

Approved: 3-31-95  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:00 a.m. on March 8, 1995 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
Kim Perkins, Committee Secretary

Conferees appearing before the committee: Dave Monical, Washburn University  
Rebecca Rice, Kansas Retail Liquor Dealers Association  
Richard Bergin, Sculpture Studio and Foundry  
John Hauptli, Pres. of School Specialty Supply, Inc., Chair of  
Ad Astra  
Committee

Others attending: See attached list

Sen. Oleen announced that the committee would hear **HB 2282**, an act concerning alcoholic beverages; relating to consumption in certain places; prohibiting certain acts and providing penalties, and introduced Mary Galligan who gave a brief overview of the bill.

Sen. Oleen introduced Dave Monical, Washburn University, to speak as a proponent to **HB 2282** (Attachment 1). Sen. Oleen asked Dave Monical how the university currently schedules receptions on the campus and Dave Monical answered that they followed the proper legal channels which included filing for a temporary permit with ABC and notifying enforcement authorities.

Sen. Oleen introduced Rebecca Rice to speak as a proponent to **HB 2282** (Attachment 2). Rebecca Rice presented the committee with a proposed amendment to the bill (Attachment 3) which would allow the credit card purchasing of liquor. Rebecca Rice expressed her intent to the committee not to endanger the original bill. Sen. Gooch questioned the language "national credit card" used to describe the type of credit card which can be used. Rebecca Rice stated that the intent of the language was to prohibit individual stores from extending their own credit cards. Sen. Oleen called for further discussion on any opponents to the bill, and seeing none, the hearing was closed.

Sen. Oleen stated that the committee would begin hearing **SB 363**, an act authorizing the placement of a sculpture on the statehouse grounds; creating a fund in the state treasury for moneys received for creation, construction and maintenance of such sculpture and its pedestal. Sen. Vidricksen, primary sponsor of the bill, gave a background of the bill.

Sen. Oleen introduced Richard Bergin to speak as a proponent to **SB 363** (Attachment 4). Richard Bergin stressed that he believed that the sculpture is a tourist attraction as well as an educational tool. Sen. Oleen commented that she had the opportunity to see the full size version of the Ad Astra in the Salina Studio.

Sen. Oleen introduced John Hauptli, chair of the Ad Astra Committee, who testified in support of the bill by saying that he is interested in seeing the passage of the bill for the historical, educational, and tourism benefits.

Sen. Oleen asked Raymond Powers, State Historical Preservation Officer, if he wished to make any comments and Raymond Powers stated that he had an advisory role in the completion of the sculpture. Sen. Oleen called for further discussion on the bill, and seeing none, closed the hearing on **SB 363**.

Sen. Oleen called for committee approval of the minutes dated February 16, 1995. Sen. Tillotson made a

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E  
Statehouse, at 11:00 a.m. on March 8, 1995.

motion to approve the minutes and the option was seconded by Sen. Gooch. The motion passed.

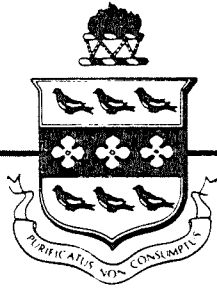
The meeting adjourned at 11:40 a.m.

The next meeting is scheduled for March 9, 1995.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE: March 8, 1995

NAME	REPRESENTING
John Duncan	KS White & Equity Professionals Assn
Rebecca Rice	
Raymond Powers	
Richard Bergin	
John Hauptli	
Francis Kastner	



# WASHBURN UNIVERSITY

Topeka, Kansas 66621  
Phone 913-231-1010

TO: Senate Federal and State Affairs Committee  
FROM: David G. Monical  
Executive Assistant to the President and Director of Governmental Relations  
DATE: March 8, 1995  
RE: HB 2282

Madam Chairperson, Members of the Senate Federal and State Affairs Committee;

I am David Monical, Executive Assistant to the President and Director of Governmental Relations at Washburn University. I am appearing today to request your support of House Bill 2282. This legislation, as introduced, is designed to clear up some technical concerns which the University has related to the service of alcoholic beverages on the campus. The amendment to current law is contained in Subsection G of Section 8 on page 2 related to Washburn University's ability to exempt certain property from the prohibition against the service of alcoholic beverages generally provided in Section 5 (C) on page 1.

