

MINUTES

JOINT COMMITTEE ON ARTS AND CULTURAL RESOURCES

November 30 - December 1, 2006
Room 123-S—Statehouse

Members Present

Senator Peggy Palmer, Chairperson
Senator Marci Francisco
Senator Chris Steineger
Senator Dennis Wilson
Representative Lana Gordon
Representative Candy Ruff

Members Absent

Senator Jean Schodorf
Representative Delia Garcia
Representative Deena Horst
Representative Jo Ann Pottorff

Staff Present

Hank Avila, Legislative Research Department
Melissa Calderwood, Legislative Research Department
Aaron Klaassen, Legislative Research Department
Bruce Kinzie, Revisor of Statutes Office
Diane Minear, Revisor of Statutes Office

Thursday, November 30 Morning Session

Chairperson Palmer convened the meeting 10:10 a.m., in Room 123-S, Statehouse. She told the Committee that due to inclement weather some conferees from Butler County were unable to attend the meeting. These conferees did, however, submit their testimony in writing (Attachments 1, 2, and 3). The Chairperson then revisited the various sites viewed by the Committee through a series of slides during its September tour. With the aid of video equipment, she reviewed the tour and its participants. Among the places visited in September were: El Dorado and Butler County; Eureka; Elk Falls; Sedan; Fall River; the Otter Creek Ranch Headquarters in Greenwood County; Augusta; and Beaumont, Kansas.

The Chairperson next turned the Committee's attention to the September 7-8, 2006 minutes. *Representative Gordon made a motion to approve the minutes; Senator Wilson seconded the motion, and the minutes were approved.*

The Chairperson called on Patrick Conroy, The Beaumont Hotel, who had asked to appear before the Committee to discuss, among other things, signage problems (Attachment 4). He informed Committee members that the directional sign to the Beaumont Hotel is about one mile off the highway and cannot be seen by highway traffic. He also said that the sign faces north on an east-west highway and as a result cannot be seen until a driver is at the turn into Beaumont. He pointed out that the Kansas Department of Transportation (KDOT) restrictions limit Beaumont from attracting drivers into the city to visit the historic Beaumont Hotel. He proposed to the Committee that he be allowed to make the sign a two-sided sign so that it faces east and west to make more visible traffic.

Following Mr. Conroy's testimony, the Committee discussed the issue. Much of the discussion about the sign centered on how the land was zoned and who had jurisdiction over the sign. It was decided with KDOT conferees that contact needed to be made with Mr. Conroy, the Hotel owner, and Butler County officials to address the issue.

The next presenter was David Church, KDOT (Attachment 5). Mr. Church appeared before the Committee to discuss roadway signs dealing with cultural, historical, travel, and tourism sites. He revisited SB 253, which passed in 2006. Among other things, the law:

- Requires KDOT to compile and maintain a current listing of all roadway and outdoor advertising signs that are available for the purposes of increasing tourism or economic development;
- Provides a description of the program and the requirements for obtaining a sign under the program; and
- Requires that this information be reported annually.

Mr. Church then reviewed documents that discusses the following topics: Roadway and Outdoor Advertising Signs that Promote Economic Development and Tourism; the Kansas Tourism Attraction Signage Application Kit; and the Kansas Logos Signing Program.

In response to the so-called "bumping" policy of KDOT that permits a sign owner who has contracted with KDOT for the erection of a sign to be "bumped" off by another sign owner, whose establishment is located closer to the roadway interchange, Mr. Church told Committee members that the Department would review this policy.

Chairperson Palmer then called on Brian Logan, KDOT, to review the State Highway Map and the signation of historic and cultural sites (Attachment 6). Mr. Logan informed the Committee that:

- The State of Kansas prints the Official Transportation Map biennially under suggested guidelines of the Federal Highway Administration.
- KDOT consults with numerous partners such as the Kansas Department of Commerce, the Kansas Department of Wildlife and Parks, and the Kansas State Historical Society.

- The Department of Commerce selects historic and cultural sites for inclusion in the map and then works with KDOT to determine the best solution for display.
- The Department of Commerce distributes about 80 percent of the printed maps.

