

Approved July 8, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at
Chairperson

1:30 ~~xxx~~/p.m. on Monday, April 1, 1991 in room 526-S of the Capitol.

All members were present except:

Representative Arthur Douville - Excused

Committee staff present:

Mary Torrence - Office of the Revisor
Mary Galligan - Kansas Legislative Research Department
Lynne Holt - Kansas Legislative Research Department
Connie Craig - Secretary to the Committee

Conferees appearing before the committee:

SB 7 - PROPONENTS

Dr. Ramon Powers, Executive Director, Kansas Historical Society
David A. Haury, Assistant Director, Kansas State Historical Society
Mary Douglas, Curator of Collections, Smoky Valley Genealogical Society
Duane Johnson, State Librarian, Kansas

HB 2367 - PROPONENTS

Deborah Lea Catlin, Anthony, Kansas
Reverend Richard Taylor, Kansans For Life At Its Best!

Chair Sebelius called the meeting to order.

SB 7

Dr. Ramon Powers, Executive Director of the Kansas State Historical Society, introduced David Haury, Assistant Director, Kansas State Historical Society, to speak on behalf of SB 7.

David Haury read from his written testimony, Attachment #1, in support of SB 7. He explained that this legislation is needed to help the Historical Society manage and donate materials.

Mary Douglas, Curator of the Collections at the Smoky Hill Museum in Salina, presented a letter to the Committee members, Attachment #2, from Barbara Kollhoff, President of the Smoky Valley Genealogical Society and Library, Inc. in Salina, which she read in support of SB 7.

Duane Johnson, Kansas State Librarian, spoke in support of SB 7, and read from his written testimony, Attachment #3, explaining that this legislation would help in the proper management of materials.

HB 2367

Deborah Catlin, Anthony, Kansas, urged the Committee to support HB 2367, and read from her written testimony, Attachment #4. She explained that personal experience with her own teenager in a joint custody situation has motivated her to push for a change in the law, and added that allowing parents to furnish minors with cereal malt beverages is a form of child abuse.

In reference to a question asked by a Committee member regarding how far the word "indirectly" could be construed, line 16 of HB 2367, Staff replied that she thought there would have to be criminal intent in that case. So, unless you intended to furnish cereal malt beverages that might be in your refrigerator, it would not be a crime.

Reverend Richard Taylor appeared before the Committee as a proponent of HB 2367. He handed out written testimony for the Committee members, Attachment #5, and a pamphlet on minors and drinking, Attachment #6.

Chair Sebelius turned the Committee's attention to minutes for February 27 and 28, 1991 for approval.

Representative Long moved the minutes for February 27, 1991, and February 28, 1991, be

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S Statehouse, at 1:30 ~~xxx~~/p.m. on Monday, April 1, 1991.

approved. Representative Wagon made a second to the motion, which passed on a voice vote.

SB 7

Chair Sebelius turned the Committee's attention to SB 7 for action.

Representative Lawrence moved that SB 7 be reported favorably. Representative Baker made a second to the motion, which passed on a voice vote.

HB 2452

Chair Sebelius turned the Committee's attention to HB 2452. She reminded the Committee that they had left off working the bill at March 28th's meeting with a motion offered by Representative Krehbiel, and a second from Representative Graeber. The motion was to add the Nebraska agricultural exemption to HB 2452 as amended. Staff from the Revisor's Office handed out a balloon on the amendment which strikes Section 6 through 12, amending out 14 and 15 year old drivers, Attachment #7.

Representative Krehbiel explained that the motion he offered was actually Representative Parkinson's proposed amendment to the original HB 2130, to address the farm problem needs and the safety issue as well, Attachment #8. In response to a question from another Committee member, Representative Krehbiel explained that this would exempt anyone at least 14 years old who lives on a farm or is employed for compensation on a farm.

Representative Jones offered a substitute motion to delete the term "farm" and apply the word agriculture or agricultural. Representative Edlund made a second to the motion.

Committee Discussion:

One Committee member pointed out that there are several instances where the substitution of those words would not make any sense, such as (b)3 and in (c).

Representative Jones stated that there are some other considerations such as people who have apple orchards that are 20 acres or more, or people who run grain elevators, and these are agricultural but are not farms.

Chair Sebelius suggested the option to strike "not located in any incorporated city", Section 3(c), leaving the definition essentially the same.

Representative Jones withdrew his substitute motion, and Representative Edlund withdrew his second.

Representative Jones offered a substitute motion to strike the words "not located in any incorporated city" line 2, Section 3(c), and also strike in the 3rd line of that same section the word "farming" and substituting the word "agriculture", which would include orchards and ranches. Representative Edlund made a second to the motion. The no's appear to have it on a voice vote. Division is called for. The motion carries on a show of hands.

Representative Krehbiel moved to add the newly amended agriculture exemption to HB 2452. Representative Lane made a second to the motion, which passed on a voice vote.

Committee Discussion:

1. One Committee member pointed out that between 1981 and 1990 fatalities to farm children only amounted to 14 that were vehicle related. He also added that he felt that it was important for children on farms to know how to drive a vehicle, especially for safety.
2. Staff from the Revisor's Office stated that if 15 year old instructional permits are intended only for those enrolled in drivers' education, the balloon needed changed.
3. Chair Sebelius stated that drivers' education was not required, but it would allow a child at 15 to take drivers' education which would mandate that he or she be able to get an instructional permit to take drivers' education.
4. Staff added that on the last page of the balloon there is language in lines 3 through 8 that would grandfather those who already have licenses.

Representative Lane moved that HB 2452 as amended be reported favorable for passage. Representative Long made a second to the motion, which passed on a voice vote.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Monday, April 1, 19⁹¹.

HB 2571

Chair Sebelius turned the Committee's attention to HB 2571. Staff from the Revisor's Office handed out a balloon of Committee action at the previous meeting, Attachment #9.

Representative Jones moved that HB 2571 as amended be reported favorably. Representative Gjerstad made a second to the motion, which passed on a voice vote.

HB 2531

Chair Sebelius turned the Committee's attention to HB 2531, the bill dealing with the creation of a community based teen pregnancy reduction program subject to appropriations. In response to a question from a Committee member, she explained that the fiscal note that was received from the Department of Health and Environment is sort of flexible. The Department of Health and Environment is anticipating that the total cost of establishing such a program would be \$100,000, but the way the bill is drafted, at least 30% has to come from the local community, and federal money is available to match the state money, which leaves a balance of \$35,000 from state general fund money.

Representative Wagon moved to report favorably for passage HB 2531. Representative Charlton made a second to the motion, which passed by a voice vote.

HB 2552

Chair Sebelius turned the Committee's attention to HB 2552, which is the bill dealing with brand registration and price posting of alcoholic beverages. She added that this bill was requested by Jim Conant with Alcoholic Beverage Control because the procedure was outdated and had a lot of unneeded paperwork requirements. The conferees suggested that in lines 32 and 33, to make sure that there is no negative fiscal note, the Committee should consider adding after the word label "and size", so that you would have an annual fee registration for each label and size of alcoholic beverages coming in.

Representative Charlton stated that the staff from the Revisor's Office has an amendment that had to do with buying in quantities, which was not available today.

Chair Sebelius suggested holding the bill over until the next meeting.

Chair Sebelius adjourned the meeting.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 4-1-90

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Debbie Catlin	315 N JENNINGS-ANTHONY, KS.	MYSELF
Shirley Barrett	R.R. 2 Box 15A Anthony, KS	Debbie Catlin
Lergh Barrett	R. R. 2 Box 15A Anthony, KS	Debbie Catlin
Chelsea Catlin	315 N Jennings Anthony, KS	Debbie Catlin
R ANDERSON	107 OTTAWA	MSD CODE O & B
MARY DOUGLASS	259 N. KANSAS	SMOKY VALLEY ^{Genealogical} SOCIETY
ERROL DOUGLASS	259 N. KANSAS	SMOKY VALLEY Gen. Soc.
Rose Haury	3132 SW Belle Topeka, KS	
Ada Mae Haury	815 Santa Fe Newton, KS	
David A. Haury	120 W 10 th , Topeka	Ks. ST. Historical Soc
Jim Conant	Topeka	Ks. ABC
DICK TAYLOR	TOPEKA	LIFE AT ITS BEST
Terry Harmon	Topeka	Ks. St. Hist. Soc.
DIANE L. GOOD	TOPEKA	Ks. ST. HIST. SOC.
Ramon Powers	Topeka	" " "

Testimony before the House Committee on Federal and State Affairs

Senate Bill 7 -- April 1, 1991

David A. Haury, Assistant Director, Kansas State Historical Society

Thank you for this opportunity to testify in support of Senate Bill 7 as a representative of the Kansas State Historical Society. Senate Bill 7 amends K.S.A. 75-2701 and 75-2704 to authorize the Society to remove certain property from its research collections according to rules and regulations which would be approved by the Joint Committee on Administrative Rules and Regulations.

The need for this legislation results from restrictive language in the current statute which specifies the types of property which may be removed and limits the means of disposition. Materials are accessioned into our collections, and deaccessioning is the commonly used term for their removal. Lines 23 through 26 confine us to selling or exchanging duplicates and materials outside our fields of collection. Strict interpretation of this language has severely restricted our ability to manage our collections. For example, we cannot donate duplicate books to other appropriate libraries in the state. Duplicate materials with educational value cannot be given to schools. Moreover, hazardous materials or property with no value cannot be destroyed or discarded. The Attorney General's Opinion No. 87-44 affirmed this interpretation that our collections may not be donated or discarded. Thus we request the amendment to permit the Society to donate or otherwise dispose of property without research, educational, or exhibit value.

The deaccessioning issue has engendered some controversy. The concerns initially focused on the Society's newspaper collection, and I have attached a detailed position paper on the issues related to the storage, preservation, microfilming, and eventual disposition of the original newspapers.

Last session deaccessioning legislation was introduced as Senate Bill 499, but upon learning of the concerns and opposition of portions of the genealogical community, the Society requested that consideration of the bill be deferred to allow for further study and to avoid conflict with one of our primary constituencies. On June 27, 1990, the Joint Committee on Arts and Cultural Resources held hearings on deaccessioning issues and directed the Society and opponents of the legislation to work out their differences. Consequently the Society called together a Task Force of interested parties on September 11. Included were genealogists, archivists, librarians, and historians, as well as representatives of the legislature, legislative research, the Kansas Press Association, and revisor's staff. The group reached a consensus which is outlined in the attached report of the Joint Committee and is implemented by Senate Bill 7.

The main component of the consensus was approval of the Society's deaccessioning procedures as rules and regulations by the Joint Committee on Administrative Rules and Regulations. An internal committee has completed a rough draft of rules and regulations, but the draft must be reviewed by the Society's administration and other staff and also modified in light of the amendments to Senate Bill 7. The procedures in the rules and regulations will include internal committees within departments to select materials identified for deaccessioning and an external committee to give representatives of various groups, such as genealogists, outside the Society opportunity to review the decisions. Agreement by the Society to inspect the microfilm and resolve any problems prior to deaccessioning newspapers was also specified. Of course the public will have ample opportunity to review and comment on the rules and regulations as they are presented to the Joint Committee.

I would add that the public oversight provided by these procedures is extraordinary. Society staff guided by collection development policies make decisions daily on adding materials to our holdings, and, using those same policies, could be entrusted with the professional responsibility of removing property without research or other value. Other public and private research institutions throughout the country give their staff this authority, and deaccessioning occurs as a routine and necessary process.

I would like to conclude by noting that the discussion of deaccessioning has focused almost exclusively on the newspapers. Yet we have manuscripts, library materials, and archeological and museum artifacts which also will be reviewed for deaccessioning. For many years the Society operated without clear or written collection development policies. For example, around the turn of the century the society seems to have accepted numerous books simply because they were old -- their subject could be cats, or Latin America. We have many items not remotely related to Kansas and in some cases even American history. Or we have twenty-five copies of a publication which waste valuable space in our facility and could serve the public best if distributed to other institutions. The Museum and Archeology Departments have numerous items, including human remains, which should be deaccessioned, and we have heard no opposition to granting such authority with respect to three-dimensional artifacts.

