

Approved: April 4, 2003  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:35 p.m. on March 24, 2003 in Room 313-S of the Capitol.

All members were present

Committee staff present: Russell Mills, Legislative Research Department  
Mary Torrence, Office of Revisor of Statutes  
Rose Marie Glatt, Committee Secretary

Conferees appearing before the committee:

**Proponents:** Robert Longino, Director, Alcoholic Beverage Control  
Robert Whitaker, Kansas Beer Wholesalers Association

**Opponents None:**

Others attending: See Attached

Representative Wilson moved that the February 18<sup>th</sup>, March 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 20<sup>th</sup> minutes be approved. It was seconded by Representative Gilbert. The motion carried.

**SB 2** - Agricultural remediation board and board of directors of KU hospital authority; members, terms of office.

The Chairman stated that a recent court ruling in Wyandotte County would have long term effects on the Liquor Control Act for the state and in the next few meetings they would hear and discuss options for possible action regarding that issue. **SB 2** would be the vehicle used for amendment.

Robert Longino, Director, ABC explained the history of the court case regarding Sunday sales of liquor. The judge ruled that there are three particular statutes in the Liquor Control Act that are not uniform and in the face of non-uniformity the court concluded that the defendants had the authority of the home-rule amendment of the Kansas constitution to charter out from under the statutory band of Sunday sales of alcohol and allow such sales in respect to jurisdictions. The integrity of the Act itself was compromised.

He explained the procedure that establishments would go through to sale liquor on Sunday. He described other issues that may result from this ruling. He presented two options for the committee to consider: 3rs0987 (Attachment 1) which does not allow Sunday sales and 3rs0982 (Attachment 2) which allows Sunday sales. Discussion followed regarding whether the Attorney General would appeal the decision and the impact of passing legislation at this time.

In response to a request of the committee, staff agreed to provide amendment briefs for comparison.

Neal Whitaker, Kansas Beer Wholesalers Association agreed that the Liquor Control Act is not uniform and they need a uniform bill to avoid misconceptions for wholesalers and liquor stores (no written testimony).

The hearing was closed on **SB2**. The Chairman advised the committee to study the proposed amendment for future action.

**HB 2420** - an act enacting the children's Internet protection act; prohibiting certain acts and providing remedies for violations.

Representative Hutchins made the motion to move HB 2420 out favorably, Representative Freeborn seconded the motion.

Representative Hutchins proposed a substitute bill for **HB 2420** (Attachment 3). She reviewed the differences in the bill which included definitions of "electronic material harmful to minors", "Internet

filtering technology”, “minor”, “public library” and clarifying language. Testimony was distributed regarding the definition and explanation of “affirmative defense”(Attachment 4).

Discussion followed regarding: exemption of K-12, enforcement tool and penalty, cost estimate of program, levels of filtering service and libraries local control.

Representative Hutchins moved that they amend the proposed substitute for HB 2420. Representative Freeborn seconded the motion. With the permission of the second, Representative Hutchins suggested a change to the language in Section E and move the B-I language to sub-section C. The motion carried 12-7.

Representative Hutchins moved that they recommend the substitute for HB 2420, favorably for passage. Representative Morrison seconded the motion.

Representative Edmonds moved that K-12 libraries be included in the substitute HB 2420. Representative Ruff seconded. Representative Edmonds moved the motion. The motion failed 9-11.

Representative Edmonds moved to table substitute HB 2420. Representative Ruff seconded The motion failed 9-11.

The original motion to report substitute HB 2420 favorably for passage carried 12-9.

Written testimony was distributed from Representative Deena Horst (Attachment 5), and Gary Brunk (Attachment 6), Kansas Action for Children

The meeting adjourned at 3:10 p.m. with the next meeting scheduled for March 25, 1:30 p.m., room 313-S at the Capitol.



## PROPOSED BILL NO. \_\_\_\_\_

By Committee on Federal and State Affairs

AN ACT concerning the liquor control act; amending K.S.A. 41-301 and 41-302 and K.S.A. 2002 Supp. 41-719 and repealing the existing sections.

