

SENATE BILL No. 581

By Committee on Ways and Means

3-16

9 AN ACT transferring the charge, care, management and control of the
10 Hiram Price Dillon House to the Kansas arts commission; prescribing
11 certain powers, duties and functions for the commission; amending
12 K.S.A. 75-3682 and K.S.A. 2009 Supp. 41-719 and 75-3683 and re-
13 pealing the existing sections.
14

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

16 Section 1. K.S.A. 75-3682 is hereby amended to read as follows: 75-
17 3682. ~~Upon acquisition of~~ (a) The property *acquired* as authorized by
18 K.S.A. 75-3681 and amendments thereto, ~~the same shall be placed is~~
19 *hereby transferred to and placed* under the charge, care, management
20 and control of the ~~secretary of administration, except that Kansas arts~~
21 *commission*. The use of such property and the assignment of space and
22 facilities in the Hiram Price Dillon House located on such property shall
23 ~~be made by a vote of five members of the legislative coordinating council~~
24 *authorized and governed by policies adopted by the Kansas arts commis-*
25 *sion. Upon completion of necessary restoration and renovation, the Kan-*
26 *sas arts commission shall maintain a public office in the Hiram Price*
27 *Dillon House and shall utilize it for arts and cultural exhibitions, public*
28 *programming and educational programming. Use of the rooms and other*
29 *facilities of the Hiram Price Dillon House, including its surrounding prem-*
30 *ises, by public or private entities or individuals for public or private*
31 *events, functions or activities shall be authorized and governed by such*
32 *policies of the commission and shall be subject to reasonable fees which*
33 *are directly related to the costs of such use and which shall be fixed and*
34 *collected by the Kansas arts commission. All moneys received for such fees*
35 *shall be deposited in the state treasury in accordance with the provisions*
36 *of K.S.A. 75-4215, and amendments thereto, and shall be credited to the*
37 *Hiram Price Dillon House fee fund.*

38 (b) *There is hereby established the Hiram Price Dillon House fee fund*
39 *in the state treasury which shall be administered by the Kansas arts com-*
40 *mission. All fees received for use of the rooms and other facilities of the*
41 *Hiram Price Dillon House, including its surrounding premises, and any*
42 *official hospitality or other goods or services provided by the commission*
43 *in connection with such use, shall be deposited in the state treasury in*

1 *accordance with the provisions of K.S.A. 75-4215, and amendments*
2 *thereto, and shall be credited to the Hiram Price Dillon House fee fund.*
3 *Moneys credited to the Hiram Price Dillon House fee fund shall be used*
4 *for the operating expenditures and maintenance of the Hiram Price Dillon*
5 *House. All expenditures from the Hiram Price Dillon House fee fund shall*
6 *be made in accordance with appropriation acts upon warrants of the*
7 *director of accounts and reports issued pursuant to vouchers approved*
8 *by the chairperson of the Kansas arts commission or by a person or per-*
9 *sons designated by the chairperson.*

10 *(c) There is hereby established the Hiram Price Dillon House gift and*
11 *grant fund which shall be administered by the Kansas arts commission.*
12 *On the effective date of this act, the director of accounts and reports shall*
13 *transfer all moneys in the Dillon House account of the state facilities gift*
14 *fund to the Hiram Price Dillon House gift and grant fund. Moneys cred-*
15 *ited to the Hiram Price Dillon House gift and grant fund shall be used*
16 *for the development and improvement of the Hiram Price Dillon House*
17 *and arts programming related thereto. All expenditures from the Hiram*
18 *Price Dillon House gift and grant fund shall be made in accordance with*
19 *appropriation acts upon warrants of the director of accounts and reports*
20 *issued pursuant to vouchers approved by the chairperson of the Kansas*
21 *arts commission or by a person or persons designated by the chairperson.*

22 *(d) The Kansas arts commission may establish a not-for-profit organ-*
23 *ization which is exempt from federal income taxation pursuant to section*
24 *501(c)(3) of the federal internal revenue code of 1986, as amended, and*
25 *which is organized to solicit and accept gifts, donations and money to be*
26 *used in restoring, renovating, maintaining and furnishing the Hiram Price*
27 *Dillon House and for similar purposes related thereto. Any gifts, donations*
28 *and money received by the not-for-profit organization established by the*
29 *commission pursuant to this subsection (1) may be deposited and main-*
30 *tained in financial institutions in an interest-bearing account or invested*
31 *as determined by the governing body of the not-for-profit organization,*
32 *or (2) may be remitted to the Kansas arts commission and deposited in*
33 *the state treasury in accordance with the provisions of K.S.A. 75-4215,*
34 *and amendments thereto, and shall be credited to the Hiram Price Dillon*
35 *House gift and grant fund.*

36 *Sec. 2. K.S.A. 2009 Supp. 75-3683 is hereby amended to read as*
37 *follows: 75-3683. (a) The Kansas arts commission shall appoint a Dillon*
38 *House advisory board for the following purposes: (1) To provide recom-*
39 *mendations to the commission regarding plans for restoration and reno-*
40 *vation of the Hiram Price Dillon House, including furnishings, fixtures,*
41 *security devices and systems, remodeling, repairs, replacements, additions*
42 *and other improvements or alterations to the Hiram Price Dillon House,*
43 *its grounds and its appurtenances, including fixed and movable equip-*

1 ment; (2) to develop a plan for solicitation of private contributions to be
2 approved by the commission and the purposes for which such moneys
3 should be expended; and (3) to advise the Kansas arts commission in the
4 establishment of a not-for-profit organization pursuant to K.S.A. 75-3682,
5 and amendments thereto.