In fact, in recently discussing Senate Bill 7 and the safeguards it provides for documentary collections with the genealogical community of Kansas, Dr. Powers and I have found strong support for the consensus reached by the Task Force last September. Deaccessioning must be done carefully and following established procedures and professional standards, and Senate Bill 7 provides the mechanism for doing so. I have given the chair a copy of the statutes and regulations governing deaccessioning in about a dozen other states - all allow deaccessioning and allow it in most cases within far less restrictive parameters than those proposed in Senate Bill 7.

Society staff take a very conservative approach in assessing the research value of materials, and public fears that they will willy nilly begin to discard valuable materials are unfounded. Roughly half of our patrons are genealogists, and it would be unthinkable to deaccession resources which they might find useful. However, not to review collections systematically and deaccession items when necessary would continue to misdirect resources to the severe detriment of all researchers.

Change is difficult for many institutions, especially those with a strong sense of the past, but our mission of public service remains constant. During a period of declining revenues the efficient expenditure of public funds is of critical importance. No deaccessioning legislation can provide an ironclad guarantee that materials of interest to some researcher someday will never be discarded. However, to avoid that possibility by severely restricting our ability to deaccession materials does guarantee that thousands of dollars will go to preserve useless materials instead of acquiring and making available resources of value. This legislation provides a responsible and workable procedure. Our goal is to serve the public by operating the State Historical Society in a modern and professional manner according to nationally accepted standards. Indeed we function as public trustees, preservers of our heritage, and Senate Bill 7 provides the means professionally and efficiently to serve that mission.

Deaccessioning Newspapers at the Kansas State Historical Society

Senate Bill 7 -- House Committee on Federal and State Affairs

April 1, 1991

David A. Haury, Assistant Director, Kansas State Historical Society

We have over 55,000 cubic feet of newspapers, approximately half of our documentary holdings. These newspapers would completely cover a basketball court well above the backboard, or in more concrete terms they would fill one and a half storage bays in our proposed new building at a cost of roughly \$1.5 million per bay, or \$2.25 million total. Approximately 35,000 cubic feet of these newspapers have been microfilmed, and we anticipate within seven to eight years completing the filming of the Kansas papers, which constitute about ninety percent of the total.

The fiscal choices involving these newspapers are clear. We have received insufficient funding to construct a new building into which we could move the vast majority of the newspapers which have been filmed. We intend to keep only certain papers with special significance. To move all of the newspapers into the new building would require the addition of over \$2 million to the project, and the storage areas of the building would still be 100% occupied by the newspapers and other existing collections. In other words, short-term funding to store the newspapers will not make the storage problem go away. The only other choice is to spend \$20-30,000 per year to rent an unheated and un-airconditioned warehouse or perhaps an underground facility indefinitely to store the newspapers -- an option which eventually will complete the already advanced process of turning these acidic and fragile materials to dust. Or the newspapers can be deaccessioned and where possible returned to publishers or local historical and genealogical societies for preservation and use. This is our preference. It would require \$400-500 million to deacidify and preserve the original newspapers.

Deaccessioning newspapers is not a new issue. Other historical societies around the country have faced the same problem, and, through informal discussions, it appears that we may be the only society to have kept most of its original newspapers that have been microfilmed. In part, this is because we hold the nation's premier collection of newspapers and the Kansas State Historical Society was founded by newspaper editors. Moreover, our staff have discussed the issue for many years, but innate conservatism and until recently the availability of space in the Memorial Building also influenced our reluctance to part with the papers.

Nevertheless, as I have suggested, deaccessioning the newspapers is inevitable. One must decide only whether one will deaccession newspapers now or dispose of the useless remains of newspapers, later. The old newspapers constitute a preservation nightmare. They are discolored and brittle, printed on the poorest acidic paper, and fall apart in your hands when being used.

The most common technique for preserving the intellectual content of newspapers is microfilming. We began our microfilm program in 1946 and have focused primarily on the newspapers. Some 40,000 rolls have been produced with an additional 1500-2000 rolls being added each year. The primary objection to our deaccessioning of the newspapers relates to the quality and survival of our microfilm. A few years ago an oxidation process called redox was discovered in various microfilm collections including our own. It begins as microscopic dots and eventually eats away the image on the film.

I will explain how we intend to deal with this redox problem. First, we have retrieved all 40,000 rolls of film out of the salt mine in Hutchinson to our new museum building in order to inspect the film for redox and other damage or inadequacies. We have examined numerous rolls with encouraging results.

Only a small percentage of rolls appear to have sufficient redox or other problems to require refilming of the newspaper. We will either refile papers or make a new negative from our unaffected positive copies when necessary. Most of the affected rolls have microscopic dots. We are working with the Preservation Office of the National Endowment for the Humanities to obtain funding to treat all of our film. I am optimistic that federal funding will pay for this treatment and for much of the refilming cost. Our Microfilm Department operates under standards insuring archival quality filming, and one can be assured

that redox free film with proper resolution and density will be available prior to deaccessioning any original Kansas newspapers.

However, a second step is necessary to guarantee the security of our film. Microfilming standards recommend the production of a second negative to be used to produce duplicates and to be stored in a second location. This helps to guarantee the survival of our original camera negatives. The cost of producing a second negative will be nearly seven dollars per roll (excluding labor) or about \$300,000 for our entire microfilm collection. We began to produce a second negative of all camera negatives upon obtaining our own duplicator in May last year. However, since November we have been producing no second negatives or positives of our film as a response to FY 1991 budget cuts. \$300,000 is not too much to spend to preserve film which cost over \$5,000,000 in today's dollars to produce. Or in other terms, it is not too much to guarantee absolutely the survival of our microfilm and allow disposal of the original documents, saving over \$2 million in new building costs. The money could be appropriated over a three to four year period both to allow our staff to do the work and to coincide with the new building schedule.

Individuals have expressed concern that we must inspect and preserve all of our microfilm prior to the passage of the deaccessioning legislation. We are opposed to this delay, as it will take several years to inspect, treat, and duplicate the film, and deaccessioning can logically and most efficiently accompany this process. However, we are committed to inspecting the film prior to disposing of the newspapers, and we are supportive of having this stipulation added to the rules and regulations authorized by Senate Bill 7. In other words, we would inspect the film of each newspaper prior to deaccessioning that particular paper. If funding is made available for duplicating the original negatives, we would also produce a second negative prior to deaccessioning the original paper.

REPORT OF THE
JOINT COMMITTEE ON
ARTS AND CULTURAL RESOURCES
TO THE
1991 LEGISLATURE

Kansas Legislative Research Department
Room 545-N -- Statehouse
Topeka, Kansas 66612-1586

January, 1991

HOUSE FEDERAL AND STATE AFFAIRS

April 1, 1991

Attachment #1 - Page 5

TOPIC III•

The Joint Committee reviewed the provisions of S.B. 499 from the 1990 Session, which provides the Kansas State Historical Society (KSHS) with the authorization to deaccession items from its collection.

Background

Deaccession authorization for KSHS was discussed briefly by the Joint Committee during the 1989 interim and the Joint Committee endorsed the introduction of S.B. 499. The intent of S.B. 499 was to amend K.S.A. 75-2701** to include donation and other disposition methods of property, in addition to the sale and exchange of property by the Society; and expand the type of property that is eligible for deaccession to include property with insufficient research, educational, or exhibit value, or hazardous property, in addition to duplicate materials and materials outside its scope of collection which are already mentioned in statute.

Committee Activities

The Joint Committee was provided information on the reasons behind the need for deaccession authorization for KSHS.

The issue of deaccessioning came to the forefront when it was determined that a new Center for Historical Research would be constructed. Due to budgetary constraints, the storage in the planned new Center was reduced to 22,000 square feet of floor space, which equates to 45,000 cubic foot boxes and 40,000 linear feet of library shelving space. The storage space modifications were predicated upon disposing of the newspaper collection which comprises 55,000 cubic feet of which 35,000 cubic feet have already been microfilmed. Besides the limited storage space in the new Center, there are numerous reasons, which are interrelated, why the Society requested deaccession authorization.

1. **Cost of Satellite Storage and Lack of Environment Controls in Satellite Storage.** Currently the Society has 13,000 square feet of satellite storage which is rented for \$2.60 per square foot. The Society is predicting that there will be no more storage space in the Memorial Building by November of this year, which will force the Society to make difficult decisions about accepting potentially valuable historic materials from state agencies, local governments, and private individuals.

Preservation of Property. The ultimate method of preserving materials is to microfilm them. Paper materials and documents in the Society's collection are deteriorating at a rapid rate, consumed by the acids in their pages, by exposure to too much light, by wide swings in temperature and humidity, and by excessive or improper handling. This problem is not the exclusive domain of Kansas, but part of a national predicament. It is estimated that by the year 2010, as much as 75 percent of the books and manuscripts currently in America's

* Proposed legislation accompanies this report.

**K.S.A. 75-2701 prevents the Society from selling, mortgaging, transferring, or disposing of in any manner any property owned by the Society, except that the Society may sell or exchange its publications, duplicate materials, or materials outside its fields of collection. No provision is made for other means of disposing materials, such as donation.

archives, libraries, and museums will have crumbled to dust or will have become too brittle to handle.

2. **Duplicate Property.**
3. **Hazardous Property.**
4. **Damaged Property.** Many materials in the Society's collections have deteriorated to such large extent that they cannot be used for research purposes. These are materials that cannot be repaired or conserved without significant outlays of human and fiscal resources.
5. **Skeletal Remains.** The Society wishes to comply with the Unmarked Burial Sites Act and reinter skeletal remains in its collection.
6. **Out-of-Scope Property.**
7. **Need for a Manageable Collection.** The current staff of the Society cannot process, preserve, and curate the present collections of the Society. A smaller and more rational collection would provide the staff of the Society the opportunity to process the immense backlog of materials which the Society has, which would ensure proper curation of materials, and would make those materials accessible to the public.

During the 1990 Session opposition to the bill was expressed by genealogical groups who were concerned that the provisions of S.B. 499 might allow KSHS to dispose of the 30,000 cubic feet of historic newspapers in its collection, which have been microfilmed. Genealogists were opposed to the disposition of the newspapers for several reasons, the paramount one being that the microfilm copies of the newspapers are being consumed by an oxidation process, called redox, which leaves spots on the film and eventually destroys the image. Genealogists were also concerned about some film in the collection which is unreadable due to poor film quality or poor filming practices, and therefore, the original newspapers are necessary especially to make photographic copies.

Committee Activities

The Joint Committee held a public hearing on the provisions of S.B. 499. Several genealogists, representing such groups as the Topeka Genealogical Society and the Kansas Council of Genealogical Societies appeared before the Joint Committee. Several genealogists communicated their concerns, that the bill, as currently written, provides no safeguards against the possibility that materials would be deaccessioned that should not be. The genealogists stressed that it is vital that the public be notified of the deaccessioning decisions and have some kind of input into those decisions. The following suggested additions to the bill were presented: provide that each collections department have a accession and deaccession committee which would follow written policies approved by the KSHS administration and the KSHS Board; require public notification of deaccession decisions; and provide that all deaccession actions be recorded, giving the date and identifying the method of disposal.

The issue of the disposal of the newspaper collection was discussed in length. Genealogists testified that through a quick survey of the microfilm collection, which they have conducted, it is apparent that many rolls of film are contaminated with redox. In addition, they testified that many times the microfilm is of such poor quality that it is difficult to read and impossible to make photograph copies of a page or an image.

KSHS staff testified that they are in the process of microfilming the entire newspaper collection which encompasses 55,000 cubic feet (half of the Society's collection holdings). KSHS commented that the fiscal choices involving the newspapers is clear -- the state cannot afford the additional storage space which would be

required to store the newspapers. To return the newspapers to local historical and genealogical societies for preservation is the most logical way to proceed.

The Historical Society briefed the Joint Committee on what it is doing to combat the redox problem. First of all, the Society has retrieved all 40,000 rolls of film from the salt mines in Hutchinson to inspect the film for redox. The Society would like to enlist volunteers from the genealogical community to assist with inspecting the microfilm of the newspaper collection for redox and for poor film quality. The Society is currently attempting to get funding from the National Endowment for the Humanities for a grant to treat the film for redox. However, a second step is necessary to guarantee the security of the film. Standards recommend the production of a second negative to be used to produce duplicates and to be stored in a second location. The cost of producing a second negative will be nearly \$300,000. The Historical Society is requesting funding of \$99,000 from the State General Fund for FY 1992 to begin the process of producing a second copy of microfilm.