The next conferee was Lori Church, Marketing Section of the Kansas Department of Commerce (Attachment 7). Ms. Church noted that part of her duties and responsibilities were to act as liaison between KDOT and the Travel and Tourism Division to help produce the official state map. She added that the Division has historically been assigned the creative process for nine panels, including the cover on the reverse side of the map. She noted that the Division proofs the map with respect to tourism attractions, checks the map to ensure that the attractions listed are accurate, and advises KDOT if any changes are needed.

Afternoon Session

Chairperson Palmer began the afternoon session by calling on Becky Blake, Kansas Department of Commerce, to discuss *Kansas! Magazine* (Attachment 8). Ms. Blake informed the Committee that the primary purpose of the magazine was to provide content that supports the state's tourism market, encourage travel to and within Kansas; and provide revenue to support other marketing initiatives for the Division of Travel and Tourism. She also noted that:

- The publication has experienced a steady decline in circulation and revenue—16 percent in the last six years;
- The magazine marketing strategy has not fulfilled the niche marketing priorities as determined by the research of the Department;
- The past management structure of the magazine lacked collaboration: four contractors were employed to produce the publication;
- The Division has begun to assess all aspects of the publication and implement changes such as: better alignment of editorial content with overall marketing objectives for Kansas; stabilization and increase in circulation; and the creation of a more efficient management structure;
- After bidding process and review of 23 different proposals, Midwest Living from Iowa was chosen to provide editorial, layout, and design and printing functions; and
- The Division believes that the selection of Midwest will help to move *Kansas!* Magazine in a new direction.

Following Ms. Blake's testimony, some members of the Committee expressed concern that there were no Kansas companies that made a bid on the project. It was noted that Kansas companies ought to be given optimal consideration. One member of the Division replied that one Kansas company did reply but it did so after the bidding deadline.

The Chairperson called on Paul Bahnmaier, President of the Lecompton Territorial Capital Museum in Lecompton, Kansas (Attachment 9). Mr. Bahnmaier provided the Committee with a brief history of Lecompton and national importance of the structure. He expressed concern that Constitution Hall will be not be opened to the public for three months. He also submitted a letter of support from former State Senator Wint Winter (Attachment 10). Representative Tom Sloan also submitted written testimony opposing the closure of the historic site for three months (Attachment 11).

Another conferee who submitted written testimony was Judy Billings, Executive Vice President of the Lawrence Chamber of Commerce (Attachment 12). Ms. Billings' comments pertained to the establishment of a national heritage area in 1999. This group formed a 501(C)3 organization with the goal of interpreting and promoting a shared heritage to commemorate the Sesquicentennial of the establishment of the Kansas Territory after the passage of the Kansas-Nebraska Act in 1854. She asked that the Legislature support these efforts by making a recommendation to the appropriate state agency to make a financial contribution toward the development of a management plan for the area.

Chairperson Palmer next called on Jennie Chinn, Executive Director of the Kansas State Historical Society (KSHS), to reply to the concerns of Mr. Bahnmaier. Ms. Chinn distributed a document entitled, "State Historical Sites Hours of Operations" (Attachment 13). This material noted that there is variation in the opening hours of state historical sites, but that in general, sites are open during the months of December, January, and February during seasonal hours either by appointment or for special events. Ms. Chinn added that current goals for the state historical sites are to: increase visitation; increase operational efficiency; increase community financial support for the sites; and increase school visitation by creating standard-based curriculum programs at the sites.

Ms. Chinn also provided data on attendance, non-state community support for the operation of state historical sites, and a comparison with the National Parks Service facilities in Kansas. The data indicated that in FY 2006 a total of 95,016 people attended 17 state historical sites. In terms of non-state community support for the operation of state historical sites, the information indicated that the John Brown facility generated the most total cash support of \$54,531, while the William Allen White home generated \$50,201. With regard to the comparative data of the National Park Service, Fort Larned generated the most visitors with 28,390, followed by Nicodemus with 28,065 visitors. Other attendance information showed that the lowest attendance rates occurred during the months of December, January, and February. Other information provided by Ms. Chinn showed that:

- Other cultural institutions were not opened the entire year and that most were seasonally closed.
- It would cost \$1.1 million to keep all state historical sites open to avoid seasonal hours.

