

MINUTES

CAPITOL PRESERVATION COMMITTEE

November 13, 2014
All Day Session
Room 152-S—Statehouse

Members Present

Jennie Chinn, Chairperson
Representative Valdenia Winn
Ryan Gilliland
Secretary Lana Gordon
Barry Greis, Statehouse Architect
Dr. Richard Kyle

Members Absent

Senator Elaine Bowers
Landon Fulmer
Tim Graham
Wade Hapgood
Peter Jasso
Peggy Palmer

Staff Present

Reed Holwegner, Kansas Legislative Research Department
Bobbi Mariani, Kansas Legislative Research Department
Craig McCullah, Kansas Legislative Research Department
Chuck Reimer, Office of Revisor of Statutes
Adam Siebers, Office of Revisor of Statutes
Debbie Bartuccio, Committee Assistant

Conferees

Matt Veatch, State Archivist, Kansas State Historical Society
David Hutchings, Associate Director, Kansas Bureau of Investigation
Cheryl Brown Henderson, Founding President, *Brown* Foundation
Charles Jean-Baptiste, *Brown* Mural Project SB-54 Inc.

Others in Attendance

See attached list.

**Thursday, November 13
Morning Session**

Meeting Called to Order

Chairperson Chinn called the meeting to order. She referred the Committee members to their packets of information, which included copies of the statutes outlining the composition and responsibilities of the Committee ([Attachment 1](#)) and the Report of the Capitol Preservation Committee to the 2014 Kansas Legislature ([Attachment 2](#)).

Chairperson Chinn stated the Committee has been authorized for one meeting this year. It was determined a quorum was not present. However, the Committee members decided to proceed with taking testimony from the persons scheduled to speak, but refrain from taking any official action until a subsequent meeting was convened with sufficient members present.

Presentation on Information Kiosk for the Visitor Center

Chairperson Chinn recognized Matt Veatch, State Archivist, Kansas State Historical Society (Historical Society), who also oversees the information technology function for the Historical Society. Chairperson Chinn prefaced Mr. Veatch's testimony by explaining the Legislature had approved an electronic kiosk for the Capitol Visitor Center with the goals of assisting visitors in navigating the building and learning of functions occurring in the Capitol. The kiosk was funded by a grant from the Information Network of Kansas.

Mr. Veatch provided a brief overview of the project ([Attachment 3](#)). He said the kiosk is a self-service information portal to be used by visitors to the Capitol as a supplement to the information desk staff. Four Winds Interactive from Denver, Colorado, was the vendor chosen to provide the digital signage. There will be two devices with 48-inch touch screen functionality. The signage is compliant with requirements of the Americans with Disabilities Act and was designed so the width of the legs is wide enough to assure a wheelchair can slide underneath the kiosk screen. Text-to-speech functionality will be available for all text-based applications.

Four basic apps, consisting of building directory, calendar, find your legislator, and highlights tour, will be included in the kiosk. He explained the building directory and way-finding map will be a two-dimensional perspective map showing all six levels of the Capitol. The map will be tied to the directory so when an item of interest is chosen, the directory-map will show the best route to the designated spot from the visitor's location at the kiosk.

The calendar application will contain information from multiple sources of calendar data. Historical Society staff will enter some of the higher level event information related to events occurring at the Capitol. Information concerning the meeting times and locations for standing committees will also be included.

A find-your-legislator app will be available for visitors to select a district on the map, and information will be shown concerning the legislator for that district.

The highlights tour includes 14 items a visitor can select and find the location of the item, as well as a picture and contextual information concerning that topic. In addition, the visitor will have the ability to download any or all of the highlights tour to a mobile device.

The kiosk also will include a list of about 25 frequently asked questions concerning the entire Capitol Complex. Mr. Veatch stated, eventually other specialized tours will be added to the application. The targeted completion date is January 5, 2015.

Chairperson Chinn expressed her appreciation for the work performed on this project. She stated it has been the experience of Historical Society staff that many citizens are not familiar with knowing the legislators or their districts. The find-your-legislator app should be very helpful to visitors using the kiosk.