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

Section 1. K.S.A. 41-301 is hereby amended to read as follows: 41-301. The director shall issue to qualified applicants, who have filed the bond and paid the registration and license fees required by this act, licenses to sell alcoholic liquor at retail in the original package within the corporate limits of cities ~~and outside the corporate limits of cities in certain townships as provided in this act: Provided, That no such~~ . No retailer's license shall be issued for any premises within any city ~~of the first or second class wherein a majority of the qualified electors of such city who voted on the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election held in November, 1948, shall have voted against the adoption of such proposition or in cities of the third class located in a township, or townships, wherein a majority of the qualified electors of such township, or townships, who voted on said proposition to amend the constitution at said election shall have voted against its adoption,~~ until unless a majority of the qualified electors of such city voting at an election held as provided by K.S.A. 41-302, and amendments thereto, ~~shall have declared by their votes to be~~ vote in favor of the licensing of the sale of alcoholic liquor by the package in such city.

Sec. 2. K.S.A. 41-302 is hereby amended to read as follows: 41-302. (a) The question of licensing the retail sale of alcoholic liquors by the package shall be submitted by the governing body of any city at any regular general city election occurring in such city whenever a petition requesting such submission has been filed with the city clerk of any such city as hereinafter provided.

~~In cities of the first and second class,~~ any Such petition



shall be signed by such number of electors of such city which equals 30% or more of the total vote cast in such city at the last general election for the office of secretary of state. In ~~cities--of--the--third--class,--any--such--petition--shall--be--signed--by--such--number--of--electors--of--such--city--which--equals--40%--or--more--of--the--total--vote--cast--at--the--last--general--city--election--held--in--such--city--of--the--third--class--for--candidates--for--the--city--office--for--which--the--greatest--number--of--total--votes--were--cast.~~ Each sheet of each petition shall comply with the provisions of K.S.A. 25-3601 through 25-3607, and amendments thereto. No signature on such petition shall be valid unless appended to the petition within the last 90 days prior to the date of filing the petition with the city clerk.

Such petition shall be filed not less than 40 nor more than 60 days prior to the date of the election. After any such petition has been filed no signature shall be withdrawn and no signature shall be added. The governing body of the city shall have the power to determine the sufficiency of any such petition. Any person who signs a proposal or petition authorized by this section and who knowingly is not a qualified elector in the place where such proposal or petition is made, or who aids or abets any other persons in doing any of the acts mentioned, or any person who bribes, gives or pays any money or thing of value to any person directly or indirectly to induce such person to sign such proposal or petition shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not more than \$300 or by imprisonment of not more than 90 days, or by both such fine and imprisonment in the discretion of the court.

(b) Upon the ballot the proposition shall be stated as follows:

"Shall the sale of alcoholic liquors by the package be licensed in (here insert the name of the city)?" YES [ ]  
NO [ ]

Voters desiring to vote in favor of the sale of alcoholic liquors by the package shall place a cross or check mark in the square opposite the word "Yes" and those desiring to vote against

the sale of alcoholic liquor by the package shall place a cross or check mark in the square opposite the word "No."

(c) Upon the filing of a sufficient petition, the governing body shall call any election required by this section and--notice of--such--election--shall--be--given--in--the--manner--provided--by--the--general--bond--law--The--provisions--of--the--laws--of--this--state relating-to-election-officers,-voting-places,-election-places-and-blanks,-preparation--and--form--of--ballots,-information-to-voters,-delivery-of-ballots,-calling-of-elections,-conduct-of--elections,-manner--of--voting,-counting-of-votes,-records-and-certificates-of-election,-and-recounts-of-votes,-so--far--as--applicable,-shall apply--to--voting-on-the-proposition-under-the-provisions-of-this act. Such election shall be called and held in the manner provided by law for question submitted elections.