Ms. Chinn also presented a projected effect of seasonal hours as it pertained to Constitution Hall. She indicated that visitors who did not pay admission would not be affected because they come as a part of a pre-scheduled group visit, and participate in the site through programming. Neither activity will be affected by the seasonal hours.

The Chairperson next called on Revisor's staff to explain two statutes, one pertaining to the heritage trust fund and the other to historic preservation grants (Attachment 14). The first statute, KSA 70-3107b, addresses the portion of fees remitted to the State Treasurer for the fund. It provides that the county treasurer must pay quarterly to the State Treasurer \$.01 of each \$.26 paid to the

county treasurer during the preceding calendar quarter from the mortgage registration fees. The other statute, KSA 75-2729, pertains to the historic preservation grants. Among other things, it requires that all monies deposited in the heritage trust fund be used for the purpose of awarding grants to assist historic preservation projects involving property included in the National Register of historic places or the State Register of historic places, excluding property owned by the state or federal government. The statute also requires that at least 50 percent of the amount awarded annually in grants be used for the preservation of eligible properties owned by county and local governments, county and local historical societies, and by a private nonprofit organization.

In response to the matter of tax credits, Ms. Chinn referred the Committee to page 22 of her testimony of November 30, 2006 (Attachment 15). The information included a state and federal tax credit program. The federal program fosters private sector rehabilitation of historic buildings and promotes economic revitalization. The state program pertains to qualified buildings that have been placed on the National Register, the Register of Historic Kansas Places, or have been deemed contributors to a National or State Register Historic District. The information also provided an extensive state tax credit database.

The final presentation of the day was provided by Kathleen Smith, Kansas Department of Revenue (Attachment 16). Ms. Smith noted that:

- Kansas law allows a tax credit for a qualified taxpayer that makes qualified expenditures to restore or preserve a qualified historic structure according to a qualified rehabilitation plan.
- The amount of the credit is 25 percent of qualified expenditures when the total amount of the expenditures equal \$5,000 or more.
- If the credit exceeds the tax liability of the year in which the qualified rehabilitation plan is placed into service, the excess credit may be carried forward to the next succeeding years or until the total credit has been used except that no credit may be carried over for deduction after the tenth taxable year succeeding the year in which the rehabilitation plan was placed into service.
- For tax year 2005, \$3.3 million was the amount of credit allowed.

Friday, December 1 Morning Session

Chairperson Palmer called the meeting to order at 9:10 a.m. She called on Richard Smalley of the Department of Commerce to update the Committee on tourism website issues (Attachment 17). Mr. Smalley stated, among other things, that:

- In late Spring 2005, a Request for Proposal was written to develop a new site.
- Prior to the new site, training documents were sent and a series of teleconferences were held with the Destination Marketing Organization (DMOs) and individuals on how to administer their listings. Currently, there are over 170 DMOs.

- The site is backed by a database with over 5,000 listings.
- The listings are maintained by industry partners who are able to log into the back-end administrative area and make adjustments to their listings.
- The new tourism site was successfully launched April 1, 2006.
- Visitors to the site are able to search a number of ways including keywords, destinations, and events.
- Previous monthly traffic to the site averages just under 32,000 sessions. Since the new site went live, monthly traffic now averages 51,000 sessions.

Mr. Smalley noted that future plans include blogs, photo blogs, podcast, and video casts. Future plans also include a one-stop system for the industry to maintain their listings and order Visitor Guides, KDOT maps, event calendars, and expanded newsrooms.

The next conferee was Marion Cott, Kansas Humanities Council (KHC) ([Attachment 18](#)). Ms. Cott reviewed the Council's FY 2008 state funding request. She expressed support for the Governor's FY 2008 recommendation of \$81,830 in support of public humanities programs. She said that the KHC requested \$201,830 for public humanities programs, which continues the base allocation of \$81,830 and provides additional funding in the amount of \$120,000 for two special initiatives: Kansans Tell Their Stories (\$70,000), and Family Reading Programs (\$50,000). She noted that the KHC receives far less funding than other cultural agencies, yet serves the entire state. Ms. Cott added that in 2005, KHC supported 700 programs in 150 communities, serving close to a half-million Kansans. She noted that the KHC does not ask the state to provide all its funding but actively seeks other sources. Ms. Cott added that the KHC has successfully matched state funds with private or federal dollars.