6 (b) The president of the senate and the speaker of the house of rep-
7 resentatives shall recommend to the Kansas arts commission individuals
8 to serve as members of the Dillon House advisory board. Prior to such
9 appointments of individuals as members of the Dillon House advisory
10 board, the commission shall consider the recommendations of the presi-
11 dent of the senate and the speaker of the house of representatives and
12 shall consult with each of the other members of the legislative coordinating
13 council. No member of the legislature shall be appointed to the Dillon
14 House advisory board. Members of the Dillon House advisory board shall
15 serve at the pleasure of the Kansas arts commission. Members of the Dillon
16 House advisory board shall serve without pay or other remuneration and
17 shall receive no subsistence allowance, mileage or associated expenses, or
18 any other reimbursement for expenses incurred for such service.

19 (c) Subject to the approval of the ~~legislative coordinating council~~ Kan-
20 sas arts commission, the Dillon House advisory ~~commission~~ board estab-
21 lished by the ~~legislative coordinating council~~ Kansas arts commission shall
22 have the power to accept on behalf of the state any grants, gifts, contri-
23 butions, bequests or donations of personal property or money for the
24 purpose of restoring, renovating, furnishing, improving or beautifying the
25 property identified in subsection (c) of K.S.A. 75-3681, and amendments
26 thereto, which is known as the Hiram Price Dillon House. The Dillon
27 House advisory ~~commission~~ board shall advise the ~~legislative coordinating~~
28 ~~council~~ Kansas arts commission of any offers of gifts, contributions,
29 grants, bequests or donations of items or services for the Hiram Price
30 Dillon House.

31 ~~(b)~~ (d) Any moneys donated for the Hiram Price Dillon House and
32 received and accepted by the Dillon House advisory ~~commission~~ board
33 with the approval of the ~~legislative coordinating council~~ shall be paid to
34 the ~~department of administration~~ and Kansas arts commission shall be
35 remitted to the state treasurer in accordance with the provisions of K.S.A.
36 75-4215, and amendments thereto. Upon receipt of each such remittance,
37 the state treasurer shall deposit the entire amount in the state treasury
38 to the credit of the ~~Dillon House account within the state facilities gift~~
39 ~~fund~~ Hiram Price Dillon House gift and grant fund established by K.S.A.
40 2009 Supp. 75-3684 75-3682, and amendments thereto. If any monetary
41 donation for the Hiram Price Dillon House is subject to terms and con-
42 ditions established by the donor, the ~~legislative coordinating council~~ Kan-
43 sas arts commission shall be advised of the donation and its associated

1 terms and conditions and acceptance of the donation shall be approved
2 by the ~~legislative coordinating council~~ *commission* before the donation is
3 accepted and deposited in the state treasury.

4 Sec. 3. K.S.A. 2009 Supp. 41-719 is hereby amended to read as fol-
5 lows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
6 8-1599, and amendments thereto, no person shall drink or consume al-
7 coholic liquor on the public streets, alleys, roads or highways or inside
8 vehicles while on the public streets, alleys, roads or highways.

9 (2) Alcoholic liquor may be consumed at a special event held on pub-
10 lic streets, alleys, roads, sidewalks or highways when a temporary permit
11 has been issued pursuant to K.S.A 41-2645, and amendments thereto, for
12 such special event. Such special event must be approved, by ordinance
13 or resolution, by the local governing body of any city, county or township
14 where such special event is being held. No alcoholic liquor may be con-
15 sumed inside vehicles while on public streets, alleys, roads or highways
16 at any such special event.

17 (3) No person shall remove any alcoholic liquor from inside the
18 boundaries of a special event as designated by the governing body of any
19 city, county or township. The boundaries of such special event shall be
20 clearly marked by signs, a posted map or other means which reasonably
21 identify the area in which alcoholic liquor may be possessed or consumed
22 at such special event.

23 (4) No person shall possess or consume alcoholic liquor inside the
24 premises licensed as a special event that was not sold or provided by the
25 licensee holding the temporary permit for such special event.

