

MINUTES OF THE HOUSE KANSAS 2000 SELECT COMMITTEE.

The meeting was called to order by Chairperson Kenny Wilk at 1:30 p.m. on January 20, 2000 in Room 526-S of the Capitol.

All members were present except: Representative Susan Wagle - excused

Committee staff present: Alan Conroy, Legislative Research Department
Audrey Nogle, Legislative Research Department
Leah Robinson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Jim Wilson, Revisor of Statutes
Janet Mosser, Committee Secretary

Conferees appearing before the committee:

Carol McDowell, President, Kansas Preservation Alliance, Inc.
Joe Snell, Past Executive Director, State Historical Society
Ramon Powers, Executive Director, State Historical Society
Noel Ary (written)
Betty Lu Duncan, Vice-Chair, Executive Committee, Kansas State Historical Society, Inc.
Margaret Bradshaw, concerned citizen

Others attending: See attached list.

Chairperson Wilk reopened the hearing on **HB 2605 - Kansas department of history and preservation created, transferring powers, duties and functions from state historical society.**

Carol McDowell, President, Kansas Preservation Alliance, Inc., proponent, was recognized to address the committee (Attachment 1).

Chairperson Wilk informed the committee that Senator Alicia Salisbury, proponent, is tied up in the Senate and will try to join the committee later in the meeting to testify.

Joe Snell, Past Executive Director, State Historical Society, opponent, was recognized. Due to time constraints at yesterday's meeting, Mr. Snell yielded to his written testimony. He returned today to address the committee and review his previously submitted written testimony (Attachment 2).

Ramon Powers, Executive Director, State Historical Society, opponent, was recognized to complete his testimony that was cut short at yesterday's meeting (Attachment 3).

Chairperson Wilk noted that Noel Ary, opponent, has submitted written testimony (Attachment 4).

Betty Lu Duncan, Vice-Chair, Executive Committee, Kansas State Historical Society, Inc., neutral, was recognized to address the committee (Attachment 5).

Margaret Bradshaw, concerned citizen, neutral, was recognized to address the committee (Attachment 6).

Questions and discussion followed testimony.

Chairperson Wilk informed the committee that Senator Salisbury is still not available and will return next week to provide her testimony.

Chairperson Wilk closed the hearing on **HB 2605**.

Chairperson Wilk adjourned the meeting at 3:05 p.m.

The next meeting is scheduled for January 24, 2000.



Kansas Preservation Alliance, Inc.

SAVING THE PAST TO ENRICH THE FUTURE

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Topeka

Kansas 2000 Select Committee
January 19, 2000

Testimony House Bill No. 2605

Kansas Preservation Alliance, Inc.
Carol McDowell, President

Mr. Chairman and members of the Committee, I appreciate this opportunity to appear before you. I am Carol McDowell, President of the Kansas Preservation Alliance, Inc.

The Alliance is a statewide, not-for-profit corporation organized to further the work of historic preservation throughout Kansas. Organized in 1979 by a group of citizen activists to protect historic sites, the Alliance is one of the oldest statewide historic preservation organizations in America.

Our members are preservationists, educators, community leaders, businesses, individuals and organizations from across this state who form a committed grassroots network.

The Alliance is associated with the National Trust for Historic Preservation. Last year, a grant from the National Trust helped us hire our first full-time Executive Director.

As President of the Alliance, I appear before you this afternoon in support of House Bill Number 2605.

The Special Interim Committee recommendations contained in HB 2605 are consistent with the position taken by my Board of Directors on September 11, 1999. After a lengthy, but very worthy discussion our board unanimously adopted the following position:

“The Kansas State Historical Society should be separated from the Kansas State Historical Society, Inc., and renamed appropriately, and become a cabinet level state agency with a director appointed by the governor and confirmed by the Senate, and the State Historic Preservation Office should be located within it, and the State Historic Preservation Officer should be the highest level classified employee.” *September 11, 1999.*

.....

At issue is the existing structure of the 124 year old society, and whether it constitutes an unconstitutional delegation of legislative and executive authority to an entity not subject to popular election.

