

As Corrected
3/18/84
Date

Approved _____

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. ~~on~~ March 7, 1985 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:

- Senator Gene Anderson
- James Butler, Chairperson, Kansas Commission on Civil Rights
- Michael Bailey, Executive Director, Commission on Civil Rights
- Charles Scott, Hearing Examiner, Kansas Commission on Civil Rights
- Roger Lovett, Legal Counsel, Kansas Commission on Civil Rights
- Meryl Dye, Kansas Human Relations Association, Salina, Kansas
- Gordon Hahn, Associated Landlords of Kansas, Shawnee Mission, Kansas
- Joseph Furjanic, Staff Attorney, Kansas Association of School Boards

SB145 - exempting the commission on civil rights from judicial review and civil enforcement of agency actions.

The Chairman asked Senator Gene Anderson, sponsor of SB145, to make his statement. He presented a copy of a letter addressed to him from Michael Bailey. It is Attachment #1. Senator Anderson *said* they think the statutes hamper the Commission to process cases in a timely fashion.

The next proponent of SB145 was James Butler, Chairperson of the Kansas Commission on Civil Rights. Mr. Butler's statement is Attachment #2. In it he cites 3 reasons why the Commission should be exempt from the provisions of the Act for Judicial Review.

Michael Bailey, Executive Director of the Kansas Commission on Civil Rights, was the next proponent. His statement is Attachment #3. Their administrative process is to eliminate the work of the courts, and if not exempted certain public hearings would be an added burden.

Charles Scott was the next proponent. Mr. Scott has been a Hearing Examiner for 10 years. He feels they have been successful and thinks this proposed amendment would give additional meaning to their process. It would be particularly helpful as it relates to the hearing process.

Roger Lovett, Legal Counsel for the Kansas Commission on Civil Rights was the next proponent. Mr. Lovett said the present state of the law as interpreted by the Supreme Court is that one who is dissatisfied with no probable cause may file an action in the district court and the district court may dispose of the ultimate issue of discrimination. He said if they go under the act of judicial review on July 1, in an appeal from a no probable cause from the district court the most the district court can do is to remand the case to the Civil Rights Commission for further processing.

Mr. Lovett also stated they were promised a "trailer" bill to clean up the problems, and that there was no "trailer" bill. They were also advised that the intent was not to change the form of judicial review which prevails under KSA 44-1011.

Meryl Dye was the next proponent of SB145. Her written statement will be received and made Attachment #4 of these Minutes.

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.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m. ~~xxx~~ on March 7, 1985.

The Chairman asked for other proponents. There being none, he then called on Gordon Hahn, an opponent. Mr. Hahn is President of The Associated Landlords of Kansas, Inc. He spoke in opposition to SB145. His statement is Attachment #5.

Joseph M. Furjanic, Staff Attorney for the Kansas Association of School Boards spoke next. A written copy of his testimony will be obtained and made Attachment #6 of these Minutes. He said that SB145 as now written grants de novo appeal in Workmen's Compensation appeals but not in Kansas Commission on Civil Rights' appeals.

The Chairman said there being no other conferees this would conclude the hearings.

The Chairman called the Committee's attention to several proposals for legislation which he had been asked to present to the Committee for consideration for introduction.

Attachment #7 is the draft of a proposed bill concerning motor vehicles and gross weight of vehicles and axle and wheel weight limits. Senator Daniels moved that the proposed legislation be introduced. 2d by Senator Strick. Motion carried.

A draft of proposed legislation concerning the undedication and disposition of cemetery property was presented. Senator Vidricksen moved that the proposed legislation be introduced. 2d by Senator Martin. Motion carried. This is 5 RS 1193, Attachment #8 of these Minutes.

Attachment #9, concerning intoxicating liquor sales and prices and retailers' licenses was considered next as proposed legislation. Senator Morris moved that it be introduced. 2d by Senator Daniels. Motion failed. Senator Morris asked to recorded as voting "yes."

The Chairman then asked the Committee to turn its attention to

SB46 - concerning drinking age and other regulations of alcoholic beverages.

Senator Walker made the conceptual motion that the Committee adopt the elements of No. 5 of the Subcommittee's Report. 2d by Senator Martin. Motion carried.