Discussion of Forms to Request Changes at the Capitol

Chairperson Chinn expressed her appreciation to the staff who worked to compile the two draft forms, the Request for Approval of Commissioned or Donated Exhibit or Artwork for Permanent Display form ([Attachment 4](#)) and the Request for Approval of Architectural Modifications form ([Attachment 5](#)).

She reviewed the process, as approved at the last Committee meeting in 2013, which specified that anyone requesting an architectural modification at the Capitol should contact either the Statehouse Architect or the Executive Director of the Historical Society. The two persons would discuss the change request to determine whether the nature of the request was minor or major. Any major request that would affect the historical character or functionality of the Capitol would be referred to the Committee for action. The process was approved with the understanding that forms for these types of requests would be developed for future use.

Reed Holwegner, Kansas Legislative Research Department (KLRD), stated the layout of the forms was based on forms used by the State of Oklahoma. Staff then dovetailed current law regarding the responsibilities of the Legislature through the Legislative Coordinating Council (LCC), Legislative Administrative Services, the Secretary of Administration, and the Capitol Preservation Committee. These forms were provided in advance to Chairperson Chinn; Barry Greis, Statehouse Architect; and K.C. Clowers, Acting Director for Legislative Administrative Services, for their review.

After being recognized by the Chairperson, Ms. Clowers suggested clarification be made on both forms as to who qualifies as an appropriate sponsor, *i.e.*, a legislator, a state agency, a corporation, or some other entity. Concerning the architectural modification request form, it would be beneficial to further define at what point the form is needed versus when the request is a routine item to be handled through Facilities Management within the Department of Administration. When there are changes in leadership, Ms. Clowers stated, there often are requests for modifications to offices that may involve moving a wall. If this type of change requires approval of the Committee, then it would streamline the process if the Committee was available in a timely manner to meet to address these issues.

Chairperson Chinn stated she was aware of a procedure in place that requires a sponsor who is either an elected official or an agency head of an appointed authority when an entity requests use of space either in the Capitol or on the grounds. Chairperson Chinn asked Committee members whether they had any concerns about the suggestions made by Ms. Clowers and the procedures currently in place concerning sponsorship by an elected official or an appointed agency head. Committee members expressed no concerns.

Chairperson Chinn then asked if the Committee members had any concerns about the two draft forms. No concerns were expressed.

Representative Winn inquired as to whether there was a form for requesting the temporary placement of items. Chairperson Chinn responded there is a policy being drafted for temporary requests. She asked that the question of procedures for temporary placements be deferred to a later meeting to allow the Committee to first deal with the issue of permanent change requests.

Chairperson Chinn stated the Legislature can direct the Committee on projects, which is the case with the *Brown v. Board* mural project. She asked Committee members if there was agreement that an elected official or a head of an agency would be a valid sponsor for requests for architectural modifications or for approval of commissioned or donated exhibits of artwork for permanent display. There was consensus concerning this issue. Mr. Greis responded this is how the process has been handled in the past and it has worked well.

Chairperson Chinn next addressed the question of how to define architectural modifications. She said one way would be to define the modification as one that alters or changes the original fabric of the building. Mr. Greis said if a wall was not historic, but was constructed during the renovation project and there was a request to change that wall, then it should come to the Committee for consideration. He indicated the drawings and documentation exist that would be available in the future to assist in the determination of whether the requested change would affect either original or renovated areas.

Chairperson Chinn said the policy on the form could state that any changes requested to be made to the buildings or grounds after the finalization of the capitol renovation project, which was completed as of January 2014, would be subject to Committee approval.

Chuck Reimer, Office of Revisor of Statutes, confirmed there was statutory authority for what the Committee was proposing to do with the request for architectural modification and artwork approval forms.

Ryan Gilliland raised the question of who determines the approval for a request for change (such as the movement of a wall or an office) from leadership when the Legislature is not in session. There was discussion concerning the authority of the LCC, which has the ability to approve these types of changes when the Legislature is not in session or in the absence of a recommendation from the Committee. Ms. Clowers said it has been her experience that in these situations the LCC would contact either the Statehouse Architect or the Executive Director of the Historical Society, who by Kansas law has the responsibility of the State Historic Preservation Officer, prior to making a decision on the request.

