

Approved 3/2/83  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at  
Chairperson

11:00 a.m. ~~p.m.~~ on February 22, 83 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present: Fred Carman, Assistant Revisor of Statutes  
Russell Mills, Legislative Research  
Emalene Correll, Legislative Research  
June Windscheffel, Committee Secretary

Conferees appearing before the committee: Jon Josserand, Assistant Secretary of State  
Senator Ron Hein  
Kent Jackson, Assistant Director, Fish and Game Commission  
Senator August Bogina, Jr.  
T. J. Roberts, Missouri Northern Railway Co., Lenexa, KS.  
General Thomas J. Kennedy, Alcoholic Beverage Control

The Chairman called the committee's attention to SB233, providing for memorial grave markers for deceased members of the legislature. Senator Gannon, one of the authors of the bill, spoke in favor of it. He said he felt it was a way for the people of the state of Kansas to say "thank-you" to those who had taken the time and effort to serve in the legislature. Jon Josserand was present and said that a fiscal note concerning the proposed legislation is available: it is a part of these minutes. (Attachment #1)

Senator Daniels suggested that the state pay for the casting of the medallion for the memorial marker but that the family of the deceased member pay for the marker. Senator Gannon moved that the bill be amended to provide for the family to pay for the cost of the memorial marker. 2d by Senator Daniels.  
Motion carried.

Senator Gannon moved to recommend SB233 favorable for passage as amended. 2d by Senator Daniels. Motion carried.

SB244 - relating to watercraft operation for hire; requirements

Senator Hein, author of the bill, appeared as a proponent. He said that it had been his philosophy to try not to over-react to tragedies, referring to the incident of the "Whippoorwill" a few years ago, but that he felt there was a need for a federal certificate of inspection for certain watercraft carrying passengers for hire. He said that he had intended the "6 passengers" to be "20 passengers" in line 72 as well as elsewhere in the bill. He said that it was his understanding that the major thing the coast guard looks for is stability, and some requirements about the training of the people who run the boat. Sen. Hein said that it was not the intent that there be a fiscal note on this bill. Sen. Daniels moved to amend the bill in line 72 by changing "six" to "20." 2d by Sen. Parrish. The motion carried.

Kent Jackson appeared as a conferee. In answer to a question, he stated that he did not think the coast guard auxiliary is equipped to make the inspections.

Sen. Pomeroy moved to amend the bill on page 3, line 86, by striking "class A" and in line 87 by adding after misdemeanor "punishable by a fine of not to exceed \$500." 2d by Sen. Morris. Motion carried.

Sen. Daniels moved that the committee recommend the bill out of committee with the amendments that were passed. 2d by Sen. Pomeroy. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 254-E, Statehouse, at 11:00 a.m. on February 22, 1983

SB250 - Trains may be private clubs.

Sen. Bogina appeared in favor of SB250; he is also the author. He said he would attempt to address a problem that could arise with regard to a train, a private train, excursion type. A train which would be for hire where one could hire the train for private excursions for groups for social outings. He said the bill would be similar in nature to a motel, hotel type wherein one is a temporary member for the duration of the stay. In this case one would be a member of the Class B club and the ticket on that train would be the temporary club membership. (Fiscal note; Attachment #1-A)

The Chairman announced that The Reverend Richard Taylor had wanted to appear, but had another commitment. However, The Reverend Taylor had left a statement. It was distributed and is a part of the Minutes. (Attachment #2)

Mr. D. J. Roberts was the next conferee. He distributed a description of and photographs of the suggested excursion train. (Attachment #3) Mr. Roberts said that no arrangements had been made with the railroad but that when "you get this liquor situation squared away we have a multitude of people" who are interested in financing the train. He said that he had been in the railroad business and has worked for railroads, had been with the American Freedom Train and the Royal American. He said the start of the train would start with the start of the legislation.

General Tom Kennedy appeared next, and distributed a Memorandum concerning SB250 giving the purpose and perspective. It states that the director of the Alcoholic Beverage Control is neither a proponent nor an opponent of the bill. The Memorandum is attached. (Attachment #4)

The Chairman suggested that General Kennedy, Mr. Roberts and Sen. Bogina meet and then with the staff bring back a ballooned-out proposal for the committee to consider.

SB208 - concerning qualifications for applicant for law enforcement training, certain cities of the first class.

