

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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PROPOSED REVOCATIONS

Agency	Reference	Title	Text
Health and Environment	KAR 28-55-1	Applicability and definitions.	<p>(a) Substances that are regulated by these regulations include dielectric fluids, contaminated solvents, oils, waste oils, heat transfer fluids, hydraulic fluids, paints, sludges, slurries, dredge spoils, soils, materials contaminated as a result of spills, and any other chemical substances or combination of substances which contain a total PCB concentration of 50 parts per million (ppm) or more.</p> <p>(b) "Material or substantial alteration or addition" means an increase in storage, treatment or disposal capacity by a factor of 50 percent or an increase in facility investment by a factor of 50 percent excluding inflation.</p> <p>(c) "Minor permit modification" means any modification which does not expand or enlarge a facility beyond the boundaries established by an existing permit and is not a material or substantial alteration or addition.</p>
	KAR 28-55-2	PCB facility construction permit application.	<p>(a) New facility application. After July 1, 1986 all applications to construct a PCB facility, which does not have an existing permit from the secretary, shall provide information which documents compliance with K.A.R. 28-55-5 and includes a business concern disclosure statement. The business concern disclosure statement shall include the following information: the name of the corporation, past corporate names, the place or places of incorporation, the names of officers, the names of former officers and directors, partnership or joint venture information, ownership and debt liability, subsidiaries and stock holdings, employee data, experience and credentials, licenses and permits, environmental violations history, environmental judgments and litigation, and criminal proceedings. This information shall be submitted on forms provided by the department.</p> <p>(b) Permit modification application. An expansion, enlargement or modification of a facility beyond the specified areas indicated in the existing permit constitutes a new proposal for which a new construction permit application is required.</p> <p>(c) Minor permit modifications. Minor modifications to permitted PCB facilities shall not require submittal of an amended permit application. The permittee shall submit a written notice to the department describing the modifications and all data justifying the designation as a minor permit modification. Upon written approval from the department the permittee may initiate the modification. Minor permit modifications are not required to meet the public notice, hearing and inspection procedures specified in K.A.R. 28-55-3(b), (c) and (g).</p>

Agency	Reference	Title	Text
	KAR 28-55-3	Procedures for review of polychlorinated biphenyl (PCB) facility permit applications	<p>(a) Approval or denial of permit application. When an application to construct or modify a PCB facility is complete, a draft permit shall be prepared by the secretary or the application shall be denied by the secretary.</p> <p>(1) If the secretary denies the permit application, the applicant shall receive a written notification from the secretary stating the reasons for denial.</p> <p>(2) If the secretary decides to prepare a draft permit, the draft permit shall contain all conditions and requirements necessary for construction or modification of the facility. The permit may include any special conditions or procedures that the applicant shall meet or follow to be in compliance with these or other state or federal regulations.</p> <p>(b) Public notice and public comment period. After the secretary completes the draft permit, a public notice shall be prepared by the secretary. The public notice shall be published in a daily or weekly local newspaper of general circulation and the <i>Kansas Register</i>. The public notice shall contain the following information:</p> <p>(1) Name and address of the agency processing the permit application;</p> <p>(2) name and address of the permittee or permit applicant;</p> <p>(3) a brief description of the PCB treatment, storage, or disposal facility;</p> <p>(4) name, address, and telephone number of a person from whom any interested persons may obtain further information, including copies of the draft permit; and</p> <p>(5) date, time, and place of the public hearing, including a brief description of the nature and purpose of the hearing.</p> <p>(c) Public hearings.</p> <p>(1) The notice of the public hearing shall be published at least 60 days before the hearing.</p> <p>(2) The public hearing shall be conducted at a location near the facility.</p> <p>(3) A hearing officer shall be designated by the secretary.</p> <p>(4) Any person may submit oral or written comments and data concerning the draft permit application. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required.</p> <p>(5) A tape recording or written transcript of the hearing shall be made available to the public upon request.</p> <p>(6) A report to the secretary shall be submitted by the hearing officer. The report shall include all written and oral comments submitted during the public comment period. The report may also recommend findings and determinations.</p> <p>(d) Approval or denial of the draft permit. After the close of the public comment period, a decision to approve or deny the draft permit shall be made by the secretary.</p> <p>(1) If the secretary denies the draft permit, a written notification of the reasons for denial shall be provided to the applicant by the secretary.</p> <p>(2) The applicant and each person who has submitted written comments shall be notified of the decision by the secretary.</p> <p>(3) Notice of the final decision shall be published in the <i>Kansas Register</i>.</p> <p>(e) Monitoring required. As a condition for issuing the permit, the permittee may be required by the secretary to install and operate an approved environmental quality monitoring system. Approval of the monitoring system shall be based on the following factors used to measure environmental quality:</p> <p>(1) The location of groundwater monitoring wells, air monitoring stations, and other required sampling points;</p> <p>(2) plans and specifications for the construction of the monitoring systems;</p> <p>(3) the constituents being monitored and their concentration limits;</p> <p>(4) frequency of sampling; and</p> <p>(5) analyses to be performed.</p> <p>(f) Notation on the deed. Within 60 days of receiving a permit, the owner or operator shall record, in accordance with state law, a notation with the county register of deeds where the property is located that the land has been used to treat, store, or dispose of PCB, and that copies of all permits are available at the offices of the department.</p> <p>(g) Final inspection of construction. Upon completing construction of the facility or modifications to the facility, the permittee shall notify the secretary in writing. An inspection of the facility to assure that construction was completed in accordance with the approved permit application and permit shall be conducted by the department. The permittee shall not begin operation until the secretary approves of the construction in writing.</p>