Chairperson Chinn indicated what may need to be further defined is the issue of what the term “renovation” encompasses. The Chairperson directed staff to further clarify the forms concerning the terms “renovation” and “sponsorship.” The forms will not be official until the Committee is able to meet with a quorum.

Kansas Bureau of Investigation Plaque Proposal

Chairperson Chinn recognized David Hutchings, Associate Director, Kansas Bureau of Investigation (KBI), who testified on behalf of KBI Director Kirk Thompson, concerning the

placement of a plaque in the Capitol in honor of the 75th anniversary of the KBI ([Attachment 6](#)). He said in recognition of its association with the Kansas Capitol, the KBI proposes to the Capitol Preservation Committee the placement of a plaque outside of the original offices of the KBI in the southwest corner of the first floor of the Capitol. The proposed plaque would be bronze and of a similar size and quality to other small plaques presently installed on the Capitol walls.

Chairperson Chinn inquired as to the proposed location, to which Mr. Hutchings responded there were two locations for consideration, with one being outside the Committee Room 152-S, and the other choice being on the wall outside of the original offices on the first floor. He stated the KBI would work with the Committee to determine the best location for the plaque. It was decided Chairperson Chinn and Mr. Greis would review these two locations during the lunch break.

Chairperson Chinn asked if the KBI would accept editing of the verbiage if it was determined to be necessary for purposes of consistency. Mr. Hutchings responded affirmatively. She then inquired as to whether the KBI would be having a celebration. He indicated some events were in the planning stages, such as an open house at the KBI's current location and a function for KBI employees and retirees.

Mr. Greis asked if the KBI envisioned the plaque to be a permanent plaque or a temporary plaque during a year-long celebration. Mr. Hutchings responded the vision was for a permanent plaque, in hopes the decision would be made to embrace the information as part of the building's history.

Representative Winn inquired if any artwork has been considered in addition to or in lieu of the plaque. Mr. Hutchings responded the KBI was considering some artwork for its other locations; however, it was determined a modest plaque would be proposed for placement at the Capitol.

Chairperson Chinn asked about the date of the celebration. Mr. Hutchings responded the banquet for employees and retirees was scheduled for December 12. The KBI was open to placement of the plaque whenever it was determined to be appropriate, anytime during the year-long celebration of the 75th anniversary.

The Chairperson indicated, because the Committee did not have a quorum, the Committee cannot make a recommendation concerning the placement of the plaque during this meeting. Chairperson Chinn will request another meeting day for the Committee. Later during the meeting, Chairperson Chinn stated the approval of the KBI plaque would be placed on the agenda of the next Committee meeting.

Mr. Reimer said, if approval is given for the placement of a permanent plaque, a legislative bill would need to be enacted authorizing its installment. Representative Winn said she would be willing to sponsor such a bill.

Chairperson Chinn stated she would like for Mr. Greis and herself to receive and review a list of the current plaques in the Statehouse, so the information would be available to the Legislature during their consideration of the proposed KBI plaque installation.

Chairperson Chinn discussed the afternoon agenda. She indicated staff had reached out to art faculty at various universities but was unable to find anyone to speak to the Committee

concerning public art. Cheryl Brown Henderson, Founding President, *Brown* Foundation, will provide testimony at the afternoon session about the *Brown v. Board of Education* case.

In addition, staff has compiled a book containing all of the semi-finalist artwork proposals. She stated Committee member Secretary Lana Gordan will be available *via* a conference call this afternoon to provide her input.

Chairperson Chinn explained the artists have been told the Committee will narrow the proposals down to a number of finalists. The Committee will determine the final recommendation. Following this, a negotiation would take place because the project must be privately funded.

There was a question raised concerning whether the Legislature would be required to approve the final recommendation. Staff will review and report back to the Committee concerning the required procedure.

Chairperson Chinn requested staff to provide Committee members during the afternoon with copies of the request for proposal document that semi-finalists received last year.