Ms. Cott then introduced Julie Mulvihill, who will replace Ms. Cott as Executive Director in January 2007. Ms. Mulvihill reviewed some of the programs she has been involved with as Director of Programs of KHC. She said that she looks forward to working with the Committee on KHC's programs and objectives.

The next conferee was Llewellyn Crain, the new Executive Director of the Kansas Arts Commission (KAC) ([Attachment 19](#)). Ms. Crain provided a review of the Kansas Arts Commission and explained staffing changes. She said that she was hired in May 2006 after the Kansas Arts Commission embarked on a nationwide search. She also said that the Commission had hired a public information officer and a program manager. Ms. Crain then discussed the agency's grant guideline changes and its strategic planning. According to Ms. Crain, the agency completed an extensive review of its grant guidelines this fall and is implementing a number of changes for FY 2008. These changes simplify and clarify the guidelines. With regard to strategic planning, Ms. Crain indicated that the Commission will conduct focus groups and interviews and initiate community meetings from January through April 2007. From these meetings, the Commission will create goals and strategies. Other new projects will include a Poetry Out Loud program in partnership with the National Endowment for the Arts and the Poetry Foundation. Ms. Crain also noted that:

- A new Poet Laureate of Kansas has been appointed;
- Kansas is the site of the National Symphony Orchestra's fourteenth national residency;

- The Kansas Arts Commission has received an additional grant of \$55,000 from the National Endowment for the Arts American Masterpieces program; and
- The Kansas Arts Commission was a part of the Governor's Council on the Arts and Culture which planned and produced the first Kansas Book Festival.

Ms. Crain also discussed future projects and hopes to increase the number of organizations and artists served by the agency. She indicated that KAC has contracted with the Americans for the Arts to do an economic impact study of the arts throughout Kansas.

In terms of the agency's budget, Ms. Crain's testimony indicated that the FY 2007 Revised Budget Request was \$2,245,717 and FY 2008 Budget Request was \$2,082,948. She added that the Division of Budget issued a Reduced Resource Target for the Kansas Arts Commission of \$77,486. She said that if this budget cut were implemented in FY 2008, State General Funds appropriated to the Commission would be \$1,472,227. Funding at this level would reflect a 5 percent cut from the appropriated FY 2008 State General Funds. Ms. Crain said that a total of \$100,000 of State General Fund moneys was requested to augment the agency's art programs to make for federal funds that will not be available for FY 2008. If this enhancement is approved funds will allow agency grant funds to remain relatively level to grant funding in FY 2007.

Other arts related testimony was submitted in written form from John Highkin, Executive Director, Salina Arts and Cultural Resources ([Attachment 20](#)).

Chairperson Palmer called on Jennie Chinn, KSHS, to address three issues raised by the Committee: seasonal hours at historic sites, especially Constitution Hall at Lecompton; the Heritage Trust Fund; and assistance to small historical museums ([Attachments 21 and 22](#)). With regard to the first concern, Ms. Chinn said that she would contact Mr. Bahnmaier at Lecompton and ask if the community would be willing to provide support for the opening of the site on weekends during the winter months. She said that support could be in the form of cash donations or volunteer assistance. If the community can assist the Society with support then the Hall will be open regular hours on the weekends December through February. Ms. Chinn also said that she would ask the site administrator at Lecompton to work with the community to start a Friends of Constitution Hall, a not-for-profit organization that can assist KSHS in finding the resources for the site.

On the subject of the Heritage Fund, Ms. Chinn said that she would ask staff to review the weighing of criteria on the Heritage Trust Fund application and develop a proposal to address the concerns expressed by the Committee. She added that the agency will work with the Kansas Preservation Alliance and the state Certified Local Government to make them aware of the concerns to get their feedback. She noted that she will share Committee concerns with the State Historic Sites Board of Review. Finally, Ms. Chinn said she would work with the Chairperson to develop a proposed grant program to assist small and rural historical museums that are open to the public to improve their facilities, programming, and administration.