HB 2605 addresses that issue by establishing accountability to taxpayers through the transfer of state money from control by a private entity to control by a Kansas Department of History and Preservation, with its executive director appointed by the Governor and confirmed by the Senate.

The principal benefit for my organization is that HB 2605 would elevate the importance of historic preservation in state government. The name change alone is important, and the new guidelines for the State Historic Preservation office are significant.

HB 2605 provides that the State Historic Preservation Officer would be a classified state employee. Under current statute, the Executive Secretary of the Kansas State Historical Society is also the State Historic Preservation Officer.

This creates two problems. The Legislative Post Audit Report and testimony before the Special Interim Committee cited real or perceived conflicts between the Executive Secretary's success in securing funding, both from private donors and from the Legislature, and the implementation of state historic preservation laws. By making the State Historic Preservation Officer a separate, classified position, that conflict would be minimized.

Second, HB 2605 would make the historic preservation officer a full time position. In response to questions from the Special Interim Committee, Dr. Ramon Powers, who is by statute the State Historic Preservation Officer, said that he spends approximately 7% of his time on historic preservation.

Further, HB 2605 would provide better service to Kansas taxpayers by encouraging better coordination between historic preservation programs now existing in several state agencies. The Department of Transportation and the Department of Parks and Wildlife both oversee historic preservation projects. Programs for heritage tourism, low income housing credits, the Mainstreet Program, tax increment financing for historic Kansas theatres, and neighborhood revitalization, are all now within the Department of Commerce and Housing. With more focus on historic preservation we should also be able to take better advantage of opportunities to participate in national and regional programs.

The Alliance urges the state to begin looking at historic preservation as an engine for economic development. We know that dollar for dollar historic preservation is one of the highest job generating options available today. For example, the 849 historic preservation projects in St. Louis, Missouri, over the past decade, created 27,000 jobs and added \$653 million to the local economy.

Across Kansas, historic preservation projects have led to the revitalization of small towns and downtowns, made us proud of who we are, and created significant opportunities for heritage tourism, one of the fastest growing and most profitable industries in America.

The changes outlined in HB 2605 will put Kansas in a better position to take advantage of the economic benefits of historic preservation.

In conclusion, it has not been easy to take a position on this issue. My organization works closely with the Kansas State Historical Society; in fact we are co-sponsoring the 2000 Statewide Preservation Conference thanks in part to a Kansas State Historical Society grant.

We are convinced, however, that HB 2605 will enhance and encourage the preservation of historic Kansas resources, leading to heritage tourism, new jobs, more money for local communities and renewed pride in Kansas.

STATEMENT OF JOSEPH W. SNELL BEFORE THE HOUSE KANSAS 2000
SELECT COMMITTEE IN OPPOSITION TO HB 2605 (KANSAS DEPARTMENT
OF HISTORY AND PRESERVATION)
JANUARY 19, 2000

I am Joe Snell, 5609 SW Hawick Lane, Topeka, Kansas 66614 (785) 271-7452. I was a member of the staff of the Kansas State Historical Society from 1957 to 1988 and held the positions of manuscript cataloger, curator of manuscripts, assistant state archivist, assistant secretary and finally secretary/executive director, the latter for eleven years.

Since shortly after my retirement in May, 1988, I have been a member of the Society's Board of Directors.

I oppose passage of HB 2605 because I believe it will destroy one of the most efficient governmental relationships Kansas has ever experienced. For 120 years the Kansas State Historical Society has served as trustee of the State in matters relating to history. In all that time, to the best of my knowledge, there has never been a hint of improper use of State funds, Society failure to be accountable to the governor or legislature, malfeasance or favoritism in the preservation and interpretation of state history.

In 1888 the Society's Board of Directors set the tone that has followed to this day. It observed that "the Society is greatly stimulated to exertion to fulfill the public requirements. Where by law the society is made the trustee and servant of the State its work is not perfunctory like that of the State official, whose term of service is determined upon political considerations. The existence of the Society and its continued support are dependent upon its fulfillment of the public demand and expectation year by year and continually."