Senator Pomeroy moved to strike lines 32 through 37 and re-letter the second subsection. 2d by Senator Gannon. Motion carried. Senator Pomeroy moved to amend the bill by adding another section if there is not already a provision in the law that a person must be 21 years of age to be an officer. 2d by Senator Meyers. It was decided that there was not enough information to complete action on the bill at this time.

Senator Morris moved that the Minutes of February 16, 1983, be approved. 2d by Senator Meyers. Motion carried.

The meeting adjourned at 12:00 noon.

STATE OF KANSAS

Attachment #1

JACK H. BRIER  
SECRETARY OF STATE



OFFICE OF SECRETARY OF STATE

CAPITOL—2ND FLOOR

PHONE (913) 296-2236

TOPEKA, KANSAS 66612

February 16, 1983

Mr. Lynn Muchmore  
Director of the Budget  
State Capitol  
Topeka, Kansas 66612

Dear Mr. Muchmore:

You have requested the assistance of this office in the preparation of a fiscal note for 1983 SB 233.

SB 233 would require the Secretary of State to provide memorial markers to families of deceased members of the legislature.

A bronze marker of approximately four inches including the state seal and the years of service would be provided. This marker could be attached to a memorial or mausoleum crypt with an expansion bolt and epoxy.

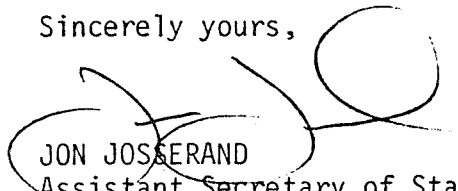
In conversations with a representative of the industry, it is estimated that an initial design charge of \$400 - \$500 would be expended. After the initial design, an individual casting charge of \$40 to \$50 would be incurred.

Research indicates that over the last 24 years, a yearly average of 17.3 legislators or former legislators would be eligible for these markers. The bill does not address whether legislators who are now deceased would receive these markers upon request of next of kin.

It is recommended that a separate fund be designated to fund these markers due to the potentially variable number of requests.

I would welcome the opportunity to respond to any amendments to this bill.

Sincerely yours,

  
JON JOSSELAND  
Assistant Secretary of State

JJ:JG

cc: Senator Richard G. Gannon  
Representative Ginger Barr

The Honorable Edward F. Reilly, Jr., Chairperson  
Committee on Federal and State Affairs  
Senate Chamber  
Third Floor, Statehouse

Dear Senator Reilly:

SUBJECT: Fiscal Note for Senate Bill No. 250 by Senator Bogina

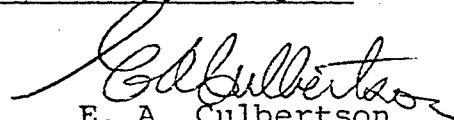
In accordance with K.S.A. 75-3715a, the following fiscal note concerning Senate Bill No. 250 is respectfully submitted to your committee.

This bill would allow a class B club to be located on a train. The club would then establish rules and regulations whereby a ticket to be on such a train would allow a guest to file for a temporary membership in such club. The membership, if granted, would be valid only for the period of time that the guest is ticketed to be on the train. There would be no waiting period or dues required.

According to the Secretary of Revenue, passage of this bill, as introduced, would increase FY 1984 State General Fund revenues only slightly. The Secretary points out that the amount of liquor excise taxes which would be collected from alcoholic liquor sales made on passenger trains is unknown.

The fiscal year concensus estimate for the state's 25 percent share of liquor excise tax collection is \$2,300,000; therefore, if passage of this bill, as introduced, occurs and increases such tax collections by 1 percent, the State General Fund receipts would increase by \$23,000 in FY 1984. The Secretary of Revenue indicates no significant impact on operating expenses of the agency if this bill were to pass in its present form.

The estimated increase of \$23,000 in the State General Fund revenues for FY 1984 would be in addition to such revenues contained in the FY 1984 Governor's Budget Report.

  
E. A. Culbertson  
Principal Budget Analyst  
For the Director of the Budget

EAC:sr

February 22, 1983  
Hearing on SB 250  
Senate Federal and State Affairs Committee

Richard Taylor  
KANSANS FOR LIFE AND ITS BEST!

I love trains. I'd take a train, no matter where it was going. As a Navy gunnery officer and later as a clergyman, I've ridden roomettes coast to coast. From the cab of freights, I've worked the throttle, pulled the whistle cord, and set the air as we followed those ribbons of steel across Kansas in all directions.