The Joint Committee was asked not to only focus the discussion of deaccessioning of the newspapers, but to consider as well the collecting departments of archives, manuscripts, archeology, and the Kansas Museum of History. The Joint Committee was asked to consider the deaccession policies of KSHS in conjunction with its accession policies. Staff of KSHS repeatedly made the point to the Joint Committee that they make daily decisions about what historical materials should be accepted for the various collections. The question was posed, if Society librarians, archaeologists, museum personnel, manuscript curators, and archivists can be trusted to use sound professional judgement in deciding what to acquire in the first place, are they not trustworthy enough to carry out deaccessioning policies? Staff of KSHS informed the Joint Committee that the Society will not discard materials at random but will do so with careful documentation and in accordance with the Society's mission and goals. They identified the following procedures, which would be followed if the Society had the statutory authority to deaccession materials:

1. Clear title to the property would be established.
2. Documentation relating to the deaccessioned property will be amended to include the date and method of disposition.
3. Complete documentation of the deaccessioned property including, but not limited to deeds of gift or accession records, contracts, photographs, signed authorizations, correspondence, or advertisements will be retained by the Kansas State Historical Society.
4. The documentation will be accessible upon request during the Society's regular business hours, however, some donor information may be restricted.
5. Hazardous property will be disposed of according to existing state and federal laws or guidelines from appropriate state and federal regulatory agencies.

After appropriate evaluation and documentation following professional procedures, selected pieces from the collection holdings would be deaccessioned and disposed of as follows:

1. traded to public or private institutions or individuals for property the Society wishes to obtain, as specified in the Kansas State Historical Society collection development policies;
2. offered as a donation to Kansas libraries, museums, archives, historical societies, educational institutions, and other not-for-profit repositories for historical materials, public or private;
3. offered as a donation to national or out-of-state libraries, museums, archives, historical societies, educational institutions, and other not-for-profit repositories for historical materials, public or private;
4. auctioned or sold to the public; or

5. disposed of by burning, shredding, recycling, deposit in landfill, or other methods following professional procedures.

The Joint Committee asked that an ad hoc task force be formed to study the deaccessioning issue and to formulate a compromise to be presented to the Joint Committee. The task force was to be comprised of professional groups and other interested parties. The task force did meet and included the following members:

Ramon Powers, KSHS; David Haury, KSHS; Ruth Keys Clark, Genealogist; Helen King, Topeka Genealogical Society; Mary Burchill, Law Library, University of Kansas; Marc Galbraith, State Library; Cheryl Williams, Kansas Collection, University of Kansas; Terry Harmon, KSHS; Anthony Crawford, Farrell Library, Kansas State University; Cheryl Collins, Kansas Museums Association; Sarah Wood-Clark, Kansas Museum of History; Diane Good, KSHS; Representative Joan Adams; William O. Wagnon, Topeka; Gayle Graham, Genealogist; David Furnas, Kansas Press Service, Inc.

The task force recommended to the Joint Committee that the bill, S.B. 499, be amended to include the provision that the Historical Society establish formal deaccession procedures to be approved by the Joint Committee on Administrative Rules and Regulations. Concepts the task force agreed to, include:

1. The Society will not deaccession newspapers until the microfilm is inspected. There are 40,000 rolls of microfilm, which equates to 35-40 million individual frames. Inspection of the microfilm will be conducted on a spot-check basis, with every 15-20 frames being examined. KSHS will assign five or six permanent staff people to the microfilming effort and also is actively seeking to secure volunteers for the effort. KSHS is also seeking funding of \$99,000 for three years for film and processing to be able to produce a second copy of the microfilm. KSHS hopes to have three copies of the film -- an original master negative; another negative to be stored at another location from which photos could be made; and a positive copy in the reading room. KSHS does plan to return the newspapers which have been filmed to communities which would like them. Already as many as 30 communities have requested their local newspapers.
2. Deaccession procedures will be approved by the Joint Committee on Administrative Rules and Regulations and outlined in *Kansas Administrative Regulations*. The procedures must include the important provision that each department will have a committee to review and select the materials slated for deaccession.
3. A public safeguard in the form of a committee must be established. The task force wanted a public body to review items to be deaccessioned. The task force envisioned that the committee would be a small group of five people, representing various professions and research groups, who would most likely meet quarterly. The committee would operate under the guidelines directing the collecting interests of KSHS.

The Joint Committee, in addition, toured the storage areas of KSHS, including an off-site storage warehouse. The Joint Committee observed materials being microfilmed and viewed microfilm that has redox.

Committee Recommendations

The Committee concludes that a consensus regarding deaccession authorization for the Kansas State Historical Society has been formed among the various interested parties. The Committee notes that the ad hoc task force, which met at the request of the Committee, recommended that the provisions of S.B. 499 be amended

to include the provision that the Historical Society develop detailed policies regarding deaccession and that those policies be approved by the Joint Committee on Administrative Rules and Regulations.

The Committee wishes to express its concern that the process of review by a public committee of the items to be deaccessioned (a procedure recommended by the task force) not become a process which stymies the actual deaccessioning of items. The Committee will be closely monitoring this procedure and will recommend changes if they are necessary to achieve a smooth functioning of the deaccessioning of items.

Finally, the Joint Committee wishes to express its appreciation for the effort put forth by the ad hoc task force in forging a compromise on this important issue.

PROPOSED BILL NO. 7

By Joint Committee on the Arts and Cultural Resources

AN ACT concerning the state historical society; relating to disposition of certain society property; amending K.S.A. 75-2701 and 75-2704 and repealing the existing sections.

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

Section 1. K.S.A. 75-2701 is hereby amended to read as follows: 75-2701. (a) The state historical society, heretofore organized under the incorporation laws of the state, shall be the trustee of the state, ~~and as such.~~ As such, the society shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, and shall hold all its the society's present and future collections of property for the state, and shall not sell, mortgage, transfer or dispose of in any manner or remove from its the society's building or buildings, except for temporary purposes, any article thereof, or part of the same, of property without authority of law except that. This shall not prevent the sale ~~or exchange,~~ exchange, donation or other disposition by the society of its publications, duplicate materials, ~~or materials outside its fields of collection, that it may have or obtain.~~ property in its collection holdings, property outside its scope of collection, hazardous property or property with insufficient research, educational or exhibit value, but:

(1) No such property shall be disposed of except by sale or exchange until the society adopts rules and regulations establishing procedures for disposition; and

(2) no rules and regulations establishing procedures for disposition of such property shall be adopted until the society first advises and consults with the joint committee on administrative rules and regulations regarding the proposed rules

and regulations.

(b) There shall continue to be a board of directors of the state historical society to consist of as many members as the society ~~shall-determine~~ determines.

(c) The society may acquire property, real or personal, by gift, bequest or otherwise, in any amount, and upon such conditions as ~~its~~ the society's executive committee ~~may-deem-best for-its-interests~~ deems best for the interests of the society. Any such property so acquired and any state-owned historic site, structure or other property which has been placed by law under the jurisdiction and supervision of the society shall be administered by the society in the public interest, and the society ~~is--hereby--authorized--and--directed--to--provide--for--the preservation--thereof--and--to--adopt--such~~ shall provide for the preservation of such property and shall adopt rules and regulations as are necessary for the proper use and enjoyment thereof of such property. For this purpose the society ~~is--hereby~~ authorized--to may fix, charge and collect fees for admittance to any state-owned historic site, structure or property which has been placed under ~~its~~ the jurisdiction and supervision of the society and is further authorized to provide exemptions from such fees or to fix reduced fees for one or more categories of persons.

(d) The society shall remit all moneys received by the society under the provisions of subsection (c) to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the historic properties fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state historical society or a person designated by the secretary.

Sec. 2. K.S.A. 75-2704 is hereby amended to read as follows:
75-2704. The secretary of the state historical society ~~is--hereby~~

~~prohibited-from-permitting-or-allowing shall not permit~~ any of the files, documents or records of said the society to be taken away removed from the building or buildings where its the society's office and rooms are ~~or-shall-be-located~~ Provided ~~That-this~~ located. This section shall not prevent the removal of materials for temporary purposes, or the sale ~~or-exchange-of~~ materials, exchange, donation or other disposition of property as authorized in K.S.A. 75-2701 and 75-2702, and amendments thereto.

Sec. 3. K.S.A. 75-2701 and 75-2704 are hereby repealed.

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

COLORADO

Colorado Revised Statutes, 1989

10 B Title 24, Articles 50-114

ARCHIVES

24-80-103. Determination of value - disposition. Every public officer who has public records in his custody shall consult periodically with the state archivist of the division of state archives and public records and the attorney general of the state, and such three officers shall determine whether the records in question are of legal, administrative, or historical value. Those records unanimously determined to be of no legal, administrative, or historical value **shall be disposed of by such method as such three officers may specify...Public records in the custody of the state archivist may be disposed of upon a similar determination** by the attorney general, the state archivist, and the head of the agency from which the records were received, or its legal successor."

Source: L. 51, p.778 ch. 3; CSA, c. 154, 18(12); CRS 53, 131-3-3; C.R.S. 1963, 131-3-3

24-80-110. Disagreement as to value of records. In the event the attorney general and the state archivist determine that any records in the custody of a public officer, including the state archivist, but not those in the custody of a public officer of any county, city, municipality, district, or political subdivision thereof, are of no legal, administrative, or, subject to section 24-80-211 (1) (b), historical value, but the public officer having custody of said records or from whose office records originated fails to agree with such determination or refuses to dispose of said records, **the attorney general and the state archivist may request the governor to make his determination as to whether said records should be disposed of in the interests of conservation of space, economy or, safety.**

Source: L. 51, p. 780, 10; CSA, c. 154, ch. 18 (19); CRS 53, 131-3-10; C.R.S. 1963, 131-3-10; L. 64, P. 174, 148.

** Neglected to look up section 24-80-211 (1) (b). This may not be necessary, as the **State Archivist of Colorado is part of the Dept. of Administration** and not part of the Historical Society.

HISTORICAL SOCIETY

Colorado Revised Statutes 10 B Title 24, Articles 50 to 114, 1988, p. 378.

24-80-202 Trustee for State - exchange duplicates - lending materials. Except as otherwise provided in part 1 of this article, the society shall be trustee of the state... and shall not sell, mortgage, transfer, or dispose of in any manner or remove from the Colorado state museum any article thereof, or part of the same, without authority of law. **This shall not prevent the sale or exchange of any duplicates which the society may have or obtain, the loan for reasonable periods of time of materials or exhibits to responsible**

HOUSE FEDERAL AND STATE AFFAIRS

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borrowers under adequate safeguards, or the transfer to other educational institutions of the state of property not deemed applicable to the purposes of the society."

Source: L. 15, p. 440, 2; C.L. 8226; CSA, c. 154, 9; CRS 53, 131-1-2; C.R.S. 1963, 131-1-2; L. 71, p.1219, 1.

24-80-205. Disposition of duplicate specimens - loans authorized.

(1) Whenever the state historical society possesses natural history books, specimens, and documents which are duplicates of or similar to others possessed by the society or which are considered useless by the board of directors for the history of the state or more useful for exchange, **the society is authorized to return such books or material to the donors, to government departments, or to state institutions, to loan or deposit it with its branch societies or exchange for other similar material, or otherwise to dispose of the same as provided by law.**"

Source: L. 19, p.662,1; C.L. 8229; CSA, c. 154, 12; CRS 53, 131-1-5; C.R.S. 1963, 131-1-5; L. 71, p. 1219, 2.