What I am about to say may cause some to think I am critical of certain individuals, but I assure you I am not. My purpose is an attempt to understand why we find ourselves here today and what may happen if the bill's suggested changes are adopted. I am speaking as an individual who has the best interests of the State and the Society at heart; I have not been coached by any person or group, my statements are mine and mine alone.

It has become my understanding that unhappiness with the current administration of the Society was the catalyst which brought about last year's performance audit by the Division of Legislative Post Audit, the Special Committee on the Organization and Structure of the State Historical Society and now House Bill 2605.

Kansas 2000 Select Committee
Meeting Date 1-20-00
Attachment 2

Just who was instrumental in initiating this chain of events I do not know but it seems to me that destroying the outstanding relationship which has for so long existed between the Society and the State is a poor way to correct dissatisfaction with leadership.

The Kansas State Historical Society has long been regarded as one of the nation's most outstanding history organizations in terms of programs, collections and staff. As I told the Special Committee last fall, we were once adjudged to be one of the top four state historical organizations in the United States and **the** best west of the Mississippi. This judgment was made by our peers, heads of other state historical organizations.

I think it is interesting that the report of the Special Committee, on page 4-3, second column, states that staff "provided the Committee with additional information on the structure of the Minnesota, Ohio, and Wisconsin historical societies. In all three of those states, a private, not-for-profit historical society performs the same functions performed by the Kansas State Historical Society." What the Committee did not know, and could not report, was that those three Societies were the only ones judged to be better than ours when our survey was done perhaps 20 years ago.

So, could we say that private-state relationships result in the most outstanding historical societies?

Under HB 2605 there would be little change in the duties, functions and operations now performed by the Society except that the Governor would appoint the director of the new state agency with the approval of the Senate.

I must tell you that as a citizen of Kansas I have no great confidence that most Governors would make the best appointments. We have had good Governors and we have had inefficient ones; we have had good gubernatorial appointees and we have had miserable failures.

Why, then, should we assume that a director appointed by the Governor would be any more qualified and efficient than one elected by the Society's Board of Directors after a national search for talented and interested persons?

The Society has had three long term secretaries during the last 50 years, Nyle Miller, myself and Dr. Powers. Edgar Langsdorf served a three month term as interim director during the legislative session of 1977.

I am not familiar with how Nyle was selected but I do know that in my case, and that of Dr. Powers, there were special search committees appointed by the president of the Society who advertised the position nationally. The committees included a Kansas Supreme Court Justice, a former Governor, a Judge of the US District Court in Kansas, the head of the Eisenhower

Presidential library, prominent attorneys ranging from US Commissioners to distinguished professors , and members of the history faculties of several state universities.

The committees interviewed four finalists each time and made their recommendations without regard to political persuasion, something I cannot imagine a Governor doing.

My point is that it seems to me the Society has gone to far more trouble in finding a suitable leader than a Governor would have time to do. Having the Governor appoint the director, then, would not be an advantage over the present system.

The Board of Directors of the Society, recognizing the need for the secretary/executive director to be directly accountable to someone, has, last November fifth, amended the Society's bylaws to provide for direct control of the secretary/executive director by the executive committee. In addition the executive committee has been enlarge to provide for legislative and gubernatorial representation. Just last week it was announced that Representative Wilk, Senator Alicia Salisbury and Governor Bill Avery have filled those places.

The Society is trying to meet the supposed deficiencies noted by the performance audit.

Another disadvantage of a gubernatorial appointment is that no director could count on more than a four year term or service. This alone would fail to attract many persons who would otherwise apply for the job and rapid changes in leadership would be devastating to the organization.

Considerable has been said about the state needing more "accountability" in the expenditure of appropriated funds. I cannot understand this tact since all funds to all state agencies are carefully controlled by appropriation acts, the Division of Accounts and Reports, and financial audits as well as standing procedures. The Society is as controlled by these processes as is any other State agency. The "accountability" is in the budget.

I am also concerned about the relationship and rapport the Society has developed with local historical societies and genealogical groups. The state Society has made a determined effort to work closely with these organizations and we feel akin to one another. I do not think that relationship would exist between those groups and a state agency. The word "society" alone puts us all in the same boat.