How can I oppose this bill? With one trade-off, we'll give it our enthusiastic support. Just restrict private clubs to the rails only. No other private drinking clubs anywhere. My slogan for years has been, "Put it on the rails." Drinking clubs limited to the railroads would breathe new life into this industry state wide. Abandonments would end. Rust would wear down to shiny bright once more. High balling across Kansas prairies would take on new meaning.

What if this special passenger train took Kansans to play the ponies in Nebraska? If persons can afford to go to Nebraska to gamble, they probably can afford to lose what they are sure to lose. A gambling track in Kansas would swindle millions of dollars from Kansans who can not afford to gamble away their hard earned pay check.

Today at 11:00 a.m. I am to be the guest speaker in a Kansas University classroom. Were it not for that appointment, I would attend your Committee Hearing and indicate that less alcohol consumption and suffering should be the goal of every lawmaker. It is true that Kansas will not be over run with private drinking clubs on rails, but a lot of little steps in the wrong direction add up.

*Respectfully*  
*Richard Taylor*

*Minutes of February 22, 1983*  
*Attachment #2*

Minutes of  
February 22, 1983

RECEIVED FEB 16 1983

# Missouri Northern Railway Company

The "Palace Car" Line

Post Office Box 14684

Lenexa, Kansas 66215

Minutes of February 22, 1983  
Attachment #3

## PROPOSED CONSIST-EXECUTIVE "Palace Car" TRAIN

One-Presidential "Palace" Business Car (to be utilized by the President and Executive Secretary and guests for executive travel and entertainment. This car will contain its own self-contained diesel generator to supply power for the car when it is separated from the remainder of the train).

One-"Palace" Dining Car (can be utilized for individual table dining or can be converted into use for banquet or buffet service).

One-"Palace" Parlor Car (will be utilized for the service of cocktails and hors d' oeuvres as appropriate).

One-"Palace" Hotel and Generator Car (will contain luxury accommodations for the train staff plus diesel generators to supply electric power to the train).

### Exterior Description

Dark metallic wine red basic exterior color, highlights in gold leaf and gold pinstriping (includes wheels, truck frames, etc.), name of car in gold leaf, brass handrails, etc.

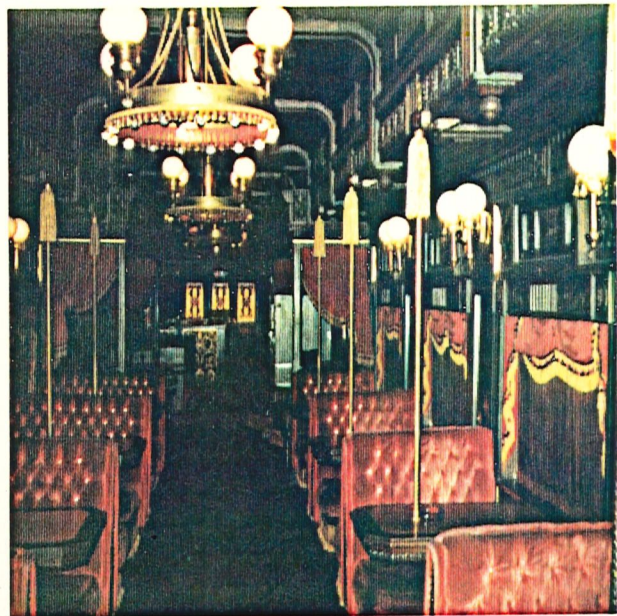
### Interior Description

Dark solid wood walls and ceilings (where appropriate) with ornate marquetry trim, gold leaf and pinstriping on panels as appropriate, brass lighting fixtures, plush cut pile carpets over heavy pad, velvet curtains with gold fringe and tassles, Victorian era solid wood furniture.

"Palace" Dining Car will be equipped with full kitchen capable of fine dining and gourmet meal service. Table service will include white linens, silver place settings, china dishes and crystal plus silver dinner service utensils. Staff will be dressed in costumes and uniforms of the 1890's.