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	KAR 28-55-4	Modification or transfer of permits.	<p>(a) Modification of permits. The department may, at any time, modify a permit or any term or condition of a permit to include the following:</p> <p>(1) Special conditions required to comply with the requirements of these regulations;</p> <p>(2) conditions to avoid hazards to public health or the environment;</p> <p>(3) conditions to abate a public nuisance; or</p> <p>(4) modifications proposed by the permittee and approved by the department.</p> <p>Modifications to the permit shall follow the public notice, and hearing procedures contained in K.A.R. 28-55-3(b) and (c).</p> <p>(b) Transfer of permits. Before any assignment, sale, conveyance, or transfer of all or any part of the property upon which a PCB facility is located, and before any change in the responsibility for operation of a facility is made, the permittee shall notify the department, in writing, of the intent to transfer title or operating responsibility, at least 30 days in advance of the date of transfer. The person to whom transfer is made shall submit a disclosure statement as required by K.A.R. 28-55-2(a) and any other information required by the secretary. If no reason exists to deny the permit, the secretary shall issue a permit to the new permittee.</p>
	KAR 28-55-5	Standards for PCB facilities.	Each PCB treatment, storage, and disposal facility shall comply with all applicable requirements of 40 CFR part 761, subpart D, as in effect on July 1, 2000 and 40 CFR part 264, subparts B, C, D, G, and H, as in effect on July 1, 2000, which are hereby adopted by reference.
Human Rights Commission	KAR 21-30-18	Affirmative action file.	<p>(a) Affirmative action file, need and use. Where affirmative action to increase the opportunity of minority groups for employment appears necessary to eliminate the effects of past pattern or individual discriminatory practices on the part of certain respondents and to assure future compliance with the Kansas act against discrimination, the commission may require and order per K.A.R. 21-45-21 an employer to maintain and utilize the application of potentially qualified minority group members in an "affirmative action file" when the commission has determined that such affirmative action is necessary to effectuate the purposes of the law. Before consulting other sources for applicants the commission may require that the respondent will give every consideration to the hiring of applicants from this file.</p> <p>(b) Minority. "Minority" as used here means any person against whom an employer has been or is discriminating based on race, color, religion, sex, national origin or ancestry.</p> <p>(c) Provisions. The affirmative action file provision in any conciliation agreement or commission order may provide, but is not limited to, the following provisions: "Affirmative action file: "1. Applications of members of minority groups which are not accepted or rejected per subpart (c) (4) hereof, shall be placed in a file, to be known as an affirmative action file. This file shall consist of all minority group applicants who are qualified for any position with the respondent, and those applicants whose qualifications have not been established.</p> <p>"2. As job vacancies occur, the respondent shall consult the affirmative action file to determine if qualified applicants are available from the minority group members listed therein.</p> <p>"3. Before consulting other sources for applicants, the respondent will give every consideration to the hiring of applicants from this file.</p> <p>"4. If, after further review at the time a vacancy is available, the respondent concludes that the applicant is not qualified and cannot become qualified for any job within respondent's employ, he should remove his name from the file and notify him and the appropriate organization and agencies as identified in the commission order or conciliation agreement. If the applicant is still considered qualified, the respondent shall note on the file the date of each review and the reason for rejection. If the respondent is of the view that certain steps taken by the applicant could qualify him for employment, it shall so inform the applicant and the referring and sending institution, in writing, maintaining a copy in his file.</p> <p>"5. The operation of the file shall be reported as provided by the commission."</p>
	KAR 21-40-5	Exercise of executive functions.	The commission may use the executive director as its agent in exercising its executive functions, powers and duties. The commission shall annually compile a written evaluation of the executive director to be signed by the chairman or the designated acting chairman. The form used shall contain those items listed on form DA-226-7 (Rev. 72) as authorized by the department of administration of the state of Kansas.

Agency	Reference	Title	Text
	KAR 21-45-1	Notice of hearing.	The notice of hearing shall inform the respondent of the time and place of the hearing and that respondent may file written answer to the complaint. The notice of hearing and verified copy of the complaint, as the same may have been amended, shall be served by certified mail, return receipt requested, or by personal service on all parties.
	KAR 21-45-2	Answer.	<p>(a) Time of filing. The respondent against whom a verified complaint, as the same may have been amended, is filed and on whom a notice of hearing and a copy of such complaint have been served, may file a written verified answer in person or through an attorney-at-law within ten (10) days from the service of such complaint and notice of hearing.</p> <p>(b) Form of answer. The answer shall contain a general or specific denial of each and every allegation of the complaint controverted by the respondent or a denial of any knowledge or information thereof sufficient to form a belief and a statement of any matter constituting a defense. Any allegation in the complaint which is not denied or admitted in the answer, unless the respondent shall state in the answer that he is without knowledge or information sufficient to form a belief, shall be deemed admitted. The answer shall contain the post-office address of the respondent, and if he is represented by an attorney, the identification of said attorney as otherwise provided by the rules.</p> <p>(c) Amendment of answer. The answer or any part thereof may be amended as a matter of right at any time before the first hearing and thereafter in the discretion of the presiding officer on application duly made therefore.</p> <p>(d) Amendment of answer upon amendment of complaint. In any case where a complaint has been amended, the respondent shall have an opportunity to amend his answer within such period as may be fixed by the presiding officer, and the hearing shall be postponed to a date at least fifteen (15) days after the filing of such amended complaint.</p> <p>(e) Failure to file answer. The presiding officer may proceed, notwithstanding any failure of the respondent to file an answer within the time provided herein, to hold a hearing at the time and place specified in the notice of hearing and may make its findings of fact and enter its order upon the testimony taken at the hearing.</p>
	KAR 21-45-3	Consolidation.	By order of the commission, proceedings involving common questions of law or fact may be joined for hearing of any or all matters in issue and such proceedings may be consolidated; and any commissioner or presiding officer may make such orders concerning the conduct of the proceedings as may avoid unnecessary costs or delay.
	KAR 21-45-4	Waiver of hearing.	In any proceeding if the participants waive hearing the commission may forthwith dispose of the matter upon the basis of the pleadings or submittals and the studies of the staff.
	KAR 21-45-5	Hearing calendar.	The commission will maintain a hearing calendar of all proceedings set for hearing.
	KAR 21-45-6	Placement on calendar.	In the absence of cause requiring otherwise, and as time, the nature of the proceedings, and the proper execution of the functions of the commission permit, matters required to be determined upon the record after hearing or opportunity for hearing will be placed upon the hearing calendar. Proceedings pending upon this calendar will be their order of assignment, so far as practicable, be heard at the times and places fixed by the commission or presiding officer, giving due regard to the convenience and necessity of the parties or their attorneys. The commission in its discretion with or without motion, for cause may at any time with due notice to the participants advance or postpone any proceeding on the hearing calendar.