The meeting was adjourned.



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

February 12, 1985

AMES BUTLER
 MANAGER
 CORBIN BENHAM
 ASSISTANT
 VERN MARSHALL
 NURSE
 EDWARD J. MARTINEZ
 ASSISTANT
 JOY ANN SMITH
 TOPEKA
 ANITA FAYORS
 KANSAS CITY
 EUGENE M. LAMORE
 KANSAS CITY

3/7/85
 Attachment #1

MICHAEL L. BAILEY
 EXECUTIVE DIRECTOR
 SHARAH Y. MCCONNELL
 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 HODGSON
 OFFICE MANAGER

Hon. Eugene Anderson
 Senator, Dist. 29
 State Capitol
 Topeka, Kansas 66612

Re: Senate Bill No. 145

Dear Senator Anderson:

In response to your query as to our interest in exempting the Kansas Commission on Civil Rights from the provisions of the Act for Judicial Review and Civil Enforcement of agency actions I shall set out the two very real concerns we have.

First, it would appear from the definitions in K.S.A. 77-607 and 77-608 that any closure of a complaint by the Commission would be a "final agency action", and subject to judicial review to which the agency would be a party. Under the provisions of the Kansas Act Against Discrimination, K.S.A. 44-1001 et seq, only the decisions of the Commission made after public hearing are subject to judicial review. Historically the maximum number of public hearings during any given year has been about forty per year. Given an annual complaint intake in excess of 1400, we have 1400 potential judicial reviews under the Act for Judicial Review. Realistically, we can reduce that number by two to three hundred complaints which are settled each year, but we are still left with 1100 potential judicial reviews annually rather than the maximum of forty (40) we now face. Were half this potential realized we would have to have a legal staff three to four times as large as it is currently.

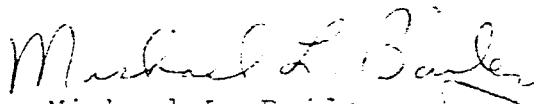
Our second concern with the Act for Judicial Review are the provisions of 77-618. K.S.A. 44-1011, under which we now operate, provide that Judicial Review shall be by trial de novo upon the record made before the Commission together with such additional evidence as the court in its discretion may permit. As clear and unambiguous as that language may now appear, it took no less than twelve (12) years of litigation of the Appellate Courts of Kansas until the matter was finally put to rest by our Supreme Court in late 1984. That entire issue seems to be reopened by 77-618 which indicates that trial de novo will not be upon the record made before the Commission. We have long since ceased any efforts to extricate

Hon. Eugene Anderson
February 12, 1985
Page 2

ourselves from the extraordinary provision for trial de novo. We are satisfied with the Supreme Court's decisions relative thereto. It is clear and we would stress that the bill you have proposed, Senate Bill No. 145, would continue a trial de novo review of Commission decisions. What we want to avoid, however, is a type of Judicial review which can totally disregard the administrative record, thereby reducing our public hearing process to an expensive and meaningless dress rehearsal or in the alternative another twelve (12) years of litigation to interpret the meaning of K.S.A. 77-618 and the question relative to whether it does or does not repeal by implication the presently defined terms of K.S.A. 44-1011.

Clearly the only simple way to address both of our concerns is to exempt the Kansas Commission on Civil Rights from the provisions of the Act for Judicial Review.

Sincerely,


Michael L. Bailey
Executive Director

MLB:nh

PRESENTATION

By: James Butler, Chairperson
Kansas Commission on Civil Rights

Mr. Chairman, Members of the Committee, I am James Butler, Chairman of the Kansas Commission on Civil Rights.

I would like to cite three basic reasons, as I see them, why the Kansas Commission on Civil Rights should be exempt from the provisions of the Act for Judicial Review.

Those reasons are:

1. The possibility of excessive appeals -- that is to say that in a given year the Civil Rights Commission renders at least 700 No Probable Cause decisions, dealing with complaints of unlawful discrimination. Once the No Probable Cause decision is reached, the case is closed. More over, the Kansas Supreme Court has held that once the determination is reached, the Commission's administrative process is completed.

