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KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**  
LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: February 3, 2025  
Subject: Bill Brief for HCR 5008 (As Introduced)

House Concurrent Resolution 5008 proposes a constitutional amendment to provide for legislative oversight of rules and regulations adopted by executive branch agencies and officials.

HCR 5008 would add section 31 to article 2 of the Constitution of the State of Kansas to provide that the legislature shall oversee the adoption of administrative rules and regulations. If approved by the electors of the state, the legislature may provide by law for the legislature to approve proposed rules and regulations and proposed amendments to existing rules and regulations prior to their becoming effective. Further, the legislature may revoke or suspend any rules and regulations, or any portion thereof, by adoption of a concurrent resolution if the legislature finds that such rules and regulations, or any portion thereof, are: (1) Obsolete; (2) not enforced by the executive branch agency or official charged with such enforcement; (3) not in compliance with the legislative intent of the authorizing statute; (4) in conflict with state law or with federal law or regulations; (5) a cause of harm to public safety or the economy during an emergency; (6) overly burdensome; (7) an unnecessary infringement on individual rights; (8) duplicative of existing requirements under state law or federal law or regulations; or (9) in the sole discretion of the legislature, not beneficial to the public good.

K.S.A. 77-436 currently requires the joint committee on administrative rules and regulations to review all proposed rules and regulations during the public comment period. After each meeting, the joint committee issues a report to the legislature with comments and concerns about the proposed rules and regulations it has reviewed. The committee may introduce legislation in response to proposed rules and regulations it reviews, but the committee cannot require changes to or reject any proposed rules and regulations.

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Concurrent resolutions proposing amendments to the Constitution of the State of Kansas must be adopted by a  $\frac{2}{3}$  vote in each chamber to be presented to the general electorate for approval. If HCR 5008 is adopted by this constitutional majority in both chambers, it would then be submitted to the electors of the state at a special election on August 4, 2026, to be held in conjunction with the primary election held on such date.