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	KAR 21-45-7	Pre-hearing conferences.	<p>(a) Generally. Conferences to adjust, settle or expedite proceedings. In order to provide opportunity for submission and consideration of facts, arguments, offers of settlement, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding expedited, conferences between the participants for such purposes may be held at any time prior to or during hearings before the presiding officer as time, the nature of the proceeding, and the public interest may permit.</p> <p>(b) Conferences to expedite hearing. At any pre-hearing or other conferences which may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following: (1) The simplification of the issues.</p> <p>(2) The exchange and acceptance of service of exhibits proposed to be offered into evidence.</p> <p>(3) The obtaining of admission as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.</p> <p>(4) The limitation of the number of witnesses.</p> <p>(5) The discovery or production of evidence.</p> <p>(6) Such other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceeding.</p> <p>(c) Initiation of conferences. (1) The commission or the presiding officer, with or without motion, and after consideration of the probability of beneficial results to be derived therefrom, may direct that a conference be held, and direct the parties to the proceeding, the staff of the commission and staff counsel to appear thereat to consider any or all of the matters enumerated in K.A.R. 21-45-7 (b) (relating to conferences to expedite hearings). Due notice of the time and place of such conference shall be given to all parties to the proceeding, the staff of the commission and staff counsel.</p> <p>(2) All parties will be expected to come to the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive and fully authorized to make commitments with respect thereto. Such preparation should include, among other things, advance study of all relevant material, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable. Failure of a participant to attend such conference, after being served with due notice of the time and place thereof, shall constitute a waiver of all objections to the agreements reached, if any, and any order or ruling with respect thereto.</p> <p>(d) Authority of presiding officer at conference. The presiding officer at any conference may dispose of by ruling, irrespective of the consent of the participants, any procedural matters which he is authorized to rule upon during the course of the proceeding, and which it appears may appropriately and usefully be disposed of at that stage. In addition, where it appears that the proceeding would be substantially expedited by distribution of proposed exhibits and written prepared testimony reasonably in advance of the hearing session, the presiding officer at his discretion and with due regard for the convenience and necessity of the parties, the staff of the commission and staff counsel, may direct such advance distribution by a prescribed date. The rulings of the presiding officer made at such conference shall control the subsequent course of the hearing, unless modified for good cause shown.</p> <p>(e) Offers of settlement. Nothing contained in these rules shall be construed as precluding any participant in a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the commission (or to staff counsel for transmittal to the commission) or from requesting conferences for such purpose.</p> <p>(f) Refusal to make admissions or stipulate. If a party attending a conference convened pursuant to these rules refused to admit or stipulate the genuineness of any documents or the truth of any matters of fact and if the participant requesting the admissions or stipulations thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the commission or presiding officer for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. Unless the commission or presiding officer finds that there were good reasons for the refusal to admit or stipulate or that the admissions or stipulations sought were of not substantial importance, the order shall be made. An appeal may be taken to the commission from any such order made by a presiding officer. If a party refuses to comply with such order after it becomes final, the commission or presiding officer may strike all or any part of such pleadings of such party or limit or deny further participation by such party.</p>

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	KAR 21-45-8	Hearings.	<p>(a) Who shall conduct. Hearings and rehearings shall be conducted by the hearing commissioners designated by the chairman, one of whom shall be designated as presiding officer by the chairman; or, at the discretion of the commission, hearings and rehearings may be conducted by a hearing examiner appointed per K.A.R. 21-45-17 who shall be the presiding officer vested with all the powers and duties of a presiding officer according to these rules.</p> <p>(b) Place. Hearings and rehearings shall be held in the county where respondent is doing business and where the acts complained of occurred at a place designated by the chairman of the commission.</p> <p>(c) Appearances. The presiding officer before whom the hearing is held shall cause to be entered upon the record all appearances, with a notation in whose behalf each appearance is made.</p> <p>(d) Procedure before hearing commissioners. (1) The hearing commissioner(s) shall have full authority to direct the control of the procedure of the hearings and rehearings, by the presiding officer, to admit or exclude testimony or other evidence, and to rule upon all motions and objections.</p> <p>(2) All rulings and determinations of the hearing commissioner(s) shall be by majority rule.</p> <p>(3) The hearings commissioners may call and examine witnesses, direct the production of papers or other documents and introduce documentary or other evidence.</p> <p>(4) Whenever the hearing commissioner(s) cannot arrive at a majority decision for any reason, the chairman may appoint one or more new hearing commissioners who shall review the transcript of proceedings and participate in the proceedings with the same power and authority as if originally appointed as a hearing commissioner.</p> <p>(e) Order of procedure. (1) In hearings, the complainant, or other party having the burden of proof, as the case may be, shall open and close, unless otherwise directed by the presiding officer. In proceedings which have been consolidated for hearing, the presiding officer may direct who shall open and close.</p> <p>(2) Interveners shall follow the parties in whose behalf the intervention is made. Where the intervention is not in support of any original party the presiding officers shall designate at what stage such intervener shall be heard.</p> <p>(3) In proceedings where the evidence is peculiarly within the knowledge or control of another party or participant, the order of presentation set forth in subsections (1) and (2) of this section may be varied by the presiding officer.</p> <p>(f) Presentation by the parties. (1) Parties and staff counsel shall have the right of presentation of evidence, cross-examination, objection and motion. The taking of evidence and subsequent proceedings shall proceed with all reasonable diligence and with the least practicable delay.</p> <p>(2) When objections to the admission or exclusion of evidence before the presiding officer are made, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary and shall not be taken to rulings thereon.</p> <p>(g) Limiting number of witnesses. The presiding officer may limit appropriately the number of witnesses who may be heard upon any issue.</p> <p>(h) Additional evidence. At any stage of the hearing the presiding officer may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff counsel, either at that hearing or at the adjournments thereof. At the hearing, the presiding officer may, if deemed advisable, authorize any participant to file specific documentary evidence as a part of the record within a fixed time.</p> <p>(i) Oral examination. Witnesses whose testimony is to be taken shall be sworn, or shall affirm, before their testimony shall be deemed evidence in the proceeding or any questions are put to them.</p> <p>(j) Fees of witnesses. Witnesses subpoenaed by the commission shall be paid the same fees and mileage as are paid for like services in the district court. Witnesses subpoenaed at the instance of participants shall be paid the same fees by the participant at whose instance the witnesses are subpoenaed; and the commission before issuing any subpoena as provided in § K.A.R. 21-45-9 (relating to subpoenas), may require a deposit of an amount adequate to cover the fees and mileage involved.</p> <p>(k) Public hearings and rehearings. Hearings and rehearings shall be public.</p> <p>(l) Rights of parties. All parties to a hearing or rehearing may call, examine and cross-examine witnesses and introduce papers, documents, or other evidence into the record of the proceedings, subject to the ruling of the presiding officer.</p>

