

Approved 3/29/84
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./~~noon~~ February 20, 1984 in room 254-E of the Capitol.

All members were present except:

Senators Gannon, Roitz and Winter, all of whom were 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:

- Paul Flower, Kansas Real Estate Commission
- Thomas J. Kennedy, Alcoholic Beverage Control

SB538 - Concerning real estate brokers' and salespersons' licenses.

The Chairman called the Committee's attention to SB538. There was discussion concerning the bill and Paul Flower answered questions from the Committee.

Senator Parrish moved on page 3, line 84, to delete the word "one" and insert "the" and that on line 86 to delete "annual" and insert "the". 2d by Senator Daniels. Motion carried.

Senator Francisco made the conceptual motion that if \$500 or less is held a year then the money would go to the recovery fund. If it is \$500 or more it would go to litigation to resolve the ownership. 2d by Senator Meyers. Motion carried.

Senator Pomeroy moved that the bill be reported favorably as amended. 2d by Senator Parrish. Motion carried.

SB585 - Concerning licensing of private clubs; denial of membership based on military rank.

The Chairman directed the Committee's attention to SB585. Tom Kennedy appeared before the Committee. He presented copies of his Memorandum of February 20, 1984, which is Attachment #1 of these Minutes. It states that the ABC favors the purpose of this bill. He also shared a letter from Michael L. Bailey, of the Commission on Civil Rights, concerning the Commission's feelings on SB585. It is Attachment #2 of these Minutes. Director Kennedy also said that he had talked to Fort Riley and that many strides are being made in opening up the clubs.

Senator Pomeroy moved that SB585 be reported favorably as amended. 2d by Senator Meyers. Motion carried. Senator Morris asked to be recorded as voting "no."

Bingo.

Senator Francisco requested permission to bring up the matter of bingo legislation. He stated that at that much time had been spent by the sub-committee on SB401, composed of Senators Winter, Vidricksen, Francisco. The sub-committee had been appointed from this Committee by Senator Reilly. He stated that the bill sat in the House during the interim, then addressed the matter and amended it and concurred in it last Friday and at the present time it is ready for the Governor's signature. He said that he would like to introduce a bill which would allow games no more than 6 games in any 7 calendar days, and that he is making a conceptual motion to that effect. 2d by Senator Meyers. Motion carried.

The meeting was adjourned.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

MEMORANDUM

2/20/84
Reilly
Attachment #1

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

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Senate Bill 585

DATE: February 20, 1984

PURPOSE

The purpose of Senate Bill 585 is to prohibit discrimination in the granting of class "B" club memberships based on military status or rank.

PERSPECTIVE

Complaints have been received by the Commander, Fort Riley, the Director of ABC and others about private clubs that have consistently denied memberships to military personnel such as enlisted personnel.

Currently, there are no statutes or regulations that prohibit this practice.

We have two statutes that speak to membership qualifications.

First is K.S.A. 41-2601 which requires the management of class "B" private clubs to screen applicants for membership for "good moral character."

The second is K.S.A. 44-1009, which prohibits discrimination in places of public accommodation because of race, religion, color, sex, physical handicap, national origin, or ancestry. Regulations adopted under this statute classify class "B" private clubs as places of public accommodation.

Private clubs are by definition not open to the general public. They are required to exclude from membership people who lack good moral character; and they can legally exclude potential members for any reason not included in the list of suspect classification in K.S.A. 44-1009. As a result, a class "B" private club may, if it chooses, discriminate against all or some military personnel without violating any statutes or regulations.

Attachment #1

STATE OF KANSAS



JAMES BUTLER, CHAIRPERSON
MANHATTAN

CORBIN BENHAM
WICHITA

SUSAN MARSHALL
LINCOLN

EDWARD J. MARTINEZ
HUTCHINSON

LOU ANN SMITH
TOPEKA

ANITA FAVORS
KANSAS CITY

GEORGE M. LATTIMORE
WICHITA

COMMISSION ON CIVIL RIGHTS
214 SOUTHWEST SIXTH AVENUE—1ST FLOOR
LIBERTY BUILDING
TOPEKA, KANSAS 66603-3780
PHONE (913) 296-3206

February 16, 1984

2/20/84
Attachment #2

MICHAEL L. BAILEY
EXECUTIVE DIRECTOR

SHARAI Y. MCCONICO
ASSISTANT DIRECTOR

ROGER W. LOVETT
CHIEF LEGAL COUNSEL

BRANDON L. MYERS
STAFF ATTORNEY

ARTHUR R. BRUCE
SUPERVISOR OF COMPLIANCE

ROBERT G. LAY
FIELD SUPERVISOR

NORMA JEAN HODISON
OFFICE MANAGER

Mr. Tom Kennedy
Division of Alcoholic Beverage Control
700 Jackson - 2nd Floor
Topeka, Kansas 66603

Re: Senate Bill No. 585

Dear Mr. Kennedy:

Pursuant to our discussion this morning I reiterate the position of the Kansas Commission on Civil Rights relative to the above-captioned proposed legislation.

While the Commission supports the philosophy and intent of the bill it does not agree that its enforcement should rest with this agency. This position is based upon at least two striking differences in the laws which the agency now administers and Senate Bill 585:

1. The Kansas Act Against Discrimination prohibits discrimination on the basis of race, religion, color, sex, physical handicap, national origin or ancestry and the Kansas Age Discrimination in Employment Act prohibits discrimination on the basis of age. All the prohibited basis of discrimination are immutable characteristics of an individual, while the basis of military status in the proposed legislation is, at least currently, a purely voluntary status.
2. The areas of coverage of the two acts currently administered by the agency, i.e. employment, public accommodations and housing are quite broad in scope while the proposed legislation addresses only a very narrow segment is already under the close scrutiny and thorough regulation of another agency.

It is therefore the opinion and position of the Kansas Commission on Civil Rights that the bill should be amended to place its administration in the Division of Alcoholic Beverage Control.

Sincerely,

Michael L. Bailey
Michael L. Bailey
Executive Director

L:B:n

Attachment #2