

Approved: March 11, 2010
Date

MINUTES OF THE HOUSE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE

The meeting was called to order by Chairman Lana Gordon at 3:30 p.m. on March 8, 2010, in Room 152-S of the Capitol.

All members were present except:

Representative Owen Donohoe- excused

Representative Pat George- excused

Committee staff present:

Doug Taylor, Office of the Revisor of Statutes

Reed Holwegner, Kansas Legislative Research Department

Brandon Riffel, Kansas Legislative Research Department

Ann Deitcher, Committee Assistant

SB 54 - an Act creating the Capitol Preservation Committee and authorizing the Committee to develop plans for the placement of a mural within the Capitol to commemorate the U.S. Supreme Court decision made in *Brown v Board of Education* (1954).

The Chair recognized Reed Holwegner who distributed the Sub-committee report. (Attachment 1).

He spoke of the Preservation Committee size, saying, among other things, how language was recommended which would increase the total size from 11 to 12 members by including the Executive Director of the Kansas Arts Commission as an *ex officio* member. Also reduced would the number of appointments made by the Senate President and House Speaker from three to two. The minority leaders of the two houses would each appoint one member.

Committee discussion followed.

Doug Taylor then addressed the Committee in regard to the balloon amendments proposed for **SB 54**. (Attachment 2).

A motion was made by Representative Myers and seconded by Representative Hill regarding line 42, page 1 that would delete the words "or reconstruction". The motion passed on a voice vote.

Representative Winn moved that SB 54 be amended by the proposed balloon amendment as previously amended. The motion was seconded by Representative Worley and carried on a voice vote.

Representative Slattery moved that SB 54 be passed favorably as amended. Representative Furtado seconded the motion which passed on a voice vote.

Chairperson Gordon thanked the Sub-committee for their efforts.

The meeting was adjourned at 4:15. The next meeting is scheduled for Wednesday, March 10.

3/16/10

Report of the
Subcommittee on SB 54
to the
House Committee on Economic
Development and Tourism

CHAIRPERSON: Representative Valdenia Winn

OTHER MEMBERS: Representatives Dolores Furtado, Don Hill, Mike Slattery, and Ron Worley

STUDY TOPIC

- SB 54 - An Act creating the Capitol Preservation Committee and authorizing the Committee to develop plans for the placement of a mural within the Capitol to commemorate the U.S. Supreme Court decision made in *Brown v Board of Education (1954)*.

Economic Development & Tourism

Date: 3-8-10

Attachment # 1-1

Subcommittee on SB 54 to the House Committee on Economic Development and Tourism

CONCLUSIONS AND RECOMMENDATIONS

The Subcommittee concludes that it is appropriate for a mural commemorating the *Brown v. Board of Education* decision to adorn the capitol building. A Capitol Preservation Committee should be created to oversee the mural's plans and to preserve the historic significance of our capitol for the future. The Subcommittee recommends that the engrossed House Federal and State Affairs Committee version of SB 54 should be further amended with the following amendment and passed favorably:

- **Committee Size.** In subsection 2(a), add language that would increase the total size of the Committee from 11 to 12 members by including the Executive Director of the Kansas Arts Commission as an *ex officio* member. Also, reduce the number of appointments made by the Senate President and the House Speaker from three to two. Add language that would authorize the minority leaders in each house to appoint a member. The total number of appointments made by legislative leaders would stay the same at 6.
- **Number of Meeting Days.** Also in subsection 2(a), add language that would limit the number of meeting days to no more than four per year.
- **Term of Appointment.** Add a NEW SUBSECTION to section 2 that would stagger the terms for the first set of appointees to be either 1 or 2 years, depending on the appointing authority. All successor appointees would serve 2-year terms.
- **Responsibilities of the Capitol Preservation Committee.** In subsection 2(b) of the engrossed version of SB 54, add language that would clarify that on January 1, 2013, the Preservation Committee would have the responsibility to approve all future proposals for renovation or reconstruction. Also, grant to the Committee oversight of the reconfiguration of committee rooms within the Capitol. The implementation of the Committee's recommendations would be the responsibility of Legislative Administrative Services.
- **Annual Report.** Add a NEW SUBSECTION to section 2 that would require the Preservation Committee to submit annual activity reports to the Legislature and the Governor.
- **Compensation.** Add a NEW SUBSECTION to section 2 that would make members of the Preservation Committee who are not state employees to be eligible for reimbursement of travel and other expenses as specified in KSA 75-3223.
- **Fund-raising Activities.** Add a NEW SUBSECTION to section 2 that would authorize the Preservation Committee members to engage in fund-raising activities including the solicitation of charitable gifts, grants, or donations specifically for the preservation and restoration of the Capitol.
- **Conflicts of Interest.** Add a NEW SUBSECTION to section 2 that would prohibit the Preservation Committee members from having a fiduciary interest, either directly or indirectly, in any contract involving the preservation and restoration of the Capitol.