Ms. Chinn then proceeded to review the agency's funding needs and requests (see [Attachment 21](#)). She furnished the Committee with FY 2006 highlights. This information noted the following:

- KSHS received \$815,591 in capital improvements to address issues of delayed maintenance.

- The Kansas Museum of History received national accreditation from the American Association of Museums.
- KSHS recorded 5,259,988 user sessions on its website.
- *Read Kansas!* was started; it provides original readings on Kansas topics for K-12 students that meet state curricular standards.
- The agency began a new series of popular podcasts about KSHS's collections.
- KSHS began providing tours to the top of the Capitol dome and in six months more than 15,000 people climbed the 296 steps.
- The agency distributed \$150,000 in grants to communities across the state to collect oral histories of World War II veterans.
- After raising more than \$1,000,000 in non-state funds, KSHS rehabilitated and reinterpreted the Shawnee Indian Mission State Historic Site in Fairway.
- Fifty-two properties were added to the National Register of Historic Places and seven properties to the Register of Historic Kansas Places.
- The agency partnered with the University of Kansas Continuing Education Department on the Osher Lifelong Learning Institute to bring classes for adult learners to Topeka; and
- KSHS received national awards of achievement for the special exhibit *Blazing Guns and Rugged Heroes: Kansas in the Westerns* and the book, *Kansas Territorial Reader*.

Ms. Chinn also highlighted the agency plan. Some of these plans involve:

- Increasing private contributions to KSHS by 15 percent.
- Decreasing utility usage by 5 percent.
- Carrying out a statewide survey of agricultural properties in Kansas resulting in a multiple property nomination.
- Partnering with educational organizations to provide standards-based teacher training in the area of Kansas history.
- Reinterpreting Fort Hays Guardhouse, Grinter Place, Hollenburg Station, and Kaw Mission State Historic Sites.
- Launching Kansas Memory, a virtual repository of the agency's collection.
- Completing 150 artifact historic sites on the web through the agency's "Cool Things" project for the state's Sesquicentennial in 2001.

The next items Ms. Chinn discussed were funding matters. She divided KSHS's budget needs into one-time expenditures and recurring expenditures. Included in the one-time expenditures were: replacement of an aging telephone system and three motor vehicles; restoration of the exterior of the Goodnow House; and the replacement of the steam humidification system at the Kansas Museum of History. The recurring expenditure pertained to the replacement of information technology equipment. The last item Ms. Chinn reviewed was the need for expenditures to make capital improvements to the William Allen White State Historic Site. She explained that an Attorney General's Opinion on a law restricts KSHS from expending state funds to operate or make capital improvements on the property. She said that legislation similar to that introduced in 2001 would allow the agency to receive state funds for the historic site at Emporia.

Chairperson Palmer called on Peter Jasso, Kansas Film Commission (Attachment 23). Mr. Jasso informed the Committee that the Commission is funded entirely by the Economic Development Initiatives Fund (EDIF) and covers expenses for two full-time employees and an operating budget of \$100,000 for their activities in marketing Kansas and assisting film production in the state. He said that during FY 2006, film production dollars spent in Kansas totaled an estimated \$33.0 million for a return on investment of approximately 167 to 1. He also said that:

- The Commission has provided assistance to several production companies including independent films, *Bunker Hill Rigged*, *Trail End*, cable television shows, *BBC*, *History Channel*, commercials, *Kodak*, *Fort Riley*, mobile phone films, *N8 Studios*, and documentaries, *Sea Monsters*, *God in a Box*.
- The Commission seeks to increase dollars spent in Kansas by filmmakers not only by promoting Kansas as an attractive film site, but also by elevating national awareness of indigenous talent and resources through events and programs designed to draw international attention and by providing free resources to aid their efforts to produce films locally.
- The Kansas Film Industry Task Force findings and recommendations were forwarded to the Governor. These strategies are: developing and deploying investments of state financial resources that are held accountable based upon quantitative data and reporting success; establishing a cooperative educational structure that employs class work, internships, certification programs, and transferable credits across various state institutions to achieve a technically skilled and creative workforce in film production; and reorganizing and refocusing the Kansas Film Commission to facilitate the synergistic assets of Kansas that will be critical to the creation of a successful and sustainable film industry.