NOTE: I spoke with the Director of Registration and Conservation, who said they had a deaccessions policy which is up for approval by the board. They are attempting to address in the policy the vagueness of the statutes. In the draft policy, which she sent me, **approval for deaccessions begins with curatorial recommendations to the Vice President, the president and finally the board. The board, according to statute, consists of three persons with history backgrounds appointed by the Governor. Their Collections Management Policy outlines the following methods of deaccessioning: 1) Transfer to the society's Education Department, 2) Transfer to the society's volunteer organization, 3) Transfer to another non-profit educational institution or cultural organization, 4) Transfer to State Surplus, 5) Retain for conservation research, 6) Public Auction, 7) Destroy.**

ILLINOIS

Smith-Hurd Illinois Annotated Statutes, 1989
(Historical Society department of Historical Library Division 128, par. 17)

Ch. 128, s 16. Powers of Trustees

"The said trustees shall have power and they are hereby required to make all necessary rules, regulations and by-laws not inconsistent with law to carry into effect the purposes of this Act and to procure from time to time as may be possible and practicable, at reasonable cost, all books, pamphlets, manuscripts, monographs, writings, and other material of historical interest and useful to the historian bearing upon the political, physical religious or social history of the state of Illinois from the earliest known period of time. **The trustees shall have authority to exchange any books, pamphlets, manuscripts, records or other material which such library may acquire which are of no historical interest or for any reason are of no value to it, with any other library, school, or historical society.**"

Ch 128, s 15. Trustees (appointed by Governor with senate consent; **three trustees; compensated for expenses).**

NOTE: I spoke with the Registrar for Arts at the Illinois State Museum, who claims their department has **no statutory regulation for deaccessioning**, and deaccessions do not require board approval. Their policy and procedures document leaves the responsibility with the director and reads: **"Any object deaccessioned and not transferred to another cultural institution, used for exchange, or returned to a lending institution, shall be destroyed or disposed of in an appropriate manner."**

IOWA

NOTE: I spoke with the Registrar at the museum of the State Historical Society of Iowa, who said that they had no statutory regulation of deaccessioning, that it was **governed by Administrative Rules** as cited in **excerpts of their collection policy** below:

▪ **[13.6 (4) c] The Board of Trustees must approve all deaccessions."**

NOTE: The **Board of trustees consists of seven people**: Three elected by Historical Society members; four appointed by the Governor (two must be historians or archeologists on an Iowa college faculty).

"[13.6 (4) d] The method for disposition of deaccessioned material will be recommended by staff and approved by the Bureau Chief, the Collections Committee, the Administrator and the Board of Trustees. **Methods may include: exchange with other educational institutions** to strengthen the collections of the State Historical Society of Iowa; **donation to another educational institution** which will make it generally accessible to the public; sale at **public auction** or other approved means; or **destruction.**"

OKLAHOMA

By statute, they cannot sell or trade.

According to their Collections Management Policy, deaccessions are initiated by the curatorial staff, through the Director of the Museum department, with **final approval by the "Museums Committee" of the board**. The museums committee consists of four board members and the Director of Museums. In the case of a **controversial decision or a close vote, the matter is referred to the full board**.

The Oklahoma Historical Society is **bound by state physical property laws**. Items may be **transferred to another state agency, returned to the donor or transferred to State Surplus**. If State Surplus sells any of this material, the proceeds go to the general fund. **With the approval of State Surplus, some items can be thrown away.**

OHIO

Page's Ohio Revised Code Annotated, 1990 contains no statutes related to **deaccessioning** by state funded historical agencies.

NOTE: I contacted the Registrar of Collections at the Ohio Historical Center, who said that **all deaccessions are approved by the collections committee, and then by the board (consisting of 18 people)**. She says it is such an unwieldy process that they have not deaccessioned anything for several years. She also stated that **most of the objects considered for deaccession are not worth taking the board's time.**

The Collections Policy requires the **Collections Committee of the Board to approve all deaccessions**. A vote of the full board is required if the Collections Committee cannot reach a consensus on a deaccession. The Collections Acquisition and Disposal Procedures leave the final approval with the director, who may opt to defer the decision to the board.

Methods of deaccessioning given in their policy include: 1) Public sale, 2) Transfer to another institution with similar goals and objectives, 3) destruction, 4) Trade to another institution.

WISCONSIN

West's Wisconsin Statutes Annotated, 1987

Chapter 44.015 Powers

The Historical Society may:

2) Sell, exchange or otherwise dispose of duplicate books, periodicals or museum objects, or books, periodicals and museum objects outside its field of collection.

Source: L.1969, c.276, ch. 294, eff. Dec.28, 1969
L. 1977, C. 29, ch.528, eff. July 1, 1977

NOTE: According to their Collections Management Policy, **deaccessions must be approved by the Board of Curators**. The Board of Curators consists of: The Governor or official designee, the Speaker of the Assembly or designee, the President of the Senate or designee, three members nominated by the governor and confirmed by the senate, up to thirty members selected by the membership of the Historical Society, one minority party member each from the assembly and the Senate.

Methods of deaccessioning addressed specifically in their Collections Management Policy include: 1) Sale at public auction, 2) Transfer to another division of the society, 3) Disposition "in accord with state regulations for surplus or excess property" (items damaged beyond use or discredited for research value).

CALIFORNIA

I found no statutes authorizing any kind of deaccessioning actions for the State Historical society. The following statutes refer to archives and city funded museums.

Doering's California Codes Annotated, 1982

Government 11500-14599
pp.206-207

ARCHIVES

12225. Return of Item to State Agency
With the approval of the Department of General Services, the Secretary of State may at any time return to the state agency from which it was received any item in the archives which he does not deem to be of historical value.

Government 34000-37999
pp.549

MUNICIPAL MUSEUMS

37552 Administration of trust for museum: Right to receive and hold property in trust: Disposition of Property
The board may administer any trust created for the museum. It may receive property situated in or out of the state by gift, devise, or bequest and hold it in trust or otherwise. Except where the gift, devise, or bequest provides otherwise, it may dispose of such property for the benefit of the museum.

NOTE: I Spoke with the Curator of Statewide Collections, CA Dept. of Parks and Recreation, which administers 224 state-funded museums. They cannot trade and do not sell, as the proceeds go into the general fund. They have a clearing house within the state system, whereby items can be transferred to a more appropriate institution. If a home cannot be found, they go through General Services, which does a survey document on the material and makes it available to other state agencies. If no takers, then General Services signs it off for disposal.

Their decision-making process is by committee (ad hoc, based on type of material being considered) including someone from another institution, and supplemented by recommendations from the field (staff at sites other than the central office.) When the committee reaches a consensus, the director gives final approval.

DELAWARE

Delaware Code Annotated, Title 29

Chapter 5, Par 507. "The Department of State may preserve microfilm copies of any publications deposited for preservation, and may destroy the originals after certified microfilm copies have been made and preserved."

(NOTE: certification to be included on the film that the Department of State, Division of Archives and Cultural Affairs assures it a complete, accurate copy)

Chapter 5, Par. 519(b) The Department of State shall have the authority to determine whether or not any of said publications lack sufficient information for retention as research materials, and it may request the publishing agency to discontinue depositing such publications with the Department. The Department of State may preserve microfilm copies of any publications deposited for preservation, and may destroy the originals after certified microfilm copies have been made and preserved."

Chapter 5, Par. 531. "Destruction of original records after photographic copies made.

Whenever any agency, department, board or commission of this state or any county or incorporated municipality thereof shall have photographed, photocopied or microphotographed all or any part of the records kept by it or under its control in a manner and on film that complies with the standard of quality approved for permanent photographic records by the Department, and whenever such photographs, photocopies or microphotographs shall be placed in adequately accessible containers and provision made for preserving, examining and using the same, the head of such agency, department, board or commission may, with the approval of the Department of State, cause the original records from which the photographs, photocopies or microphotographs have been made, or any part thereof, to be disposed of as the law provides."

MICHIGAN

According to the Collections Management policy, "all deaccessions require the approval of the Collections Review Committee, the museum director and the Department of State's Internal Audit Division. Internal Audit has the final approval for such actions. Methods of deaccessioning include: 1) Transfer, through Department of Management and Budget, to a designated institution, 2) Destruction, 3) Public auction, through Dept. of Management and Budget surplus procedure, 4) Other arrangements, through Internal Audit.

MONTANA

According to their Deaccession Guidelines ('79, '84), the curator makes a recommendation to the Director, who then presents it to the museum committee of the Board of Trustees. Actual practice seems to be to present it to the full board (15 people, appointed by the governor, usually at the recommendation of the board). Library/Archives procedure is basically the same, except that it is recognized in the policy/procedure statement that extensive weeding will be done during processing of donations, with the department supervisor responsible.

A board vote on a deaccession must be by a two-thirds majority or unanimous approval by the executive committee.

NORTH CAROLINA

North Carolina Administrative Code : Cultural Resources - Archives and History
4D.0200 et. seq.

.0217 ARTIFACT DEACCESSION

An Accessioned artifact owned by the division of archives and history may not be deaccessioned until it has been **certified to have no further value for official or administrative purposes or for research and reference purposes by the North Carolina Historical Commission.**

History Note: Statutory Authority G.S. 121-4(6); 121-7
143B-62(2) a;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977.

.0218 FORM

An **Artifact Disposal Form** giving artifact provenance, condition, and reason for disposal must be approved by the **Accessions committee and the Historical Commission.**

History Note: Statutory Authority G.S. 121-4(6); 121-7;
143B-62(2)a;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977.

PENNSYLVANIA

Purdon's Penna. Statutes Annotated, 1990-91
Pennsylvania Historical Commission
Title 37 Appendix, pp. 11 - 12

Pa. C.S.A. Sec. 304

(4) Sale or Disposition. **Exchange or otherwise dispose of material with other museums, archival repositories, historical societies, or other reliable organized groups of an educational nature; and sell at public auction historical artifacts,** pursuant to its rules and regulations, provided that an historical artifact shall not be sold at auction unless the commission has determined that the exchange or disposal of that artifact by the other means authorized by this paragraph is not feasible and that the **property would not be beneficial to the commission if it were used other than as an artifact.** If the original donor was an individual, **the original donor shall be notified,** if he can be located, and, if the original donor is deceased, **his children shall be notified,** if they can be located, and, **be given an opportunity to reacquire the object,** prior to its being offered at auction. If the original donor was not an individual, **the original donor shall be notified,** if it or its **successor can be located, and be given an opportunity to reacquire the object,** prior to its being offered at auction. **The opportunity of an original donor to reacquire an object shall not be construed to diminish the commission's control over an historical artifact subsequent to its acquisition by the commission and prior to its disposition. These sales shall be conducted by the Department of General Services.** Income produced through these sales shall be paid into the State Treasury through the Department of Revenue and credited to the **Historic Preservation Fund and allocated solely for collection acquisition or conservation purposes.** No unique object, article, manuscript, document or other material, which is of special significance to the history of

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this Commonwealth shall be sold.

(5) Notice Requirements. Give written notice of the proposed sale, including a description of the artifact and its condition, and the name and last known address of the donor shall be transmitted to the **chairmen of the State Government Committees of the House of Representatives and of the Senate**, respectively, before any historic artifact shall be sold pursuant to paragraph (4). (This paragraph will take effect in 1991.)

NOTE: I spoke with the Registrar of the Museum Commission and she said that **the above is new enabling legislation**. It empowers them to **exchange, sell or destroy**. When they tried to get the language of the bill clarified, the Attorney General's Office in effect told them to **define their own terms**.

The **enforced notification of donors was added to the bill without their knowledge**, and she says all they do is send a letter to the last known address, which **almost never produces a response**. She feels it is necessary to inform donors of the possibility in order to encourage them to let the bureau know of address changes, etc. , which could run into a great deal of time spent and foster the idea among donors that they still have some control over objects they have donated.

The **requirement to notify the legislature of sales is simply that**. The legislature does not need to approve such transactions. The feeling is that it is an **unnecessary step**. Approval is through a collections committee, the bureau director and the executive director.

Penna Statutes, Title 71, P.S., ch.205
Adm. Code, ch. 525

"Any administrative department, board or commission may, with the approval of the Executive Board, **have microfilm records made of any correspondence, records or other papers** for the purpose of protecting and safeguarding the original correspondence, records or other papers, or for the purpose of conserving filing space, and such microfilm reproduction shall, when properly identified, be admitted in evidence in any proceedings in place of the original correspondence, records or other papers. In any case where the original correspondence, records or other papers are microfilmed under the provisions of this section for the purpose of conserving filing space, the administrative department, board or commission concerned **may, with the approval of the Executive Board, destroy such original correspondence, records or other papers**. 1929, April 9, P.L. 177, art.V, ch. 525, added 1941, July 21, P.L. 429, ch. 5, as amended 1943, May 7, P.L. 243, ch.1.

