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3/28/83
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 March 21, 1983 in room 254-E of the Capitol.

All members were present except: Senator Roitz, who was excused.

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

Conferees appearing before the committee: General Thomas J. Kennedy, Director, Alcoholic Beverage
Bill Strukel, Alcoholic Beverage Control Control
Tuck Duncan, Attorney
The Rev. Richard Taylor, Kansans for Life at its Best

SB404 - relating to temporary membership in private clubs and sales on noncontiguous premises.

The Chairman introduced General Kennedy who distributed a Memorandum to the committee, dated March 18, 1983, concerning SB404. It is a part of the record. (Attachment #1) He said that the bill in its present form is an act concerning licensure of private clubs, temporary memberships, and noncontiguous premises. He feels it is a good bill and strongly recommends its enactment.

Bill Strukel stated that he had some concerns that this bill is probably not going to accommodate everyone every time. He stated that he is against going across town and using the license across town.

Tuck Duncan asked to speak, and he said that he felt this bill was merely a way by which to establish different classes of membership. He said he felt the only way to solve the problem raised about noncontiguous premises would be the legislative intent that regulations shall be adopted concerning noncontiguous premises. (He was speaking on his own behalf as an attorney.)

There was discussion concerning lines 86-88, about the director of the alcoholic beverage control having broad discretionary authority to govern activities.

The Reverend Richard Taylor spoke in opposition to SB404. He said that alcohol is a drug problem, and that what is being discussed is a drug problem. He said it is difficult to know why "we are punching holes" in the restrictive laws, that he felt it unbelievable that the legislature tries to accommodate those with the drug that causes more problems than any other drug.

Senator Daniels moved to strike, beginning on line 86, "The director of alcoholic beverage control shall have broad discretionary authority to govern activities on such premises." 2d by Senator Gannon. Motion carried.

Senator Meyers moved that on line 104 "statute book" be deleted and "Kansas Register" be inserted. 2d by Senator Gannon. Motion carried.

SB405 - relating to private club membership for military personnel on temporary duty.

The Chairman stated that with the numbers of new people coming into the state by virtue of the defense department and the federal administration this has become more of a problem. He recognized General Kennedy, who distributed copies of his Memorandum of March 18, 1983, concerning SB405, and which is made a part of the record. (Attachment #2) He stated that the purpose is to permit military personnel of the Armed Forces of the United States in a temporary duty status to have temporary membership in class "B" private clubs. He is neither a proponent nor an opponent.

The meeting adjourned at 12:00 noon.

MEMORANDUM

Attachment 4!
March 21, 1983

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

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Senate Bill 404

DATE: March 18, 1983

PURPOSE

Senate Bill 404, if enacted in its present form, is an act concerning licensure of private clubs, temporary memberships, noncontiguous premises; amending K.S.A. 41-2601 and repealing the existing section.

PERSPECTIVE

Senate Bill 404, if enacted in its present form, amends K.S.A. 41-2601 to provide that any class "B" club licensed under the provisions of this act may establish rules where a guest at a bona fide private party held on the premises of the licensed club may file application for temporary membership in the club for the period of the private party, and such temporary membership shall not be subject to the ten (10) day waiting period or the minimum ten (10) dollars dues requirement. A list, consisting of the name and address of each private party guest, shall be submitted to the club management at least three (3) days in advance of the function and only a person whose name appears on this list may be authorized temporary membership status. Any class "B" club intending to issue temporary memberships must notify the Alcoholic Beverage Control of the name of the organization and the date and time of the function at least seven (7) days prior to the function.

Rules and regulations may be adopted, specifying criteria for the extension of the club license over noncontiguous premises and the controlling of functions on such premises. The director of alcoholic beverage control shall have broad discretionary authority to govern activities on such premises.

COMMENTS AND/OR RECOMMENDATIONS

The enactment of Senate Bill 404 is not to be interpreted to mean the private party group will be taking over the class "B" private club or that the club will be loaning their license to the group. The club licensee is responsible at all times for the conduct of employees and members on the premises as are all other club licensees.

It is envisioned that the private party group may sell tickets to invited guests prior to the event, then when the guest arrives at the club, their name is checked off the roster and they are admitted as a temporary member with the privilege of

purchasing alcoholic beverages, purchasing food or other items, or that the club licensee would charge a cover charge at the door, sell alcoholic beverages as well as food to the private party group, and then, after expenses are deducted, the club licensee will make a contribution or donation to the fund raising group.

Based on requests being made daily by groups wishing to conduct fund raising functions, we anticipate a large number of these private party functions.

This is a good bill and the Director of Alcoholic Beverage Control strongly recommends its enactment.

Respectfully submitted,



THOMAS J. KENNEDY, DIRECTOR
Alcoholic Beverage Control Division

TJK:cjk

*do you
begin
where to amend
Bill?
went to
train*

March 21, 1983
Attachment # 2

MEMORANDUM

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

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Senate Bill 405

DATE: March 18, 1983

PURPOSE

The purpose of this proposal is to permit military personnel of the Armed Forces of the United States in a temporary duty status to have temporary membership in class "B" private clubs.

PERSPECTIVE

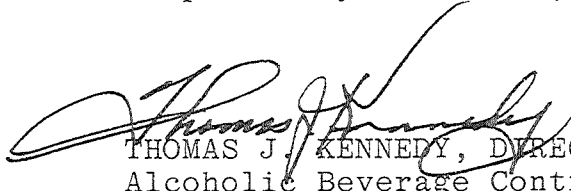
The State of Kansas has three (3) military installations within its exterior boundaries: Fort Riley, Fort Leavenworth, and McConnell Air Force Base. At each installation and particularly at Fort Leavenworth and McConnell Air Force Base, military personnel of the Armed Forces of the United States attend special training and/or schools. Military personnel attending this training or schools are in a temporary duty status not to exceed twenty (20) weeks. Temporary duty status means the military personnel do not bring their families and the individual is quartered either on or off the military installation in bachelor quarters. The purpose of this proposal is to grant these people temporary membership in class "B" private clubs during their TDY status in Kansas.

COMMENTS AND/OR RECOMMENDATIONS

If Senate Bill 405 is enacted in its present form, we see no problems with implementing. Military personnel utilizing temporary membership privileges would either use the guest book or a special military guest book would be required.

The Director is neither a proponent nor an opponent of this bill.

Respectfully submitted,



THOMAS J. KENNEDY, DIRECTOR
Alcoholic Beverage Control Division

TJK:cjk