. Congress chartered the National Trust for Historic Preservation in 1949. Four preservation laws were enacted by Congress in 1966, the most important being the National Historic Preservation Act. That Act strengthened the 1935 legislation that authorized the Secretary of Interior to identify historic buildings and sites by conducting surveys. The 1966 legislation created a National Register of districts, sites, buildings, structures, and objects significant in American history, and National Register properties were given a degree of protection. A matching grants-in-aid program was established. The National Environmental Policy Act of 1969 (NEPA) enlarged the requirement that federal agencies evaluate federally funded, licensed, and permitted projects; it required federal agencies to evaluate and explain publicly the impact of their projects on both the natural and cultural resources of the nation and make every effort to mitigate damage to those resources. Two tax reform acts, one in 1976 and another in 1981, encouraged preservation and reuse of buildings by providing tax credits and favorable depreciation schedules to owners of historic properties listed on the National Register.

In Kansas, the Legislature enacted the State Historic Preservation Act of 1977 which states ". . . that the historical, architectural, archeological and cultural heritage of Kansas is an important asset of the state and that its preservation and maintenance should be among the highest priorities of state government." The statement of purpose of that Act continues, "It is therefore declared to be the public policy and in the public interest of the state to engage in a comprehensive program of historic preservation and to

foster and promote the conservation and use of historic property for the education, inspiration, pleasure and enrichment of the citizens of Kansas." That law also provides a degree of protection for properties listed on the national and state registers of historic places.

When the author of S.B. 461, Senator Doug Walker, asked us about ways to determine the historical significance of certain state buildings, we recommended that the state fund a temporary position to survey all state buildings so the appropriate information on each building's historical significance would be available. Existing legislation authorizes the historical society to conduct surveys and nominate properties to the national and state registers. Such a survey would take approximately two years, and one-half the cost would be funded by the federal government. Unfortunately this is not the year to seek funding for such a project.

At the present time there are relatively few state owned properties, other than those administered by the state historical society, which have been listed on the national or state registers. (I must interject here that staffing constraints do not permit us to inventory and nominate all properties that might be eligible. For the most part we respond to requests for nominations from property owners and the public.) Those listed buildings and all other construction projects within 500 feet of them are subject to review under existing legislation. We know that there are some unlisted buildings in state ownership that would meet the eligibility requirements for registration, but because they are not listed, their potential historical significance is not a part of the deliberations of the agencies, the governor, and the legislature when projects are under discussion for either the demolition or

renovation of these buildings.

Senate Bill 461 is an effort to address that concern, to create a place in the process for the state historic preservation officer to advise the legislature and the governor whether or not the state-owned properties more than fifty years old for which projects may be proposed are historically significant. The preservation officer's opinion on the historical significance of the properties would then be part of the information used by the governor and the legislature in formulating recommendations for the projects. Enactment of this bill would send the message to the public that historic buildings in state ownership, or buildings which potentially have historical significance, would not be destroyed or otherwise have their historical character adversely impacted without consideration by state government of all factors, including their historical value.

As drafted, Senate Bill 461 would require those state agencies which propose projects that might affect buildings or structures more than fifty years old to provide information on those properties to the state historic preservation officer and request his comments on the historical significance of such properties and on the effects of those projects on the properties. The historical society prepared a fiscal note for this bill indicating that we could handle without additional staffing the evaluation of those buildings since other agencies would be required to submit the information. We could also provide a very minimal comment on the potential effects of proposed work but we could not provide detailed review and analysis of proposed work with our existing staff. Our fiscal note stated that if it is the intent for us to provide an in-depth review and comments, we would need additional staff. Although we could not provide cost figures, we indicated there would be some

cost to other state agencies in compiling the information that the historic preservation officer would need to review the potential significance of the fifty year old buildings.

In conclusion, we think that the inclusion of historic preservation considerations in the deliberations on the future of state-owned buildings more than fifty years old is a good idea, whether that be done through this bill or some other vehicle, and we urge the committee to give it careful consideration.

Testimony on Senate Bill 461
February 6, 1990

Federal and State Affairs Committee

Ann K. Colgan, Director
Division of Facilities Management

Thank you for the opportunity to comment on S.B. 461. S.B. 461, as I read it, tasks a state agency which has buildings or structures 50 years or older with the requirement that the state historic preservation officer comment on the historical significance of the property if the agency plans to submit a budget request for funding to: abandon, replace, demolish, remodel, renovate or restore such a building or structure.

S.B. 461 also tasks the state historic preservation officer with the responsibility of evaluating the historical significance of the building or structure and responding to the agency requesting the changes within 30 days.