(d) The majority of those voting on the proposition shall be mandatory upon the director insofar as licensing the sale of such liquors therein by the package is concerned. In-the-absence-of any-vote-on-the-question-of-licensing-the-sale-of-such-liquors-in cities-of-the-first-and-second-class-wherein-a--majority--of--the qualified--electors--of--such-city-who-voted-on-the-proposition-to amend-section-10-of-article-15-of-the-constitution-of--the--state of--Kansas--at-the-general-election-held-in-November,-1948,-shall have-voted-in-favor-of-the-adoption-of-such--proposition--and--in cities-of-the-third-class-located-in-townships-wherein-a-majority of--the--qualified-electors-voted-in-favor-of-such-constitutional amendment-and-in-the-absence-of-any-further-vote-in-cities-of-the first,-second-or-third-class-in-which-a-majority-of-the-qualified electors-of-such-city-shall-have-voted-at-any-special-or--general city--election-in-favor-of-the-licensing-of-the-sale-of-alcoholic liquor-by-the-package,-the--director--shall--continue--to--issue licenses--to--sell-the-same-by-the-package-therein-for-periods-of one-year,-subject-to-all-the-terms-and-conditions-of-this-act.

(e) If a majority of the electors voting at any such election shall vote against licensing the sale of alcoholic liquors by the package, the holder of any valid existing

retailer's license for premises in such city shall have the right to continue to operate under such license for a period not to exceed 90 days after the result of such election is canvassed or until the expiration of such license, whichever period of time is the shorter. If such period of time expires before the expiration of the term for which the retailer's license was issued, such licensee shall be entitled to a refund of that portion of the license period which is unavailable to such licensee in accordance with rules and regulations established by the secretary of revenue.

~~(f) -- For the purpose of determining as provided in K.S.A. 41-301, and amendments thereto, and in this section whether a majority of the qualified electors of a township in which a city of the third class is located voted against the adoption of the liquor amendment at the general election held in November, 1948, if any city of the third class is located in two or more townships, the total vote for and against the amendment in all the townships in which such city is located shall be used to determine whether such city is located in a township in which a majority of the qualified electors voted against the amendment.~~

Sec. 3. K.S.A. 2002 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

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

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

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

takes place;

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

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

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

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

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

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

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city ~~having--a--population--of--more--than~~ 200,000.

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

(5) On the state fairgrounds, if such liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions. The state fair board, in its discretion, may authorize the consumption of such alcoholic

liquor on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and subject to any conditions or restrictions as the board may require.

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

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

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

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

(10) On the premises of the Kansas national guard regional training center located in Saline county, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

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

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

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

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in



accordance with policies adopted by such board.

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

(h) Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.

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

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

Sec. 4. K.S.A. 41-301 and 41-302 and K.S.A. 2002 Supp. 41-719 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

## SENATE BILL NO. \_\_\_\_\_

By Committee on Federal and State Affairs

AN ACT concerning the liquor control act; amending K.S.A. 41-301, 41-302 and 41-712 and K.S.A. 2002 Supp. 41-719 and repealing the existing sections.

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

Section 1. K.S.A. 41-301 is hereby amended to read as follows: 41-301. The director shall issue to qualified applicants, who have filed the bond and paid the registration and license fees required by this act, licenses to sell alcoholic liquor at retail in the original package within the corporate limits of cities ~~and outside the corporate limits of cities in certain townships as provided in this act:~~ Provided, That no such . No retailer's license shall be issued for any premises within any city ~~of the first or second class wherein a majority of the qualified electors of such city who voted on the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election held in November, 1948, shall have voted against the adoption of such proposition or in cities of the third class located in a township, or townships, wherein a majority of the qualified electors of such township, or townships, who voted on said proposition to amend the constitution at said election shall have voted against its adoption,~~ until unless a majority of the qualified electors of such city voting at an election held as provided by K.S.A. 41-302, and amendments thereto, ~~shall have declared by their votes to be~~ vote in favor of the licensing of the sale of alcoholic liquor by the package in such city.

Sec. 2. K.S.A. 41-302 is hereby amended to read as follows: 41-302. (a) The question of licensing the retail sale of alcoholic liquors by the package shall be submitted by the governing body of any city at any regular general city election occurring in such city whenever a petition requesting such submission has been filed with the city clerk of any such city as hereinafter provided.