Agency	Reference	Title	Text
	KAR 21-45-8, continued		<p>(m) Duties of the hearing commissioners or presiding officer include but are not limited to the following: (1) Administer the oath.</p> <p>(2) Rule on proof.</p> <p>(3) Regulate the hearing.</p> <p>(4) Exclude people from the hearing.</p> <p>(5) Hold conferences for simplification of issues.</p> <p>(6) Dispose of procedural requests.</p> <p>(7) Authorize and set times for filing of briefs.</p> <p>(8) Grant continuances.</p> <p>(9) Take any other action consistent with the purpose of the law administered by the commission and consistent with these rules.</p> <p>(n) Stipulations. Written stipulations may be introduced in evidence, if signed by the persons sought to be bound thereby; or by their attorneys. Oral stipulations may be made on the record at open hearings or rehearings.</p> <p>(o) Oral arguments and briefs. The presiding officer shall permit the parties to submit oral arguments before them and to file briefs within such time limits as the presiding officer may determine consistent with K.A.R. 21-45-15 regarding briefs.</p> <p>(p) Waiver of objections. Any objection not duly urged before the presiding officer shall be deemed waived unless the failure or neglect to urge such objection shall be excused for cause by the presiding officer.</p> <p>(q) Continuances, adjournments and substitutions. The presiding officer may postpone, consistent with commission directives regarding the setting of the matter, a scheduled hearing or continue a hearing from day to day or adjourn it to a later day or to a different place by announcement thereof at the hearing or by appropriate notice to all parties. The commission may, at any time prior to the completion of a hearing, substitute one hearing commissioner or presiding officer for another.</p>
	KAR 21-45-9	Subpoenas.	<p>(a) Issuance. Subpoenas for the attendance of witnesses or for the production of evidence, unless directed by the commission upon its own motion, will issue only upon application in writing to the commission or the presiding officer, except that during sessions of a hearing in a proceeding, such application may be made orally on the record before the presiding officer, who is hereby given authority to issue subpoenas. Such written applications shall specify as nearly as may be the general scope of the testimony or evidence sought, including as to evidence, specification as nearly as may be, of the documents desired. Any commissioner may issue subpoenas.</p> <p>(b) Service and return. If service of subpoena is made by a sheriff or like officer or his deputy, such service shall be evidenced by his return thereof. If made by another person, such person shall make affidavit thereof, describing the manner in which service was made, and shall return such affidavit. In case of failure to make service, the reasons for the failure shall be stated on the original subpoena. In making service, a copy of the subpoena shall be exhibited to and left with the person to be served. The original subpoena, bearing or accompanied by the authorized return, affidavit or statement, shall be returned forthwith to the office of the commission, or, if so directed on the subpoena, to the presiding officer before whom the person named in the subpoena is required to appear.</p> <p>(c) Fees of witnesses. Witnesses who are subpoenaed may be paid fees as provided by K.A.R. 21-45-8 (j) or as allowed by the state department of administration.</p>