### Mechanical Specifications

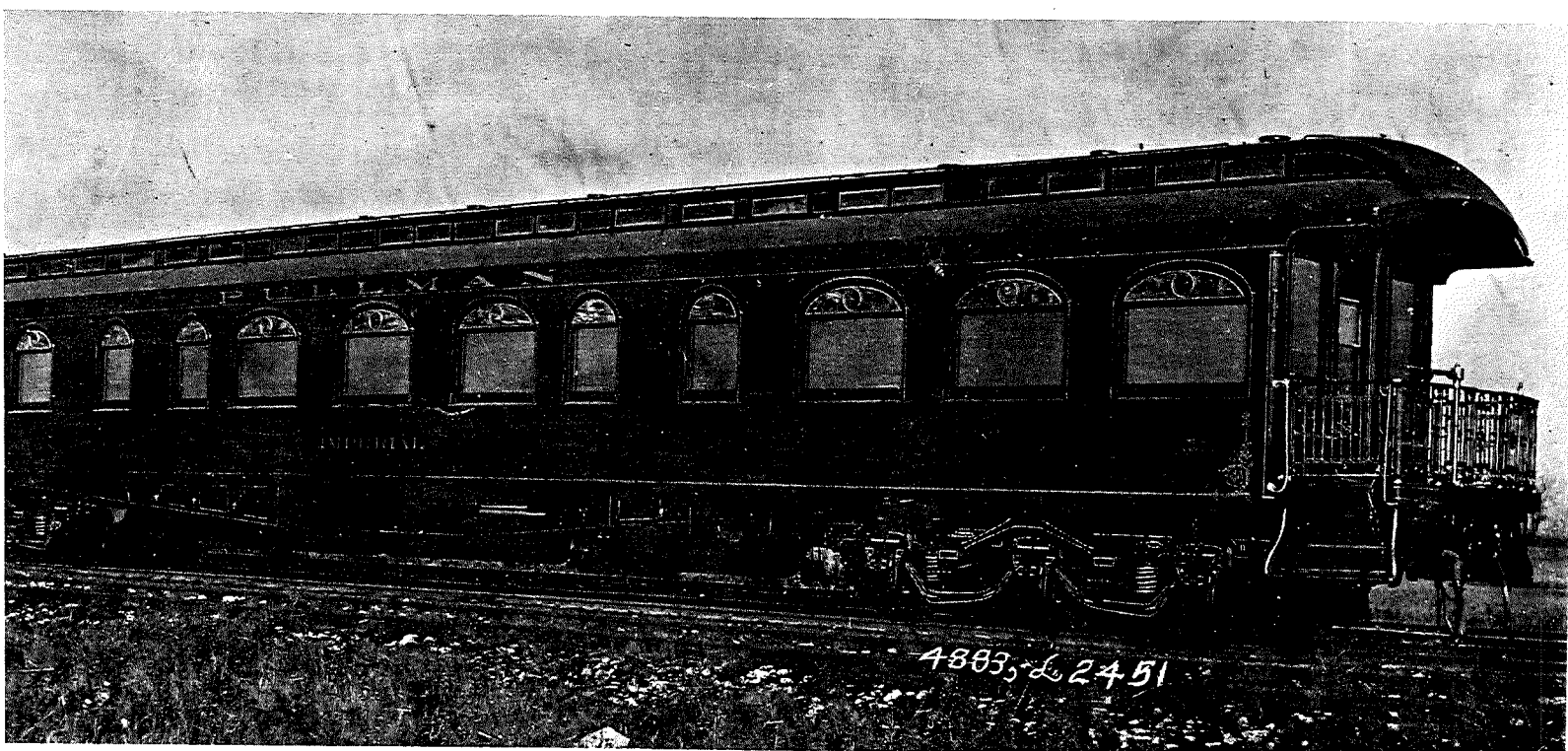
All cars will be equipped for 480 volt, 60 cycle, 3-phase AC electrical power supplied by generators at head of train. All electric heating and air-conditioning. Hot and cold pressurized water system throughout train. Mobile telephones, two-way and train communications systems will be located in Presidential Business Car.