Under K.S.A. 77-607 and 608, these No Probable Cause decisions would become subject to review and appeal. This would of course, involve more legal assistance and require the wasteful expenditure of State funds.

2. With reference to Trial De Novo -- currently, courts interpreting the provisions of trial de novo, (which has existed for the last 12 years), determined to accept and review the Commission's record from Public Hearings and require only additional information which it deemed pertinent. This eliminated duplicative effort at any stage of the process. K.S.A. 77-618 appears to abrogate these considerations.
3. Negating the work of the Hearing Examiner. If the record made before the Hearing Examiner is disregarded in a trial de novo judicial review, then the Hearing Examiner's efforts would be in vain.

Michael Bailey
Attachment #3
Mr. Lovett

PRESENTATION OF THE KANSAS COMMISSION
ON CIVIL RIGHTS RELATIVE TO S.B. 145

The Kansas Commission on Civil Rights urges the passage of Senate Bill 145 which has as its object the exemption of the Kansas Commission on Civil Rights from the provisions of the Act for Judicial Review which was enacted in 1984 and under which the Commission will come as of July 1, 1985.

We first point out that the Act for Judicial Review specifically recognizes that some administrative agencies may, and presumably should, be exempted from its provisions, and provides that such exemption should be accomplished by specific legislation such as is now contemplated.

Next, we point out that the Commission does not seek to be exempted from judicial review, it merely seeks to maintain the potential for and form of judicial reviews that were specifically enacted for it some years ago.

The first and foremost difficulty the the Commission has with the present Act for Juducial Review is that it provides for a judicial review of every "final" agency action. Our agency receives some fourteen hundred formal complaints every year, and that number is rising. Under K.S.A. 44-1011, the statute now controlling judicial review of Commission actions, only those cases which have proceeded to public hearing and culminated in a commission order are subject to judicial review. This has never constituted more that forty cases in any given year. However, of the fourteen hundred, at least seven hundred are closed each year as the result of administrative decision that no probable cause exists to credit the allegations of the complaint. Additionally, a few are closed because it is administratively determined that we lack jurisdiction to proceed, or because it is determined that the complaining party has failed to cooperate in the investigation. Obviously, any such closing is final agency action, and under the provisions of the Act for Judicial Review a potential appeal. Thus the potential for becoming embroiled in a district court proceeding is increased twenty-fold. If only two percent of the potential were realized the commission would have to add one staff attorney, and for each additional three percent another additional attorney. With the additional attorneys would come the requirement for additional clerical help, additional office equipment and additional office space. This of course does not begin to address the additional burden to the judicial system that these additional cases would create.

In addition to the increased expense to the state, consider also the delays in completing a case which languishes in the courts for months or years. Presently, no probable cause cases are, on an average, concluded in substantially less than six months. If such a case is appealed to the district court and then remanded to the commission for further processing, it would remain on the commissions books for at least eighteen months, and most probably longer, all to the detriment and delay of cases with obvious merit.

Moreover, this newly devised area of appeal avails nothing to no one. The current state of the law in Kansas, as announced by our Supreme Court in VanSkoyk and Wiley vs. St. Mary's Assumption Parochial School, 224 Kan. 304, some years ago, is such that a complaining party, having received "a less than efficacious resolution" (no probable cause decision) from the commission, having thus exhausted the administrative remedies, could then pursue an independant action in district court against the party respondent to which action the commission is not a party, and in which the ultimate issue is the resolution of the allegation of unlawful discrimination. Comapre this action with that prescribed by the impending Act for Judicial Review, in which the district court could at best remand the case to the commission for additional processing. At identical expense to parties and additional expense to the state there is no final resolution. It is obvious that this facet of the Act for Judicial Review, as applied to the present law controlling judicial review of the actions of the commission, provides no additional protection for anyone, and does it at great expense, not only to the state but to it's citizens as well.