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	KAR 21-45-10	Depositions.	<p>(a) Generally. The testimony of any witness may be taken by deposition, upon application by a participant in a proceeding pending before the commission any time before the hearing is closed, upon approval by the commission or the presiding officer.</p> <p>(b) Notice and application. Unless notice is waived, no deposition shall be taken except after at least ten (10) days' notice when a deposition is to be taken elsewhere. Such notice shall be given in writing by the participant proposing to take such deposition to the other participants and to the commission. In such notice and application to take evidence by deposition, the participant desiring to take the deposition shall state the name and post office address of the witness, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, the name and post office address of the notarial officer before whom it is desired that the deposition be taken, and the reason why such deposition should be taken. The other participants may, within the time stated in this section, make any appropriate response to such notice and application.</p> <p>(c) Authorization of taking deposition. If an application for the taking of a deposition so warrants, the commission or presiding officer will issue and serve, within a reasonable time in advance of the time fixed for taking testimony, upon the participants an authorization naming the witness whose deposition is to be taken, and the time, place and notarial officer before whom the witness is to testify, but such time, place and notarial officer so specified may or may not be the same as those named in the said notice and application.</p> <p>(d) Officer before whom deposition is taken. Depositions may be taken before any commissioner, a presiding officer or other authorized representative of the commission, any notary public or any other person authorized to administer oaths not being counsel or attorney for any of the participants, or interested in the proceeding or investigation, according to such designation as may be made in the authorization.</p> <p>(e) Oath and reduction to writing. Every person whose testimony is taken by deposition shall be sworn, or shall affirm concerning the matter about which he shall testify, before any questions are put or testimony given. The testimony shall be reduced to writing by the notarial officer, or under his direction, after which the deposition shall be subscribed by the witness, unless waived, and certified in the usual form by the notarial officer.</p> <p>(f) Scope and conduct of examination. Unless otherwise directed in the authorization, the deponent may be examined regarding any matter which may be relevant to the issues involved in the pending proceeding, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things, and the identity and location of persons having knowledge of relevant facts. Participants shall have the right of cross-examination, objection and exception. In making objections to questions or evidence, the grounds relied upon shall be stated briefly, but no transcript filed by the notarial officer shall include argument or debate. Objections to questions or evidence shall be noted by the notarial officer upon the deposition, but he shall not have the power to decide on the competency, materiality or relevancy of evidence. Objections to questions or evidence not taken before the notarial officer shall be deemed waived.</p> <p>(g) Status of deposition as part of record. No part of a deposition shall constitute a part of the record in the proceeding, unless received in evidence by the commission presiding officer. Objection may be made at the hearing in the proceeding to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witnesses were then present and testifying.</p> <p>(h) Fees of officers and deponents. Deponents whose depositions are taken and the notarial officers taking such depositions shall be entitled to the same fees as are paid for like services in the district courts, which fees shall be paid by the participant at whose instance the depositions are taken.</p> <p>(i) Deposition upon written questions. Upon written application requesting deposition by written questions, any commissioner or presiding officer may for good cause permit such a deposition according to such terms and scope as directed by said commissioner or presiding officer.</p>
	KAR 21-45-11	Interrogatories.	<p>Upon written application, any commissioner or presiding officer may, for good cause, permit interrogatories as generally identified in K.S.A. 60-233, but limited to the specific terms and scope as may be directed by said commissioner or presiding officer.</p>

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	KAR 21-45-12	Motions.	<p>(a) Scope and contents. After a hearing has commenced in a proceeding, a request may be made by motion for any procedural or interlocutory ruling or relief desired, except as may be otherwise expressly provided in these rules. Other motions may be made as provided for elsewhere in these rules. Motions shall set forth the ruling or relief sought, and state the grounds therefor and the authority relied upon.</p> <p>(b) Presentation. Motions may be made in writing at any time and motions made during hearings may be stated orally upon the record, or the presiding officer may require that such oral motions be reduced to writing and filed separately. Oral motions shall be included in the transcript.</p> <p>(c) Objections. Any participant shall have ten (10) days within which to answer or object to any motion unless the period of time is otherwise fixed by the commission or the presiding officer.</p> <p>(d) Action on motions. (1) The presiding officer is authorized to rule upon any motion not formally acted upon by the commissioners except that no motion made before or during a hearing, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon by a presiding officer except as a part of his proposed report submitted after the conclusion of the hearing. A presiding officer may refer any motion to the hearing commissioner(s) or commission for ultimate determination. The hearing commissioner(s) or commission will rule upon all other motions and upon such motions as presiding officers may certify to the commission for disposition.</p> <p>(2) With respect to any motion filed with the commission after a hearing has commenced, or made to a presiding officer after a hearing has commenced and referred to the commission, unless the commission acts within thirty (30) days after such filing or referral, whichever is later, the motion shall be deemed to have been denied. The presiding officer, either by an announcement on the record where the hearing is in session or by written notice if the hearing is in recess, shall notify the parties to the proceeding of the date on which a motion is referred to the commission.</p>

Agency	Reference	Title	Text
	KAR 21-45-13	Evidence.	<p>(a) Form and admissibility. In any proceeding before the commission or a presiding officer relevant and material evidence shall be admissible, but there shall be excluded such evidence as is unduly repetitious or cumulative, or such evidence as is not of any probative value.</p> <p>(b) Reception and ruling. The presiding officer shall rule on the admissibility of all evidence, and shall otherwise control the reception of evidence so as to confine it to the issues in the proceeding. The production of further evidence upon any issue may be ordered.</p> <p>(c) Documents on file with the commission. In case any matter contained in a report or other document on file with the agency is offered in evidence, such report or other document need not be produced or marked for identification, but may be offered in evidence by specifying the report, document, or other file containing the matter so offered.</p> <p>(d) Public documents. Whenever there is offered in evidence (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the federal government (including government-owned corporations) and such document (or part thereof) has been shown by the offerer to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered in evidence as a public document item by specifying the document or relevant part thereof without regard to the requirements of K.A.R. 21-45-13 (g).</p> <p>(e) Written testimony. (1) Direct testimony of any witness may be offered as an exhibit, or as prepared written testimony to be copied into the transcript. Cross examination of the witness presenting such written testimony or exhibit shall proceed at the hearing at which such testimony or exhibit is authenticated if, not less than twenty (20) days prior to such hearing, service thereof is made upon each participant of record, unless the presiding officer for good cause shall otherwise direct.</p> <p>(2) Whenever in the circumstances of a particular case it is deemed necessary or desirable, the commission or the presiding officer may direct that testimony to be given upon direct examination shall be reduced to exhibit form or to the form of prepared written testimony and be served and offered in the manner provided in subsection (1) of this section. A reasonable period of time shall be allowed for the preparation of such written testimony.</p> <p>(3) All participants offering prepared written testimony whether in the form of an exhibit, or to be copied into the transcript, shall insert line numbers on each page, in the left-hand margin, unless otherwise directed by the commission or the presiding officer.</p> <p>(f) Records in other proceedings. When any portion of the record in any other proceeding before the commission is offered in evidence and shown to be relevant and material to the instant proceeding, a true copy of such record shall be presented in the form of an exhibit, together with additional copies as provided in K.A.R. 21-45-13 (g) (relating to copies to parties and commission), unless:</p> <p>(1) the participant offering such record agrees to supply, within a period of time specified by the commission or the presiding officer, such copies at his own expense, if and when so required; and</p> <p>(2) the portion is specified with particularity in such manner as to be readily identified, and upon motion is admitted in evidence by reference to the records of the other proceedings.</p> <p>(g) Copies to parties and the commission. Except as otherwise provided in these rules, when exhibits of a documentary character are offered in evidence, unless otherwise directed by the commission or the presiding officer, copies shall be furnished to the presiding officer and to the participants present at the hearing.</p>
	KAR 21-45-14	Official notice of facts.	<p>Official notice may be taken by the commission or the presiding officer of such matters as might be judicially noticed by the district courts, or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, so that the fact is not subject to reasonable dispute, or any matters as to which the commission by reason of its functions is an expert. Any participant shall, on timely request, be afforded an opportunity to show the contrary. Any participant requesting the taking of official notice after the conclusion of the hearing shall set forth the reasons claimed to justify failure to make the request prior to the close of the hearing.</p>

