



Testimony in Support of House Concurrent Resolution 5008

Kansas House Committee on Judiciary

February 3, 2025

Andrew Wiens
On behalf of
Opportunity Solutions Project

Chair Humphries and Members of the Kansas House Committee on Judiciary:

Hello! My name is Andrew Wiens with Dugan Consulting Group, speaking with you today on behalf of Opportunity Solutions Project (OSP). OSP is a non-profit, non-partisan advocacy organization dedicated to advancing policies that reduce barriers to work, protect state benefits for the truly needy, and ensure that the government is accountable to taxpayers and citizens.

Thank you for the opportunity to support House Concurrent Resolution 5008. This resolution is an opportunity for Kansas to strengthen transparency and political accountability. It would ensure that elected representatives have the chance to weigh in on potentially burdensome rules and regulations before agencies can impose them on the public.

HCR 5008 is a proposed constitutional amendment that would allow Kansas voters to decide whether to restore checks and balances by giving the Legislature the authority to oversee the adoption of administrative rules and regulations. This falls right in line with the Legislature's existing authority to authorize agencies to promulgate rules and regulations. If it sounds straightforward and obvious, it's probably because it is.

The background: in the eighties, the Kansas Supreme Court in the *Stephan v. Kansas House, Senate, and Governor Carlin* decision struck down a statute that allowed the Legislature to revoke existing rules by concurrent resolution, which doesn't require presentment to the governor.¹ A change to the Kansas constitution via this resolution's passage by the Legislature and approval by the people would allow for the Legislature to have this authority.

This bill isn't anti-regulation. It's pro-accountability. Rules carry the force and effect of law, and increasing oversight on rules will place legislators—the representatives of the people—back in the driver's seat when it comes to major policy decisions that affect businesses and families across Kansas. Thank you for your favorable consideration of HCR 5008.

¹ State ex rel. Stephan v. Kansas House of Representatives, 236 Kan. 45 (Kan. 1984).