Current law only allows the service of alcoholic beverages in areas which are not used for classroom instruction. The Washburn Board of Regents has adopted specific policies governing when such beverages may be consumed and under what circumstances. It must be an officially sanctioned University function or sponsored by a University related not-for-profit corporation such as the Washburn Endowment Association or the Mulvane Art Center. Our policies also require that the President must approve service at an event at least fifteen days in advance and that the local law enforcement officials will be notified in advance of any such occurrence.

We have absolutely no disagreement with existing policy. Our concern is of a technical nature in that two facilities on our campus, one existing and one under construction, are designed for multiple purposes, or are occasionally employed in the educational enterprise. In the latter case, the Mulvane Art Museum frequently plays host to non-credit courses or to students enrolled for credit in art classes who are required to attend or view various exhibitions. Although the Mulvane is not used for regularly scheduled classroom instruction, by this amendment we ensure there is no ambiguity related to any approved event occurring in this facility.

The Bradbury Thompson Alumni Center is currently under construction on the Washburn University campus. Its construction is being totally financed from private contributions. It will house our Alumni Association and our Endowment Association and will serve as their entry to the campus. Within the facility will be a convocation center which will be the site of receptions, dinners and other events. It is also possible that, because of its multi-purpose nature, this particular room may be scheduled for some occasional continuing education and perhaps even for credit course offerings. However, this is not the type of room which one would think of as holding regularly scheduled classes and is likely only to be used when its unique architectural features and size make it most suitable for the academic enterprise at hand. Therefore, we hope you agree with us that this is not the type of facility which one would typically consider as being used for "classroom instruction."

*Sen Fed & State  
3-8-95*

*Attachment 1*

Senate Federal and State Affairs Committee  
Page 2  
March 8, 1995

All our requested amendment to existing law does is to ensure that there is no ambiguity regarding the ability of the Washburn Board of Regents to establish policies regarding the service of alcoholic beverages in the Mulvane Art Center and the Bradbury Thompson Alumni Center. This amendment is basically technical in nature and does not change or alter the current statutory policies related to the service of alcoholic beverages on this or other campuses.

We think this is a technical issue and request this statutory clarification. We hope that you will recommend House Bill 2282 favorably for passage.

TESTIMONY PRESENTED TO THE  
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
re: HB 2282

March 8, 1995

by: Rebecca Rice  
Legislative Counsel for Kansas Retail Liquor Dealers Association

Chairman Oleen and members of the committee. My name is Rebecca Rice and I appear before you today for the purpose of requesting an amendment to this legislation on behalf of the Kansas Retail Liquor Dealers Association.

A request for an amendment on liquor bills is a tradition and I am here to ask you to continue that tradition. I am aware it is a little early to ask the Senate to address yet another bill regarding beverage alcohol. However, this is one of the few Chapter 41 bills remaining and the only one which has passed one chamber. Therefore, I hope you will understand that we must take our opportunities where they are available. Additionally, I wish no harm to the original bill and will help to preserve it regardless of the outcome of my requested amendment.

The amendment I am requesting would allow the acceptance of credit cards by retailers of alcoholic beverages. As this committee may recall, the Senate adopted legislation in 1994 allowing for the acceptance of credit cards. I presented the reasons for the request at that time. The legislation was amended by the House to allow for the sale of alcoholic beverages on Sunday and certain holidays. The Senate concurred in the House amendments and the Governor vetoed the bill. A bill addressing only Sunday sales was then attempted in the House and was defeated.

We are asking for this amendment and requesting that none of the other annual alcohol issues be attached to the bill. We would like to have a straight up or down vote on the credit card issue itself. We have never been allowed to attempt this issue without the other issues. We may find the credit card issue is as difficult for the legislature to accept as the other issues. However, we would like the opportunity to determine whether the credit card issue can stand alone.

I have discussed the proposed amendment with Ms. Torrence to determine the correct language to avoid the perceived problem with the "lender credit card" definition used in HB2105. I have included a possible amendment to my testimony. However, we may come up with even better language before you work the bill and would like to reserve the right to possibly improve upon the attached language.