The other difficulty the commission has with the Act for Judicial Review is the provision of 77-618 which provides that in the case of de novo reviews the review will not be on the record made before the commission. Presently, reviews of commission orders are de novo, but on the record made before the commission, with such additional evidence as the district court may, in its discretion, admit, as provided by 44-1011. It has taken a dozen years of litigation for the Supreme Court to arrive at a comprehensive decision as to how the review is to be conducted, and we are satisfied that it is a correct and proper decision. We now apparently face another long line of litigation to determine the manner in which future reviews are to be conducted. The end result of rejecting the record made before the commission is to make the entire administrative process a charade, reduce the quasi-judicial public hearing to an expensive dress rehearsal and totally ignore the fact that the primary purpose of administrative hearings is to reduce the burden on the judiciary. It is the position of the commission that we now have a sound, workable, and well litigated provision for judicial review, and to change it will only cause confusion, delay and expense.

In summary, including the Kansas Commission on Civil Rights under the coverage of the Act for Judicial Review will generate delays and additional expenses in administering the Kansas Act Against Discrimination by substituting a new and cumbersome procedure for one which is tried and proven. in addition, as you will be told by representatives of local human relations commissions, the net reult to them, even though the judicial review act does not address them directly, will be to delay their processes also as they are obliged to stand by while dual-filed complaints are tied up in the courts. We urge your favorable consideration of S.B. 145.

3/9/85
Attachment #4

Goodmorning Mr. Chairman and Senators. My name is Meryl Dye and I am the President of the Kansas Human Relations Association, an affiliate of the League of Kansas Municipalities. Our organization is comprised of Human Relations Commissions within the State of Kansas vested with authority to identify and eliminate discrimination in employment, housing and public accommodations.

Our purpose is to facilitate the exchange of knowledge, experience and research among governmental agencies and private organizations dealing with racial, religious, ethnic and cultural relations; to advance generally the sciences, processes and act of intergroup relations, and to improve standards of work in that field, advancing technical knowledge and professional standards and practices. I am here to speak in favor of and encourage your support for passage of the amendment to exempt the Kansas Commission on Civil Rights from the Judicial Review Act.

I submit to you that I don't know or understand all the ramifications of the Act, but when our organization's Legislative Liaison, Allegral White, and KCCR's Legal Counsel, Roget Lovett, explained to me the potential effects of the Act on Civil Rights Enforcement Agencies throughout the State, I was compelled to address the issue on behalf of those of us affected and concerned.

Let me say first that the Act is good public policy. However, it does not fit the scheme of the quasi-judicial function of KCCR. Potentially, hundreds of cases each year could go to court. Additional agency staff would be needed to handle these cases. A good number of those going to court would eventually be routed back to the agency for further processing, causing long delays which are frustrating and expensive, particularly for the Respondent who must defend himself against the claim.

A second problem relates to the new application of trial denovo. Appeals to the court would not be based on the KCCR record and all of the evidence would have to be reintroduced, resulting in further delay and greater cost for the State. Furthermore, this would have the effect of reducing the actions of the enforcement agency to an expensive dress rehearsal for Court action. This is a tremendous waste of the State's resources and undermines the very purpose of the enforcement agency which is to seek early and rapid resolution to human relations problems and relieve an already congested backlog of cases at the court level.

The concern of the Kansas Human Relations Association is not only how the Act impacts KCCR, but how it will impact local agencies empowered to process discrimination complaints. The processing of complaints dual-filed at the local agency level will be long delayed as well - - our hands will be tied from conducting an independent review of the merits of the complaints filed under our respective ordinances.

If the KCCR remains unexempt from the Act, years will pass before we have a clear interpretation of the law from the courts. As I said before, the Act is good public policy generally. But if KCCR is not made exempt, I think what is compromised here is greater amounts of our citizens' tax dollars and our State's limited and valuable resources in terms of time, money, and professional expertise and effort, as well as the very nature and purpose for which Civil Rights Enforcement Agencies exist in Kansas

I thank you for your time this morning and for your consideration of KCCR's and KHRA's concerns.

THE ASSOCIATED LANDLORDS OF KANSAS, INC.
P.O. BOX 4282, SHAWNEE MISSION, KS. 66204

3/7/85
Attachment #5



(913)-232-4476

Commentary about Senate Bill 145

March 7th, 1985

The more than 1,200 members of The Associated Landlords of Kansas, represented through active chapters in more than six Kansas cities, are concerned about the possible passage of Senate Bill 145 and are glad to be able to appear before this committee to testify today in opposition to the bill.