~~In cities of the first and second class,~~ any Such petition

shall be signed by such number of electors of such city which equals 30% or more of the total vote cast in such city at the last general election for the office of secretary of state. ~~In cities-of-the-third-class,-any-such-petition-shall-be--signed--by such--number-of-electors-of-such-city-which-equals-40%-or-more-of the-total-vote-cast-at-the-last-general--city--election--held--in such--city--of-the-third-class-for-candidates-for-the-city-office for-which-the-greatest-number-of--total--votes--were--cast.~~ Each sheet of each petition shall comply with the provisions of K.S.A. 25-3601 through 25-3607, and amendments thereto. No signature on such petition shall be valid unless appended to the petition within the last 90 days prior to the date of filing the petition with the city clerk.

Such petition shall be filed not less than 40 nor more than 60 days prior to the date of the election. After any such petition has been filed no signature shall be withdrawn and no signature shall be added. The governing body of the city shall have the power to determine the sufficiency of any such petition. Any person who signs a proposal or petition authorized by this section and who knowingly is not a qualified elector in the place where such proposal or petition is made, or who aids or abets any other persons in doing any of the acts mentioned, or any person who bribes, gives or pays any money or thing of value to any person directly or indirectly to induce such person to sign such proposal or petition shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not more than \$300 or by imprisonment of not more than 90 days, or by both such fine and imprisonment in the discretion of the court.

(b) Upon the ballot the proposition shall be stated as follows:

"Shall the sale of alcoholic liquors by the package be licensed in (here insert the name of the city)?" YES [ ]  
NO [ ]

Voters desiring to vote in favor of the sale of alcoholic liquors by the package shall place a cross or check mark in the square opposite the word "Yes" and those desiring to vote against

the sale of alcoholic liquor by the package shall place a cross or check mark in the square opposite the word "No."

(c) Upon the filing of a sufficient petition, the governing body shall call any election required by this section and notice of such election shall be given in the manner provided by the general bond law. The provisions of the laws of this state relating to election officers, voting places, election places and blanks, preparation and form of ballots, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of election, and recounts of votes, so far as applicable, shall apply to voting on the proposition under the provisions of this act. Such election shall be called and held in the manner provided by law for question submitted elections.

(d) The majority of those voting on the proposition shall be mandatory upon the director insofar as licensing the sale of such liquors therein by the package is concerned. In the absence of any vote on the question of licensing the sale of such liquors in cities of the first and second class wherein a majority of the qualified electors of such city who voted on the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election held in November, 1948, shall have voted in favor of the adoption of such proposition and in cities of the third class located in townships wherein a majority of the qualified electors voted in favor of such constitutional amendment and in the absence of any further vote in cities of the first, second or third class in which a majority of the qualified electors of such city shall have voted at any special or general city election in favor of the licensing of the sale of alcoholic liquor by the package, the director shall continue to issue licenses to sell the same by the package therein for periods of one year, subject to all the terms and conditions of this act.

(e) If a majority of the electors voting at any such election shall vote against licensing the sale of alcoholic liquors by the package, the holder of any valid existing



retailer's license for premises in such city shall have the right to continue to operate under such license for a period not to exceed 90 days after the result of such election is canvassed or until the expiration of such license, whichever period of time is the shorter. If such period of time expires before the expiration of the term for which the retailer's license was issued, such licensee shall be entitled to a refund of that portion of the license period which is unavailable to such licensee in accordance with rules and regulations established by the secretary of revenue.

~~(f) For the purpose of determining as provided in K.S.A. 41-301, and amendments thereto, and in this section whether a majority of the qualified electors of a township in which a city of the third class is located voted against the adoption of the liquor amendment at the general election held in November, 1948, if any city of the third class is located in two or more townships, the total vote for and against the amendment in all the townships in which such city is located shall be used to determine whether such city is located in a township in which a majority of the qualified electors voted against the amendment.~~

Sec. 3. K.S.A. 41-712 is hereby amended to read as follows:  
41-712. (a) Except as provided by subsection (b), No person shall sell at retail any alcoholic liquor: (1) On Sunday; (2) on Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day when the sale is permitted, except that the governing body of any city by ordinance may require closing prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.

(b) In counties in which the sale of alcoholic liquor on Sunday has been approved as provided by section 4, and amendments thereto, a person may sell at retail any alcoholic liquor on Sunday between the hours of 12 noon and 8 p.m.

