

Proposed

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

July 27, 2017

A public hearing will be conducted on October 20, 2017 at 11 a.m. in Suite 568-S of the Landon State Office Building, 900 S.W. Jackson, Topeka, Kansas, to consider the adoption of a proposed rule and regulation 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 rule and regulation. 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. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation 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 regulation and economic impact statement 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.

A summary of the proposed regulation and its 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 regulations and the Economic Impact Statement for the proposed regulations can be viewed at the following website: <http://www.khrc.net/Proposed%20Regulations/KAR%2021-41-5%20proposed%20amendmentDOA%20and%20AG%20approved%202017-06-22%203.pdf>

K.A.R. 21-41-5 – Manner of filing. The proposed amendment to this regulation permits a complaint to be submitted for filing by facsimile or electronic mail, in addition to delivery or mail to any commission office. The existing regulation only permitted two options, delivery to a commission employee or mail. The amendment is intended to make it easier and faster for complainants or their attorneys to submit a complaint. It is anticipated this will also save time and expense for complainants, particularly those who are not in the immediate geographic vicinity of the commission offices in Topeka, Wichita, and Dodge City. The only other economic impact is the avoidance of extra staff time and pay or compensatory time that the Kansas Human Rights Commission potentially would have incurred under the existing regulation; which permitted delivery to commission employees outside of their regular work hours.

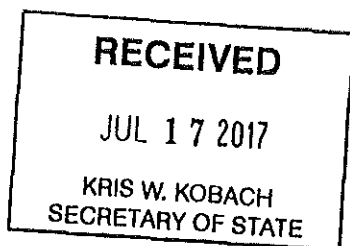
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JUL 17 2017

**KRIS W. KOBACH
SECRETARY OF STATE**

Proposed

21-41-5. Manner of filing. The A complaint may be filed submitted for filing by personal delivery, to any commission employee or by mail, facsimile, or electronic mail to the commission's a commission office. If a complaint is received when the commission offices are closed, the complaint shall be considered received on the next business day that the commission offices are open. (Authorized by K.S.A. 1974-Supp. 44-1003, 44-1004, 44-1034, 44-1121; implementing K.S.A. 44-1004, 44-1115; effective, E-74-14, Dec. 28, 1973; effective May 1, 1975; amended, T-_____, _____; amended P-_____.)



APPROVED
JUN 17 2017
ATTORNEY GENERAL

APPROVED
JUN 15 2017
DEPT. OF ADMINISTRATION

Proposed

**KANSAS HUMAN RIGHTS COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 21-41-5**

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**KRIS W. KOBACH
SECRETARY OF STATE**

The Kansas Human Rights Commission is proposing an amendment to K.A.R.21-41-5 on a temporary and permanent basis, to enable use of electronic methods for submitting complaints to be filed with the commission.

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 21-41-5 concerns the manner of filing complaints with the KHRC. The proposed amendment would enable a complainant or attorney to submit a complaint to the Kansas Human Rights Commission by delivery, mail, facsimile, or electronic mail to a commission office. Without the amendment, the regulation only permits personal delivery to a commission employee and mail to a commission office as methods for submitting a complaint. The amendment also eliminates delivery to any commission employee, specifying instead delivery to an office of the commission. The amendment's purpose is to provide better service to the public by permitting electronic methods of submitting complaints; and to reduce the time and expense incurred by complainants and their attorneys.

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

The amendment will allow those needing to file a complaint the opportunity to do so using electronic technology. It will also provide those who are not in the geographic vicinity of a commission office an opportunity for same-day filing of a complaint, without having to travel. This regulation is not mandated by federal law; thus it does not exceed federal law requirements.

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

There is no anticipated cost to the Kansas Human Rights Commission. Minimal economic savings may potentially occur. Under the current regulation, a complaint may be submitted to any

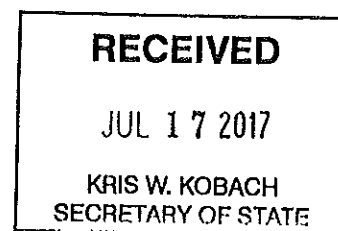
employee of the commission at any location or time. If this were to occur when an employee is off duty, the Commission potentially could incur overtime pay or compensatory time off for that employee; which the amendment would prevent.

IV. Anticipated Economic Impact on Those Subject to the Regulation.

This amendment does not impose any cost on those who are subject to the regulation. Indeed, both time and expense savings are anticipated for complainants and attorneys who file complaints. The amount of the savings is unknown, as it would depend on the number and location of complaint filers from various geographic areas of the state. The commission has offices in Topeka, Wichita and Dodge City. Complainants and/or attorneys who may be on a tight deadline for filing a complaint must currently send it by overnight courier or travel to deliver it to a commission office. The travel for same-day filing can take several hours round trip for those situated in northwest or southeast Kansas.

Further, some complaints are submitted for filing without all of the required components; in which case they must be returned to the complainant or attorney for correction and resubmission. This amendment allows complaints to be submitted by electronic mail and facsimile, thus eliminates the extra time, expense, and travel costs that complainants and attorneys otherwise may incur.

The commission already has complaints being submitted by facsimile and electronic mail. Because most courts and many administrative agencies allow such methods for filing documents, people assume the commission also accepts complaints by these methods. Because of the wording of the existing regulation, they cannot be accepted; causing frustration and delay. The



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amendment is intended to prevent the unnecessary delay and expense caused by the wording of the existing regulation.

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

No economic impact is anticipated on other governmental agencies or private businesses or individuals who are not submitting a complaint for filing.

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 the Commission believes that the proposed amendment will reduce cost and intrusion.