Senate Bill 145 would create potentially increased operating risks and costs for landlords statewide, in our opinion. As we have covered in an earlier letter to this committee, amending the statutes to eliminate *de novo* judicial review of the findings of the Civil Rights Commission will place landlords in a position where they will not have the ability to enjoy a full rehearing of the case. Under the proposed statute, a District Court would be able to review the previous findings only for procedural or related errors, and would not be able to re-try the case. Since other judicial processes, such as trials in Municipal Courts, would still receive *de novo* treatment, it appears to us the effective result would be to make Civil Rights Commission hearings equatable to District Court proceedings, a status we do not feel they should receive.

If there is other information we can provide, or assistance we can render to address our concerns about the passage of this bill, please let us know, either by writing us or by leaving a message at our Topeka office phone (232-4476).



SUMMARY OF TESTIMONY
ON SENATE BILL NO. 145

by

Joseph M. Furjanic, Staff Attorney
Kansas Association of School Boards

March 8, 1985

Yesterday, in somewhat cursory fashion, I spoke in opposition to Senate Bill No. 145. Upon request of Senator Reilly, I shall attempt to detail the concerns of the Kansas Association of School Boards.

Senate Bill No. 145 as it is now written is unclear as to its intent. In Kansas, the only agency action in which de novo review is mandated is under the Workmens' Compensation Act (K.S.A. 44-501 et. seq.) and under the Kansas Acts Against Discrimination (K.S.A. 44-1001 et. seq.): Because of the unique character of these two agencies, the Kansas Legislature in the 1984 session specifically exempted orders of the Director of Workers' Compensation and orders of the Commission on Civil Rights from K.S.A. 77-618. It appears that now, because of this specific exemption, judicial review of orders of the Civil Rights Commission are handled in the same manner in which they were handled prior to the enactment of K.S.A. 77-618. Judicial review of orders of the Commission of Civil Rights are set out in K.S.A. 44-1010, 44-1011, 44-1021 and in case law interpreting these statutes.

Senate Bill No. 145 is an unnecessary piece of legislation and can only muddy the water as to judicial review of agency action. The plain language of Senate Bill No. 145 as it is now written grants de novo appeal in Workers'

Compensation appeals but not in appeals of the Kansas Commission on Civil Rights and does not refer back to K.S.A. 44-1010, 44-1011 nor 44-1021. Is the legislative intent of Senate Bill No. 145 to provide for A) no de novo review in appeals of orders of the Civil Rights Commission of B) de novo review of commission orders pursuant to K.S.A. 44-1010, 44-1011 and 44-1021 or C) something other than de novo review. In its present form Senate Bill No. 145 does not address these issues.

It would be most unfortunate at this late date to potentially undo the last twelve years of case law interpretation of de novo review of the Kansas Acts Against Discrimination by passage of Senate Bill No. 145.

CO - This is a bill that
The D.C.T. would like to have
introduced - AS I UNDERSTAND IT,
IT would ~~bring~~ bring to KS. weight
limits to conform to changes
made in Federal Law. IT would
probably come To Trans. Util. comm.
Bill

2/6/85 1215
Attachment #7
Senator Merri

SENATE BILL NO. _____

by Committee on Federal and State Affairs

AN ACT concerning motor vehicles; gross weight of vehicles under certain circumstances; axle and wheel weight limits; amending K.S.A. 1984 Supp. 8-1908 and 8-1909 and repealing the existing sections.

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

Section 1. K.S.A. 1984 Supp. 8-1908 is hereby amended to read as follows: 8-1908. (a) The gross weight upon any wheel of a vehicle shall not exceed 10,000 pounds.

(b) The gross weight upon any one axle, including any one axle of a group of axles, of a vehicle shall not exceed 20,000 pounds.

(c) Any axle located within seven feet of any adjacent axle shall at all times carry its proportionate part of the load permitted on such axles.

(d) As used in this section:

(1) "Gross weight on any one axle" means the total load on all wheels whose centers are included within two parallel transverse vertical planes not more than 40 inches apart.

(2) "Tandem axles" means two or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced not less than 40 inches and not more than 96 inches apart.

(3) "Triple axles" means three or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced not less more than 96 inches and not more than 120 inches apart.