26 (b) No person shall drink or consume alcoholic liquor on private
27 property except:

28 (1) On premises where the sale of liquor by the individual drink is
29 authorized by the club and drinking establishment act;

30 (2) upon private property by a person occupying such property as an
31 owner or lessee of an owner and by the guests of such person, if no charge
32 is made for the serving or mixing of any drink or drinks of alcoholic liquor
33 or for any substance mixed with any alcoholic liquor and if no sale of
34 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
35 takes place;

36 (3) in a lodging room of any hotel, motel or boarding house by the
37 person occupying such room and by the guests of such person, if no
38 charge is made for the serving or mixing of any drink or drinks of alcoholic
39 liquor or for any substance mixed with any alcoholic liquor and if no sale
40 of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
41 takes place;

42 (4) in a private dining room of a hotel, motel or restaurant, if the
43 dining room is rented or made available on a special occasion to an in-

- 1 individual or organization for a private party and if no sale of alcoholic liquor
2 in violation of K.S.A. 41-803, and amendments thereto, takes place; or
3 (5) on the premises of a microbrewery or farm winery, if authorized
4 by K.S.A. 41-308a or 41-308b, and amendments thereto.
5 (c) No person shall drink or consume alcoholic liquor on public prop-
6 erty except:
7 (1) On real property leased by a city to others under the provisions
8 of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real
9 property is actually being used for hotel or motel purposes or purposes
10 incidental thereto.
11 (2) In any state-owned or operated building or structure, and on the
12 surrounding premises, which is furnished to and occupied by any state
13 officer or employee as a residence.
14 (3) On premises licensed as a club or drinking establishment and
15 located on property owned or operated by an airport authority created
16 pursuant to chapter 27 of the Kansas Statutes Annotated, and amend-
17 ments thereto, or established by a city.
18 (4) On the state fair grounds on the day of any race held thereon
19 pursuant to the Kansas parimutuel racing act.
20 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
21 beer or wine or wine imported under subsection (e) of K.S.A. 41-308a,
22 and amendments thereto, and is consumed only for purposes of judging
23 competitions; (B) the alcoholic liquor is wine or beer and is sold and
24 consumed during the days of the Kansas state fair on premises leased by
25 the state fair board to a person who holds a temporary permit issued
26 pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the
27 sale and serving of such wine or beer, or both; or (C) the alcoholic liquor
28 is consumed on nonfair days in conjunction with bona fide scheduled
29 events involving not less than 75 invited guests and the state fair board,
30 in its discretion, authorizes the consumption of the alcoholic liquor, sub-
31 ject to any conditions or restrictions the board may require.
32 (6) In the state historical museum provided for by K.S.A. 76-2036,
33 and amendments thereto, on the surrounding premises and in any other
34 building on such premises, as authorized by rules and regulations of the
35 state historical society.
36 (7) On the premises of any state-owned historic site under the juris-
37 diction and supervision of the state historical society, on the surrounding
38 premises and in any other building on such premises, as authorized by
39 rules and regulations of the state historical society.
40 (8) In a lake resort within the meaning of K.S.A. 32-867, and amend-
41 ments thereto, on state-owned or leased property.
42 (9) In the Hiram Price Dillon house or on its surrounding premises,
43 subject to limitations established in policies adopted by the legislative

1 ~~coordinating council~~ *Kansas arts commission*, as provided by K.S.A. 75-
2 3682, and amendments thereto.

3 (10) On the premises of any Kansas national guard regional training
4 center or armory, and any building on such premises, as authorized by
5 rules and regulations of the adjutant general and upon approval of the
6 Kansas military board.

7 (11) On property exempted from this subsection (c) pursuant to sub-
8 section (d), (e), (f), (g) or (h).

9 (d) Any city may exempt, by ordinance, from the provisions of sub-
10 section (c) specified property the title of which is vested in such city.

11 (e) The board of county commissioners of any county may exempt,
12 by resolution, from the provisions of subsection (c) specified property the
13 title of which is vested in such county.

14 (f) The state board of regents may exempt from the provisions of
15 subsection (c) the Sternberg museum on the campus of Fort Hays state
16 university, or other specified property which is under the control of such
17 board and which is not used for classroom instruction, where alcoholic
18 liquor may be consumed in accordance with policies adopted by such
19 board.

20 (g) The board of regents of Washburn university may exempt from
21 the provisions of subsection (c) the Mulvane art center and the Bradbury
22 Thompson alumni center on the campus of Washburn university, and
23 other specified property the title of which is vested in such board and
24 which is not used for classroom instruction, where alcoholic liquor may
25 be consumed in accordance with policies adopted by such board.

26 (h) The board of trustees of a community college may exempt from
27 the provisions of subsection (c) specified property which is under the
28 control of such board and which is not used for classroom instruction,
29 where alcoholic liquor may be consumed in accordance with policies
30 adopted by such board.

31 (i) Violation of any provision of this section is a misdemeanor punish-
32 able by a fine of not less than \$50 or more than \$200 or by imprisonment
33 for not more than six months, or both.

34 (j) For the purposes of this section, "special event" means a picnic,
35 bazaar, festival or other similar community gathering, which has been
36 approved by the local governing body of any city, county or township.

37 Sec. 4. K.S.A. 75-3682 and K.S.A. 2009 Supp. 41-719 and 75-3683
38 are hereby repealed.

39 Sec. 5. This act shall take effect and be in force from and after its
40 publication in the statute book.