RHODE ISLAND

Rhode Island Historical Society, Museum Department, Collections Policy, 1989.

Unaccessioned material may be disposed of by curator with approval from the Director.

Hazardous material "will be disposed of immediately by the best available

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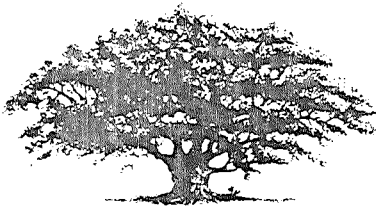
means."

Accessioned material to be deaccessioned must be approved by the "museum committee" and then by a majority vote of the board of trustees.

Sales of deaccessioned items go into the "Museum Fund" which is "Solely for the purpose of purchasing and conserving museum collections. Expenditures are only made with the authorization of the museum committee, and monitored by the "staff department head in charge of the museum program."

Donors of material to be deaccessioned may be notified.

Methods of disposal include: 1) Exchange with another educational organization, 2) Sale, preferably at public auction (Proceeds from sales go into a fund for acquisitions or conservation), 3) donation to another organization, 4) Transfer to "Hands-on" collection. The policy does not address destruction as a method of disposal.



**SMOKY VALLEY GENEALOGICAL SOCIETY
AND LIBRARY, INC.**

211 West Iron, Suite 205
Salina, Kansas 67401-2613
(913) 825-7573

1 April 1991

Chairman, House Committee on
State and Federal Affairs
State Capitol Building
Topeka, KS 66612

Dear Chairman,

The Smoky Valley Genealogical Society board and membership of 178 people, supports the bill under consideration which addresses the need for the Kansas State Historical Society to deaccession items which no longer fulfill its mission to collect and preserve the history of Kansas.

Dwindling financial and human resources cause all of us to reexamine our collections with a view to making the most efficient use of the space available to us. When an item no longer serves the original purpose for which it was obtained, has disintegrated beyond usefulness, is a duplicate item, or has lost its research value, then we, as a society, have the right to dispose of that item. Often that means we find another home for the item. The Kansas State Historical Society needs that right also. Over the years, the Historical Society has changed its focus and direction. If we are to allow its professional staff members to do their jobs in the most efficient way, they must have the necessary tools to do the job they have been charged to do. Permission to dispose of irrelevant materials is one of those tools.

Our society supports the professional staff of the Kansas State Historical Society. We know that their personal and professional ethics will safeguard those items pertinent to the preservation of the Kansas and family history collections now in their care. We trust this staff to consult with private citizens who are knowledgeable in local and family history, museum and archival management when the staff draws up the rules and regulations for the disposal of items from the collections of the Kansas State Historical Society.

Sincerely,

Barbara Kollhoff
president

Monday, April 1, 1991

To: House Committee on Federal and State Affairs
Representative Kathleen Sebelius, Chair

From: Duane Johnson, State Librarian

About: Speaking in support of Senate Bill 7, relating
to the disposition of properties of the Kansas
State Historical Society.

1. The State Library supports Senate Bill 7 because we understand the need for the orderly management of materials in the collections of an institution such as an historical society or a library.

2. For the effective administration of an historical society or a library, there should be carefully defined authority for the management and disposition of materials in collections of the institution. Senate Bill 7 provides this carefully defined authority for the state historical society.

3. We encourage the committee's support of S. B. 7.

Thank you for the opportunity to give this endorsement.

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April 1, 1991

To The Committee of Federal and State Affairs:

My name is Deborah Lea Catlin. I am from Anthony, Harper Co., Ks. I have come here today to ask your committee to vote in favor of House Bill #2367, an act concerning the crime of furnishing cereal malt beverage to a minor; relating to exceptions thereto; amending K.S.A. 1990 Supp. 21-3610a and repealing the existing section. I am asking you to do this for the following reasons.

I cannot believe our lawmakers in Topeka today would knowingly allow minor children to consume 3.2% cereal malt beverage, whether it's in the company of a parent or guardian. I feel in this time of public awareness this little-known law aides our youth in becoming future alcoholics and even drug addicts. We do not allow these same parents and guardians to furnish drugs and drug paraphernalia to their children and alcohol is a drug. Yet the State of Kansas allows this to happen, as the law stands now.

The State of Kansas does not allow minors under the age of 18 years to purchase or smoke cigarettes, but we permit our children, of any age, to consume 3.2% beer under parental supervision, while the majority of the population of voting minors must wait until the age of 21 years.

Our nation is fighting drug abuse daily in our schools and on our streets. Hospitals and rehabilitation centers throughout the state are helping our youth everyday get off drugs and alcohol. But yet, the State of Kansas, through this hidden law, and known by very few people, says it is legal to supply alcohol to a child, as long as its your own. Isn't this truly a form of child abuse?

It has been recently stated that alcoholism, to a certain extent, is genetically inherited through families. By allowing this law to stay in our books, we will be condoning parents to introduce this lifestyle to their minor children and thereby continue the cycle.

I am aware that families of certain religious and ethnic heritage drink wine in ceremonies. Some families allow their children small sips of wine for special occassions such as weddings, holidays, or Christenings. I do not feel like this is part of the law we are speaking of today. I understand the customs and the symbolisms of drinking wines, but that is not 3.2% cereal malt beverage, and that is the only alcohol our State allows us to furnish our children.

And I am here for a personal reason. I have seen what damage alcohol can do to a family. My grandmother was a alcoholic until it finally killed her. Alcohol also ruined my marriage and has taken my children's father from them. Six years

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ago my ex-husband and I were divorced. We have 2 children; a son who is now 16, and a daughter, who is 12. At that time, we were given joint custody of the children with the custodial care to be at my home. For about 2 years I have suspected my ex-husband was furnishing my son with alcohol. Not just 3.2% beer. A year ago last Christmas there was a party held at his home for my son and his friends. There was gambling and drinking. At some point during the party, someone attending the party committed a felony crime. My daughter was there but not allowed to go into the room where the party was taking place. My first knowledge of this party was about a week later when the local police asked my son and me to come to their office for questioning. Although my son did not commit the crime, they wanted a statement from him. They were also very upset with him for having a party with his ten year old sister there, which could have led to something more serious.

That was the last time my daughter has been to her father's house. She is afraid to go back and has no desire to be with him as long as he is drinking, which is all the time.

The parties have continued however. When a 16 yr. old can be "top dog" by having a place for the kids to party, that's pretty tough to compete with. I have tried through many sources to get them stopped and have been told by my lawyer, the Harper County Attorney, and the police dept. there is nothing I can do, because it is legal in this state.

We hear about Peer Pressure all the time. It's one of the toughest things our youth have to deal with. Anyone with children knows we have to teach them to think for themselves and do what is right. But should they also have to resist their own parents? The State of Kansas allows a parent to do this to their children.

My last plea to our county attorney to stop this before we have to pull one of the kids from the nearby lake, or scrape them off the highway back to town was answered with, "Mrs. Catlin, there's nothing you can do about it. In Kansas, it's the law."

There is something I can do about it. I can get the law changed. That's when I contacted my Representative, J.C. Long. Mr. Long, like most of the people I've spoke with, was not aware there of the law. He did some checking, and notified me that he had filed House Bill 2367 in the House. After notifying Ms. Sebelius' office, she notified me of today's hearing.

Please help me help my children and other children of our state by protecting them from this type of child abuse.

One other note: My son is now attending AA meetings and is not drinking at this time. I feel like I have my son back.

HOUSE FEDERAL AND STATE AFFAIRS
Thank you for your time. April 1, 1991

Deborah J. Catlin

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KANSANS FOR LIFE AT ITS BEST!

v. Richard Taylor, Box 888, Topeka, Kansas 66601

Phone (913) 235-1866 Office 1273 Harrison
(3 Blocks South of Statehouse)



A Proud Land

April 1, 1991 1:30 p.m.
Hearing on HB 2367
House Federal & State Affairs Committee

Furnishing beer to minor
Rev. Richard Taylor
KANSANS FOR LIFE AT ITS BEST!

HB 2367 deals with a law that never made sense from the day it was passed. I remember well the debate concerning "parent's rights."

Do parents have the right to poison their children? Alcohol is a deadly poison for children. Some 1,000 young people a year die from an over dose of alcohol. Although few people make the connection, "intoxicated" means poisoned on alcohol.

I remember reading recently of a 5 year old child being urged by his family to "drink like a man." They killed him. When speaking in a western Kansas school, one of the fourth graders spoke up and said her little sister drank her father's mixed drink before the evening meal when no one was in the room. They found the little girl on the floor - blue.

This exemption in the law has been an excuse for some parents to host a back yard beer bust with their children when other kids just happened to be there.

Citizens concerned for youth want this committee to quickly pass this excellent piece of legislation.

Respectfully yours,

Rev. Richard Taylor

Capital-Journal, Tuesday, April 3, 1990

Alcohol blamed for death

ARKANSAS CITY (AP) — An Arkansas City teenager died after drinking too much alcohol at a weekend party, authorities said Monday.

A friend found Christopher L. Jones, 16, lying on the ground about 3:30 a.m. Sunday at a sand pit near the west edge of town where the party was being held, Cowley County Sheriff Bob Odell said.

"The county coroner did an autopsy Sunday and determined he died from over consumption of alcohol," Odell said.

The sheriff said he was unsure what Jones had been drinking, but "basically the party consisted of beer and hard liquor."

Jones was last seen alive at 12:30 a.m. Sunday, Odell said.

His grandfather took him to Arkansas City Memorial Hospital, where he was pronounced dead.

Topeka Capital-Journal, Saturday, March 3, 1990

Bourbon blamed in death of boy, 5

FORT WORTH, Texas (AP) — A 5-year-old boy who drank 10 ounces of bourbon after an adult allegedly prompted him to do so "like a man" died Wednesday following his removal from life support systems, authorities said.

Everman Police Sgt. Mark Bigler said Thomas Griffin died at Cook-Fort Worth Children's Medical Center about 8:45 a.m. The respirator supporting the youngster's breathing was disconnected about 10 p.m. Tuesday, but the child had continued to breathe on his own.

HOUSE FEDERAL AND STATE AFFAIRS

April 1, 1991

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- Rehabilitation — Help alcohol-dependent persons adjust to life without the drug.
- Education — Inform children, youth & adults of effect of alcohol on mind & body.
- Amount — Encourage persons to be non-users and encourage users to use less.
- Law — Pass and enforce laws that reduce consumption and suffering.

Rapid drinking led to freshman's death

(Related editorial, page 4.)

By CAROLYN LAYTON
and JOHN EPPERHEIMER

Dennis D. Rodenbeck and members of the fraternity he was pledged to went to an Ames disco-bar Saturday night.

Rodenbeck, a freshman from Charles City drank eight beers "real rapidly," according to the medical examiner's report. The group then returned to Phi Gamma Delta fraternity at 325 Ash Ave.

There Rodenbeck very rapidly drank "a large amount of vodka, tequila and brandy" before going to bed, the report states.

He never woke up.

The victim of acute alcoholic intoxication, Rodenbeck died at approximately 7 a.m. Sunday. The amount of alcohol he consumed caused his brain to stop sending signals to his lungs, which filled up with fluid.

Dr. D. W. Powers, Story County medical examiner, lists the probable cause of death as respiratory depression secondary to acute alcoholic intoxication.

Rodenbeck, 18, was in good health. He was 6-2 and weighed approximately 180 pounds.

Dr. Powers' autopsy showed Rodenbeck's blood alcohol level was .357 mg.

The generally accepted fatal blood alcohol level is .50, but Dr. Powers said there is such a variation in the individual person and how the liquor was consumed that the blood level figures are largely meaningless.

Both Powers and Story County Regional Alcoholism counselor, Joene Ellis, said a person almost has to be "chug-a-lugging" the



Dennis
Rodenbeck

alcohol to get enough in his system to be fatal. Normally a person would vomit before that much liquor got into his stomach.