Agency	Reference	Title	Text
	KAR 21-45-15	Briefs.	<p>(a) Proceedings in which briefs are to be filed. At the close of the taking of testimony in each proceeding where briefs are allowed, the presiding officer shall fix the time for the filing and service of briefs, giving due regard to the nature of the proceeding, the magnitude of the record, and the complexity or importance of the issues involved; and he shall fix the order in which such briefs shall be filed. The first or initial brief shall be filed by the participant or participants upon whom rests the burden of proof, except that the presiding officer, when in his judgment the circumstances or exigencies require, may direct that briefs shall be filed simultaneously. In no proceeding, whether briefs are to be filed simultaneously or otherwise, shall any participant upon whom rests the burden of proof be denied the right to file a reply brief.</p> <p>(b) Content. Briefs shall contain: (1) A concise statement of the case.</p> <p>(2) An abstract of the evidence relied upon by the participant filing, preferably assembled by subjects, with references to the pages of the record or exhibits where the evidence appears.</p> <p>(3) Proposed findings and conclusions and, if desired, a proposed form of order or regulation, together with the reasons and authorities therefore, separately stated.</p> <p>(c) Form. Exhibits should not be reproduced in the brief, but may, if desired, be reproduced in an appendix to the brief. Any analyses of exhibits relied on should be included in the part of the brief containing the abstract of evidence under the subjects to which they pertain. Every brief of more than ten (10) pages shall contain on its front leaves a subject index, with page references, and a list of all cases cited, alphabetically arranged, with references to the pages where the citations appear. All briefs shall be as concise as possible.</p> <p>(d) Filing and service. Briefs not filed and served on or before the dates fixed therefor shall not be accepted for filing, except by special permission of the commission or the presiding officer. Except where filing of a different number is permitted or directed by the commission or presiding officer the same number of copies of each brief as is required for other pleadings shall be furnished for the use of the commission.</p>
	KAR 21-45-16	Transcript.	<p>(a) Recording of proceedings. Hearings shall be stenographically reported by the official reporter of the commission unless reporting is otherwise directed by the commission, and a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcripts shall include a verbatim report of the hearings and nothing shall be omitted therefrom except as is directed on the record by the commission or the presiding officer.</p> <p>(b) Transcript corrections. Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing and to speak the truth. No corrections or physical changes shall be made in or upon the official transcript of the proceeding, except as provided in this section. Transcript corrections agreed to by opposing attorneys may be incorporated into the record, if and when approved by the commission or the presiding officer, at any time during the hearing or after the close of evidence, as may be permitted by the commission or the presiding officer before the filing of his proposed report, but not less than ten (10) days in advance of the time fixed for filing final briefs. The commission or the presiding officer may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of a proceeding.</p> <p>(c) Copies. The commission will cause to be made a stenographic record of all public hearings and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies may obtain them from the official reporter upon payment of the reporter's fees.</p>