New Sec. 4. (a) The board of county commissioners of any county by resolution, may submit, and upon a petition filed in accordance with subsection (b), shall submit to the qualified



electors of the county at any state general election a proposition to permit the sale at retail any alcoholic liquor within the county between the hours of 12 noon and 8 p.m. on Sunday.

(b) A petition to submit a proposition to the qualified voters of a county pursuant to this section shall be filed with the county election officer. The petition shall be signed by qualified electors of the county equal in number to not less than 10% of the electors of the county who voted for the office of secretary of state at the last preceding general election at which such office was elected. The appropriate version following shall appear on the petition:

"We request an election to determine whether the sale at retail of alcoholic liquor on Sundays between the hours of 12 noon and 8 p.m. in \_\_\_\_\_ county shall be allowed."

(c) The board of county commissioners of any county may adopt a resolution permitting the sale at retail of any alcoholic liquor on Sundays between the hours of 12 noon and 8 p.m. Such resolution shall be published at least once each week for two consecutive weeks in the official county newspaper. Such resolution shall not become effective until at least 30 days following the date of the last publication thereof. If within 30 days following the last publication of the resolution, a petition against such resolution signed by qualified electors of the county equal in number to not less than 10% of the qualified electors of the county who voted for the office of the secretary of state in the last preceding general election is filed with the county election officer, such resolution shall not become effective until submitted to and approved at an election as provided by this section.

(d) Upon the adoption of a resolution or the submission of a valid petition pursuant to this section, the county election officer shall cause the proposition to be placed on the ballot at the next succeeding state general election which occurs more than 90 days after the resolution is adopted or the petition is

filed with the county election officer. The appropriate version following shall appear on the ballot:

"Shall the sale at retail of alcoholic liquor on Sundays between the hours of 12 noon and 8 p.m. in \_\_\_\_\_ county be allowed?"

(e) If a majority of the votes cast and counted is in favor of the proposition, the county election officer shall transmit a copy of the results to the director and the board of county commissioners.

(f) The election provided for by this section shall be conducted, and the votes counted and canvassed, in the manner provided by law for question submitted elections.

Sec. 5. K.S.A. 2002 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

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

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

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

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

(4) in a private dining room of a hotel, motel or

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

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

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

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

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

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city ~~having--a--population--of--more--than~~ 200,000.

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

(5) On the state fairgrounds, if such liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions. The state fair board, in its discretion, may authorize the consumption of such alcoholic liquor on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and subject to any conditions or restrictions as the board may require.

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

(7) On the premises of any state-owned historic site under

the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

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

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

(10) On the premises of the Kansas national guard regional training center located in Saline county, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

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

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

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

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

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

(h) Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.

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

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

Sec. 6. K.S.A. 41-301, 41-302 and 41-712 and K.S.A. 2002 Supp. 41-719 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.



## Proposed Substitute for HOUSE BILL NO. 2420

By Committee on Federal and State Affairs

AN ACT enacting the children's internet protection act; prohibiting certain acts and providing remedies for violations.

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

Section 1. (a) This act shall be known as the children's internet protection act.

(b) As used in this section:

(1) "Electronic material harmful to minors" means any electronic source of print, picture, figure, image, description, film or recording which is harmful to minors, as defined in K.S.A. 21-4301c, and amendments thereto.

(2) "Internet filtering technology" means a device or technology which reduces access or exposure to internet web sites which contain or make reference to electronic material harmful to minors.

(3) "Minor" means any unmarried person under 18 years of age.

(4) "Public library" means any library maintained by a city, county, township or library district, or any combination thereof, and supported in whole or in part by public moneys.

(c) Except as provided by subsection (d), every public library shall require use of internet filtering technology for any of such library's computers while such computer is being used by a minor.

(d) A public library, or an officer, employee or agent thereof, may allow a minor to use a library computer for which internet filtering technology is not provided if the parent or guardian of such minor has given the library written consent for such minor to have access to the internet without use of internet filtering technology.