(4) "Quad axles" means four or more consecutive axles,

arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced ~~not-less~~ more than 120 inches and not more than 150 inches apart.

(e) The gross weight on tandem axles shall not exceed 34,000 pounds.

(f) The gross weight on triple axles shall not exceed 43,500 pounds.

(g) The gross weight on quad axles spaced under 12 feet shall not exceed 49,000 pounds.

(h) The gross weight on quad axles spaced 12 feet and over shall not exceed 50,500 pounds.

Sec. 2. K.S.A. 1984 Supp. 8-1909 is hereby amended to read as follows: 8-1909. (a) No vehicle or combination of vehicles shall be moved or operated on any highway when the gross weight on two or more consecutive axles exceeds the limitations prescribed in the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles
---	--

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles
4..	34,000						
5..	34,000						
6..	34,000						
7..	34,000						
8 <u>and less</u> ..							
	34,000	34,000					
<u>More than 8</u> ..							
	<u>38,000</u>	<u>42,000</u>					
9..	39,000	42,500					
10.	40,000	43,500					
11.....		44,000					
12.....		45,000	50,000				

13.....	45,500	50,500				
14.....	46,500	51,500				
15.....	47,000	52,000				
16.....	48,000	52,500	58,000			
17.....	48,500	53,500	58,500			
18.....	49,500	54,000	59,000			
19.....	50,000	54,500	60,000			
20.....	51,000	55,500	60,500	66,000		
21.....	51,500	56,000	61,000	66,500		
22.....	52,500	56,500	61,500	67,000		
23.....	53,000	57,500	62,500	68,000		
24.....	54,000	58,000	63,000	68,500	74,000	
25.....	54,500	58,500	63,500	69,000	74,500	
26.....	55,500	59,500	64,000	69,500	75,000	
27.....	56,000	60,000	65,000	70,000	75,500	
28.....	57,000	60,500	65,500	71,000	76,500	82,000
29.....	57,500	61,500	66,000	71,500	77,000	82,500
30.....	58,500	62,000	66,500	72,000	77,500	83,000
31.....	59,000	62,500	67,500	72,500	78,000	83,500
32.....	60,000	63,500	68,000	73,000	78,500	84,500
33.....		64,000	68,500	74,000	79,000	85,000
34.....		64,500	69,000	74,500	80,000	85,500
35.....		65,500	70,000	75,000	80,500	
36.....		66,000	70,500	75,500	81,000	
37.....		66,500	71,000	76,000	81,500	
38.....		67,500	72,000	77,000	82,000	
39.....		68,000	72,500	77,500	82,500	
40.....		68,500	73,000	78,000	83,500	
41.....		69,500	73,500	78,500	84,000	
42.....		70,000	74,500	79,000	84,500	
43.....		70,500	75,000	80,000	85,000	
44.....		71,500	75,500	80,500	85,500	
45.....		72,000	76,000	81,000		
46.....		72,500	76,500	81,500		
47.....		73,500	77,500	82,000		

48.....	74,000	78,000	83,000
49.....	74,500	78,500	83,500
50.....	75,500	79,000	84,000
51.....	76,000	80,000	84,500
52.....	76,500	80,500	85,000
53.....	77,500	81,000	<u>85,500</u>
54.....	78,000	81,500	
55.....	78,500	82,500	
56.....	79,500	83,000	
57.....	80,000	83,500	
58.....		84,000	
59.....		85,000	
60.....		85,500	

except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles is 36 feet or more.

(1) The gross weight on any one axle of a vehicle shall not exceed the limits prescribed in K.S.A. 8-1908, and amendments thereto.

(2) For vehicles and combinations of vehicles on the interstate system the table in this section shall not authorize a maximum gross weight of more than 80,000 pounds.

(3) The table in this section shall not apply to truck tractor and dump semitrailer or truck trailer combination when such are used as a combination unit exclusively for the transportation of sand, salt for highway maintenance operations, gravel, slag stone, limestone, crushed stone, cinders, coal, blacktop, dirt or fill material, when such vehicles are used for transportation to a construction site, highway maintenance or construction project or other storage facility. As used in this subpart (3), the term "dump semitrailer" means any semitrailer designed in such a way as to divest itself of the load carried thereon.

