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KRIS W. KOBACH  
SECRETARY OF STATE

Proposed

State of Kansas  
**Kansas Human Rights Commission**  
**Notice of Public Hearing on Proposed Administrative Regulations**

May 10, 2018

A public hearing will be conducted on July 20, 2018, at 11:00 a.m. in Suite 568-S of the Landon State Office Building, 900 S.W. Jackson, Topeka, Kansas, to consider the revocation of rules and regulations of the Kansas Human Rights Commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Kansas Human Rights Commission, 900 S.W. Jackson, Suite 568-S, Topeka, KS 66612-1258 or by email to [Ruth.Glover@ks.gov](mailto:Ruth.Glover@ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the proposed revocation of the regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Ruth Glover at (785) 296-3206 (or TYY (785) 296-0245). The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

Summaries of the proposed revocations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Kansas Human Rights Commission, other state agencies, state employees, or the general public has been identified.)

Copies of the proposed revocation of regulations and the Economic Impact Statement for the proposed revocations can be viewed at the following website: <http://www.khrc.net/Proposed%20Regulations/revocations%20and%20econ%20statements%205-1-2018.pdf>

**Revocation of K.A.R. 21-30-18.** This proposal revokes a regulation that provides a single type of affirmative action. Since it was adopted, court analysis has evolved regarding what is permitted in an affirmative action plan. The purpose of this revocation is to eliminate confusion, so that, if ordered, affirmative action is tailored to each case. The revocation is not anticipated to have any economic impact.

**Revocation of K.A.R. 21-40-5.** This proposal revokes a regulation that states the commission may use the executive director as its agent, and directs the timing and form of the commission's performance evaluation of the executive director. The purpose of this revocation is

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to eliminate confusion created by an unnecessary self-directing regulation. The revocation is not anticipated to have any economic impact.

**Revocation of K.A.R. 21-45-1 through 21-45-18.** This proposal revokes regulations that set the procedures to be followed in a post-probable cause public hearing. Since they were adopted, K.S.A. 44-1005 was amended to provide that such hearings are governed by the Kansas Administrative Procedures Act. The purpose of the revocation is to avoid confusion, as these regulations are no longer necessary. The revocation is not anticipated to have any economic impact.

**Revocation of K.A.R. 21-45-21 through 21-45-25.** This proposal revokes regulations that set the procedures to be followed in a post-probable cause public hearing. Since they were adopted, K.S.A. 44-1005 was amended to provide that such hearings are governed by the Kansas Administrative Procedures Act. The purpose of the revocation is to avoid confusion, as these regulations are no longer necessary. The revocation is not anticipated to have any economic impact.

**Revocation of K.A.R. 21-46-2 and 21-46-3.** This proposal revokes two regulations that the Kansas appellate courts have determined to be invalid. The purpose is to eliminate confusion by removing the text of these regulations from the published Kansas Administrative Regulations. The revocation is not anticipated to have any economic impact.

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21-30-18. (Authorized by K.S.A. 1974 Supp. 44-1003, 1004; effective, E-74-14, Dec. 28, 1973;  
effective May 1, 1975; revoked P-\_\_\_\_\_.)

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**APR 10 2018**

**ATTORNEY GENERAL**

**APPROVED**

**FEB 28 2018**

**DEPT. OF ADMINISTRATION**

**Proposed**

21-40-5. (Authorized by K.S.A. 1974 Supp. 44-1004; effective, E-74-14, Dec. 28, 1973;  
effective May 1, 1975; revoked P-\_\_\_\_\_.)

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APR 24 2018

DEPT. OF ADMINISTRATION

APPROVED

APR 25 2018

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**Proposed**

21-45-1, 21-45-2, 21-45-3, 21-45-4, 21-45-5, 21-45-6, 21-45-7, 21-45-8, 21-45-9, 21-45-10,  
21-45-11, 21-45-12, 21-45-13, 21-45-14, 21-45-15, 21-45-16, 21-45-17, and 21-45-18.

(Authorized by K.S.A. 1974 Supp. 44-1003, 44-1004; effective, E-74-14, Dec. 28, 1973;  
effective May 1, 1975; revoked P-\_\_\_\_\_.)

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**APR 06 2018**

**DEPT. OF ADMINISTRATION**

**Proposed**

21-45-21, 21-45-22, 21-45-23, 21-45-24, and 21-45-25. (Authorized by K.S.A. 1974 Supp. 44-1003, 44-1004; effective, E-74-14, Dec. 28, 1973; effective May 1, 1975; revoked P-\_\_\_\_\_.)

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21-46-2 and 21-46-3. (Authorized by K.S.A. 1974 Supp. 44-1003, 44-1004; effective, E-74-14,  
Dec. 28, 1973; effective May 1, 1975; revoked P-\_\_\_\_\_.)

