

HOUSE BILL No. 2037

By Committee on Federal and State Affairs

1-22

1 AN ACT concerning public property; relating to historic and religious
2 displays.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. The legislature hereby finds and declares as follows:

6 (a) The public buildings and their surrounding grounds provide
7 Kansas citizens and others a place at which they may conduct public
8 business, visit and interact with government officials and learn about the
9 state's history and government;

10 (b) The public buildings and public properties are themselves
11 important symbols of Kansas history;

12 (c) Whether it be former battlegrounds, Native American sites, parks,
13 recreation areas, historic government sites, homes of famous Kansans or
14 any other site of interest, without historic artifacts, monuments, symbols
15 and texts on the properties and in the buildings, most persons would not
16 even know of the significance of the site or building;

17 (d) It is in the best interests of the citizens of Kansas that its public
18 buildings and public properties reflect the state's rich history by exhibiting
19 items of significance to Kansas civic and cultural development;

20 (e) The display of historic artifacts, monuments, symbols and texts in
21 and on the grounds of Kansas public buildings and public properties
22 promotes its citizens' awareness of their common history and an
23 appreciation of the persons and events contributing to that history;

24 (f) The free exercise of religion, as well as the right to have no
25 religion, is a right guaranteed by the constitution of the United States and
26 the constitution of Kansas;

27 (g) The right of the people to express themselves is enshrined in the
28 freedom of speech guaranteed by the constitution of the United States and
29 the constitution of Kansas;

30 (h) While the authors of the constitution of the United States and the
31 constitution of Kansas were guaranteeing the free exercise of religion and
32 prohibiting the establishment of a state-sponsored religion, these same
33 authors and the public officials of that time period publicly and regularly
34 proclaimed a belief in a supreme being, prayed openly and placed
35 religious-based statements and symbols in and on their public buildings
36 and properties, and that tradition has continued unbroken to this day; and

1 (i) The free exercise of religion, in all of its myriad expressions, is a
2 significant component of Kansas historical heritage and may be
3 acknowledged as such.

4 Sec. 2. As used in this act:

5 (a) "State" means the state of Kansas and any department or branch of
6 state government, or any agency, authority, institution or other
7 instrumentality thereof.

8 (b) "Municipality" means any county, township, city, school district
9 or other political or taxing subdivision of the state, or any agency,
10 authority, institution or other instrumentality thereof.

11 (c) "Public building and public properties" means any building or
12 public property owned, leased or otherwise utilized for a public purpose by
13 the state or any municipality.

14 Sec. 3. (a) Historic artifacts, monuments, symbols and texts,
15 including, but not limited to, religious materials, may be displayed in
16 Kansas public schools, within the framework of applicable legal
17 precedents, if they are displayed in connection with a course of study that
18 is academic, balanced, objective and not devotional in nature, and that
19 neither favors nor disfavors religion generally or any particular religious
20 belief; and

21 (b) Historic artifacts, monuments, symbols and texts, including, but
22 not limited to, religious materials, may be displayed in Kansas public
23 buildings and on Kansas public properties if they are displayed in a: (1)
24 Balanced, objective and not solely religious manner;

25 (2) manner that neither favors nor disfavors religion generally;

26 (3) manner that neither favors nor disfavors any religious belief; and

27 (4) manner which promotes the display of Kansas historic, cultural,
28 political and general heritage and achievements.

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