Given the excellent record the partnership between the State and the Society has over the last 120 years I truly can't understand why a change is needed. In my opinion it can only lead to a negative future.

It also seems to me that by eliminating the trusteeship with the Society, the State would be condemning the Society to a useless role. Comparisons are made between university alumni associations and the Society as fund raisers. This is like comparing apples to oranges. Universities, by tradition and design, have a large constituency of loyal graduates from whom to solicit funds. The Society has only those who love history. House Bill 2605 relegates the issuance of historical publications to the State agency. If the Society did not have *Kansas History, a Journal of the Central Plains*, to offer its members, there would be little reason to join.

I can see the Society dwindling in numbers, losing its effectiveness and finally fading away like General MacArthur's old soldier. I do not think it would ever be an effective fund raiser for the State agency. The Society could not apply for federal grants, a large source of non appropriated funds, only the using agency could do that.

In conclusion I'd like to pass on an old saw which I have heard for years. I don't know where it originated or when but it is certainly a truism. "If it ain't broke, don't fix it." Give the amended bylaws a chance to work, scrutinize the relationship over the next several years, but don't precipitously destroy what has worked so well for so long.

Testimony to the Kansas 2000 Select Committee on the Governance of the Kansas State Historical Society, January 19, 2000, by Ramon Powers, Executive Director of the Society.

Chairman Wilk and members of the Committee, I am Ramon Powers, director of the Kansas State Historical Society. I appreciate the opportunity to appear before you today.

A major issue that came before the interim committee on Society governance concerned historic preservation. The mission of the Kansas State Historical Society is to collect, preserve, and interpret the historic resources of Kansas. This means our mission is to preserve the built environment, along with other documents and artifacts of our collective past.

The state historic preservation office fosters the preservation of the historical, architectural, archeological, and cultural heritage of Kansas. The office does not itself own, administer, or preserve historic properties, but rather it seeks to provide information and manage federal and state programs and otherwise assist property owners so they can maintain and preserve the state's historic and cultural resources. The office administers the nomination procedures for the National Register of Historic Places and also the state register of historic places; the staff is responsible for evaluating the potential effects of projects on historic and cultural properties under both federal and state laws. The office administers programs that provide financial incentives for historic preservation, including the state Heritage Trust Fund grants program, the federal investment tax credit for rehabilitating historic commercial buildings, and federal grants for local communities to survey, nominate, and plan for their historic resources. The office has special working relationships with eight communities/counties that have adopted local historic preservation ordinances and chosen to become Certified Local Governments. Another important element for the preservation staff is public education; these activities include one-on-one site visits with historic property owners or managers, presentations to organizations and groups of all types, conferences and seminars, and a bimonthly preservation newsletter.

Within every community there will always be a dilemma between future growth and the desire to preserve the past through the legacy of older structures in the community. These interests can work well together, but more often than not, they create a natural tension within the community. Preservationists today are faced with two very different philosophies on how to approach this problem.

One approach would have the state preservation office aggressively reacting to instances where buildings are endangered. In this method the goal is in essence to get "in the face" of those who threaten the state's historic resources by any means that would preserve them. It involves creating delays in accessing required permits to make major changes or to demolish a historic structure, so that communities have the opportunity to negotiate solutions. This approach is dramatic and certainly offers the opportunity to save a few structures. But it puts the state preservation office in an adversarial position and ultimately by law, city and county governments have the final say in terms of what is "saved" or "altered" in their community, as they should. This approach also tends to polarize people. In our opinion, this "stick" approach is not an effective approach to historic preservation in the long term.

Kansas 2000 Select Committee

Meeting Date 1-20-00

Attachment 3

The other approach, which reflects the direction in which we have taken the preservation office, is to view preservation as a community decision. In this approach, the state preservation office views itself as a facilitator for preservation, not the judge of what should be preserved. After all, a community can only embrace what it values. In this approach, we work from a position of education and assistance. We try to help communities to see the value of their historic resources and how they relate to the community's well-being, and, in the end, the quality of life in the community. We assist communities in the ways of preservation, rather than attempt to dictate a specific standard for all communities, no matter how different the circumstances. We provide incentives for community preservation, and help communities to work through state and federal regulations that allow the communities to access needed resources.