Let me share with you some examples of buildings or structures operated by the Division of Facilities Management which would be affected by this bill:

1. Landon State Office Building was built in 1928. Broadly interpreted, S.B. 461 would require the Division to contact the state historic preservation officer every time we wanted to replace a boiler or a chiller, remodel space to accommodate an agency's need, replace or update

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mechanical/HVAC equipment or even replace a bathroom toilet if it's broken.

2. The KPL power plant at 7th and Van Buren. This building formerly was a power plant and is in the process of being turned into a state parking lot.

3. The garage which used to stand in disrepair on Parking Lot #2 between 10th and 11th Street and bordered by Topeka and Harrison Street. The garage was used by the landscape crew to house sand, gravel and rock. These are just a few examples from the Division I represent.

I'd like to discuss with you briefly an agency responsible for many more buildings and structures than the Division of Facilities Management, the Board of Regents.

The total budget currently for the Board of Regents to modify buildings older than 50 years is \$142 million. Most of the funds will be used for the maintenance of nearly 5 million square feet of space not including residence halls, which incidentally this bill would include.

Five million square feet of space is a lot of space to maintain. S.B. 461 would create a literal logjam of requests to the historic preservation officer from the Board of Regents requesting, potentially, the review of

all planning for this 5 million square feet of space which is housed in buildings 50 years or older.

In other words, any action by the Regents to modify or renovate any of this five million square feet of space would be halted until comments were received by the historic preservation officer.

Another agency which controls a large number of structures is the Department of Social and Rehabilitation Services. I reviewed a list containing 117 SRS structures which were built prior to 1940 and would be subject to review by the historic preservation officer. And over a ten year period another 55 structures would also be subject to review by the historic preservation officer under S.B. 461. Some of the more interesting examples of SRS structures which S.B. 461 would require the historic preservation officer's comments on include: two power plants; a cement house; three pump houses; ten carpenter maintenance/garage/tool sheds; three barns; and two box cars would be added to this inventory in 1995 and 1996.

With any older structure you must be cognizant of a delicate three-way balance. This includes adequate funds to repair and maintain the structure versus the lack of funds to adequately fix and repair the structure, all the while balancing the liability an agency incurs with an old, unsafe structure on their hands. Now add the

requirement of the historic preservation officer's comments on structures 50 years and older and the delicate balance is destroyed.

S.B. 461 would have a strong fiscal impact on an agency's appropriations and planning, but in state government, given the sheer number of buildings and structures we have, the operation and maintenance of state buildings would literally grind to a halt while the historic preservation officer made determinations on the "historical significance" of each building or structure.

Is it really necessary that I contact the state historical preservation officer before I proceed with authorizing removal of asbestos from the KPL power plant? By preparing my agency's capital improvement budget, I already apprise the Joint Building Committee and the Legislature of my plans. Is that really the function of the bill? Is it really necessary for SRS to contact the state historical preservation officer on an issue which could affect their certification, such as widening a door in one of their buildings to make it more accessible to the handicapped? I just don't believe that is the intent of the bill as drafted.

I would be the first to tell you I can misinterpret statutes. However, I would like to request that the Committee review, in particular, K.S.A. 75-2721 on the

historical preservation officer's powers and duties and 2716(b) which identifies a "historic property."

As I read these statutes, I believe that S.B. 461 is working to achieve what may already be in place. K.S.A. 75-2721 deals with the historic preservation officer's powers and duties and reads:

(a) The state historical society shall have the following historic preservation powers and duties:

(1) Undertake a statewide survey to identify and document historic properties, including all those owned by the state, its instrumentalities and political subdivisions.

(2) Prepare and maintain a state register of historic places, which shall include all those listed on the national register of historic places. The historical society shall adopt standards for the listing and maintenance of historic properties on the state register consistent with relevant federal standards for preservation and care of historic properties.

(3) Prepare the state's preservation plan, review such plan annually and make appropriate revisions.

K.S.A. 75-2721, as I interpret it, tells me the historical preservation officer is already tasked with identifying and documenting all historic properties owned by the state. And K.S.A. 75-2716(b) broadly defines "historic property" to include any building, structure, object, district, area or site that is significant in history, architect, archaeology or culture of the State of Kansas.

I find it difficult to distinguish the line of demarcation between S.B. 461's language of "historical significance" and K.S.A. 75-2716(b)'s definition of historic properties which is broad and inclusive.

Finally, the Division of Facilities Management makes every attempt to work with the historical preservation officer. K.S.A. 75-2714 requires an agency not to change or alter the physical features or historic character of any historical property without the written approval of the Society. And to be honest with you, it's our policy to contact the historical preservation officer anytime we come across a building or structure that has the slightest appearance of historical significance.

In conclusion, I would ask the Committee to review the statutes pertaining to the powers of the Historical Society. These statutes provide a strong framework for agencies to follow regarding what the State's policy is on historic preservation of buildings and structures. If need be, consider amending the statute, but it's my opinion that S.B. 416, if implemented and staffed correctly, will not only be costly but redundant.