"Usually if they drink it slower, they vomit and get rid of it," Dr. Powers said. "If they pass out, they get a huge amount in the stomach, and the body continues to absorb it."

Dr. Powers said an overdose of alcohol is the same as an overdose of drugs. The respiratory center in the brain in either case becomes so depressed a person doesn't breathe properly and the lungs fill up with fluid.

Referring to Rodenbeck, Dr. Powers said he was making so much noise snoring at 5:30 a.m. Sunday his fraternity brothers tried to wake him up or roll him over to get him to be quiet so they could sleep. He said the people who were being bothered were probably hearing fluid rattling in Rodenbeck's lungs.

"He rolled out of bed and vomited, and they left him lay," Dr. Powers said. He said if an ambulance had been called, or Rodenbeck had been brought in to the hospital at that time he might possibly have survived.

There are many variables as to how much alcohol it takes to affect a person: How fast it is drunk, how much food has been eaten, how experienced a drinker the person is, if other drugs have been taken.

"If there is food in the stomach it slows down the speed at which the alcohol gets into the blood stream," Ellis said. "Alcohol doesn't have to be digested, it goes directly into the blood from the intestine and stomach."

"I think they were drinking it on an empty stomach," Dr. Powers said, referring to Rodenbeck. "All I can tell is there was no food in the stomach to speak of."

Many times death from alcohol consumption comes from other things like choking on vomit or accidents, Ellis said.

The Ames Police Department conducted an extensive investigation of the events surrounding Rodenbeck's death, but refused to release any details.

Police Chief A.E. Siedelmann did say there was no evidence of criminal activity, and no evidence that fraternity hazing of the pledge was involved.

A spokesman for the fraternity also told The Tribune there was no hazing incident. "That kind of thing went out about 15 years ago," he said.

Rodenbeck's death has focused attention on alcohol abuse in Ames, which Siedelmann and Mayor Lee Fellingner called the major drug abuse problem just last month.

Dr. Powers believes an 18-year-old drinking age is too young. "I think it would help a lot if they could get it up to 19," he said. "They think they are so mature at 18 they think

they can drink like a person who has been drinking for 20 years."

"I think a few of our legislators should get an idea of this," Dr. Powers emphasized. "I think some of them don't appreciate the seriousness of the drinking problem."

Iowa State University has been involved since the beginning of the school year investigating problems in terms of alcohol abuse, John C. Dalton, associate dean of students in the student life office, said Thursday.

He said a task group of eight has been involved in gathering information and talking about problems connected with alcohol. The task group is largely involved in problem identification at this time, Dalton said, but has received many suggestions of what sort of action should be taken.

He said a staff person from the Office of Student Life in the area of Greek affairs has met with the president of Phi Gamma Delta fraternity and the fraternity counsel in an effort to find out just where problems exist with alcohol.

"I don't think we want to initiate something that will have high visibility at the moment and no long-term effectiveness," Dalton said.

There has been a return to the same kinds of values and behavior among college students that were popular 10 or 20 years ago in terms of a "beer culture," Dalton said. He said the use of alcohol among college students is commonly accepted and incidents like the death of Rodenbeck brings a concern and focus on the use and abuse of alcohol.

Ames, Iowa Ames Daily Tribune, Thursday, Dec. 9, 1976

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WASHINGTON (AP) — Fifteen-year-old Stephen O'Donnell wanted to join two friends in the camaraderie of a makeshift fort but he balked at the initiation rites they had proposed. It was a fatal decision.

For instance, Stephen didn't like their idea of standing on a log over a pool of water while the other two 15-year-olds shook it. And he didn't want to drink a shot of beer every three seconds for one minute — a rite portrayed on the TV show "Happy Days."

Instead, he volunteered to drink vodka for his initiation. After downing nearly a quart in a short period of time, Stephen fell unconscious.

That was last Friday. On Tuesday, Stephen's body was found under a bush. This is how police reconstructed the tragedy:

The boys, who live in the Virginia suburbs of Washington, went to one of their homes and the 13-year-old brother of one poured vodka in 8-ounce glasses for Stephen to down. One of the 15-year-olds, becoming scared, left before Stephen lost consciousness.

The other two tried to revive him. They took off his shirt and undershirt and put him under the shower. It didn't work.

Finally they wrapped a blanket around the him and put Stephen in a wooden shed behind their home. They checked on him Friday night several times and said he was alive.

But on Saturday morning, the 13-year-old found Stephen dead. The brothers telephoned the other 15-year-old and told him. Later that morning, while the brothers were shopping with their father, the friend looked into the shed and, like the brothers, was convinced Stephen was dead.

He went home and told his 11-year-old sister what happened. The girl also looked into the shed but none of the four youngsters told anyone else.

The O'Donnell boy's parents went to county juvenile authorities to report their son missing. He had run away in the past, so the parents didn't notify police.

On Monday the brothers put Stephen's body in a wheelbarrow, took it down the street to neighbor's house, and placed it under some shrubbery.

Meanwhile, the friend — unaware the body had been moved — told a classmate about the weekend's activities. The classmate telephoned police, anonymously, and told them about the body in the shed.

The report was registered as "unfounded" after a police officer looked in the shed.

On Tuesday the friend told a school counselor. Homicide detectives interviewed the boy, checked his story with his sister, but still found no body.

Then the youngsters told about the two brothers who were involved. They led police to the body.

So far, none of the boys is being held and no charges have been placed.

LIQUOR DANGERS Children and liquor don't mix. Keep them away from each other. The Health Insurance Institute points out that alcohol is a deadly poison without an antidote.

Authorities say it doesn't take much alcohol to kill a child; a few ounces can do it.

Dr. Richard Moriarty, director of the National Poison Center Network in Pittsburgh, Pa., recommends the following safety rules:

(1) After a party, empty all glasses and place liquor bottles out of children's reach.

(2) If a child drinks alcohol, call a physician, a poison center, or a hospital emergency room immediately and give full details.

(3) Unless told to do so, do not induce vomiting.

Hays Daily News

The mouth's enemy and stolen brains

Thank you for printing the guest editorial, "Booze: not necessary for Christmas cheer." In 1842 Abraham Lincoln said America was living in slavery to beverage alcohol. Those who believe it is needed for social and recreational occasions are modern day slaves to the drug.

Because of the student population in your city, it is very important for them to know the truth about alcohol. Most people puke when they drink too much. The defense mechanism of the body is trying to get rid of the poison. But the first drink of alcohol depresses brain function, and in the case of the Iowa student, the brain was so impaired by drinking it was unable to send the message to the stomach.

When Abraham Lincoln visited Kansas in 1859, most everyone at a Leavenworth reception were drinking. Lincoln never drank. When Captain J.R. Fitch asked why, Lincoln used his knowledge of Shakespeare and said, "My young friend, do not put an enemy in your mouth to steal away your brains." (Othello.)

Promotion of responsible drinking in moderation has failed because the alcohol impaired brain is unable to make a responsible decision to quit drinking when such is needed.

The only way to reduce alcohol-related suffering is to reduce alcohol consumption. The only way to reduce consumption is to encourage persons to enjoy freedom from recreational drug use and encourage users to use less.

Why do we permit legal pushers grossing \$35 billion a year to promote increased sales through advertising that does not tell about the effect on mind and body of their not-needed recreational drug?

Richard E. Taylor, Jr.,
218½ West 6th,
Topeka

Friday, December 2, 1977 THE KANSAS CITY TIMES 5A

Liquor Caution Asked

From the Topeka Bureau

TOPEKA—Reacting to the death of a 15-year-old suburban Washington youth who downed nearly a quart of vodka, the head of the Kansas United Dry Forces said Thursday that liquor labels should contain the word "Poison."

The Rev. Richard E. Taylor Jr. said charges should be filed against liquor advertisers, including the news media, that omit the disclaimer.

"I cannot understand the Washington bureaucracy that will ban the dye that makes jelly beans black and maraschino cherries red . . . and yet refuses to require that alcoholic beverage bottles carry the word 'POISON,'" the Methodist minister complained.

The youth lost consciousness Friday after drinking vodka as part of an initiation rite. His body was discovered Tuesday

Ames Daily Tribune, Thursday, Dec. 9, 1976

Alcohol can kill

The death of an 18-year-old Iowa State University freshman from acute alcohol intoxication last Sunday must become an example and a lesson for many people.

Alcohol use is the biggest drug problem in Ames and Story County, and much of that use is by young people, police and social service officials say.

The student's death is a shocking reminder that alcohol is not to be abused, no matter what social pressures are involved.

Alcohol is a drug. It can kill. That must be remembered.

HOUSE BILL No. 2452

By Committee on Transportation

2-25

8 AN ACT relating to drivers' licenses and instructional permits; con-
 9 cerning the age of the applicants thereof; amending ~~K.S.A. 41-~~
 10 ~~604 and 41-2710 and~~ K.S.A. 1990 Supp. 8-235, 8-237, 8-239, 8-
 11 255 ~~8-256, 8-1344, 8-1345, 8-2117, 38-1602 and 38-1608 and~~
 12 ~~K.S.A. 1989 Supp. 8-2117, as amended by section 2 of chapter~~
 13 ~~150 of the 1990 Session Laws of Kansas, and K.S.A. 1989 Supp.~~
 14 ~~38-1602, as amended by section 6 of chapter 150 of the 1990~~
 15 ~~Session Laws of Kansas, and repealing the existing sections; also~~
 16 ~~repealing K.S.A. 1990 Supp. 8-2117, as amended by section 8 of~~
 17 ~~this act and K.S.A. 1990 Supp. 38-1602, as amended by section~~
 18 ~~40 of this act.]~~

and 8-256 and repealing the existing sections

19

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

21 Section 1. K.S.A. 1990 Supp. 8-235 is hereby amended to read
 22 as follows: 8-235. (a) No person, except those expressly exempted,
 23 shall drive any motor vehicle upon a highway in this state unless
 24 such person has a valid driver's license. No person shall receive a
 25 driver's license unless and until such person surrenders or with the
 26 approval of the division, lists to the division all valid licenses in such
 27 person's possession issued to such person by any other jurisdiction.
 28 All surrendered licenses or the information listed on foreign licenses
 29 shall be returned by the division to the issuing department, together
 30 with information that the licensee is now licensed in a new juris-
 31 diction. No person shall be permitted to have more than one valid
 32 license at any time.

33 (b) Any person licensed under the motor vehicle drivers' license
 34 act may exercise the privilege granted upon all streets and highways
 35 in this state and shall not be required to obtain any other license
 36 to exercise such privilege by any local authority. Nothing herein
 37 shall prevent cities from requiring licenses of persons who drive
 38 taxicabs or municipally franchised transit systems for hire upon city
 39 streets, to protect the public from drivers whose character or habits
 40 make them unfit to transport the public. If a license is denied, the
 41 applicant may appeal such decision to the district court of the county
 42 in which such city is located by filing within 10 days after such
 43 denial, a notice of appeal with the clerk of the district court and by

1 filing a copy of such notice with the city clerk of the involved city.
 2 The city clerk shall certify a copy of such decision of the city gov-
 3 erning body to the clerk of the district court and the matter shall
 4 be docketed as any other cause and the applicant shall be granted
 5 a trial of such person's character and habits. The matter shall be
 6 heard by the court *de novo* in accordance with the code of civil
 7 procedure. The cost of such appeal shall be assessed in such manner
 8 as the court may direct.

9 (c) Any person operating in this state a motor vehicle, except a
 10 motorcycle, which is registered in this state other than under a
 11 temporary fifteen-day permit shall be the holder of a driver's license
 12 which is classified for the operation of such motor vehicle, and any
 13 person operating in this state a motorcycle which is registered in
 14 this state shall be the holder of a class D driver's license, except
 15 that any person operating in this state a motorcycle which is reg-
 16 istered under a temporary fifteen-day permit shall be the holder of
 17 a driver's license for any class of motor vehicles.

18 (d) No person shall drive any motorized bicycle upon a highway
 19 of this state unless: (1) Such person has a valid driver's license which
 20 entitles the licensee to drive a motor vehicle in any class or classes;
 21 or (2) such person is at least 14 ~~15~~ years of age and has passed the 16
 22 written and visual examinations required for obtaining a class C
 23 driver's license, in which case the division shall issue to such person
 24 a class C license which clearly indicates such license is valid only
 25 for the operation of motorized bicycles.