This is the approach to preservation that we have taken. We are responsible for this decision, but we took cues from legislators, the governor's office, and ultimately from the people of Kansas. This second approach to preservation seems more consistent with the values and attitudes currently expressed by leadership of this state and by the people we all serve.

I have also been asked to speak to the issue of the governance of state historical societies around the country. I have written a memorandum on *Governance of State Historical Societies*, which I would be most pleased to submit it to all of you. In that document, I quote an historian who categories state societies into three types: the privately endowed societies in the east; the equally vigorous societies functioning under state support in the central west; and the departments of archives and history that dominate in the south.

First, it is important to remember that societies differ from state to state based on the traditions of the particular state. However, there are models that clearly reflect attempts by states to provide nonpartisan management of history. There is no list ranking state historical societies; however, it is generally agreed among state history administrators that certain states have clearly achieved a level of excellence above others.

The dominate state historical society today is the Minnesota Historical Society. The Minnesota statutes make the society "an agency of state government." However, the governance of the Society is entirely under the private corporation chartered by the Territorial Government. The statutes provide that the society employees are paid salaries "comparable to the salaries paid to state employees in the classified state civil service," except for the director, and "Money appropriated to the Minnesota historical society shall be expended in the manner and under the terms and conditions described by the governing body of the Minnesota historical society." The Minnesota Historical Society, a private nonprofit corporation, is governed by an executive council of not more than twenty-five (25) members elected by its membership. The director is selected by the executive council.

The State Historical Society of Wisconsin, whose governance was used as the model for the Kansas State Historical Society, operates under a board of curators. The statutes, which were amended in 1980s, provide that in addition to the members, not to exceed thirty (30), elected by

society members to the board, the governor or his or her designee, the speaker of the assembly or his or her designee, and the president of the senate or his or her designee are members of the board. The representation of the state historical society members on the board is determined by the bylaws of the society. Society employees are in the state classified service, and the director is selected by the board.

The Ohio Historical Society is a private corporation that is trustee of the state and was chartered by the state "as a corporation not for profit to promote a knowledge of history and archeology, especially of Ohio, and operated continuously in the public interest since 1885." The general assembly appropriates money each biennium to carry out the public functions of the society; the appropriation constitutes an offer to contract with the society. How the society is organized is not provided for in the statutes. The members of the society board select the director.

The Nebraska State Historical Society was declared a state agency by amendment to the society's governing statutes in 1994; however, the society's trustee relationship is retained. The agency is under the direction of a board of trustees who are elected in part by the members and in part appointed by the governor. (The governor has three appointees on the board). The procedures for the election of the trustees is provided in the statutes. The trustees are authorized to establish bylaws for their own governance, and select a director or chief executive officer who also serves as secretary to the board of trustees.

The Oklahoma Historical Society consists of members of the society in accordance with the society's bylaws and constitution; the society is declared to be an organized agency of the state of Oklahoma. The board of directors consists of not more than twenty-five (25) members with the governor as an ex officio member. Each member of the board holds office until a successor is elected and qualified pursuant to the provisions of the constitution of the society. (The board hires the director.)

The Colorado State Historical Society was incorporated first as a private society and is made one of the educational institutions of the state. The society is trustee of the state to expend funds and hold collections. The society is part of the division of the Department of Higher Education. (The Division of Archives is in the Department of Administration.) The president of the society (i.e. director) makes funding recommendations to the governor and general assembly. The assembly makes annual appropriations to the society. (The structure of the society and how the president is selected are not treated in the statutes.)