(e) Any resident of a city, county, township or library district maintaining a public library may bring an action for mandamus or injunction in any court of competent jurisdiction to enforce the provisions of subsection (b)(1) in accordance with

the provisions of articles 8 and 9 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. Any such action may be brought against the administrative head of such public library or the governing body of such public library, or both.

(f) The provisions of this section shall not be construed to:

(1) Prohibit any adult from having unfiltered or unrestricted access to the internet or an online service; or

(2) preempt the regulation of obscenity by municipalities.

(g) If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions on applications of the act which can be given effect without the invalid provision or application. To this end the provisions of this act are severable.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

**21-4301a. Promoting obscenity to minors.** (a) Promoting obscenity to minors is promoting obscenity, as defined by K.S.A. 21-4301 and amendments thereto, where the recipient of the obscene material or obscene device or a member of the audience of an obscene performance is a child under the age of 18 years.

(b) Notwithstanding the provisions of K.S.A. 21-3202 and amendments thereto to the contrary, it shall be an affirmative defense to any prosecution under this section that:

(1) The defendant had reasonable cause to believe that the minor involved was 18 years old or over, and such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more.

(2) The allegedly obscene material was purchased, leased or otherwise acquired by a public, private or parochial school, college or university, and that such material was either sold, leased, distributed or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school as part of or incident to an approved course or program of instruction at such school.

(3) The defendant is an officer, director, trustee or employee of a public library and the allegedly obscene material was acquired by a public library and was disseminated in accordance with regular library policies approved by its governing body.

(4) An exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.

(c) (1) Promoting obscenity to minors is a class A nonperson misdemeanor on conviction of the first offense.

STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

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MEMBER: CORRECTIONS AND JUVENILE  
JUSTICE  
EDUCATION  
LOCAL GOVERNMENT

DATE: March , 2003

TO: Chairman Mason and members of the Federal State Affairs Committee

FROM:  Deena Horst, Chairperson of the Joint Committee Arts and Cultural Resources

RE: SB 205

As promised, I have provided the suggested changes as presented during the hearing. Also, I have added another change that I didn't bring to you.

As I read through the bill again, I discovered a gap between the time the coin designs leave the hands of the mint and the selection process by the high school students. To address this concern, I have added suggested language found on page 2, lines 17 through 19. I believe it would be a smoother operation if the State Board of Education and the Secretary of State were dealing with the commission rather than with five artists.

Thanks for your help with this bill!

Deena Horst

Attachment: (1)

Hs Federal & State Affairs

Date: 3-24-03

Attachment # 5

Page 1



SENATE BILL No. 205

By Senator Hensley

2-11

AN ACT enacting the Kansas commemorative coin design **concept** act.

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

Section 1. This act shall be known and may be cited as the Kansas commemorative coin design **concept** act. The purpose of the act is to provide a means whereby the state through cooperation of its governor, arts community and high school students selects the **design concepts and recommends the final** design of the quarter dollar that is emblematic of the state of Kansas, its history, geography and rich heritage for submission to the United States secretary of the treasury in accordance with the 50 states commemorative coin program act (P.L. 105-124).

Sec. 2. (a) There is established the Kansas commemorative coin design commission. The commission shall consist of 16 members, as follows:

- (1) The members of the joint legislative committee on the arts and cultural resources;
- (2) a member of the Kansas state historical society, selected by the members of the society;
- (3) a member of the Kansas arts commission, selected by the members of the commission;
- (4) a member of the Kansas humanities council, selected by the members of the council; and
- (5) three members of the general public who shall be representative of the arts, selected by the governor. **One of the members selected pursuant to this paragraph shall be** ~~skilled in~~ coin design or metal **work.**

[knowledgeable of]

(b) The chairperson of the joint legislative committee on the arts and cultural resources shall serve as chairperson of the commission. The commission shall meet on call of the chairperson or at the request of a majority of the members of the commission.