26 (e) Violation of this section shall constitute a class B
 27 misdemeanor.

28 Sec. 2. K.S.A. 1990 Supp. 8-237 is hereby amended to read as
 29 follows: 8-237. The division of vehicles shall not issue any driver's
 30 license to any person:

31 (a) ~~Who is under the age of 16 17 years, except that, unless~~
 32 ~~such person has successfully completed an approved course in driver~~
 33 ~~training, then the minimum age shall be 16 years of age. The division~~
 34 ~~may issue a restricted class C or D license, as provided in this act,~~
 35 ~~to any person who is at least 14 15 years of age upon the written~~
 36 ~~application of the person's parent or guardian. Except as hereafter~~
 37 ~~provided, the application of the parent or guardian shall be submitted~~
 38 ~~to the division. The governing body of any city, by ordinance, may~~
 39 ~~require the application of any person who is under 16 17 years of~~
 40 ~~age and who resides within the city to be first submitted to the~~
 41 ~~chief law enforcement officer of the city. The board of county com-~~
 42 ~~missioners of any county, by resolution, may require the application~~
 43 ~~of any person who is under 16 17 years of age and who resides~~

1 driver's license upon receiving a showing by the division's records
2 or other satisfactory evidence that: (1)

3 (A) The licensee has violated the restriction of the license; (2);

4 (B) the licensee has been involved in two or more accidents
5 chargeable to the licensee; or (3)

6 (C) the recommendation of the chief law enforcement officer of
7 any city or county requiring the recommendation has been with-
8 drawn. The;

9 (2) shall suspend the restricted driver's license upon a showing
10 by the division's records or other satisfactory evidence that:

11 (A) The licensee has been convicted of three or more moving
12 traffic violations committed on separate occasions within a twelve-
13 month period;

14 (B) the licensee has been convicted of any of the violations enum-
15 erated in K.S.A. 8-285, and amendments thereto; or

16 (C) the licensee has been convicted under the provisions of K.S.A.
17 41-804 or 41-2719, and amendments thereto.

18 A restricted driver's license suspended license under this sub-
19 section shall not be reinstated for one year or until the licensee
20 reaches the age of ~~16~~ 17, whichever period is longer.

16 years of age

21 (b) Who is under the age of 18 years for the purpose of driving
22 a commercial or class A or B motor vehicle.

23 (c) Whose license is currently revoked, suspended or canceled
24 in this or any other state, except as provided in K.S.A. 8-256, and
25 amendments thereto.

26 (d) Who is a habitual drunkard, habitual user of narcotic drugs
27 or habitual user of any other drug to a degree which renders the
28 user incapable of safely driving a motor vehicle.

29 (e) Who has previously been adjudged to be afflicted with or
30 suffering from any mental disability or disease and who, at the time
31 of making application for a driver's license, has not been restored
32 to capacity in the manner provided by law, except that this limitation
33 shall apply to any person known to have suffered any seizure dis-
34 order, until the procedure specified in paragraph (7) of subsection
35 (f) of K.S.A. 8-247, and amendments thereto, has been complied
36 with.

37 (f) Who is required by the motor vehicle drivers' license act to
38 take an examination, unless the person has successfully passed the
39 examination.

40 (g) Who is at least 16 years of age and less than 17 years of age,
41 who is applying for a driver's license for the first time since reaching
42 16 years of age and who, three times or more, has been adjudged
43 to be a traffic offender under the Kansas juvenile code or a juvenile

1 within the county and outside the corporate limits of any city to be
2 first submitted to the chief law enforcement officer of the county.
3 No ordinance or resolution authorized by this subsection shall be-
4 come effective until a copy of it is transmitted to the division of
5 vehicles. The chief law enforcement officer of any city or county
6 which has adopted the ordinance or resolution authorized by this
7 subsection shall make a recommendation on the application as to
8 the necessity for the issuance of the restricted license, and the
9 recommendation shall be transmitted, with the application, to the
10 division of vehicles. If the division finds that it is necessary to issue
11 the restricted license, it shall issue a driver's license to the person.

12 A restricted class C license issued under this subsection shall
13 entitle the licensee, while possessing the license, to operate any
14 motor vehicle in class C, as designated in K.S.A. 8-234b, and amend-
15 ments thereto. A restricted class D license shall entitle the licensee,
16 while possessing such license, to operate a motorcycle. The restricted
17 license shall entitle the licensee to operate the appropriate vehicle
18 at any time: (1) ~~While going to or from or in connection with~~
19 ~~any job, employment or farm-related work;~~ (2) ~~on days while~~
20 ~~school is in session, over the most direct and accessible route~~
21 ~~between the licensee's residence and school of enrollment for~~
22 ~~the purposes of school attendance;~~ (3) when the licensee is
23 operating a passenger car, at any time when accompanied by
24 an adult who is the holder of a valid commercial driver's li-
25 cense, class A, B or C driver's license and who is actually
26 occupying a seat beside the driver; or (4) when the licensee
27 is operating a motorcycle, at any time when accompanied by
28 an adult who is the holder of a valid class D driver's license
29 and who is operating a motorcycle in the general proximity of
30 the licensee. *Between the hours of 6 a.m. and 10 p.m.;*

31 (2) *when operating a passenger car and accompanied by an adult*
32 *who is at least 21 years of age and is a holder of a valid commercial*
33 *driver's license, class A, B or C driver's license, who has had at*
34 *least one year of driving experience and who is occupying a seat*
35 *beside the driver; or*

36 (3) *when operating a motorcycle and accompanied by an adult*
37 *who is at least 21 years of age and is a holder of a valid class D*
38 *driver's license and who has had at least one year of driving ex-*
39 *perience and who is operating a motorcycle in the general proximity*
40 *of the licensee.*

41 A restricted driver's license issued under this subsection is subject
42 to suspension or revocation in the same manner as any other driver's
43 license. In addition, the division: (1) May suspend the restricted

1 offender under the Kansas juvenile offenders code, by reason of
 2 violation of one or more statutes regulating the movement of traffic
 3 on the roads, streets or highways of this state, except that, in the
 4 discretion of the director, the person may be issued a *restricted*
 5 driver's license which is restricted in the same manner as drivers'
 6 licenses issued to persons under the age of 16 years. No person
 7 described by this subsection shall be eligible to receive a driver's
 8 license which is not restricted until the person has reached the age
 9 of 17 years.

10 Sec. 3. K.S.A. 1990 Supp. 8-239 is hereby amended to read as
 11 follows: 8-239. (a) Any person who is at least ~~14~~ 15 years of age
 12 may apply to the division for an instruction permit. The division
 13 may in its discretion, after the applicant has successfully passed all
 14 parts of the examination other than the driving test, issue to the
 15 applicant an instruction permit which shall entitle the applicant while
 16 having such permit in such person's immediate possession to drive
 17 a passenger car upon the public highways for a period of ~~six months~~
 18 *one year* subject to the restrictions herein contained. The division
 19 may issue an instruction or restricted instruction permit to any person
 20 who is at least ~~14~~ 15 years of age and under the age of ~~16~~ 17 years
 21 only upon the written application of a parent or guardian of the
 22 minor. ~~The one having the~~ instruction permit may operate a pas-
 23 senger car at any time when accompanied by an adult who is ~~the~~
 24 *at least 21 years of age and is a* holder of a valid commercial driver's
 25 license, class A, B or C driver's license, who has had at least one
 26 year of driving experience and who is occupying a seat beside the
 27 driver. Any person who is at least ~~14~~ 15 years of age may apply for
 28 an instruction permit to operate a motorcycle either separate from
 29 or in conjunction with an instruction permit to operate a passenger
 30 car, and such permit shall entitle the permittee to operate a mo-
 31 torcycle if such person is accompanied by an adult who is ~~the~~ *at*
 32 *least 21 years of age and is a* holder of a valid class D driver's
 33 license and who is riding a motorcycle in the general proximity of
 34 the permittee.

35 (b) The division upon receiving proper application may issue in
 36 its discretion a restricted instruction permit effective for a school
 37 year or for a more restricted period to an applicant who is at least
 38 ~~14~~ 15 years of age and who is enrolled in a driver-education program
 39 which includes practice driving and which is approved by the di-
 40 vision, even though the applicant has not reached the legal age to
 41 be eligible for a driver's license. Such instruction permit shall entitle
 42 the permittee when the person has such permit in such person's
 43 immediate possession to operate a passenger car only on a designated

16

A person who has an instruction permit or restricted

1 highway or within a designated area but only when an approved
 2 instructor is occupying a seat beside the permittee or when such
 3 permit has been endorsed by an approved instructor to operate a
 4 passenger car with a parent or guardian who is ~~the~~ *at least 21 years*
 5 *of age and is a* holder of a valid commercial driver's license, class
 6 A, B or C driver's license, who has had at least one year of driving
 7 experience and who is occupying a seat beside the driver.

8 (c) The division, in its discretion, may issue a temporary driver's
 9 permit to an applicant *who is at least 17 years of age* for a classified 16
 10 driver's license permitting the applicant to operate a motor vehicle
 11 within such classification while the division is completing its inves-
 12 tigation and determination of all facts relative to such applicant's
 13 right to receive a driver's license. The division may issue such a
 14 temporary driver's permit to any applicant whose employer certifies
 15 that such permit is necessary to complete seasonal agricultural op-
 16 erations of the employer. Any such temporary driver's permit issued
 17 pursuant to this subsection shall be in the immediate possession of
 18 the permittee while operating a motor vehicle, and it shall be invalid
 19 on the date specified thereon, which shall not be more than 15 days
 20 after its issuance, or when the applicant's license has been issued
 21 or for good cause has been refused.

22 Sec. 4. K.S.A. 1990 Supp. 8-255 is hereby amended to read as
 23 follows: 8-255. (a) The division is authorized to suspend or revoke
 24 a person's driving privileges upon a showing by its records or other
 25 sufficient evidence the person:

26 (1) Has been convicted with such frequency of serious offenses
 27 against traffic regulations governing the movement of vehicles as to
 28 indicate a disrespect for traffic laws and a disregard for the safety
 29 of other persons on the highways;

30 (2) has been convicted of three or more moving traffic violations
 31 committed on separate occasions within a 12-month period;

32 (3) is incompetent to drive a motor vehicle;

33 (4) has been convicted of a moving traffic violation, committed
 34 at a time when the person's driving privileges were suspended or
 35 revoked; or

36 (5) is a member of the armed forces of the United States stationed
 37 at a military installation located in the state of Kansas, and the
 38 authorities of the military establishment certify that such person's
 39 on-base driving privileges have been suspended, by action of the
 40 proper military authorities, for violating the rules and regulations of
 41 the military installation governing the movement of vehicular traffic
 42 or for any other reason relating to the person's inability to exercise
 43 ordinary and reasonable control in the operation of a motor vehicle.

1 (b) The division shall suspend a person's driving privileges when
2 required by K.S.A. 1989 1990 Supp. 8-1014, and amendments
3 thereto.

4 ~~[(c) The division shall suspend a person's driving privileges when
5 required by subsection (a) of K.S.A. 8-237, and amendments thereto.]~~

6 (e) ~~(d)~~ Upon suspending or revoking the driving privileges of (c)
7 any person as authorized by this act, the division shall immediately
8 notify the person in writing. Except as provided by K.S.A. 8-1002,
9 and amendments thereto, if the person makes a written request for
10 hearing within 30 days after such notice of suspension or revocation
11 is mailed, the division shall afford the person an opportunity for a
12 hearing as early as practical not sooner than five days nor more than
13 30 days after such request is mailed. If the division has not revoked
14 or suspended the person's driving privileges or vehicle registration
15 prior to the hearing, the hearing may be held within not to exceed
16 45 days. Except as provided by K.S.A. 8-1002, and amendments
17 thereto, the hearing shall be held in the person's county of residence
18 or a county adjacent thereto, unless the division and the person
19 agree that the hearing may be held in some other county. Upon the
20 hearing, the director or the director's duly authorized agent may
21 administer oaths and may issue subpoenas for the attendance of
22 witnesses and the production of relevant books and papers and may
23 require an examination or reexamination of the person. When the
24 action proposed or taken by the division is authorized but not re-
25 quired, the division, upon the hearing, shall either rescind or affirm
26 its order of suspension or revocation or, good cause appearing there-
27 for, extend the suspension of the person's driving privileges, modify
28 the terms of the suspension or revoke the person's driving privileges.
29 When the action proposed or taken by the division is required, the
30 division, upon the hearing, shall either affirm its order of suspension
31 or revocation, or, good cause appearing therefor, dismiss the ad-
32 ministrative action. If the person fails to request a hearing within
33 the time prescribed or if, after a hearing, the order of suspension
34 or revocation is upheld, the person shall surrender to the division,
35 upon proper demand, any driver's license in the person's possession.