Agency	Reference	Title	Text
	KAR 21-45-17	Presiding officers.	<p>(a) Designation of presiding officers. Either the chairman or, when duly designated for that purpose, one of the hearing commissioners, or a hearing examiner, or other duly appointed representative may preside at a hearing or otherwise, as the presiding officer.</p> <p>(b) Hearing examiner qualification. Qualifications for the hearing examiner shall be that the person is a qualified attorney to practice law in the state of Kansas, that the person has practiced law for a minimum of three (3) years and that the person be familiar with the rules of the commission.</p> <p>(c) Presiding officer disqualification. A presiding officer may withdraw from a proceeding when the presiding officer deems itself disqualified, or the presiding officer may be withdrawn by the chairman for good cause after timely affidavits alleging personal bias or other disqualification have been filed and the matter has been heard by the chairman or other hearing commissioner to whom the chairman has delegated the matter.</p> <p>(d) Authority of presiding officers. Presiding officers duly designated by the commission to preside at hearings shall have the authority, within the powers and subject to the regulations of the commission, as follows: (1) To regulate and control the course of hearings, subject to the approval of the commission, and the recessing, reconvening, and the adjournment thereof.</p> <p>(2) To administer oaths and affirmations.</p> <p>(3) To issue subpoenas.</p> <p>(4) To rule upon offers of proof and receive evidence.</p> <p>(5) To take or cause depositions to be taken.</p> <p>(6) To allow interrogatories.</p> <p>(7) To hold appropriate conferences before or during hearings.</p> <p>(8) To dispose of procedural matters but not, before their proposed report, if any, to dispose of motions made during hearings to dismiss proceedings or other motions which involve final determination of proceedings.</p> <p>(9) Within their discretion, or upon direction of the commission, to certify any question to the commission for consideration and disposition.</p> <p>(10) To submit their proposed reports in accordance with K.A.R. 21-45-18 (relating to proceedings in which proposed reports are prepared).</p> <p>(11) Hold conferences for the settlement or simplification of the issues or for the obtaining of mutually satisfactory stipulations as to facts or proof, by consent of the parties, as authorized by established procedure.</p> <p>(12) Grant adjournments at the request of parties or representatives or on their own motion.</p> <p>(13) Interrogate witnesses and parties as the case requires.</p> <p>(14) Direct parties to appear at hearings.</p> <p>(15) Consider and evaluate the facts and evidence on the record, as well as arguments and contentions made.</p> <p>(16) Determine credibility and the weight of evidence in making findings of fact and conclusions of law or opinion and their reasons.</p> <p>(17) Make a complete record of the proceeding and to include therein all relevant and material matters, including exhibits, necessary for a review on appeal.</p> <p>(18) To take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with the statutory or other authorities under which the agency functions and with the regulations and policies of the agency.</p> <p>(e) Restrictions on duties and activities. Save to the extent required for the disposition of ex parte matters as authorized by law and by the regulations of the agency, no presiding officer shall, in any proceeding which the commission has directed be conducted pursuant to this subsection, consult any person or party on any fact in issue unless upon notice and opportunity for all participants to participate.</p> <p>(f) Appeals to commission from rulings. (1) During hearing or conference. Rulings of presiding officers may not be appealed from during the course of hearings or conferences except in extraordinary circumstances where prompt decision by the commission is necessary to prevent detriment to the public interest. In such instance the matter shall be referred forthwith by the presiding officer to the commission for determination.</p> <p>(2) Offers of proof. Any offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.</p>

Agency	Reference	Title	Text
	KAR 21-45-18	Proposed reports.	<p>(a) Generally. At the close of the evidence, the presiding officer shall allow briefs and hold such oral argument as he deems necessary, review the record in light of the applicable law, and prepare, certify and file with the office of the agency: (1) A proposed report.</p> <p>(2) A copy of the record of the hearing.</p> <p>(3) The briefs, if any, filed in the proceeding.</p> <p>(b) Unavailability of presiding officer. If a presiding officer becomes unavailable, the commission will either designate another presiding officer to prepare a proposed report or will cause the record to be certified to the commission for decision, as may be deemed appropriate, giving notice to the parties.</p> <p>(c) Proposals by the parties. There may be presented by the parties, as directed by the presiding officer, proposed findings and conclusions and, if desired, the reasons therefor, and such proposed forms of order or regulation as may be deemed requisite in view of the facts, the law and the public interest.</p> <p>(d) Contents of proposed reports. All proposed reports by presiding officers shall include a statement of: (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, and</p> <p>(2) the appropriate regulation, order, sanction, relief, or denial thereof.</p> <p>(e) Proposed report a part of the record. All proposed reports shall become a part of the formal record.</p> <p>(f) Service of proposed reports. All proposed reports shall be filed with the office of the commission, which shall serve copies thereof upon all parties and staff counsel of record.</p>
	KAR 21-45-21	Content of orders.	<p>(a) An unlawful practice. If a proposed or final report finds that a respondent has engaged in any unlawful practice, the proposed or final order based on such report may include, where appropriate, but is not limited to the following:</p> <p>(1) Cease and desist: Directing the respondent to cease and desist from such unlawful practice; and</p> <p>(2) Affirmative action: Requiring such respondent to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, maintenance and operation of an affirmative action file per K.A.R. 21-30-18, restoration to membership in any respondent labor organization, admission to or participation in a guidance program apprenticeship training program, on-the-job training program or other occupational training or retraining program, and the extensions of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, as will effectuate the purpose of the law; and</p> <p>(3) Compensation damages: Awarding of compensatory damages to the persons aggrieved by such practice, as will effectuate the purposes of the law; and</p> <p>(4) Punitive damages: Awarding of punitive damages to the persons aggrieved by such practice, as will effectuate the purposes of the law; and</p> <p>(5) Compliance report: Including a requirement for report of the manner of compliance.</p> <p>(b) No violation. If a proposed or final report finds the respondent has not engaged in any unlawful practice, the report shall state the finding of the fact and shall issue an order based on such findings dismissing the complaint as to such respondent.</p>

Agency	Reference	Title	Text
	KAR 21-45-22	Final report and order.	<p>(a) Generally. All reports and orders of the commission shall be final orders (subject only to application for rehearing), except proposed regulations that may be issued in rulemaking. Final orders shall include determination by the commission upon appeal of proposed reports or upon review initiated by the commission within ten (10) days next following the expiration of the time for filing exceptions under such section, or such other time as the commission may fix in specific cases.</p> <p>(b) No rehearing. No application for rehearing will be entertained by the commission until an adjudication is issued and becomes a final order under the provisions of this section.</p> <p>(c) Content. An order of the commission issued after a hearing shall set forth the findings and conclusions of the commission and an opinion containing the reasons for said decision.</p> <p>(d) Copies. Copies of orders shall be delivered in all cases by the commission in accordance with the provisions of K.S.A. 44-1005, and also to every other party as otherwise required by these rules.</p> <p>(e) Notice. Copies of orders shall be accompanied by a notice of the statutory right to apply for a rehearing.</p> <p>(f) Change. When the commission upholds, abrogates, changes, or modifies an original order after a rehearing, it shall so notify in writing the party making application for the rehearing and all other persons furnished with a copy of the original order in accordance with the provisions of subsection (d) of this rule, K.A.R. 21-45-22 (d). Such notice shall be accompanied by a notice of the statutory right to judicial review.</p> <p>(g) Filing. Filing of orders rendered after a hearing, as well as all abrogations, changes or modifications thereof as the result of a rehearing, shall be at the office of the commission and shall be open to public inspection during regular office hours of the commission.</p> <p>(h) Final adjudication. A complaint shall be deemed finally adjudicated: (1) When a respondent is notified in writing by the commission that it is closing a case for whatever reason; or</p> <p>(2) When an order issued by the commission after a hearing or rehearing becomes final.</p>
	KAR 21-45-23	Record of the proceedings.	The written record of the proceedings before the commission for appeal or other public purposes shall include the formal record.

