

Approved 3/27/89  
Date

MINUTES OF THE Senate COMMITTEE ON Federal & State Affairs.

The meeting was called to order by Senator Edward F. Reilly at  
Chairperson

11:10 a.m./~~p.m.~~ on March 21, 1989 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Emalene Correll, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Marty Robison, Secretary

Conferees appearing before the committee:

John Rinehart, Secretary of State's Office  
Sharon Olmstead, Kansas Museum Association

Chairman Reilly called the meeting to order.

Senator Bond moved the minutes of March 14, 15, and 16 be approved. Senator Morris seconded and the motion passed.

John Rinehart appeared before the committee to request introduction of a bill which would eliminate a rate chart that sets forth rates that newspapers may charge for legal rates and eliminate the need for newspapers to file their legal ad rates with the Secretary of State's Office. Senator Yost moved the introduction of the bill and Senator Anderson seconded. The motion passed.

A hearing was held on HB 2300 which deals with the museum property act.

Sharon Olmstead said HB 2300 addresses the problems of objects found in a collection which are completely undocumented and are unclaimed loaned property. It would provide the museums a process by which they can acquire title to loaned or undocumented objects (Attachment 1).

Senator Morris moved HB 2300 be reported favorably for passage. Senator Anderson seconded and the motion carried.

Discussion was held on SB 70 which deals with regulations for travel promoters.

Senator Yost moved the preamble be removed from the bill and referenced in the minutes. Senator Morris seconded and the motion passed.

The legislature finds and declares that certain advertising, sales and business practices of travel promoters have worked financial hardship upon the people of this state; that the travel business has a significant impact upon the economy and well being of this state and its people; that problems have arisen which are peculiar to the travel promoter business; and that the public welfare requires regulation of travel promoters in order to eliminate unfair advertising, sales and business practices. The purpose of this act is to establish standards which will safeguard the people against financial hardship and to encourage competition, fair dealing and prosperity in the travel business.

Staff was directed to check with Lou Allen of the Attorney General's Office with regard to amendments.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal & State Affairs,  
room 254-E, Statehouse, at 11:10 a.m. ~~p.m.~~ on March 21, 19 89

Discussion was held on SB 312 which deals with state preemption of firearm regulations.

Senator Strick moved the bill be reported adversely. Senator Anderson seconded.

Senator Yost made a substitute motion to allow cities or counties to regulate the discharge and carrying of loaded firearms in public places and allow them to enact and enforce ordinances not in conflict with state law. Senator Vidricksen seconded. Senator Yost amended his substitute motion to delete the word "taxation" from Section 1. Senator Vidricksen agreed as the second. The substitute motion failed.

Senator Vidricksen made a substitute motion to table SB 312 and Senator Yost seconded. The substitute motion failed.

On the original motion, the motion passed. Senators Reilly, Yost and Vidricksen asked to record their "no" vote.

Discussion was held on HB 2018 which deals with the sale to or possession of firearms by felons.

In response to earlier questions from Senator Bond, amendments to HB 2018 were distributed. These amendments would: 1) strike references to juvenile offenses, 2) add language regarding expungement and pardon, and 3) add aggravated battery against law enforcement officers (Attachment 2).

It was decided to study the bill further.

The meeting was adjourned at 12:00.



TO: Senate Federal and State Affairs Committee  
FROM: Sharon Olmstead, Kansas Museum Association  
RE: House Bill 2300  
DATE: March 21, 1989

Museums collections are acquired in three ways; purchases, out right gifts, and loans. House Bill 2300 does not concern those objects in a collection that are purchased or gifts that are documented. It does, however, address the problems of objects found in a collection which are completely undocumented and loaned property if; it was loaned to the museum for an indefinite term, the property was loaned for a specified term and that term has expired, or if the lender or claimant does not respond to notice of termination within 90 days.

This bill would provide museums in the state with a process by which they can acquire title to loans of objects whose owners have disappeared or who have failed to pick up their property. This is unfortunately a condition that is all too common to museums. People move away and forget the object, they die, or simply want free storage and conservation. It also provides museums with a formal, legally defined process for acquiring title to those undocumented objects held by a museum for seven years or longer. In the way of an explanation, undocumented objects are usually the result of items received before current standards of accesssioning were practiced. In earlier times, in many institutions, gifts and loan information was kept in the heads of staff, board members, or volunteers, rather than being formalized on paper.