I would be happy to answer any questions the Committee may have.

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

*Docking State Office Building
Topeka 66612-1568
(913) 296-3566*

Horace B. Edwards
Secretary of Transportation

Mike Hayden
Governor of Kansas

February 6, 1990

Testimony regarding Senate Bill 497

Mr. Chairman and Members of the Committee:

My name is Eugene W. Robben. I am the Inspector General for the Kansas Department of Transportation.

Senate Bill 497 provides for a reduction in the period of time that the offering must be made to program participants from at least 60 days to at least 30 days.

This bill would effectively cut the amount of time that the KDOT must monitor the status of property it has designated for disposal as surplus property. In addition, it should allow for quicker removal of surplus property from KDOT storage facilities.

While the dollar effect cannot be quantified, we believe that shortening the disposal period will most certainly result in lower overhead costs associated with maintaining the surplus property.

The provisions of this bill only change the elapsed time between the initial offering and the final disposal of surplus property. There would be no additional workload incurred by KDOT staff.

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Because this bill would reduce the period of time that the KDOT must maintain records of and physically maintain property that has been designated for disposal, KDOT asks for your support of Senate Bill 497.

I would be pleased to stand for questions.



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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TESTIMONY OF

ASSISTANT ATTORNEY GENERAL SUSAN G. STANLEY

BEFORE THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

RE: H.B. 2018

February 6, 1990

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to address this committee in support of House Bill 2018.

This bill is a step toward getting guns away from those persons in our society who show a propensity to commit violent crimes.

According to KBI statistics, handguns were used to commit 41.5% of the murders in Kansas in 1988; 35.2% of the robberies and 26.2% of the aggravated assaults and batteries. Although the statistics are not able to reflect the numbers of repeat offenders in their ranks it is safe to assume that there are some.

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In my own experience as a prosecutor, I have observed there is an obvious correlation between the commission of violent crimes and the abuse of drugs and alcohol. This bill attempts to address how those guns get into the hands of these individuals and punish those who help put them there.

One additional recommendation from the Attorney General's office is that the statute be classified as a D felony rather than an E, owing to the legislature making D and E felonies presumptive probation offenses.

On behalf of the Attorney General, I urge you to pass House Bill 2018.

MURDER WEAPONS

	1986	1987	1988
HANDGUN	52.8% (57)	44.5% (49)	41.5% (39)
RIFLE	5.6% (6)	5.5% (6)	5.3% (5)
SHOTGUN	6.5% (7)	3.6% (4)	6.4% (6)
OTHER**	35.1% (38)	46.4% (51)	46.8% (44)
TOTAL	100.0%(108)	100.0%(110)	100.0% (94)

RAPE WEAPONS

	1986	1987	1988
HANDGUN	5.1% (42)	3.8% (30)	4.2% (32)
SHOTGUN	.5% (4)	.3% (2)	.3% (2)
OTHER**	94.4%(771)	95.9%(756)	95.5%(728)
TOTAL	100.0%(817)	100.0%(788)	100.0%(762)

ROBBERY WEAPONS

	1986*	1987	1988
FIREARM	41.6%	38.1% (771)	35.2% (745)
OTHER**	58.4%	61.9%(1251)	64.8%(1370)
TOTAL	100.0%	100.0%(2022)	100.0%(2115)

AGGRAVATED ASSAULT/BATTERY WEAPONS

	1986*	1987	1988
FIREARM	26.6%	25.9%(1528)	26.2%(1560)
OTHER**	73.4%	74.1%(4369)	73.8%(4387)
TOTAL	100.0%	100.0%(5897)	100.0%(5947)

*TOTAL NUMBERS NOT AVAILABLE.

**OTHER CONSISTS OF KNIFES, BLUNT OBJECTS, PERSONAL WEAPONS, THREAT, ETC.

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MEMORANDUM

Kansas Legislative Research Department

Room 545-N - Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

February 5, 1990

To: Senate Committee on Federal and State Affairs
From: Mary Galligan, Principal Analyst
Re: Persons Who Can Buy Lottery Tickets

The following is provided in response to the Committee's question about persons prohibited under statute from purchasing lottery tickets.

K.S.A. 74-8718 defines unlawful sale of lottery tickets. That statute makes is a crime to sell a lottery ticket to any person under the age of 18.

K.S.A. 74-8719 makes it a crime for the following persons to purchase a lottery ticket or for any person to share in the lottery winnings of:

- the executive director, a member of the lottery commission, or an employee of the lottery;
- an officer or employee of a vendor contracting with the lottery to supply gaming equipment or tickets for use in any lottery conducted under the act; and
- a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent, or stepparent of any of the persons listed above, or a person who resides in the same household with any of the persons listed above.

Senate F&SA
2-6-90
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tickets/MKG/pb