The final conferee was Joyce Huser, Fine Arts Educational Consultant, Kansas State Department of Education (Attachment 24). Ms. Huser discussed four topics: curricular standards for visual arts education; the arts in Kansas Schools; the No Child Left Behind law; and national research as it pertains to arts and student learning. With regard to state standards, Ms. Huser informed the Committee that they are being revised. The changes will include improved clarity and consistency among standards, benchmarks, and indicators. In addition, teacher resources will include lesson plans for each of the standards. She added that curricular standards for media literacy and forensics have been developed and approved by the Kansas Board of Education. These standards address film production and understanding. With regard to arts in Kansas schools, Ms. Huser explained that standard training workshops will be offered for teachers addressing the revisions made during the Visual Arts standards revision process. Similar training presently is being

offered regarding the Media Literacy and Forensics standards. Also, workshops are being planned for the summer focusing on music portfolio and assessment.

On the topic of No Child Left Behind, Ms. Huser said that:

- In 2007, Congress will begin the reauthorization process for another five years.
- Nationally, the arts education community currently is working to gather support and develop requests to members of Congress to ensure high quality, ongoing K-12 arts education for America's students.
- *The Impact of the Latest Federal Education Legislation on the Arts in 2007* outlines the successes, challenges, and ways advocates are making a difference for the arts in the nation's public schools.

In terms of national research, Ms. Huser cited the recently released *Critical Links Learning in the Arts and Student Academic and Social Development*. This is a compendium of research and studies addressing academic and social effects of learning in the arts. She also cited other studies pertaining to dance, drama, multi-arts, music, and the benefits of the arts on elementary school children.

Committee Conclusions and Recommendations

Based on Committee testimony and extensive discussion, the Committee recommends that:

- The Kansas Department of Commerce include small museums and historic sites on the Kansas Highway Map to enhance attendance rates of these facilities.
- The Website of the Department of Commerce be improved by: updating and improving communication with legislators; and by having Destination Marketing Organizations (DMOs) interact with local legislators to get communities, historic places, and businesses listed on the Department of Commerce's website.
- The Department of Commerce develop niche marketing to better identify special places that may not have been considered previously.
- The Department of Commerce strive to make its website more user friendly to the general public, including better interface and access to the site from the State of Kansas' website.
- The Department of Commerce review its decision to have *Kansas!* Magazine published by an out-of-state company. The Committee encourages the Department to consider use of qualified Kansas companies in the future.
- The Department of Commerce review the purpose of the *Kansas!* Magazine, including whether its principal purpose is to generate revenue by attracting readership and whether a new generation of younger readers will replace the declining cohort of older readers.

- Consider the potential for the *Kansas!* Magazine perhaps being combined with another related publication such as the Wildlife and Parks publication and then have the Department of Commerce follow up next year on its findings and recommendations.
- Cities or counties be listed on the Department of Commerce's website to make it more user friendly.
- The Kansas Department of Transportation policy of "bumping" of existing businesses on highway signs from their sites be reversed through a grandfather provision or policy, as a measure of fairness.
- The Kansas State Historical Society's planned efforts to keep open the Lecompton Constitution Hall on weekends during the months of December, January, and February is strongly supported. The Committee encourages the Lecompton community to provide volunteers and cash donations to the Society in the Society's efforts to keep open the facility. The Committee further supports a call number to the Lecompton facility for group appointments. Lastly, the Society should explore any available federal funds for this purpose.
- The suggestion by the Kansas State Historical Society for the creation of a separate fund for small museums be further explored and should this approach be adopted, direct any additional monies to this fund.
- The policy of weighing certain criteria in the award of moneys from the Heritage Trust Fund be further explored.
- A new Department of History and Tourism be created to enhance the visibility and vitality of both subjects. The Committee recommends that the Division of Tourism be taken out of the Kansas Department of Commerce and created as a separate agency. The Committee believes that, currently, the Department of Commerce is an agency with multiple duties and facets and more attention would further tourism in Kansas.
- A study be undertaken by the Society to determine whether the fundamentals of civics can be incorporated in a (Kansas history programming for schools).

Following the Committee's recommendations, the meeting was adjourned.

Prepared by Hank Avila
Edited by Melissa Calderwood

Approved by Committee on:

December 28, 2006
(date)