(b) Any vehicle registered under the laws of this state

which vehicle is designed and used primarily for the transportation of property or for the transportation of 10 or more persons may, at the time of its registration, be subjected by the director of vehicles to investigation or test as may be necessary to enable such director to determine whether such vehicle may safely be operated upon the highways in compliance with all provisions of this act. Every such vehicle shall meet the following requirements:

(1) It shall be equipped with brakes as required in K.S.A. 8-1734 and amendments thereto.

(2) Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel such vehicle and any load thereon or to be drawn thereby, at a speed which will not impede or block the normal and reasonable movement of traffic. Exception to this requirement shall be recognized when reduced speed is necessary for safe operation or when a vehicle or combination of vehicles is necessarily or in compliance with law or police direction proceeding at reduced speed.

(c) It shall be unlawful for any person to operate any vehicle or combination of vehicles with a gross weight in excess of the limitations set forth in article 19 of chapter 8 of Kansas Statutes Annotated, except as provided in K.S.A. 8-1911 and amendments thereto.

(d) As used in this section, "interstate system" means the national system of interstate and defense highways.

Sec. 3. K.S.A. 1984 Supp. 8-1908 and 8-1909 are hereby repealed.

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

AN ACT relating to intoxicating liquors; relating to the sale and price thereof; amending K.S.A. 41-1111, 41-1114, 41-1115, 41-1116, 41-1117, 41-1118, 41-1119, 41-1120 and 41-1121.

Section 1. K.S.A. 41-1111 is hereby amended to read as follows:

41-1111. Regulation of retail markups; legislative findings. In the public interest and in order to promote the orderly sale and distribution of alcoholic liquor, to foster temperance and to promote the public welfare, the legislature finds that ~~(a) That sales prices of alcoholic liquor sold by manufacturers and others to distributors licensed in this state should be no higher than the lowest price for which the same is sold to distributors anywhere in the continental United States, and (b) that minimum markups on alcoholic liquor sold by retailers licensed in this state should be determined and regulated by law.~~

Section 2. K.S.A. 41-1111, 41-1114, 41-1115, 41-1116, 41-1117, 41-1118, 41-1119, 41-1120 and 41-1121 are hereby repealed.

Section 3. This act shall take effect and be in force from and after its publication in the statute book.

Proposed legislation relating to the following statutes:

K.S.A. 41-301

Add a new paragraph to read as follows:

(b) From and after July 1, 1985, the director shall not issue a retailer's license to any person who did not acquire the rights to said license by purchase, subject to the approval of the director pursuant to this act, from an individual in possession of such license on July 1, 1985, or a subsequent holder pursuant to this section.

K.S.A. 41-310 (j)

Delete \$100; insert \$250.

K.S.A. 41-326

Delete "alienable or transferable, voluntarily or" and also delete ", or" <all in the first paragraph>

Add a new paragraph to read as follows:

(b) The director may establish rules and regulations governing the transfer of retailer's licenses. Any proposed transferee of any retailer's license must have the approval of the director prior to receiving the license sought to be transferred and must meet the qualifications for a retailer's license as specified in this act. The transfer fee for a retailer's license shall be \$250.

SENATE BILL NO. _____

By Committee on Federal and State Affairs

AN ACT relating to cemetery corporations; concerning the undedication and disposition of cemetery property.

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

Section 1. (a) Any cemetery corporation located within the city of Salina, Kansas, which was organized prior to March 1, 1928, may undedicate and sell or lease cemetery property which has been platted for sepulcher or interment purposes. Prior to the sale or lease of such property, the corporation shall file with the register of deeds of the county in which such property is located a legal description of the property and a verified statement that no burials have been made on such property.

(b) Any property which is undedicated pursuant to this section shall be used only in conjunction with funeral services or related services concerning the preparation and burial of the dead, but such limitation shall not preclude the operation of a floral shop on such property. The proceeds derived from the sale or lease of such property shall be paid into the permanent maintenance fund of the cemetery.

(c) If any property is undedicated pursuant to this section, the county appraiser of the county in which such property is located shall place such property on the tax rolls. Such property shall be assessed and taxed in the manner provided for the assessment and taxation of other real property.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.