*STANDARD PARLOR CAR*





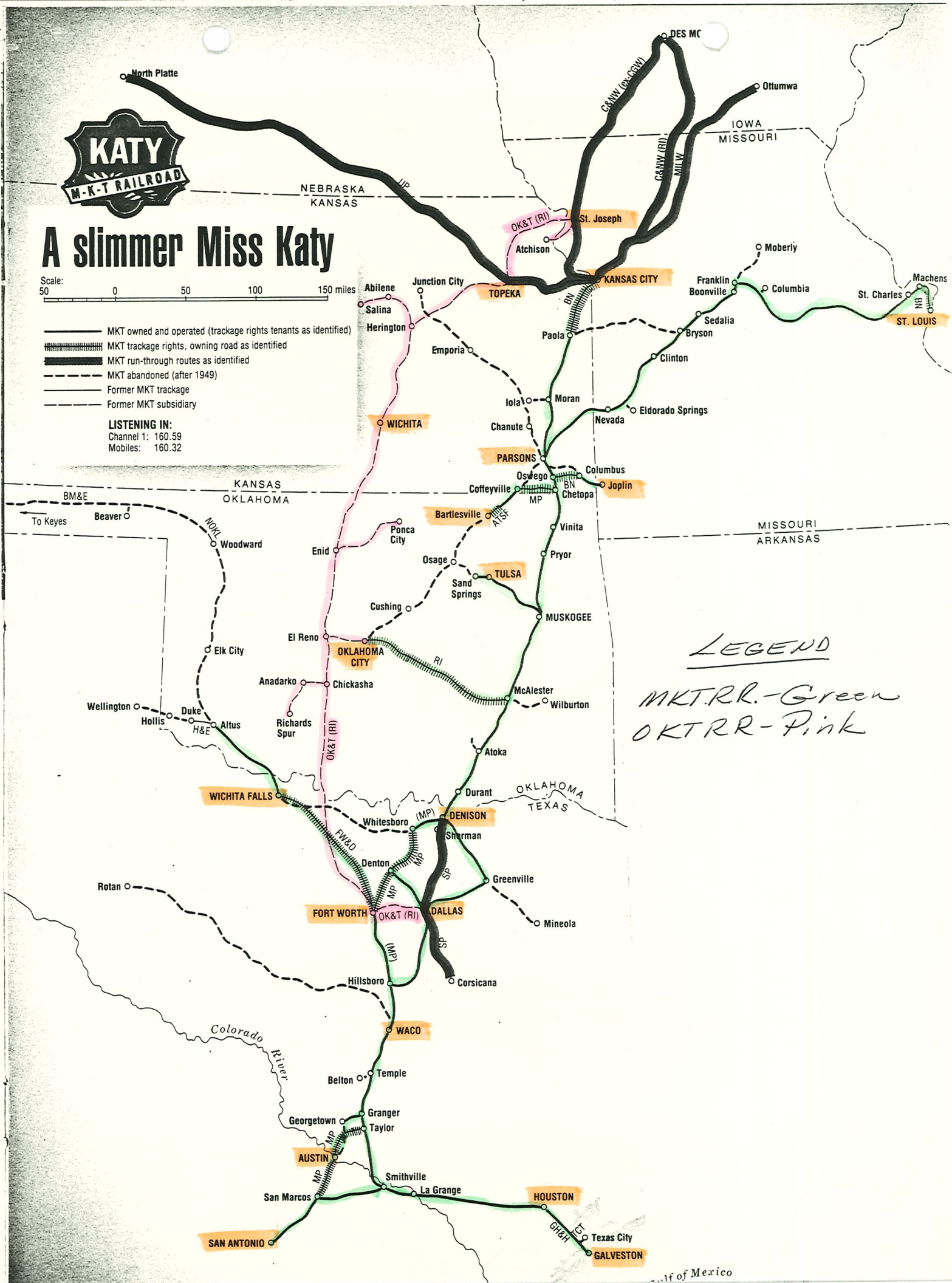


# A slimmer Miss Katy

Scale: 0 50 100 150 miles

- MKT owned and operated (trackage rights tenants as identified)
- MKT trackage rights, owning road as identified
- MKT run-through routes as identified
- MKT abandoned (after 1949)
- Former MKT trackage
- Former MKT subsidiary

**LISTENING IN:**  
 Channel 1: 160.59  
 Mobiles: 160.32



LEGEND  
 MKTRR. - Green  
 OKTRR. - Pink

MEMORANDUM

TO: Honorable Edward F. Reilly, Jr., Chairman  
Senate Federal and State Affairs Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Senate Bill 250

DATE: February 22, 1983

PURPOSE

Senate Bill 250, as introduced, is an act relating to licensed private clubs; authorizing a train to constitute club premises; temporary membership; amending K.S.A. 41-2601, 41-2608 and 41-2627 and repealing the existing sections.

