

SENATE BILL No. 156

By Joint Committee on State Building Construction

2-9

1 AN ACT concerning the Kansas arts commission; transferring the charge,
2 care, management and control of the Hiram Price Dillon House to the
3 commission; authorizing an agreement for the receipt, administration
4 and investment of certain moneys for the benefit of the commission;
5 prescribing certain powers, duties and functions for the commission;
6 amending K.S.A. 75-3682 and K.S.A. 2010 Supp. 41-719 and 75-
7 3683 and repealing the existing sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 75-3682 is hereby amended to read as follows: 75-
11 3682. ~~Upon acquisition of~~ (a) The property *acquired* as authorized by
12 K.S.A. 75-3681 and amendments thereto, ~~the same shall be placed~~ *is*
13 *hereby transferred to and placed* under the charge, care, management and
14 control of the ~~secretary of administration, except that Kansas arts~~
15 *commission*. The use of such property and the assignment of space and
16 facilities in the Hiram Price Dillon House located on such property shall
17 ~~be made by a vote of five members of the legislative coordinating council~~
18 *authorized and governed by policies adopted by the Kansas arts*
19 *commission. Upon completion of necessary restoration and renovation,*
20 *the Kansas arts commission shall maintain a public office in the Hiram*
21 *Price Dillon House and shall utilize it for arts and cultural exhibitions,*
22 *public programming and educational programming. Use of the rooms*
23 *and other facilities of the Hiram Price Dillon House, including its*
24 *surrounding premises, by public or private entities or individuals for*
25 *public or private events, functions or activities shall be authorized and*
26 *governed by such policies of the commission and shall be subject to*
27 *reasonable fees to recover the costs of such use. The fees shall be fixed*
28 *and collected by the Kansas arts commission. All moneys received for*
29 *such fees shall be deposited in the state treasury in accordance with the*
30 *provisions of K.S.A. 75-4215, and amendments thereto, and shall be*
31 *credited to the Hiram Price Dillon House fee fund.*

32 (b) *There is hereby established the Hiram Price Dillon House*
33 *fee fund in the state treasury which shall be administered by the Kansas*
34 *arts commission. All fees received for use of the rooms and other*
35 *facilities of the Hiram Price Dillon House, including its surrounding*
36 *premises, and any goods or services provided by the commission in*

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

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

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

38 Sec. 2. K.S.A. 2010 Supp. 75-3683 is hereby amended to read as
39 follows: 75-3683. (a) The Kansas arts commission shall appoint a Dillon
40 House advisory board for the following purposes: (1) To provide
41 recommendations to the commission regarding plans for restoration and
42 renovation of the Hiram Price Dillon House, including furnishings,
43 fixtures, security devices and systems, remodeling, repairs, replacements,

1 *additions and other improvements or alterations to the Hiram Price*
2 *Dillon House, its grounds and its appurtenances, including fixed and*
3 *movable equipment; (2) to develop a plan for solicitation of private*
4 *contributions to be approved by the commission and the purposes for*
5 *which such moneys should be expended; and (3) to advise the Kansas*
6 *arts commission in the establishment of a not-for-profit organization*
7 *pursuant to K.S.A. 75-3682, and amendments thereto.*

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

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

34 ~~(b)~~ (d) *Any moneys donated for the Hiram Price Dillon House and*
35 *received and accepted by the Dillon House advisory ~~commission~~ board*
36 *with the approval of the ~~legislative coordinating council~~ shall be paid to*
37 *the ~~department of administration~~ and Kansas arts commission shall be*
38 *remitted to the state treasurer in accordance with the provisions of K.S.A.*
39 *75-4215, and amendments thereto. Upon receipt of each such remittance,*
40 *the state treasurer shall deposit the entire amount in the state treasury to*
41 *the credit of the ~~Dillon House account within the state facilities gift fund~~*
42 *Hiram Price Dillon House gift and grant fund established by K.S.A. 2010*
43 *Supp. 75-3684 75-3682, and amendments thereto. If any monetary*

1 donation for the Hiram Price Dillon House is subject to terms and
2 conditions established by the donor, the ~~legislative coordinating council~~
3 *Kansas arts commission* shall be advised of the donation and its
4 associated terms and conditions and acceptance of the donation shall be
5 approved by the ~~legislative coordinating council~~ *commission* before the
6 donation is accepted and deposited in the state treasury.

7 Sec. 3. K.S.A. 2010 Supp. 41-719 is hereby amended to read as
8 follows: 41-719. (a) (1) Except as otherwise provided herein and in
9 K.S.A. 8-1599, and amendments thereto, no person shall drink or
10 consume alcoholic liquor on the public streets, alleys, roads or highways
11 or inside vehicles while on the public streets, alleys, roads or highways.