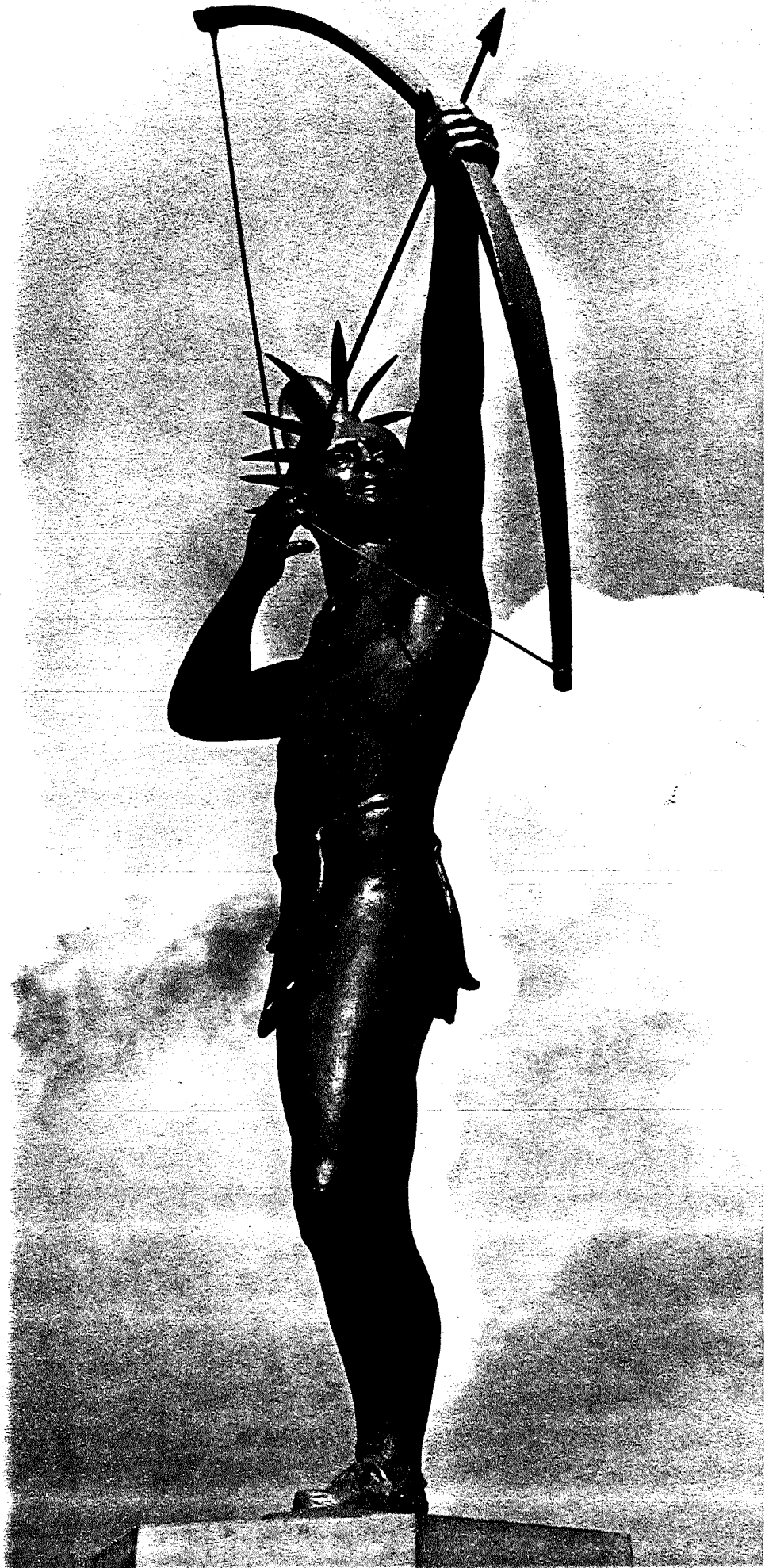
I appreciate the time and consideration you have given me. I would be happy to answer any questions.

Sen Fed & State  
3-8-95  
Attachment 2

K.S.A. 41-717 is hereby amended to read as follows: 41-717 (a)(1) *Except as provided by subsection (a)(2), (current statutory language)*

*(2) A licensed retailer may sell alcoholic liquor and nonalcoholic malt beverage to a consumer, a licensed microbrewery may sell domestic beer to a consumer and a licensed farm winery may sell domestic wine to a consumer pursuant to a credit card issued on a national basis as determined by the director.*

Sen Fed & State  
3-8-95  
Attachment 3



Sen Fed & State  
3-8-95  
Attachment 4





"Man of Good Sense, a young Kansa Warrior, by George Catlin. This 1831 oil painting was based on a sketch Catlin made at either the Blue Earth or the Mission Creek villages."