- **Repeal of Existing Statutes.** Add a NEW SECTION that would repeal the inactive Statehouse Art and History Committee and that also would repeal the current statutory method for the approval of memorials on the Capitol grounds.

Proposed Legislation: One amendment to SB 54.

BACKGROUND

SB 54 was heard initially in the full Committee on February 8, 2010. Proponent testimony was provided by two of the bill's sponsors Senators Anthony Hensley and David Haley. Testimony in favor of the mural was provided by the Brown Foundation and the Johnson County NAACP Unit. Representative Melvin Neufeld explained the amendment that was attached to the bill by the House Committee on Federal and State Affairs that would create a Capitol Preservation Committee. Representative Neufeld then suggested an additional amendment.

The Subcommittee was created at the initiative of Representative Lana Gordon, Chairperson of the House Committee on Economic Development and Tourism, on February 15, 2010. The Subcommittee met on March 1, 2010, to further consider the testimony, the suggested amendment, and additional information. The Subcommittee Chairperson directed staff to analyze the means by which other states preserve and maintain their capitols. The Subcommittee reviewed a report that compared 24 states.

CONCLUSIONS AND RECOMMENDATIONS

The Subcommittee concludes that it is appropriate for a mural commemorating the *Brown v. Board of Education* decision to adorn the Capitol Building. A Capitol Preservation Committee should be created to oversee the mural's plans and to preserve the historic significance of our Capitol for the future. To that end, the Subcommittee recommends that the engrossed House Federal and State Affairs Committee version

of SB 54 should be further amended with the following amendment and passed favorably:

- **Committee Size.** In subsection 2(a), add language that would increase the total size of the Committee from 11 to 12 members by including the Executive Director of the Kansas Arts Commission as an *ex officio* member. Also, reduce the number of appointments made by the Senate President and the House Speaker from three to two. Add language that would authorize the minority leaders in each house to appoint a member. The total number of appointments made by legislative leaders would stay the same at 6.
- **Number of Meeting Days.** Also in subsection 2(a), add language that would limit the number of meeting days to no more than four per year.
- **Term of Appointment.** Add a NEW subsection to section 2 that would stagger the terms for the first set of appointees to be either 1 or 2 years, depending on the appointing authority. All successor appointees would serve 2-year terms.
- **Responsibilities of the Capitol Preservation Committee.** In subsection 2(b) of the engrossed version of SB 54, add language that would clarify that on January 1, 2013, the Preservation Committee would have the responsibility to approve all future proposals for renovation or reconstruction. Also, grant to the Committee oversight of the reconfiguration of committee rooms within the Capitol. The implementation

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of the Committee's recommendations would be the responsibility of Legislative Administrative Services.

- **Annual Report.** Add a NEW SUBSECTION to section 2 that would require the Preservation Committee to submit annual activity reports to the Legislature and the Governor.
- **Compensation.** Add a NEW SUBSECTION to section 2 that would make members of the Preservation Committee who are not state employees to be eligible for reimbursement of travel and other expenses as specified in KSA 75-3223.
- **Fund-raising Activities.** Add a NEW SUBSECTION to section 2 that would authorize the Preservation Committee members to engage in fund-raising

activities including the solicitation of charitable gifts, grants, or donations specifically for the preservation and restoration of the Capitol.

- **Conflicts of Interest.** Add a NEW SUBSECTION to section 2 that would prohibit Preservation Committee members from having a fiduciary interest, either directly or indirectly, in any contract involving the preservation and restoration of the Capitol.
- **Repeal of Existing Statutes.** Add a NEW SECTION that would repeal the inactive Statehouse Art and History Committee and that also would repeal the current statutory method for the approval of memorials on the Capitol grounds.

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SENATE BILL No. 54

By Senators Hensley, Faust-Goudeau and Haley

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Committee on Economic Development and Tourism

Balloon Adopted by Subcommittee on SB 54

3/8/10

by Doug Taylor

Economic Development & Tourism
Date: 3-8-10
Attachment # 2-1

10 AN ACT concerning ~~a mural in the capitol~~ **the state capitol and**
11 **grounds.**

; creating the capitol preservation committee; repealing
75-2266 and K.S.A. 2009 Supp. 75-36,105 and 75-36,1

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

14 Section 1. (a) ~~The Kansas state historical society and the department~~
15 ~~of administration~~ **capitol preservation committee** shall develop plans
16 to place a mural in the capitol commemorating the United States supreme
17 court decision entered May 17, 1954, in the case of *Brown v. Board of*
18 *Education* (347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873). Such plans shall
19 be developed in consultation with the joint committee on arts and cultural
20 resources.

21 ~~(b) On or before January 1, 2011, the plans developed pursuant to~~
22 ~~subsection (a) shall be submitted to the joint committee on arts and cul-~~
23 ~~tural resources.~~

24 ~~(c)~~ (b) Except for the costs associated with the preparation and sub-
25 mission of the plans under ~~subsections (a) and (b)~~ **subsection (a)**, no
26 public funds shall be used to pay the costs of creating and installing the
27 mural developed under this section.

