



March 6, 2025

Madame Chair and members of the Senate Judiciary Committee,

On behalf of the Wichita Regional Chamber of Commerce and our roughly 1,300 members covering all sectors of the Kansas economy, thank you for the opportunity to provide written testimony in support of HCR 5008, A PROPOSITION to amend article 2 of the constitution of the state of Kansas.

The Chamber wishes to express our strong support for House Concurrent Resolution 5008 (HCR 5008), which would amend the Kansas Constitution to restore the Legislature's authority to nullify rules and regulations adopted by state agencies.

As background, in the past, Kansas legislators had the ability to review, modify, or repeal rules and regulations issued by state agencies through a concurrent resolution passed by both the House and Senate. This practice allowed the Legislature to maintain checks and balances over the regulatory process and ensure that rules and regulations were in alignment with state law and the will of the people. However, in the 1992 *Stephen v. Kansas House, Senate, and Governor Carlin* decision, the Kansas Supreme Court ruled that the Legislature did not have the authority to revoke or modify administrative rules and regulations in this manner, citing concerns over the separation of powers. This ruling significantly limited the Legislature's ability to oversee the regulatory actions of the executive branch.

Fast forward to today, HCR 5008 presents an important opportunity to restore that authority, empowering the Legislature to actively oversee and review state agency rules and regulations. This proposed constitutional amendment would allow Kansas voters to decide whether to give the Legislature the power to repeal, suspend, or modify regulations if they are found to be in conflict with state or federal law, or if they simply do not reflect the intent of the Legislature.

The Wichita Regional Chamber of Commerce strongly supports this amendment because it would restore a crucial check on the regulatory process, ensuring that regulations reflect the needs of businesses and the broader Kansas economy. With the adoption of HCR 5008, the Legislature would once again be able to vote to reject regulations that undermine the intent of laws passed by elected representatives. This power is vital for businesses across Kansas to ensure that state agencies do not overstep their authority and impose regulations that are unnecessary, burdensome, or in conflict with existing law.

It is important to note that this amendment would not eliminate the authority of state agencies to create and enforce rules. Instead, it restores a system of checks and balances that ensures the regulatory process remains transparent and accountable. By allowing the Legislature to



revoke or suspend rules and regulations when they conflict with state law or federal law, HCR 5008 empowers the people of Kansas to have a greater voice in the regulatory process.

In conclusion, the Wichita Regional Chamber of Commerce strongly supports HCR 5008 and urges the Committee to move this important constitutional amendment forward. This resolution would give the Legislature the ability to maintain oversight over the regulatory process, which is essential for ensuring that Kansas businesses can thrive in a fair and predictable regulatory environment.

Thank you for your time and consideration.

Very truly yours,

Jason P. Watkins  
Wichita Regional Chamber of Commerce