(c) The commission shall:

- (1) Adopt procedures and guidelines for selection of the design **concepts** of the quarter dollar that is emblematic of the state of Kansas; such guidelines shall be consistent with the guidelines prescribed by the 50 states commemorative coin program act and shall be publicized by the



1 commission;  
 2 (2) invite ~~to submit design sketches for the Kansas com-~~ **[Kansas artists]**  
 3 ~~memorative quarter dollar that are broadly appealing to the citizens of~~  
 4 ~~the state and that maintain a dignity befitting the state's history and di-~~  
 5 ~~versity; such design sketches must be submitted to the commission on or~~  
 6 ~~before June 1, 2004. Each design sketch shall be accompanied by a~~  
 7 ~~narrative that explains why the concept is emblematic of the state~~  
 8 ~~and what the concept represents to the citizens of the state. Each~~  
 9 ~~design sketch shall be submitted to the commission on or before~~  
 10 ~~June 30, 2003;~~

**[Kansas]**

**[The submission deadline will be determined by the commission.]**

11 (3) review the design sketches submitted by Kansas artists and choose  
 12 ~~four designs and narratives submitted by~~ **[Kansas artists]** and choose  
 13 ~~five submissions~~ as finalists in the design selection process;

**[Kansas]**

14 (4) ~~forward only the selected narratives to the United States~~  
 15 ~~mint and collaborate with the United States mint in the preparation~~  
 16 ~~of artwork of the concepts;~~

17 ~~Upon approval by the secretary of the treasury, the design~~  
 18 ~~candidate finalists shall collaborate with the state board of education~~  
 19 ~~and the secretary of state in submission] of the four five finalist designs~~  
 20 ~~to an election in which all students enrolled in accredited public and~~  
 21 ~~accredited nonpublic high schools of the state may participate and by~~  
 22 ~~majority vote select the design for the Kansas commemorative quarter~~  
 23 ~~dollar that the commission shall submit to the governor; the election shall~~  
 24 ~~be held during the last week of January 2005 April 2004. Such election~~  
 25 ~~may be conducted by internet ballot.~~

**[upon approval by the secretary of the treasury, the design candidate finalists shall be forwarded to the commission, which will collaborate with the state board of education and the secretary of state in submission . . . .]**

26 Sec. 3. The governor shall submit the design selected by vote of Kan-  
 27 sas high school students to the United States mint ~~for review of coin-~~  
 28 ~~ability. After consultation with and approval of the selected design by the~~  
 29 ~~United States secretary of the treasury, the governor shall designate the~~  
 30 ~~design as commemorative of the state of Kansas for coinage for pre-~~  
 31 ~~sentment to the secretary of treasury for final approval.~~

**[the election shall be held no later than during the last week of April 2004.]**

32 Sec. 4. The Kansas arts commission, the Kansas humanities council,  
 33 and the Kansas historical society shall publicize the Kansas commemo-  
 34 rative coin design act and shall provide such assistance to the Kansas  
 35 commemorative coin design commission as may be requested by the  
 36 commission.

37 Sec. 5. This act shall take effect and be in force from and after its  
 38 publication in the ~~statute book~~ **Kansas register.**

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March 17, 2003

Representative William G. Mason  
Chair, House Committee on Federal and State Affairs  
State Capitol, Room 170-W  
300 SW 10<sup>th</sup> Street  
Topeka, Kansas 66612

Re: House Bill 2420

Dear Chairman Mason:


I am writing to share some information I hope is relevant to your committee's consideration of House Bill 2420, the Children's Internet Protection Act.

As an organization known for child advocacy we receive many calls from concerned citizens every year. These calls come from all across the state and cover a wide range of issues. Although we do not keep a log of calls, in the past two to three years the most frequent topics have been the child welfare system (foster care and adoption) and access to quality child care.

What I want to share with you is that we have never received a call from a citizen or parent expressing a concern about the access children and youth have to the Internet at public libraries. The calls we receive are obviously not a scientific measure of public opinion, and I certainly do not want to represent them as thus. However, it seemed to me that as you weigh the pro and cons of this bill this could be useful information. You should also know that the Board of Directors of Kansas Action for Children has not taken a position supporting or opposing HB 2420.

Please contact me if you have any questions.

Sincerely,

  
Gary Brunk  
Executive Director

Cc: Members of the House Committee on Federal and State Affairs

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Gary Brunk

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**Hs Federal & State Affairs**

Date: 3.24.03

Attachment # 6

Page 1