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DEPT. OF ADMINISTRATION



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**KANSAS HUMAN RIGHTS COMMISSION  
ECONOMIC IMPACT STATEMENT  
Revocation of K.A.R. 21-30-18**

**I. Summary of Proposed Regulation Revocation, Including Its Purpose.**

This proposal revokes a regulation that provides a single type of affirmative action. Since it was adopted, court analysis has evolved regarding what is permitted in an affirmative action plan. The purpose of this revocation is to eliminate confusion, so that, if ordered, affirmative action is tailored to each case.

**II. Reason or Reasons the Proposed Regulation Revocation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

The proposed revocation is required to eliminate a regulation that conflicts with case law. The regulation being revoked is not mandated by federal law.

**III. Anticipated Economic Impact upon the Kansas Human Rights Commission.**

None.

**IV. Anticipated Economic Impact on Those Subject to the Regulations.**

None.

**V. Anticipated Economic Impact on Other Governmental Agencies and upon Private Business or Individuals.**

None.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

No less costly or intrusive methods were considered, as none apply to this situation.

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**KANSAS HUMAN RIGHTS COMMISSION  
ECONOMIC IMPACT STATEMENT**

**Revocation of K.A.R. 21-40-5**

**I. Summary of Proposed Regulation Revocation, Including Its Purpose.**

This proposal revokes a regulation that states the commission may use the executive director as its agent, and directs the timing and form of the commission's performance evaluation of the executive director. The purpose of this revocation is to eliminate confusion created by an unnecessary self-directing regulation.

**II. Reason or Reasons the Proposed Regulation Revocation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

The proposed revocation is necessary to eliminate confusion created by this self-directing regulation. This regulation and revocation are not mandated by federal law.

**III. Anticipated Economic Impact upon the Kansas Human Rights Commission.**

None.

**IV. Anticipated Economic Impact on Those Subject to the Regulations.**

None.

**V. Anticipated Economic Impact on Other Governmental Agencies and upon Private Business or Individuals.**

None.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

No less costly or intrusive methods were considered, as none apply to this situation.

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**KANSAS HUMAN RIGHTS COMMISSION  
ECONOMIC IMPACT STATEMENT  
Revocation of K.A.R. 21-45-1 through 21-45-18**

**I. Summary of Proposed Regulation Revocation, Including Its Purpose.**

This proposal revokes regulations that set the procedures to be followed in a post-probable cause public hearing. Since they were adopted, K.S.A. 44- 1005 was amended to provide that such hearings are governed by the Kansas Administrative Procedures Act ["KAPA"]. The purpose of the revocations is to avoid confusion, as these regulations are no longer necessary.

**II. Reason or Reasons the Proposed Regulation Revocation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

The proposed revocation is required to eliminate confusion, as KAPA now provides the procedures for hearings. The regulations being revoked are not mandated by federal law.

**III. Anticipated Economic Impact upon the Kansas Human Rights Commission.**

None.

**IV. Anticipated Economic Impact on Those Subject to the Regulations.**

None.

**V. Anticipated Economic Impact on Other Governmental Agencies and upon Private Business or Individuals.**

None.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

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**KANSAS HUMAN RIGHTS COMMISSION  
ECONOMIC IMPACT STATEMENT  
Revocation of K.A.R. 21-45-21 through 21-45-25**

**I. Summary of Proposed Regulation Revocation, Including Its Purpose.**

This proposal revokes regulations that set the procedures to be followed in a post-probable cause public hearing. Since they were adopted, K.S.A. 44- 1005 was amended to provide that such hearings are governed by the Kansas Administrative Procedures Act ["KAPA"]. The purpose of the revocations is to avoid confusion, as these regulations are no longer necessary.

**II. Reason or Reasons the Proposed Regulation Revocation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

The proposed revocation is required to eliminate confusion, as KAPA now provides the procedures for hearings. The regulations being revoked are not mandated by federal law.

**III. Anticipated Economic Impact upon the Kansas Human Rights Commission.**

None.

**IV. Anticipated Economic Impact on Those Subject to the Regulations.**

None.

**V. Anticipated Economic Impact on Other Governmental Agencies and upon Private Business or Individuals.**

None.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

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**KANSAS HUMAN RIGHTS COMMISSION  
ECONOMIC IMPACT STATEMENT  
Revocation of K.A.R. 21-46-2 and 21-46-3**

**I. Summary of Proposed Regulation Revocation, Including Its Purpose.**

This proposal revokes two regulations that the Kansas appellate courts have determined to be invalid. The purpose is to eliminate confusion by removing the text of these regulations from the published Kansas Administrative Regulations.

**II. Reason or Reasons the Proposed Regulation Revocation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

The proposed revocations are necessary because these regulations have been declared void by the Kansas appellate courts. These regulations and their revocation are not mandated by federal law.

**III. Anticipated Economic Impact upon the Kansas Human Rights Commission.**

None.

**IV. Anticipated Economic Impact on Those Subject to the Regulations.**

None.

**V. Anticipated Economic Impact on Other Governmental Agencies and upon Private Business or Individuals.**

None.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

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