Chairperson Chinn recessed the meeting for lunch at 11:17 a.m., to reconvene at 1:30 p.m.

Afternoon Session

Committee member Secretary Lana Gordon joined the meeting in the afternoon *via* a conference call.

Historical Context of *Brown v. Board*

Chairperson Chinn welcomed Cheryl Brown Henderson, Founding President, *Brown* Foundation, who provided testimony concerning aspects and elements to consider when reviewing the entries submitted for the *Brown v. Board* mural.

Ms. Brown Henderson expressed her appreciation for the opportunity to address the Committee. She stated Kansas is unique and it would be good to capture this uniqueness in a mural. Those who view the mural need to understand that, above all other states in the nation, Kansas was out front in its litigation to end school segregation. She said this sets the state apart and offers the opportunity to inform, educate, and enlighten others.

Ms. Brown Henderson provided a copy of a panel that had been included in a traveling exhibit concerning *Brown v. Board*. This panel contained information concerning court cases on segregation in Kansas ([Attachment 7](#)). She said cases varied in specific issues. Appeals through the courts arose from a belief that enforced segregation prevented children from having equal access to Kansas public schools. A list of 11 cases that reached the Kansas Supreme Court was provided.

She next addressed the issue and challenge concerning the depiction of living people in the artwork. It would be better, in Ms. Brown Henderson's opinion, to not depict any of the living people unless all of the living people could be included. She provided a copy of a traveling

exhibit panel listing the names of those individuals involved in the *Brown v. Board* case. Pictures were available for some persons ([Attachment 8](#)).

Ms. Brown Henderson commented she was very pleased to see some of the artists attempted to capture the fact that this is a very complex and lengthy story. She then provided a document titled "Equal Protection of the Laws" that contained photos of the members of the legal team as well as some of the family members from the five cases the Supreme Court combined under the heading of *Brown v. Board of Education*. The combined cases originated from Delaware, Kansas, South Carolina, Virginia and Washington, DC. She said when it comes down to images, there were hundreds of people involved in the case, and she referred to the photo of McKinney Burnett, who was the person who conceived of the 12th challenge to school segregation ([Attachment 9](#)).

The last handout that Ms. Brown Henderson shared was a poster produced for the *Brown* Foundation. One side illustrated a time line of key cases and events that occurred from 1849 until passage of the Voting Rights Act of 1965. The other side included narratives concerning the history of the case, as well as myths and truths relating to the case. This information can be obtained by contacting the *Brown* Foundation for Educational Equity, Excellence, and Research at its website: <http://brownvboard.org>.

Ms. Brown Henderson acknowledged that what the Committee is attempting to do is difficult, because the story is so layered and there are so many things trying to be conveyed in one artistic rendering. She said it may come down to something very simplistic, instead of failing to capture everything that *Brown* encompasses. She said it was important to honor Kansas and its unique role in history. She referred to handouts distributed to the Committee at a previous meeting containing information concerning *Brown v. Board* and the progressiveness of Kansas with respect to civil rights.

Ms. Brown Henderson stated she assumed the Committee would have the ability to work with the artists on possible tweaking of their renderings to better reflect the story being presented.

Chairperson Chinn understood the following issues needed to be considered when evaluating the artwork renderings: the uniqueness of Kansas in the struggle for school desegregation; the issue of living people, being either all included or not at all; the role of the legal team and the recruitment of parents; and the historic continuum.

Chairperson Chinn noticed the use of the Confederate flag in some of the renderings and asked Ms. Brown Henderson her opinion concerning its use from a historical perspective. Ms. Brown Henderson indicated she believed it would be best to err on the side of political correctness. Since Kansas was never a Confederate state, she felt it would be inappropriate to include the flag in the artwork. The historic continuum was to end the practice of racial segregation in public schools.

Representative Winn referred to one of the photos that was used in a rendering, to which Ms. Brown Henderson confirmed it was an archived Library of Congress photo that has been widely used on posters and book covers.

There were no other questions for Ms. Brown Henderson.

