

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2118

As Amended by Senate Committee on Ethics,
Elections and Local Government

Brief*

HB 2118 would delete provisions related to environs restrictions from historic property reviews.

Under current law, proposed projects within 500 feet of the boundaries of a historic property located in a city or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county are subject to historic design and appearance restrictions.

The bill would limit historic reviews conducted under the act to proposed projects that would directly involve, damage, or destroy a property included in the National Register of Historic Places or the State Register of Historic Places.

Background

Representative Bideau testified in support of the bill at the House Committee on Local Government hearing. He described the adverse effects on private property owners within a 500-foot (city) or 1,000-foot (county) radius of an historic property, who are subject to design and appearance restrictions in constructing a new improvement or modifying an existing structure on their own properties. Other conferees speaking in support of the bill included representatives of the City of Chanute and the Kansas Association of Realtors. Written testimony in support of the bill was received from representatives of the City of Humboldt; joint testimony from

*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>

representatives of the Kansas Cooperative Council, Kansas Grain and Feed Association, and Kansas Agribusiness Retailers Association; and from several members of the public.

Testimony in opposition to the bill was presented by a representative of William Morris Associates, who stated the bill would dilute the protection for an historic property by endangering its environment. Others testifying in opposition to the bill included representatives of the Burlingame Santa Fe Trail Association and the Lawrence Preservation Alliance. Written testimony in opposition was received from the American Institute of Architects.

A representative of the Kansas Historical Society provided neutral testimony on the bill.

The Senate Committee on Ethics, Elections, and Local Government heard testimony from the following:

- Proponent testimony from Representative Bideau and a representative of the Kansas Association of Realtors;
- Written-only proponent testimony from a representative of the League of Kansas Municipalities; a University of Houston Law Center professor; and representatives (jointly) of the Kansas Cooperative Council, Kansas Grain and Feed Association, and Kansas Agribusiness Retailers Association;
- Opponent testimony from representatives of American Institute of Architects Kansas, Hernly Associates, and the Kansas Preservation Alliance, and from four private citizens.
- Written-only opponent testimony from representatives of the Lawrence Preservation Alliance, the Shawnee County Historical Society,

Treanor Associates, the Wichita Historic Landmark Board, and the Wichita Historic Preservation Alliance; and

- Neutral testimony from a representative of the Kansas Historical Society.

The Senate Committee on Ethics, Elections, and Local Government made a technical change to the bill.

The fiscal note prepared by the Division of the Budget on the original bill indicated the Kansas Historical Society said passage of the bill would have no fiscal effect on the state budget.