28 **Sec. 2. (a) There is hereby created a capitol preservation com-**
29 **mittee which will include the membership of the following:**

30 (1) **The statehouse architect;**

31 (2) **the executive director of the state historical society;**

32 (4) ~~(3) three members appointed for two-year terms by the~~
33 ~~governor;~~

34 (5) ~~(4) three members appointed for two-year terms by the presi-~~
35 ~~dent of the senate; and~~

36 (6) ~~(5) three members appointed for two-year terms by the~~
37 ~~speaker of the house of representatives.~~

38 **The governor shall appoint the chair of the committee. The com-**
39 **mittee shall meet at least annually and more often upon call of the**
40 **chairperson.**

41 (c) ~~(b)~~ **The committee shall have the following responsibilities:**

42 (1) **Approve all proposals for renovation or reconstruction of**
43 **all areas of the state capitol, the capitol's visitor center and the**

(3) the executive director of the Kansas arts
commission;

two

and one member appointed by the minority leader of
the senate

two

and one member appointed by the minority leader of
the house of representatives

, but no more than four meetings shall be called in any year

(b) Of the members first appointed to the committee, the following
term lengths shall apply:

(1) Two members appointed by the governor shall serve two-year
terms, and one member appointed by the governor shall serve a one-
year term;

(2) The members appointed by the minority leaders of the senate and
the house of representatives shall each serve two-year terms; and

(3) The members appointed by the president of the senate and the
speaker of the house of representatives shall each serve one-year
terms

Successors to such members shall serve two-year terms.

On or after January 1, 2013, approve

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1 grounds surrounding the state capitol to insure that the historical
2 beauty of the areas are preserved;

3 (2) preserve the proper decor of such areas;

4 (3) assure that any art or artistic displays are historically ac-
5 curate and have historic significance; and

6 (4) the location and types of temporary displays and revolving
7 displays in the state capitol including the visitor center.

; and

8 (d) (e) Any permanent displays or monuments proposed to be lo-
9 cated on the state capitol grounds must be approved by the com-
10 mittee and authorized by the passage of a bill of the state
11 legislature.

(5) oversee the reconfiguration or redecoration of committee rooms within the statehouse.

Implementation of the recommendations of the committee shall be the responsibility of the division of legislative administrative services.

12 ~~(d) The capitol preservation committee shall appoint three subcommittees for the following:~~

13 ~~(1) The house of representatives subcommittee shall have oversight responsibility for the house of representatives chambers on the third floor of the state capitol and the common areas or environs of the chambers including the common areas or environs of such chambers on the forth and fifth floors and the house leadership offices. The subcommittee shall have the following responsibilities:~~

21 ~~(A) Approve all proposals for renovation or reconstruction of such areas to insure the historical beauty of the areas are preserved;~~

24 ~~(B) preserve the proper decor of such areas; and~~

25 ~~(C) assure that any art or artistic displays are historically accurate and have historic significance.~~

27 ~~(2) The senate subcommittee shall have oversight responsibility for the senate chambers on the third floor of the state capitol and the common areas or environs of the chambers including the common areas or environs of such chambers on the third and fourth floors, the senate leadership offices and the cage elevator area on the third floor. The subcommittee shall have the following responsibilities:~~

34 ~~(A) Approve all proposals for renovation or reconstruction of such areas to insure the historical beauty of the areas are preserved;~~

37 ~~(B) preserve the proper decor of such areas; and~~

38 ~~(C) assure that any art or artistic displays are historically accurate and have historic significance.~~

40 ~~(3) The governor's subcommittee shall have oversight responsibility for the governor's offices and lieutenant governor's offices on the second floor of the state capitol and the common areas or environs of such offices including the cage elevator area on the~~

(e) The capitol preservation committee shall annually submit to the governor and the legislature a report of its activities and recommendations.

(f) Members of the committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, however full-time state employees serving on the committee shall not receive such compensation.

(g) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(g) Committee members may engage in or encourage fund raising activities for the limited purpose of funding committee responsibilities as described in subsection (c).

(h) No member of the committee shall hold a fiduciary interest, either directly or indirectly, in any contract relating to the committee responsibilities as described in subsection (c).

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1 ~~second floor and the old supreme court room on the third floor.~~
 2 ~~The subcommittee shall have the following responsibilities:~~
 3 ~~(A) Approve all proposals for renovation or reconstruction of~~
 4 ~~such areas to insure the historical beauty of the areas are~~
 5 ~~preserved;~~
 6 ~~(B) preserve the proper decor of such areas; and~~
 7 ~~(C) assure that any art or artistic displays are historically ac-~~
 8 ~~curate and have historic significance.~~

9 Sec. 2.3. This act shall take effect and be in force from and after its
 10 publication in the statute book.

Sec. 3. K.S.A. 75-2266 and K.S.A. 2009 Supp.
 75-36,105 and 75-36,106 are hereby repealed.

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