The South Carolina Department of Archives and history is under the control of the South Carolina Commission of Archives and History which consists of five (5) ex officio members and six non ex officio members. The ex officio members are the heads of the departments of history of the University of South Carolina, The Citadel, Clemson University, Winthrop University and the head of the Department of Political Science and History at South Carolina State University. The non ex officio members are nominated by the South Carolina Historical Society, one by the American Legion, Department of South Carolina, and one by the South Carolina Historical Association; they are appointed by the governor for five-year terms. Two members appointed by the governor and approved by the senate have terms concurrent with the governor. The sixth

member is president of the University South Caroliniana Society with a five-year term. The director is appointed by the commission.

The statutes of the state of Washington provide that "each state historical society [Washington State Historical Society and the Eastern Washington State Historical Society] is designated trustee for the state" and is authorized to collect and preserve objects and manuscripts, operate a museum, accept gifts, charge fees and engaged in other activities including creating classes of membership. The procedures for how the societies are organized and select their directors is left to their bylaws. (A department of community, trade, and economic development administers the office of archeology and historic preservation in Washington state.)

The Kentucky Historical Society has all the powers and duties of a corporation and the statutes grant to the society the charter authorizing it to collect, preserve, and make available objects and records; it also is authorized to hold objects and documents. Membership in the society is offered to those who pay dues authorized by the executive committee. The officers of the society are the chancellor, who is the governor; a president; a first, second, and third vice president all elected for one term, except the chancellor. The executive committee consists of sixteen (16) members, the officers of the society, and an individual designated by the State Archives and Records Commission. Members are divided into four classes with one class retiring at each annual meeting of the society. The executive committee meets four times annually unless otherwise authorized. The nominating committee procedures are spelled out in statute. The director is appointed by the executive committee.

The Arizona Historical Society is authorized to have a president, a treasurer, a board of directors and other officers who are elected by the members of the society at times and by methods prescribed in the bylaws of the society. The board may designate an executive committee. The Arizona statutes provide that "The board of directors shall hold in trust for the state and administer for the benefit of the state and use of the society all property acquired by the society." The board may employ an executive director.

The Pennsylvania Historical and Museum Commission consists of the secretary of education or his or her designee, nine residents of the commonwealth appointed by the governor with consent of the senate, and four members of the general assembly or their designees (two from the senate, one appointed by the president pro tempore and one by the minority leader; and two from the house, one appointed by the speaker and one by the minority leader). The members serve four-year terms except the legislators who serve terms concurrent with their legislative terms. The governor designates the chairperson, and the commission appoints the executive director. The Pennsylvania Historical Society in Philadelphia, which dates from the first part of the nineteenth-century, is a private corporation that collects Pennsylvania history.

The Michigan Historical Commission consists of six members, with the addition of the governor as ex officio, appointed by the governor with consent of the senate. The appointments are for six years and are staggered. The commission collects, preserves, publishes, and displays historical materials. The secretary of state is placed in charge of the entity that manages history in Michigan. The Michigan Historical Society is an entirely private not-for-profit organization; in

recent years there has been an attempt to unite these two entities.

The Idaho State Historical Society is governed by a board of trustees consisting of seven members appointed by the State Board of Education chosen with regard to their knowledge, competence experience, and interest in the fields related to preservation of the historical archives of Idaho. Not more than four members of the board can belong to the same political party; the appointees serve six-year terms. The director of the Society is appointed by the board of trustees and serves at its pleasure.

The State Historical Society of North Dakota is under the supervision and control of the State Historical Board. The Board consists of nine members appointed by the governor for three-year terms. The secretary of state, state engineer, director of the Department of Transportation, state forester, director of the Game and Fish Department, state librarian, and state treasurer are ex officio members of the board who may appointee designees. The State Historical Board selects and appoints a superintendent to carry out its policies and directives.

The State of Oregon recognizes a continuing obligation to contribute to the support of the Oregon Historical Society. The amount appropriated each biennium will be considered the continuing level of state aid for operation of the society for the next biennium. Supplements may also be added to acknowledge inflationary factors and as match for demonstrated increases in membership dues or a combination thereof.

The Historical Society of Montana was originally organized under provisions of an 1865 act of the territorial legislature. In 1949, the society became "an agency of state government." The governance and administration of the society is vested in a board of trustees appointed by the governor with consent of the senate; appointments are for five years.