Courtesy Smithsonian  
Institution

Source: The Kansa Indians,  
by William E. Unrau,  
University of Oklahoma  
Press, 1971.

4-2

"AD ASTRA" SELECTION PROCESS

State Law, 75-2249. "Sculpture to be placed atop state capitol; selection process and procedures; finance of cost.

(a) The director of architectural services shall cause a work of sculpture selected in the manner hereinafter prescribed to be placed atop the state capitol. The process for selecting such work of sculpture shall be coordinated by the Kansas arts commission. The commission shall invite suggestions from Kansas school children and all other interested persons and shall then invite interested artists to submit sketches. Such sketches shall first be reviewed by an advisory panel consisting of the governor, president of the senate, minority leader of the senate, speaker of the house of representatives, minority leader of the house of representatives, president of the Kansas arts commission, executive director of the Kansas state historical society, professionals selected and appointed by the Kansas arts commission. Members of the advisory panel shall review the sketches submitted and make recommendations thereon to a state capitol dome sculpture selection committee consisting of five art professionals selected and appointed by the Kansas arts commission and the director of architectural services.

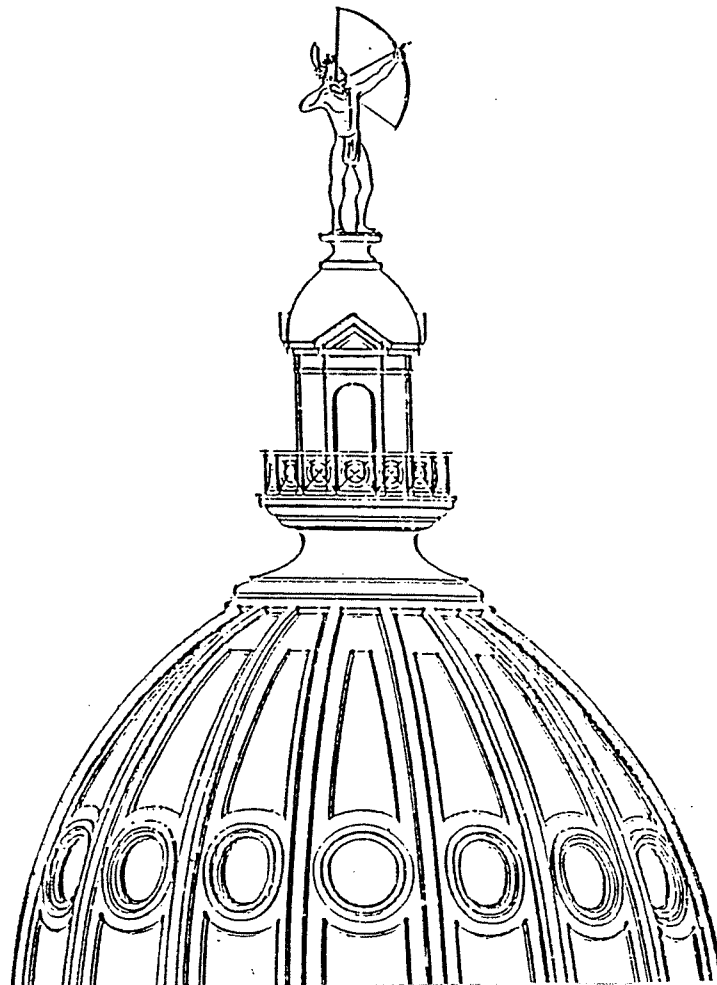
"(b) In selecting such work of sculpture or making recommendations thereon, the advisory panel and selection committee shall consider as the principal criteria therefor: (1) The appropriateness of the artwork to the architectural setting of the state capitol; (2) the artistic quality of the artwork; and (3) the association of artist with the state of Kansas, through having been born or raised in Kansas, having resided or worked in Kansas or through having current residence in Kansas. Such work of sculpture shall not be a representation of the goddess Ceres.

"(c) The Kansas arts commission is hereby authorized to receive any grants, gifts, contributions or bequests made for the purpose of financing the cost of acquiring and placing atop the state capitol the work of sculpture selected pursuant to this act. There is hereby established in the state treasury the state capitol dome sculpture fund. 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 president of the Kansas arts commission."

