AN ACT concerning the Kansas arts commission; transferring the charge, care, management and control of the Hiram Price Dillon House to the commission; authorizing an agreement for the receipt, administration and investment of certain moneys for the benefit of the commission; prescribing certain powers, duties and functions for the commission; amending K.S.A. 75-3682 and K.S.A. 2010 Supp. 41-719 and 75-3683 and repealing the existing sections.

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

Section 1. K.S.A. 75-3682 is hereby amended to read as follows: 75-3682. Upon acquisition of (a) The property acquired as authorized by K.S.A. 75-3681 and amendments thereto, the same shall be placed is hereby transferred to and placed under the charge, care, management and control of the secretary of administration, except that Kansas arts commission. The use of such property and the assignment of space and facilities in the Hiram Price Dillon House located on such property shall be made by a vote of five members of the legislative coordinating council authorized and governed by policies adopted by the Kansas arts commission. Upon completion of necessary restoration and renovation, the Kansas arts commission shall maintain a public office in the Hiram Price Dillon House and shall utilize it for arts and cultural exhibitions, public programming and educational programming. Use of the rooms and other facilities of the Hiram Price Dillon House, including its surrounding premises, by public or private entities or individuals for public or private events, functions or activities shall be authorized and governed by such policies of the commission and shall be subject to reasonable fees to recover the costs of such use. The fees shall be fixed and collected by the Kansas arts commission. All moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Hiram Price Dillon House fee fund.

(b) There is hereby established the Hiram Price Dillon House fee fund in the state treasury which shall be administered by the Kansas arts commission. All fees received for use of the rooms and other facilities of the Hiram Price Dillon House, including its surrounding premises, and any goods or services provided by the commission in
connection with such use, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Hiram Price Dillon House fee fund. Moneys credited to the Hiram Price Dillon House fee fund shall be used for the operating expenditures and maintenance of the Hiram Price Dillon House. All expenditures from the Hiram Price Dillon House fee 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 chairperson of the Kansas arts commission or by a person or persons designated by the chairperson.

(c) There is hereby established the Hiram Price Dillon House gift and grant fund which shall be administered by the Kansas arts commission. On the effective date of this act, the director of accounts and reports shall transfer all moneys in the Dillon House account of the state facilities gift fund to the Hiram Price Dillon House gift and grant fund. Moneys credited to the Hiram Price Dillon House gift and grant fund shall be used for the development and improvement of the Hiram Price Dillon House and arts programming related thereto. All expenditures from the Hiram Price Dillon House gift and grant 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 chairperson of the Kansas arts commission or by a person or persons designated by the chairperson.

(d) The Kansas arts commission may establish a not-for-profit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, and which is organized to solicit and accept gifts, donations and money to be used in restoring, renovating, maintaining and furnishing the Hiram Price Dillon House and for similar purposes related thereto. Any gifts, donations and money received by the not-for-profit organization established by the commission pursuant to this subsection (1) may be deposited and maintained in financial institutions in an interest-bearing account or invested as determined by the governing body of the not-for-profit organization, or (2) may be remitted to the Kansas arts commission and deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the Hiram Price Dillon House gift and grant fund.

Sec. 2. K.S.A. 2010 Supp. 75-3683 is hereby amended to read as follows: 75-3683. (a) The Kansas arts commission shall appoint a Dillon House advisory board for the following purposes: (1) To provide recommendations to the commission regarding plans for restoration and renovation of the Hiram Price Dillon House, including furnishings, fixtures, security devices and systems, remodeling, repairs, replacements,
additions and other improvements or alterations to the Hiram Price
Dillon House, its grounds and its appurtenances, including fixed and
movable equipment; (2) to develop a plan for solicitation of private
contributions to be approved by the commission and the purposes for
which such moneys should be expended; and (3) to advise the Kansas
arts commission in the establishment of a not-for-profit organization
pursuant to K.S.A. 75-3682, and amendments thereto.

(b) The president of the senate and the speaker of the house of
representatives shall recommend to the Kansas arts commission
individuals to serve as members of the Dillon House advisory board.
Prior to such appointments of individuals as members of the Dillon
House advisory board, the commission shall consider the
recommendations of the president of the senate and the speaker of the
house of representatives and shall consult with each of the other members
of the legislative coordinating council. No member of the legislature shall
be appointed to the Dillon House advisory board. Members of the Dillon
House advisory board shall serve at the pleasure of the Kansas arts
commission. Members of the Dillon House advisory board shall serve
without pay or other remuneration and shall receive no subsistence
allowance, mileage or associated expenses, or any other reimbursement
for expenses incurred for such service.