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

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

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

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

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

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

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

1 amendments thereto, takes place;

2 (4) in a private dining room of a hotel, motel or restaurant, if the
3 dining room is rented or made available on a special occasion to an
4 individual or organization for a private party and if no sale of alcoholic
5 liquor in violation of K.S.A. 41-803, and amendments thereto, takes
6 place; or

7 (5) on the premises of a microbrewery or farm winery, if authorized
8 by K.S.A. 41-308a or 41-308b, and amendments thereto.

9 (c) No person shall drink or consume alcoholic liquor on public
10 property except:

11 (1) On real property leased by a city to others under the provisions
12 of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real
13 property is actually being used for hotel or motel purposes or purposes
14 incidental thereto.

15 (2) In any state-owned or operated building or structure, and on the
16 surrounding premises, which is furnished to and occupied by any state
17 officer or employee as a residence.

18 (3) On premises licensed as a club or drinking establishment and
19 located on property owned or operated by an airport authority created
20 pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments
21 thereto, or established by a city.

22 (4) On the state fair grounds on the day of any race held thereon
23 pursuant to the Kansas parimutuel racing act.

24 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
25 beer or wine or wine imported under subsection (e) of K.S.A. 41-308a,
26 and amendments thereto, and is consumed only for purposes of judging
27 competitions; (B) the alcoholic liquor is wine or beer and is sold and
28 consumed during the days of the Kansas state fair on premises leased by
29 the state fair board to a person who holds a temporary permit issued
30 pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the
31 sale and serving of such wine or beer, or both; or (C) the alcoholic liquor
32 is consumed on nonfair days in conjunction with bona fide scheduled
33 events involving not less than 75 invited guests and the state fair board, in
34 its discretion, authorizes the consumption of the alcoholic liquor, subject
35 to any conditions or restrictions the board may require.

36 (6) In the state historical museum provided for by K.S.A. 76-2036,
37 and amendments thereto, on the surrounding premises and in any other
38 building on such premises, as authorized by rules and regulations of the
39 state historical society.

40 (7) On the premises of any state-owned historic site under the
41 jurisdiction and supervision of the state historical society, on the
42 surrounding premises and in any other building on such premises, as
43 authorized by rules and regulations of the state historical society.

1 (8) In a lake resort within the meaning of K.S.A. 32-867, and
2 amendments thereto, on state-owned or leased property.

3 (9) In the Hiram Price Dillon house or on its surrounding premises,
4 subject to limitations established in policies adopted by the ~~legislative~~
5 ~~coordinating council~~ *Kansas arts commission*, as provided by K.S.A. 75-
6 3682, and amendments thereto.

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

11 (11) On property exempted from this subsection (c) pursuant to
12 subsection (d), (e), (f), (g) or (h).

13 (d) Any city may exempt, by ordinance, from the provisions of
14 subsection (c) specified property the title of which is vested in such city.

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

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

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

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

35 (i) Violation of any provision of this section is a misdemeanor
36 punishable by a fine of not less than \$50 or more than \$200 or by
37 imprisonment for not more than six months, or both.

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

41 New Sec. 4. (a) The Kansas arts commission is hereby authorized to
42 negotiate and enter into an agreement with the Topeka community
43 foundation, a not-for-profit corporation, for the Topeka community

1 foundation to receive, administer and invest any moneys donated,
2 bequeathed, granted, awarded or contributed from any private or public
3 source outside the state treasury for the general benefit of the Kansas arts
4 commission or for specific capital improvements, projects, programs,
5 activities or events for the benefit of the Kansas arts commission. All
6 moneys received for such purposes by the Topeka community foundation,
7 and all interest earned thereon, shall be deposited, administered and
8 disbursed by the Topeka community foundation in accordance with the
9 agreement after payment of any applicable fees or expenses authorized by
10 the agreement. The Kansas arts commission shall not enter into any
11 agreement with the Topeka community foundation under this section until
12 the agreement has been reviewed and approved by the attorney general.

13 (b) Upon receipt of any moneys from the Topeka community
14 foundation pursuant to the agreement authorized by this section, the
15 Kansas arts commission shall remit the entire amount of the remittance to
16 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
17 and amendments thereto. Upon receipt of each such remittance, the state
18 treasurer shall deposit the entire amount in the state treasury to the credit
19 of one or more special revenue funds of the Kansas arts commission in
20 the amount or amounts specified by the Kansas arts commission for such
21 special revenue fund or funds.

22 Sec. 5. K.S.A. 75-3682 and K.S.A. 2010 Supp. 41-719 and 75-3683
23 are hereby repealed.

24 Sec. 6. This act shall take effect and be in force from and after its
25 publication in the statute book.