PERSPECTIVE

This bill, if enacted, would authorize a train to purchase a class "B" private club license. Guests on the train with a ticket may file application for temporary membership in the club. Membership, if granted, would only be valid for the period of time that the guest is a bona fide ticket guest on the train. This temporary membership would not be subject to the ten (10) day waiting period or the annual dues of at least ten dollars (\$10.00).

In the case of a train, the premises may consist of a train either standing or moving, in which case the route or routes of the train will be described instead of a location and the premises would constitute the route or routes.

This amendment establishes an additional category of members, compatible with current statutory provisions.

Currently, K.S.A. 41-2601 permits individuals who are guests registered at hotels and motels and are not residents of the county in which the club is located to have a temporary membership at the class "B" club located on the premises of the motel or hotel, during the period they are a bona fide registered guest at the motel or hotel. This temporary membership is not subject to the ten (10) day waiting period or annual dues of at least ten dollars (\$10.00).

Also, K.S.A. 41-2601 authorizes the licensing of class "B" private clubs on property owned or operated by a municipal airport in cities having a population of more than 200,000. Furthermore, it authorized the licensing of private clubs on property owned or operated by the county in counties having a population of 150,000. Additionally, the bill created a new category of temporary members for clubs located on airport authority property owned or operated by a municipal authority. Persons possessing an air traveler's ticket may receive temporary memberships in such clubs for the date or dates that such ticket is valid.

COMMENTS AND/OR RECOMMENDATIONS

After having reviewed this bill, the following are some areas of concern which we feel need clarification:

1. Purchase of a local occupation or license fee:

K.S.A. 41-2622 requires the purchase of a local occupation or license fee. Do you intend to exempt the class "B" club located on trains from this requirement? If you do, then recommend a clarifying amendment.

2. \$1,000 License Fee:

The annual licensee fee for class "B" clubs is \$1,000 plus registration or renewal fee. Are we to assume that all trains operated by this corporation fall under this one license, or is the license for a specific train?

3. Kansas alcoholic liquors served on the train:

Kansas law prohibits any person to include private clubs, from possessing or selling any liquor which was not purchased in the State of Kansas or for which state gallonage tax has not been paid. Will the train type club purchase the club's liquor from a Kansas retailer the same as all other private clubs are required to do? The reason this concern is expressed is that the train will probably operate interstate and will possibly buy alcoholic liquor supplies to include minatures from out of state sources which would be in violation of Kansas law.

4. Licensing of train:

Our interpretation of Senate Bill 250 is that the applicant for a class "B" club license on a train will advise the director if the whole train is licensed or just the club car and/or dining car. All other clubs are required to identify specific club premises. Is this interpretation correct?

5. 10% Excise Tax:

We assume from the reading of this bill that the class "B" club on a train will pay the 10% excise tax as do all other clubs. If it is the legislative intent to collect the 10% excise tax, then the 75% distribution to local authorities may need clarification.

6. Corporations are the only entity that could qualify for this club license:

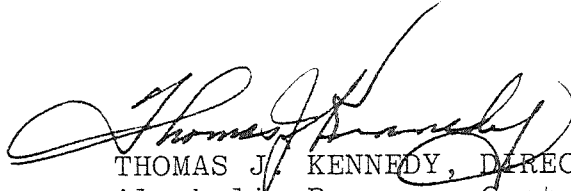
Residency requirements for individuals and partnerships for ownership of class "B" club license are 5 years in the state and one year in the county. Because this train club has no specific situs, it is apparent that the only type license they could receive would be a corporation with a local process agent. A corporation is exempt from the residency requirement. Is this your intent?

7. Immediate access:

The right of immediate entry and inspection at any time of any premises licensed as a club per K.S.A. 41-2613 is a concern. The reason is that "immediate access" shall be a condition on which every club license shall be issued and the application for and acceptance of any club license shall conclusively be deemed to be consent of the applicant and licensee to such immediate entry and inspection. Refusal of such entry shall be grounds for revocation of the license. The only way we can inspect this train club is by appointment.

The director of alcoholic beverage control is neither a proponent nor an opponent of this bill.

Respectfully submitted,



THOMAS J. KENNEDY, DIRECTOR  
Alcoholic Beverage Control Division