(c) Subject to the approval of the legislative coordinating council
Kansas arts commission, the Dillon House advisory commission board
established by the legislative coordinating council Kansas arts
commission shall have the power to accept on behalf of the state any
grants, gifts, contributions, bequests or donations of personal property or
money for the purpose of restoring, renovating, furnishing, improving or
beautifying the property identified in subsection (c) of K.S.A. 75-3681,
and amendments thereto, which is known as the Hiram Price Dillon
House. The Dillon House advisory commission board shall advise the
legislative coordinating council Kansas arts commission of any offers of
gifts, contributions, grants, bequests or donations of items or services for
the Hiram Price Dillon House.

(d) Any moneys donated for the Hiram Price Dillon House and
received and accepted by the Dillon House advisory commission board
with the approval of the legislative coordinating council shall be paid to
the department of administration and Kansas arts commission shall be
remitted to the state treasurer in accordance with the provisions of K.S.A.
75-4215, and amendments thereto. Upon receipt of each such remittance,
the state treasurer shall deposit the entire amount in the state treasury to
the credit of the Dillon House account within the state facilities gift fund
Hiram Price Dillon House gift and grant fund established by K.S.A. 2010
Supp. 75-3684 75-3682, and amendments thereto. If any monetary
donation for the Hiram Price Dillon House is subject to terms and
conditions established by the donor, the legislative coordinating council
Kansas arts commission shall be advised of the donation and its
associated terms and conditions and acceptance of the donation shall be
approved by the legislative coordinating council commission before the
donation is accepted and deposited in the state treasury.

Sec. 3. K.S.A. 2010 Supp. 41-719 is hereby amended to read as
follows: 41-719. (a) (1) Except as otherwise provided herein and in
K.S.A. 8-1599, and amendments thereto, 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.
(2) Alcoholic liquor may be consumed at a special event held on
public streets, alleys, roads, sidewalks or highways when a temporary
permit has been issued pursuant to K.S.A 41-2645, and amendments
thereto, for such special event. Such special event must be approved, by
ordinance or resolution, by the local governing body of any city, county
or township where such special event is being held. No alcoholic liquor
may be consumed inside vehicles while on public streets, alleys, roads or
highways at any such special event.
(3) No person shall remove any alcoholic liquor from inside the
boundaries of a special event as designated by the governing body of any
city, county or township. The boundaries of such special event shall be
clearly marked by signs, a posted map or other means which reasonably
identify the area in which alcoholic liquor may be possessed or consumed
at such special event.
(4) No person shall possess or consume alcoholic liquor inside the
premises licensed as a special event that was not sold or provided by the
licensee holding the temporary permit for such special event.
(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, and amendments
thereto, or established by a city.

(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: (A) The alcoholic 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; (B) the alcoholic liquor is wine or beer and is sold and
consumed during the days of the Kansas state fair on premises leased by
the state fair board to a person who holds a temporary permit issued
pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the
sale and serving of such wine or beer, or both; or (C) the alcoholic liquor
is consumed on nonfair days in conjunction with bona fide scheduled
events involving not less than 75 invited guests and the state fair board, in
its discretion, authorizes the consumption of the alcoholic liquor, subject
to any conditions or restrictions 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 Kansas arts commission, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of any Kansas national guard regional training center or armory, 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) or (h).

(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) 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.

(i) 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.

(j) For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township.

New Sec. 4. (a) The Kansas arts commission is hereby authorized to negotiate and enter into an agreement with the Topeka community foundation, a not-for-profit corporation, for the Topeka community
foundation to receive, administer and invest any moneys donated, bequeathed, granted, awarded or contributed from any private or public source outside the state treasury for the general benefit of the Kansas arts commission or for specific capital improvements, projects, programs, activities or events for the benefit of the Kansas arts commission. All moneys received for such purposes by the Topeka community foundation, and all interest earned thereon, shall be deposited, administered and disbursed by the Topeka community foundation in accordance with the agreement after payment of any applicable fees or expenses authorized by the agreement. The Kansas arts commission shall not enter into any agreement with the Topeka community foundation under this section until the agreement has been reviewed and approved by the attorney general.

(b) Upon receipt of any moneys from the Topeka community foundation pursuant to the agreement authorized by this section, the Kansas arts commission shall remit the entire amount of the remittance to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of one or more special revenue funds of the Kansas arts commission in the amount or amounts specified by the Kansas arts commission for such special revenue fund or funds.

Sec. 5. K.S.A. 75-3682 and K.S.A. 2010 Supp. 41-719 and 75-3683 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.