36 ~~(d) (e)~~ In case of failure on the part of any person to comply (d)
37 with any subpoena issued in behalf of the division or the refusal of
38 any witness to testify to any matters regarding which the witness
39 may be lawfully interrogated, the district court of any county, on
40 application of the division, may compel obedience by proceedings
41 for contempt, as in the case of disobedience of the requirements of
42 a subpoena issued from the court or a refusal to testify in the court.
43 Each witness who appears before the director or the director's duly

1 authorized agent by order or subpoena, other than an officer or
2 employee of the state or of a political subdivision of the state, shall
3 receive for the witness' attendance the fees and mileage provided
4 for witnesses in civil cases in courts of record, which shall be audited
5 and paid upon the presentation of proper vouchers sworn to by the
6 witness.

7 (e) ~~(f)~~ The division, in the interest of traffic and safety, may
8 establish driver improvement clinics throughout the state and, upon
9 reviewing the driving record of a person whose driving privileges
10 are subject to suspension under subsection (a)(2), may permit the
11 person to retain such person's driving privileges by attending a driver
12 improvement clinic. A person who is required to attend a driver
13 improvement clinic shall pay a fee of \$15. Amounts received under
14 this subsection shall be remitted at least monthly to the state treas-
15 urer who shall deposit the same in the state treasury and shall be
16 credited to the division of vehicles operating fund.

17 Sec. 5. K.S.A. 1990 Supp. 8-256 is hereby amended to read as
18 follows: 8-256. (a) The division shall not suspend a person's license
19 to operate a motor vehicle on the public highways for a period of
20 more than one year, except as permitted under ~~K.S.A. 40-3104 and~~
21 ~~40-3118, and amendments thereto, and K.S.A. 8-237, 8-262, 8-~~
22 ~~1219, 8-2107 or, 8-2110, 40-3104 or 40-3118, and amendments~~
23 ~~thereto or K.S.A. 1990 Supp. 8-2,125 through 8-2,142, and amend-~~
24 ~~ments thereto.~~

25 (b) Any person whose license to operate a motor vehicle on the
26 public highways has been revoked shall not be entitled to have such
27 license renewed or restored unless the revocation was for a cause
28 which has been removed, except that after the expiration of one
29 year from the date on which the revoked license was surrendered
30 to and received by the division such person may make application
31 for a new license as provided by law, except as otherwise provided
32 by K.S.A. 1990 Supp. 8-2,142, *and amendments thereto*, but the
33 division shall not then issue a new license unless and until it is
34 satisfied after investigation of the habits and driving ability of such
35 person that it will be safe to grant the privilege of driving a motor
36 vehicle on the public highways.

37 Sec. 6. On and after July 1, 1992, K.S.A. 1990 Supp. 8-1344 is
38 hereby amended to read as follows: 8-1344. Every driver as defined
39 in K.S.A. 8-1416, and amendments thereto, who transports a child
40 under the age of ~~14~~ 15 years in a passenger car as defined in K.S.A.
41 8-1445, and amendments thereto, on a highway as defined in K.S.A.
42 8-1424, and amendments thereto, shall provide for the protection of
43 such child by properly using:

(e)

)

)

strike sections 6-14

)

1 one year for a second violation.

2 Upon entering an order restricting a person's license hereunder/
3 the judge shall require such person to surrender such person's driv-
4 er's license to the judge who shall cause it to be transmitted to the
5 division of vehicles, together with a copy of the order. Upon receipt
6 thereof, the division of vehicles shall issue without charge a driver's
7 license which shall indicate on its face that conditions have been
8 imposed on such person's privilege of operating a motor vehicle and
9 that a certified copy of the order imposing such conditions is required
10 to be carried by the person for whom the license was issued any
11 time such person is operating a motor vehicle on the highways of
12 this state. If the person convicted is a nonresident, the judge shall
13 cause a copy of the order to be transmitted to the division and the
14 division shall forward a copy of it to the motor vehicle administrator,
15 of such person's state of residence. Such judge shall furnish to any
16 person whose driver's license has had conditions imposed on it under
17 this section a copy of the order, which shall be recognized as a valid
18 Kansas driver's license until such time as the division shall issue the
19 restricted license provided for in this section.

20 Upon expiration of the period of time for which conditions are
21 imposed pursuant to this subsection, the licensee may apply to the
22 division for the return of the license previously surrendered by such
23 licensee. In the event such license has expired, such person may
24 apply to the division for a new license, which shall be issued im-
25 mediately by the division upon payment of the proper fee and sat-
26 isfaction of the other conditions established by law, unless such
27 person's privilege to operate a motor vehicle on the highways of this
28 state has been suspended or revoked prior thereto. If any person
29 shall violate any of the conditions imposed under this subsection,
30 such person's driver's license or privilege to operate a motor vehicle
31 on the highways of this state shall be revoked for a period of not
32 less than 60 days nor more than one year by the judge of the court
33 in which such person is convicted of violating such conditions.

34 *(g) Upon the conviction or adjudication of a violation of this*
35 *section of a person with a restricted driver's license issued under*
36 *K.S.A. 8-237, and amendments thereto, the division of vehicles shall*
37 *suspend such person's restricted driver's license or privilege to op-*
38 *erate a motor vehicle on the streets and highways of this state in*
39 *accordance with the provisions of subsection (a) of K.S.A. 8-237,*
40 *and amendments thereto.*

41 New Sec. 15. (a) Notwithstanding any other provisions of this
42 act, any person who held any valid driver's license on the effective
43 date of this act may continue to operate motor vehicles subject to

1 ~~the same conditions, limitations and restrictions as contained in the~~
2 ~~law immediately prior to its amendment.~~

New Sec. 6.

3 (b) Notwithstanding any other provisions of this act, any person
4 who held any valid restricted class C or D driver's license, instruction
5 permit or restricted instruction permit on the effective date of this
6 act may continue to operate motor vehicles subject to the conditions,
7 limitations and restrictions contained in K.S.A. 8-237 and 8-239, and
8 amendments thereto.

, as in effect on June 30, 1991

9 [(c) Notwithstanding any other provisions of this act, on or after
10 the effective date of this act, a full privilege driver's license can be
11 obtained only at the age of 17 years or at the age of 16 years, if
12 the conditions of subsection (a) of K.S.A. 8-237, and amendments
13 thereto, are satisfied.]

strike bracketed language

14 ~~Sec. 16. K.S.A. 41-804 and 41-2710 and K.S.A. 1990 Supp. 8-~~
15 ~~235, 8-237, 8-239, 8-255 and 8-256 are hereby repealed.~~

Sec. 7.

16 ~~Sec. 17. On and after July 1, 1992, K.S.A. 1990 Supp. 8-1344,~~
17 ~~8-1345, 8-2117, 38-1602 and 38-1608 are hereby repealed.~~

18 ~~Sec. 18. On and after January 1, 1993, K.S.A. 1990 Supp. 8-~~
19 ~~2117, as amended by section 8 of this act and 38-1602, as amended~~
20 ~~by section 10 of this act and K.S.A. 1989 Supp. 8-2117, as amended~~
21 ~~by section 2 of chapter 150 of the 1990 Session Laws of Kansas, and~~
22 ~~K.S.A. 1989 Supp. 38-1602, as amended by section 6 of chapter 150~~
23 ~~of the 1990 Session Laws of Kansas, are hereby repealed.~~

8

24 ~~Sec. 19. This act shall take effect and be in force from and after~~
25 ~~its publication in the statute book.~~

PROPOSED AMENDMENT TO HB 2130

New Section 2. (a) Any person who is under the age of 16 years, but who is at least 14 years of age and resides upon a farm in this state or is employed for compensation upon a farm in this state may apply to the division of vehicles for a farm permit authorizing the operation of: (1) Farm tractors and other motorized implement of husbandry upon the highways of this state; or (2) motor vehicles registered as farm vehicles under K.S.A. 8-143, and amendments thereto, only while engaged in farming or farm-related activities.

(b) A farm permit shall be issued only if:

(1) The applicant can prove that such applicant resides or works on a farm;

(2) The applicant has successfully completed an approved course in driver training; and

(3) The applicant has a signed affidavit, by either a parent or guardian, stating that the applicant lives on a farm; or if the applicant does not live on a farm, but works on a farm, the employer and parent or guardian shall sign an affidavit attesting to such employment.

(c) As used in this section, "farm" means any parcel of land larger than 20 acres not located in any incorporated city which is owned by an individual and used in farming operations carried on by the owner at any time.

(d) A person who has been issued a farm permit and violates this section by driving beyond the scope allowed in subpart (a) shall lose the farm permit and receive no other drivers license until that person reaches the age of 16.

HOUSE BILL No. 2571

By Committee on Federal and State Affairs

3-11

8 AN ACT concerning alcoholic liquor; relating to advertising; amend-
9 ing K.S.A. 1990 Supp. 41-714 and repealing the existing section.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 1990 Supp. 41-714 is hereby amended to read
13 as follows: 41-714. (a) It shall be unlawful for:

14 (1) Any person to advertise any alcoholic liquor by means of
15 handbills;

16 (2) any person to advertise any alcoholic liquor by means of
17 billboards along public highways, roads and streets or for any owner
18 or occupant of any property to permit any billboard advertising
19 alcoholic liquor to remain on the property;

20 ~~(3) any retailer of alcoholic liquor to have any sign on the licensed~~ or
21 ~~premises in violation of subsection (b); or~~ (3)

22 ~~(4) any licensee to display alcoholic liquor in any window of the~~
23 licensed premises.

24 [(b) No retailer shall have more than one sign on the licensed
25 premises. The sign shall contain nothing but the license number,
26 the name of the retailer and the words "Retail Liquor Store." No
27 letter or figure in the sign shall be more than four inches high or
28 three inches wide. If more than one line is used, the lines shall be
29 not more than one inch apart. The sign shall be placed on the corner
30 of a window or on the door.] (b) strike bracketed language

31 ~~(c) The provisions of this section shall not be interpreted to pro-~~
32 ~~hibit the advertising of a microbrewery or farm winery, but before~~
33 ~~July 1, 1989, no advertising of a farm winery shall advertise the~~
34 ~~sale of wines by the winery or the prices of those wines and before~~
35 ~~July 1, 1989, no advertising of a microbrewery shall advertise the~~
36 ~~sale of beer by the brewery or the prices of that beer. Any advertising~~
37 ~~of a farm winery or microbrewery shall be subject to approval by~~
38 ~~the director prior to its dissemination.] (b) strike bracketed language~~

39 (d) ~~On and after July 1, 1989, The provisions of this section~~ (c)
40 shall not be interpreted to prohibit advertising of the price of any
41 alcoholic liquor or advertising of any alcoholic liquor by brand name,
42 other than by means declared unlawful by subsection (a), and no
43 rule and regulation adopted hereunder shall prohibit such

1 advertising. (d)
2 ~~(e)~~ The secretary of revenue may adopt, in accordance with
3 K.S.A. 41-210 and amendments thereto, rules and regulations nec-
4 essary to regulate and control the advertising, in any form, and
5 display of alcoholic liquor and nothing contained in this section shall
6 be construed as limiting the secretary's power to adopt such rules
7 and regulations not in conflict with this act.
8 Sec. 2. K.S.A. 1990 Supp. 41-714 is hereby repealed.
9 Sec. 3. This act shall take effect and be in force from and after
10 its publication in the statute book.