In this era of limited resources, museums are more aware than ever of the costs involved in maintaining a collection. The actual cost of keeping a collection of artifacts must include such factors as documentation, security, personnel, preservation, supplies and insurance. Scarce museum resources can be put to best use by caring for objects which actually belong to the institution or are currently being used for a specific purpose.

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Attachment 1

Not only will this bill protect museums but it protects the lenders rights to the artifact by allowing the lender or claimant to file a notice of intent to preserve an interest in the property.

Museums serve as trustees of our material heritage, and museums in Kansas sincerely want to be good stewards. They have both legal and ethical obligations toward the objects they hold, whether they own them or not. This bill can help Kansas museums care for our shared heritage more responsibly, effectively and efficiently.

Thank you  
Sharon Olmstead

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1989

## HOUSE BILL No. 2018

By Representative Francisco

(By request)

1-9

21 AN ACT concerning crimes and punishments; relating to certain  
22 crimes involving firearms; amending K.S.A. 21-4203 and 21-4204  
23 and repealing the existing sections.  
24

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

26 Section 1. K.S.A. 21-4203 is hereby amended to read as follows:  
27 21-4203. (1) Unlawful disposal of firearms is knowingly:

28 (a) Selling, giving or otherwise transferring any firearm with a  
29 barrel less than ~~twelve (12)~~ 12 inches long to any person under  
30 ~~eighteen (18)~~ 18 years of age; or

31 (b) selling, giving or otherwise transferring any firearms to any  
32 ~~habitual drunkard or narcotic addict; or person who is addicted~~  
33 ~~to and a user of alcohol or a controlled substance;~~

34 (c) selling, giving or otherwise transferring any firearm with a  
35 ~~barrel less than twelve (12) inches long with a barrel less than~~, within the preceding five years,  
36 ~~12 inches long to any person who has been convicted of a felony~~  
37 ~~under the laws of this or any other jurisdiction if such sale, gift or~~  
38 ~~transfer is made to such convicted person within five (5) years after~~  
39 ~~his such person's release from the penitentiary [imprisonment] or~~  
40 ~~within five (5) years after his such person's conviction if the de-~~  
41 ~~endant such person has not been imprisoned in the penitentiary;~~

42 or

43 (d) selling, giving or otherwise transferring any firearm to any  
44 person who has been convicted of a felony under K.S.A. 21-3401, 21-3415,  
45 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3419, 21-  
46 3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, ~~21-3611~~, 21-3716,

S.F. SA  
3-21-89  
Attachment 2

2-2

47 65-4127a or 65-4127b, and amendments thereto, or a crime under  
48 a law of another jurisdiction which is substantially the same as such  
49 felony.

, unless the conviction has been expunged or the person has been pardoned for such felony

50 (2) Unlawful disposal of firearms is a class A misdemeanor.

51 Sec. 2. K.S.A. 21-4204 is hereby amended to read as follows:  
52 21-4204. (1) Unlawful possession of a firearm is:

53 (a) Possession of any firearm by an ~~habitual drunkard or nar-~~  
54 ~~cotics addict; or~~ a person who is addicted to and a user of alcohol  
55 or a controlled substance;

56 (b) possession of a firearm with a barrel less than twelve (12)  
57 inches long with a barrel less than 12 inches long by a person  
58 who, within ~~five (5) years preceding such violation~~ the preceding five years,  
59 ~~has been convicted of a felony under the laws of Kansas or any other jurisdiction~~ this  
60 or has been released from imprisonment for a felony; or

61 (c) possession of any firearm by any person who has been con-  
62 victed of a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404,  
63 21-3410, 21-3411, 21-3414, ~~21-3419~~, 21-3420, 21-3421, 21-3427, 21-  
64 3502, 21-3506, 21-3518, ~~21-3611~~, 21-3716, 65-4127a or 65-4127b,  
65 and amendments thereto, or a crime under a law of another ju-  
66 risdiction which is substantially the same as such felony.

, unless the conviction has been expunged or the person has been pardoned for such felony

67 (2) Violation of subsection (1) (a) ~~of this section~~ is a class B  
68 misdemeanor; violation of subsection (1) (b) or (1)(c) is a class ~~D~~ [E]  
69 felony.

70 Sec. 3. K.S.A. 21-4203 and 21-4204 are hereby repealed.

71 Sec. 4. This act shall take effect and be in force from and after  
72 its publication in the statute book.