Chairperson Chinn asked Representative Winn to introduce Mr. Charles Jean-Baptiste, representing the *Brown Mural Project SB-54, Inc.*, which has positioned itself in the role of raising funds for the project, since no state funds will be allocated for it. Representative Winn expressed her appreciation for Mr. Jean-Baptiste's willingness to serve in this capacity.

Mr. Jean-Baptiste expressed his hope for the mission to be accomplished, as the mural is long overdue. He said the community, state, and nation are ready for the mural to take place.

Chairperson Chinn thanked both Ms. Brown Henderson and Mr. Jean-Baptiste for their guidance.

Semi-finalist Mural Renderings

Mr. Holwegner next referred the Committee to a booklet, put together by staff from KLRD and the Historical Society, containing the renderings and narratives from nine artists, which included one team. He indicated there were originally over 30 submissions with 14 semi-finalists selected ([Attachment 10](#)). Mr. Holwegner said the artists had the choice of two locations, one being on the third floor on the exterior wall of the Old Supreme Court Room, and the other being in an alcove area on the fourth floor leading to the House gallery. All but two of the artists selected the third floor location. He also referred to the document that was sent to semi-finalists for the Committee's review ([Attachment 11](#)).

Because the Committee did not have a quorum, Chairperson Chinn indicated those in attendance would discuss the information presented from the artists, but the Committee members would need to defer to another meeting before making any recommendations. She acknowledged the importance of the task and asked Committee members for their input concerning the procedure for determining the selection of finalists. She noted item #7 in the requests for proposals document, which indicated finalists would be invited to visit the mural site.

Chairperson Chinn stated she felt an obligation to the artists to begin discussion of the renderings, and Representative Winn concurred.

Representative Winn expressed a concern that the renderings be fact checked, to assure they reflect accurate information. She liked the idea of having a presentation from those who deal with public art, and she requested this be pursued as a presentation at the next Committee meeting.

Dr. Kyle commented the historical knowledge of the people viewing the mural may be over-rated. It needs to be clear as to what the mural is depicting. He asked, for clarification purposes, about the size and scale of the artwork being proposed. Mr. Greis said all of the renderings would be approximately 10 feet by 20 feet, with the two locations being of similar size.

Chairperson Chinn stated style, as it relates to the Capitol, and the diversity of the viewing audience are two important matters to take under consideration when evaluating the artwork.

Mr. Greis agreed with Representative Winn that it would be beneficial for the Committee members to be further educated on the factors that should be considered in the evaluation of public art.

There was some discussion concerning the use of a subcommittee to assist in the selection of the finalists; however, the consensus was that the Committee members should maintain responsibility for the selection of the finalists.

Chairperson Chinn reiterated she would pursue a presentation to the Committee at the next meeting concerning the public art aspect. She remarked the City of Wichita has many works of public art on display and may provide a resource for the Committee.

Mr. Gilliland stated his agreement with the process and indicated he believed the Committee has a responsibility to the artists and to the project to keep the ball rolling, as well as an obligation to make as much progress as possible. He suggested consideration be given to taking nominations for finalists at the next meeting in order to make progress.

Chairperson Chinn indicated she would request another Committee meeting and asked all members to review the renderings and to be prepared at the next meeting to make nominations for finalists. She will also pursue a presentation from a public art professional. Mr. Jean-Baptiste suggested contacting the art departments at Washburn University and the University of Kansas. There was consensus to follow this plan of action.

Chairperson Chinn indicated, if there was a decision to have a public review of the proposed artwork, it would be at the finalist level. She stated it appeared the Legislature would need to provide approval concerning the final mural recommendation. Representative Winn agreed to carry the project to the Legislature for approval.

Discussion of Annual Report

Chairperson Chinn indicated an annual report concerning the Committee's activity is required and would be prepared for review. She referred to the copy of the report prepared for the 2014 Legislature, as an example.

Adjourn

Chairperson Chinn adjourned the meeting at 2:40 p.m.

Prepared by Debbie Bartuccio
Edited by Reed Holwegner

Approved by the Committee on:

December 31, 2014
(Date)