The South Dakota Historical Society is under the Department of Education and Cultural Affairs. A nonprofit South Dakota Heritage Fund operates as the fund raising arm of the society. The director is appointed by the secretary of the Department of Cultural Affairs.

The Iowa State Historical Society is likewise part of the Department of Cultural Affairs in Iowa and the Iowa Historical Foundation raises money for the society. The director is appointed by the director of the Department of Cultural Affairs.

I appreciate the opportunity to provide this information to you. If you desire any addition information on historic preservation or historical society governance or any other aspect of the Kansas State Historical Society organization or management, please let me know.

January 18, 2000

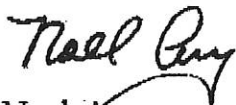
Members of the Kansas 2000 Select Committee
Kansas Capital
Topeka, Kansas

Re: House Bill 2605

I would like to urge you not to pass House Bill 2605 dealing with the reorganization of the Kansas State Historical Society. The Kansas State Historical Society is one of the most successful historical institutions in the country. The wisdom of early organizers, and those making successive changes over the past 100 years, has made it possible to save an unbiased record of our state without undue influence of the political party in control. Why fix something that isn't broke.

A quick look at Missouri will reveal how a divided historical society hampers operations and the mission to preserve state history.

Sincerely,



Noel Ary
2122 Thompson Ave
Dodge City KS 67801

Comments related to House Bill 2605 related to the governance of the Kansas State Historical Society and the Kansas State Historical Society, Inc.

My name is Betty Lu Duncan. I reside in Mission Hills, Kansas. I was born in Wichita and raised in Hutchinson. I am a native Kansan: born - raised - educated.

I have profound respect for elected officials. You have a difficult job to do to sort out the best choices for the welfare of Kansas citizens.

I am Vice Chairman of the Executive Committee of KSHS AND KSHS, Inc., the non-profit. Because we respected the recommendations of the Legislative Audit last summer, I was asked to chair the By-laws committee of KSHS and KSHS, Inc. to bring our organization into the 20th Century in governance. My committee was made up of very knowledgeable people including Dr. Joe Casper, Martha Gannon, Michael Hoeflich, Glee Smith and David Haury(staff). We worked diligently on the updating of the bylaws. We presented them to the executive committee of 13 and then to the 99 member board. After a three hour open discussion at the annual meeting last November, the changes were passed.

Because we responded in good faith acting upon the weaknesses in KSHS and KSHS, Inc., the non-profit, we were devastated by the extreme recommended changes in HB 2605.

I am here today to suggest to you some possibilities for compromise and workable solutions to the differences we have between our new bylaws and HB 2605.

As I see it there are four "sticky wickets".

- ① Changing the name of an institution.
- ② Formalizing the KSHS as a free standing agency.
- ③ Giving the Governor and the Senate control over the selection and accountability of the Executive Director.
- ④ The changing and elevation of the State Historic Preservation officer.

① You have heard or will hear from many people today about not changing the name of the organization. I'm sorry we haven't done a better job of communicating the difference between the KSHS and KSHS, Inc., the non-profit. We can do better in the future. I think this is not a reason to change the name.

② It would seem very possible to establish a free standing agency without stripping the trusteeship from the existing organization. In rereading the interim committee minutes, I see

that establishing a free-standing state agency does not specify terminating the status of the Society as a trustee: "just to provide a more clear distinction between the 501(c)(3) corporation and the state agency."

Would you please consider adopting our new form of the bylaws (Article IV and Article VI) or by having the Governor appoint a governing board which could include representatives from the executive committee of KSHS, Inc. and be answerable to the Governor and KSHS, Inc. ? We don't have a problem with agency accountability. We do need to be able to contract to raise unrestricted funds from all of the gift shops throughout the state and to continue our inhouse relationship.

3. As for this issue, if we could just be in the process of selection of applicants for the Exec. Director position, we would heartily support the appointment by the Governor and approval by the Senate.

4. For the last "sticky": the position of State Historic Preservation officer. The bill seems to cover well the elevation of that position.

