

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 54

As Further Amended by House Committee on
Economic Development and Tourism

Brief*

SB 54, as amended, would create the Capitol Preservation Committee, which would include the following twelve members:

- The Statehouse Architect;
- The Executive Director of the State Historical Society;
- The Executive Director of the Kansas Arts Commission;
- Three members appointed by the Governor;
- Two members appointed by the President of the Senate;
- One member appointed by the Minority Leader of the Senate;
- Two members appointed by the Speaker of the House;
and
- One member appointed by the Minority Leader of the House.

The bill would require the Governor to appoint the Chairperson of the Committee. The Committee would be required to meet at least annually, but no more than four meetings shall be called in any year. The bill would stagger the terms for the first set of appointees to be either 1 or 2 years,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

depending on the appointing authority. All successor appointees would serve 2-year terms.

Under the bill, the Committee would have the following responsibilities:

- After January 1, 2013, approve all proposals for renovation of all areas of the State Capitol, the Capitol Visitor Center, and the grounds surrounding the State Capitol;
- Preserve the proper decor of such areas;
- Assure that any art or artistic displays are historically accurate and have historic significance;
- Determine the location and types of temporary displays and revolving displays in the State Capitol including the Capitol's Visitor Center; and
- Oversee the reconfiguration or redecoration of committee rooms within the State Capitol.

The Division of Legislative Administrative Services would have the responsibility to implement the recommendations of the Preservation Committee.

The bill would require that any permanent display or monuments proposed for the State Capitol be approved by the Committee and the State Legislature.

The Capitol Preservation Committee would submit annual reports to the Governor and the Legislature. Committee members who are not full-time state employees would be paid for travel reimbursement and other expenses as specified in KSA 75-3223. The bill would authorize the Committee members to engage in fund-raising activities for the preservation of the Capitol. Committee members would be prohibited from having a fiduciary interest, either directly or indirectly, in any contract involving the Committee's

responsibilities.

Legislative staff from the Legislative Research Department, the Office of the Revisor of Statutes, and the Division of Legislative Administrative Services would be required to provide assistance to the Preservation Committee when requested and to the extent authorized by the Legislative Coordinating Council.

Finally, the bill would repeal the Statehouse Art and History Committee (KSA 75-2266) and the current method for the approval of memorials on the Capitol grounds (KSA 75-105 and 75-106) which requires the approval of the Secretary of the Department of Administration.

The bill would require the Capitol Preservation Committee to develop plans for the placement of a mural in the State Capitol commemorating the United States Supreme Court decision in the case of *Brown v. Board of Education*. The bill would prohibit public funds being used to pay the costs of creating and installing the mural.

Background

The sponsors of the original bill, Senators Hensley, Faust-Goudeau, and Haley, testified in support of the bill. The President of the Kansas State NAACP Conference of Branches testified as a proponent of the bill.

No opponents testified on the bill.

The House Committee on Federal and State Affairs amended the bill to incorporate provisions of HB 2148 relating to the Capitol Preservation Committee.

SB 54 was then referred to the House Committee on Economic Development and Tourism. Proponent testimony was provided by the persons identified above and by Representative Melvin Neufeld who proposed further changes

to the bill.

A subcommittee was then appointed to further consider the bill and any amendments. During the course of the subcommittee's hearing, it compared similar capitol preservation provisions found in twenty-four states.

The full committee later concurred with the subcommittee's proposed amendment which addressed the size of the Preservation Committee, the number of meetings, the term of appointment, responsibilities, annual report, compensation, authority over future proposals commencing after January 1, 2013, fund-raising activities, conflicts of interest, and the repeal of the inactive Statehouse Art and History Committee. The full committee further clarified the Preservation Committee's responsibilities by granting approval over future proposals relating to restoration and not reconstruction. The House Economic Development and Tourism Committee deleted that portion of the House Federal and State Affairs amendment that dealt with the creation of Senate, House, and executive branch subcommittees.

According to the fiscal note, passage of the original SB 54 would have no fiscal effect on the Kansas State Historical Society or the Department of Administration.

The fiscal note for 2009 HB 2148 states that according to the Office of the Governor and the Kansas State Historical Society, any costs related to passage of HB 2148 would be covered by existing resources. Legislative Administrative Services estimates that the costs of meetings held during the legislative session would be covered by existing resources, and that the cost of one two-day meeting held outside of the legislative session during FY 2009 would be \$3,575. This cost is based on the assumption that six members of the committee would be legislators and that three of those legislators would claim an en-route day. The cost of mileage to and from the meeting is estimated at \$751, with an average of 248 miles per participant (248 X \$.505 X 6). Per diem compensation for the meeting would total \$1,064 (\$88.66 X 6 X 2), and lodging and

meals are estimated to cost \$1,635 ($(\$109 \times 3) + (\$109 \times 6 \times 2)$). The cost for the benefits package associated with meeting compensation would be \$125 ($\$1,391 \times .09016$). The cost for FY 2010 is expected to increase by 5.0 percent to \$3,754. Any fiscal effect resulting from enactment of HB 2148 is not accounted for in *The FY 2010 Governor's Budget Report*.