Agency	Reference	Title	Text
	KAR 21-45-24	Rehearing.	<p>(a) Form, filing and service. An application for rehearing shall be filed with the commission at its office in Topeka within ten (10) days after the issuance of any adjudication or other final order by the agency. Such application shall be made by petition, stating specifically the grounds relied on. A copy of such application shall be served on all other persons receiving a copy of the original order in conformity with the service provisions of these rules, by the party making such application.</p> <p>(b) Content of application for rehearing. Every application for rehearing shall contain, other than the information required by K.S.A. 44-1010, the following: (1) The docket number of the case for which such application is being made.</p> <p>(2) The name of the party making such application, together with such other identifying information as is otherwise required for any appearance or submittal by these rules.</p> <p>(3) The name and address of each person served with a copy of such application in conformity with the service provisions of these rules.</p> <p>(4) Such petitions shall state concisely and specifically alleged errors in the adjudication or other order of the commission. If an adjudication or other order of the agency is sought to be vacated, reversed, or modified by reason of matters that have arisen since the hearing and decision or order, or by reason of a consequence that would result from compliance therewith, the matters relied upon by the petitioner shall be set forth in the petition.</p> <p>(c) Manner of filing and serving applications for rehearing. Applications for rehearing shall be filed and served by personal delivery or by certified mail, return receipt requested.</p> <p>(d) Date of application for rehearing. The date an application for rehearing is filed shall be the date it is delivered to the commission's office in Topeka, whether by personal delivery or by mail.</p> <p>(e) Granting an application for rehearing. When the commission grants an application for rehearing, it shall so notify the parties in writing.</p> <p>(f) Date of granting of application for rehearing. The date an application for rehearing is granted shall be the date on which the commission makes such decision.</p> <p>(g) Other procedural rules. The rehearing shall follow the same procedural rules as a hearing, except to the extent otherwise directed by the commission or a presiding officer.</p> <p>(h) Effect of failure to allege specific error. Failure to request a rehearing on specific allegation of error and provide the reasons therefore shall constitute a waiver of all objection to any matters not specifically alleged as error.</p>
	KAR 21-45-25	Reopening of the record.	<p>(a) Petition to reopen. At any time after the conclusion of a hearing in a proceeding or adjournment thereof <i>sine die</i>, any participant with notice to all participants in the proceeding may file with the presiding officer, if before issuance by the presiding officer of a proposed report, otherwise with the commission a petition to reopen the proceeding for the purpose of taking additional evidence. Such petition shall set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing.</p> <p>(b) Responses. Within ten (10) days following the service of such petition, any other participant may file with the presiding officer or the commission, the participant's answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such petition.</p> <p>(c) Action on petition. As soon as practicable after the filing of responses to such petitions or default thereof, the presiding officer or commission will grant or deny such petition.</p> <p>(d) Reopening by presiding officer. At any time prior to the filing of the proposed report a presiding officer, after notice to the participants, may reopen the proceeding for the reception of further evidence on the presiding officer's own motion, if the presiding officer has reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such proceeding.</p> <p>(e) Reopening by the commission. At any time the commission, after notice to the participants, may without motion reopen the proceeding for the reception of further evidence, if the commission has reason to believe that conditions of fact or law have so changed as to require or that the public interest requires the reopening of such proceeding.</p>

Agency	Reference	Title	Text
	KAR 21-46-2	Nonprofit fraternal or social associations or corporations.	<p>An association or corporation shall be deemed exempt from coverage by the Kansas act against discrimination as a nonprofit fraternal or social association or corporation only if it meets all the following requirements:</p> <p>(a) Requirements.</p> <p>(1) It is organized in good faith for social or fraternal purposes;</p> <p>(2) Membership entails the payment of <i>bona fide</i> initiation fees or regular dues;</p> <p>(3) There exists a regularly established means of self-government by the members thereof clearly set forth in a constitution or by-laws adopted by the membership.</p> <p>(4) There is a regularly established means of and criteria for admitting members and for expulsion of members by the existing membership or by their duly elected or appointed delegates.</p> <p>(5) It is not operated, directly or indirectly for purposes of profit for any individual or groups of individuals other than the membership as a whole.</p> <p>(b) Investigations. The commission shall conduct an investigation of any proposed exemption from the act per K.A.R. 21-46-2(a).</p>
	KAR 21-46-3	Student admissions to schools.	Student admissions to schools are covered by the provisions of the Kansas act against discrimination.
Wildlife, Parks, and Tourism	KAR 115-20-7	Migratory doves; legal equipment, taking methods, and possession.	<p>(a) Legal hunting equipment for migratory doves shall consist of the following:</p> <p>(1) Shotguns that are not larger than 10 gauge, use shot ammunition, and are incapable of holding more than three shells in total capacity;</p> <p>(2) pellet and BB guns;</p> <p>(3) archery equipment;</p> <p>(4) crossbows;</p> <p>(5) falconry equipment;</p> <p>(6) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and</p> <p>(7) blinds, stands, calls, and decoys, except live decoys.</p> <p>(b) The use of dogs shall be permitted while hunting.</p> <p>(c) Any type of apparel may be worn while hunting migratory doves.</p> <p>(d) Legally taken migratory doves may be possessed without limit in time and may be given to another if accompanied by an attached, dated written notice that includes the donor's printed name, signature, and address; the total number of birds; the dates the birds were killed; and the permit or license number. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.</p> <p>(e) Migratory doves shall be taken only while in flight.</p>