



**House Committee on Judiciary
Testimony in Support of HCR 5008
Eric Stafford, Vice President of Government Affairs**

Monday, February 3, 2025

Madam Chair and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large businesses of all industry segments across the state. We appreciate the opportunity to speak in support of HCR 5008, a constitutional amendment granting legislative oversight into the rules and regulations adopted by the Executive branch.

The Kansas Legislature has taken many proactive steps to improve and protect our regulatory climate, including the REINS Act in 2024. But going back further, in 2018, the Legislature was considering HB 2526 to modify the state's rule and regulation process. The Chamber and other business allies offered testimony to the bill with a proposed amendment implementing the first requirement of the REINS Act, requiring agencies seeking to adopt new rules and regulations to conduct an economic impact analysis on impacted parties.

Ultimately, the Legislature passed a bill that was signed into law by Governor Colyer with the stronger economic impact analysis provisions based on Wisconsin's law. Fast forward to today, HCR 5008 would restore the Legislature's ability to repeal rules and regs adopted by state agencies. In the *Stephen v. Kansas House, Senate, and Governor Carlin* decision, the legislature "may adopt, modify or revoke administrative rules and regulations by concurrent resolutions passed by the legislature without presentment to the governor." It was challenged as violating the separation of powers "by authorizing the legislature to usurp the executive power to administer and enforce laws." The Court ruled the statute in question was unconstitutional and the ability for the legislature to review rules and regulations went away.

HCR 5008 is a proposed constitutional amendment that would restore checks and balances between the legislative and executive branches of government by allowing Kansas voters to decide whether the legislature shall have the authority to "oversee the adoption of such rules and regulations. This amendment also allows the legislature to revoke or suspend rules and regs if the legislature finds that such rules and regulations are "in conflict with state law or with federal law or regulations. In November 2021, we provided testimony in opposition to regulations proposed by the Kansas Department of Labor which circumvent and conflict with Kansas statute passed by the Legislature. HCR 5008 would allow the Legislature to vote to reject those regulations- something the Joint Committee on Administrative Rules and Regulations could not do last fall.

We have continued to support efforts that offer stronger legislative oversight into the rule and reg process. HCR 5008 would strengthen the ability of the legislature to hold state agencies accountable when adopting rules and regulations. We would ask for your support of this proposed constitutional amendment, and I'm happy to answer questions at the appropriate time.