## THE CAPITOL DOME

The Kansas State Capitol Dome, completed in 1903, was originally designed to support a sculpture atop its peak. But for nearly a century lawmakers have battled over the subject matter of the sculpture. Ceres, the Roman goddess of fertility, was selected in 1889. But by the time of the completion of the Capitol, plans for her construction fell through. Over the years Ceres was again suggested until the Legislature ended all discussion of her controversial nature by removing her from consideration in the selection process. The only other idea to receive legislative endorsement was an American flag on the Dome that could be raised and lowered automatically. Excessive costs defeated that idea.

A 1,000 watt light bulb has been the only Dome adornment until recent times. A series of three competitions over the last several years and legislative action to resolve the issue culminated in the selection of "Ad Astra." This choice has ended the near century old controversy surrounding the Capitol Dome sculpture.



"For a subject worked and reworked so often in novels, motion pictures, and television, American Indians remain probably the least understood and most misunderstood Americans of us all.

"American Indians defy any single description. They were and are far too individualistic. They shared no common language and few common customs. But collectively their history is our history and should be part of our shared and remembered heritage. Yet even their heroes are largely unknown to other Americans, particularly in the eastern states, except perhaps for such figures as Chief Joseph and his Nez Perce warriors of the 1870s, Osceola and his magnificent, betrayed Seminoles of the 1830s, and possibly Sacagawea, the Shoshoni 'bird woman' who guided the lost Lewis and Clark expedition through the mountain passes of Montana.

"When we forget great contributors to our American history - when we neglect the heroic past of the American Indian - we thereby weaken our own heritage. We need to remember the contributions our forefathers found here and from which they borrowed liberally.

"When the Indians controlled the balance of power, the settlers from Europe were forced to consider their views, and to deal with them by treaties and other instruments. The pioneers found that Indians in the Southeast had developed a high civilization with safeguards for ensuring the peace. A northern extension of that civilization, the League of the Iroquois, inspired Benjamin Franklin to copy it in planning the federation of States.

"But when the American Indians lost their power, they were placed on reservations, frequently lands which were strange to them, and the rest of the nation turned its attention to other matters.

"Our treatment of Indians during that period still affects the national conscience. We have been hampered - by the history of our relationship with the Indians - in our efforts to develop a fair national policy governing present and future treatment of Indians under their special relationship with the Federal government.

"Before we can set out on the road to success, we have to know where we are going, and before we can know that we must determine where we have been in the past. It seems a basic requirement to study the history of our Indian people. America has much to learn about the heritage of our American Indians. Only through this study can we as a nation do what must be done if our treatment of the American Indian is not to be marked down for all time as a national disgrace."