Thank you for your time, interest and commitment to the people. The state motto seems a fitting closure, "AD ASTRA PER ASPRA".

Addendum: Betty Lu Duncan House Bill 2605

KSHS and KSHS, Inc. new bylaws provisions

Article IV- Executive Director

The Executive Director of the state side is now appointed by the executive committee, elected by the Board of Directors with approval of the Governor. The executive director is no longer the director (secretary) of the non profit. There is annual review and report to the Governor.

Article VI Executive board is now composed of 6 elected from the large board, 3 appointed by the Governor, 3 officers and the past president. The executive director and Treasurer are specifically non voting. The quorum was increased from 3 to 7.

The issue of terms of office among other things ^{is} ~~was~~ to be considered this year.

House Bill No. 2605

By Special Committee on Structure and Organization of the State Historical Society. A citizens perspective.

As a citizen who is actively involved in preservation work in the Topeka community, as well as working with other groups throughout this State, many citizens feel that they receive little or no help from the Kansas State Historic Society for their projects or funding. By attending National Preservation meetings and visiting many historic sites and speaking with other community volunteers about their states Preservation efforts I have come to realize that our State SHPPO officer differs greatly from other State Historic Societies.

I feel that the Historic Society and the Tourism Department do not work together and they should. Tourism in my opinion is economic development and many Historic sites in this state are neglected because local communities and citizens cannot afford to pay for what should be saved on their own. Hiring fund raisers for a local group is impossible. Grants are available but our own Historic Society competes for the same grants the citizens go after. In my group and others we need someone to help us write grants and we expect this kind of help from the State.

Yesterday when members from the State Historic Society past President spoke about Cary Nation's family donations. I think this is great however, does the historic society or Mrs. Nation's relative know where Mrs. Nation lived in Topeka and that her house is still here and maybe instead of her items being in some closed museum or hidden in some storage bin the people in this community may be able to use it as a tourist attraction in the future. Mrs. Nation had her office located on 10th street and Kansas Avenue for four years than moved it to 12th Street on Kansas Avenue. The professor from Lawrence talked about how he would rather be teaching his history class about Edmond Ross. If history and tourism were connected not only would the story of Edmond Ross be told to his history students but also to out of state travelers and local students as well. The former Senator Ross had his newspaper office in Topeka where the Topeka Constitution Convention was held in 1855 and later became our First State Capitol. The place where John Brown Jr. was part of the legislature and the history of our early state leaders come alive. History is not only learned through books, it becomes living experiences when students are taught about history and can touch and experience the period at the actual site and with computerized speeches learn first hand what kind of decisions our early leaders had to make regarding one of the most crucial periods in our nations history.

In my opinion, history, culture, and the arts go

Kansas 2000 Select Committee

Meeting Date 1-20-00

Attachment 6

together. Parks and wildlife experiences cannot be ignored and are part of what makes Kansas a better place to live and work. We need historic sites saved to help bring tourism and more business opportunities to our cities and little towns. History is more than about books and museums, it's about our past and what we are now and will be in the future. It's about the Heroes' of today and tomorrow, a place to share life experiences.

Changing an historic institution will be tough task however something must be done. Our City and small towns need help. Today, I am working on locating John Brown's sites and other Underground Railroad Sites. This years is John Browns' 200 year brithday, Mid West Living called me about our plans for this event they wanted to do a writeup about his history. John Brown or Shubel Morgan was not only in Osawatomie he was here in Topeka and traveled along the Lane Trail up to the Nebraska border. Multi Culture and tourism and underground R.R. sites lectures were the best attended event in the National Preservation Meetings this past year. Touring the Harpers Ferry Tourist attraction shows what can be done with a city that honors their past. We share the history of John Brown but our sites throughout the state are not being saved. We have great stories to tell about the people who were seeking freedom and traveled the Lane trail, not only the story of black slavery but also white, the story of the emigrant families, Indian histories, civil war history, etc. But private citizens cannot do the work alone. A State Agency that covers History and Tourism and Development must be set up to help us in the economic down times in this state. History is everyone's business not for the few.

Maryjane Bradshaw