**JOHN F. KENNEDY**

President of the United States

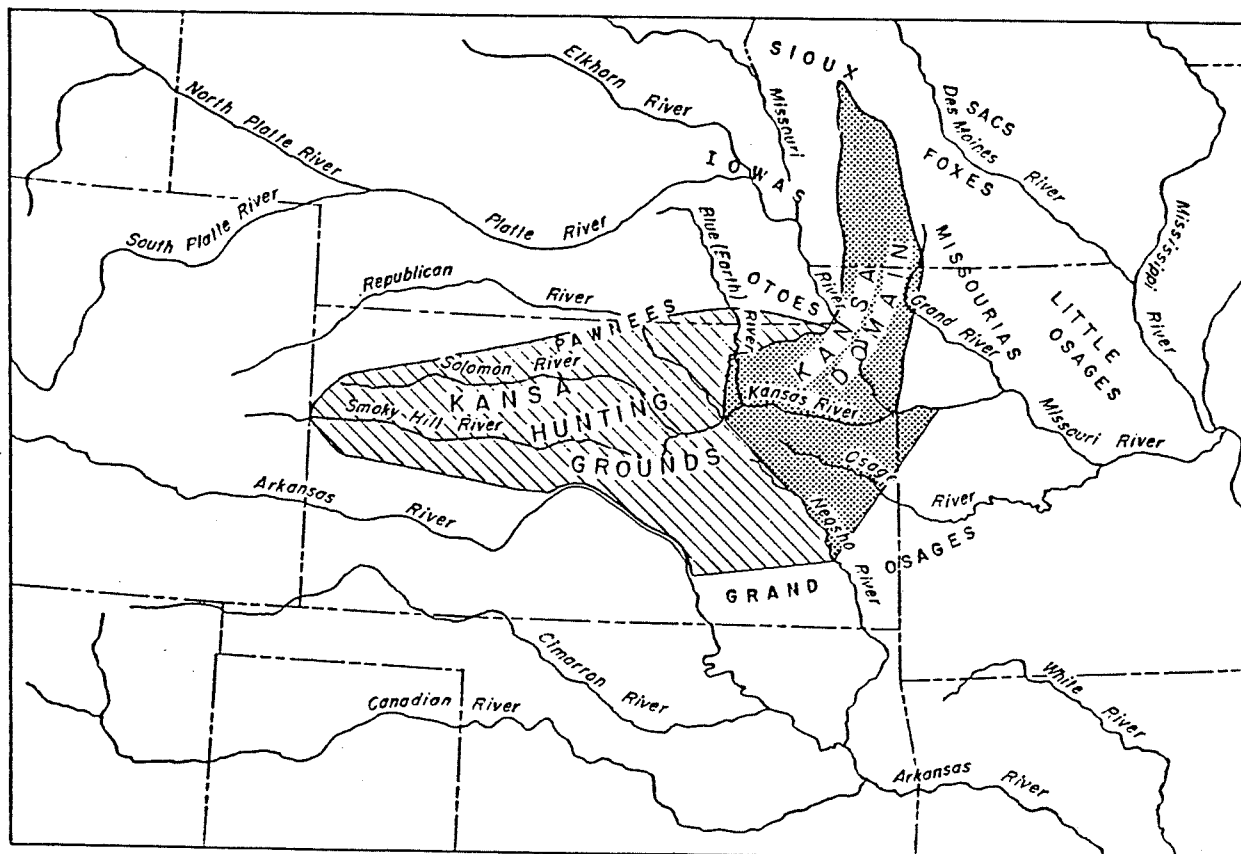
"Introduction" to The American Heritage Book of Indians,  
American Heritage Publishing Company, 1961.

## THE KANSA INDIANS

The domain and hunting grounds of the Kansa Indian tribe extended throughout the central and eastern portions of Kansas during the early 1800's. Although the Kansa tribe was known to have cultivated crops of corn and beans along the Kansas River, the highlight of their yearly activities was the buffalo hunt, which created great excitement in the Indian camp.

The Kansa Indians were distinguished by their striking, feathered headdress, a narrow strip of hair on the top and back portion of their heads, and their erect, dignified, and proud stature. A wire apparatus carried as an article of clothing was often used to carefully pluck their eyebrows and scalp, leaving a narrow strip of hair similar to the well-known mohawk. This strip of hair was decorated with various feathers and maintained for the scalping honor of enemy warriors. The clothing of the Kansa Indian varied, but often included a breechcloth secured with a girdle about the waist, plus moccasins of deerskin. Some wore a collar of bearclaws or metal trinkets around their necks.

Source: The Kansa Indians, by William E. Unrau. University of Oklahoma Press, 1971.



*The Kansa domain, 1816-18, based on the notes of Auguste Chouteau and George C. Sibley*

## "AD ASTRA"

"Ad astra per aspera," to the stars through difficulties, is the state motto and exemplifies the aspirations of the people of Kansas. The significance of this attitude has been incorporated into the development of the Capitol Dome sculpture. The students of Kansas overwhelmingly selected an Indian as the subject of the Dome sculpture. Therefore, I have chosen the figure of a Kansa Indian as the basis of my sculptural concept to represent this abstract idea visually. The sculpture, "Ad Astra," includes historical aspects of the past, realities of the present, and dreams of the future to illustrate this spirit of Kansas.

"Ad Astra" represents the visionary and stable qualities that characterize the citizens and government of Kansas. The foundation of the state and its government is the people, represented by the Kansa Indian in "Ad Astra." The Kansa Indians were the original people of this area. Thus, the figure in the sculpture links our past and our present. The Indian draws the bow, symbolic of the energy of Kansans, and points the arrow, the determination and resolve of the people to achieve their goals, "to the stars," as our state motto declares. The people of Kansas strive to aim high and work hard to build a better present and future. The Indian's aim is to the North Star, symbolic of a stable government. As the North Star's position remains constant and steady amid the changes and demands of time, so too, our Kansas government remains constant and steady as it continues to guide our state. "Ad Astra," to the stars, points to a strong future for Kansas.

Richard Bergen