

House Resolution No. 6023

By Committee on Legislative Modernization

1-28

1 A RESOLUTION opposing the federal preemption of state laws that
2 regulate artificial intelligence.

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4 WHEREAS, The State of Kansas recognizes the rapid advancement and
5 deployment of artificial intelligence (AI) systems throughout the
6 economy, including in sectors affecting Kansas citizens such as
7 employment, housing, healthcare, elections and education; and

8 WHEREAS, Federal preemption of state AI laws would represent a
9 significant intrusion into the states' traditional and constitutionally
10 protected powers under the Tenth Amendment, which reserves to the
11 states powers not explicitly delegated to the federal government; and

12 WHEREAS, The proposed federal preemption would override states'
13 traditional authority in areas such as state election administration, state
14 court operations, public safety and policing, professional licensing and
15 the governance of state executive branches, all of which are areas in
16 which states have legitimate constitutional authority and responsibility
17 to their citizens; and

18 WHEREAS, Federal proposals to preempt state AI laws have contained
19 serious flaws, including ambiguous definitions, lack of state criminal
20 prosecution exemptions and, most critically, no meaningful federal
21 protections or standards to replace state authority; and

22 WHEREAS, Such federal preemption would leave courts, employers,
23 consumers and Kansas residents operating in a regulatory vacuum at
24 precisely the moment when AI systems are becoming deeply
25 embedded in everyday life; and

26 WHEREAS, Federal preemption efforts may be paired with threats to
27 withhold discretionary federal funding and Broadband Equity Access
28 and Deployment (BEAD) Program funds from states with AI
29 regulations, representing a coercive infringement on state authority
30 and an inequitable burden on rural and fiscally constrained states, like
31 Kansas, that depend heavily on federal broadband funding; and

32 WHEREAS, States are uniquely positioned to tailor policy to local needs,
33 and they have been the "laboratory of democracy," piloting solutions
34 that can later inform federal legislation when Congress finally acts;
35 and

36 WHEREAS, Kansas and other states now risk having their carefully

1 considered policymaking undone by broadly applied and rushed
2 federal intervention; and

3 WHEREAS, Congress should instead focus on setting a strong federal
4 floor of protections, while preserving state authority to go further, as
5 needed, in addressing new harms in ways that are tailored to their
6 constituents' needs: Now, therefore,

7 Be it resolved by the House of Representatives of the State of Kansas:
8 That we express our strong opposition to any federal legislation,
9 executive order or federal policy that would preempt, freeze or
10 otherwise restrict the state of Kansas from enacting, enforcing or
11 modifying laws and regulations governing AI; and

12 *Be it further resolved:* That we oppose any proposal to temporarily or
13 permanently suspend Kansas' authority to regulate AI in any sector,
14 including, but not limited to, areas of traditional state responsibility,
15 such as:

- 16 (a) State election administration and the prevention of election
17 interference through AI-generated deepfakes, automated voter-
18 targeting tools and related technologies;
- 19 (b) state court operations and the rules governing the use of AI in legal
20 proceedings and judicial decision-making;
- 21 (c) public safety and policing, including the use of AI-based
22 surveillance and biometric identification technologies;
- 23 (d) professional licensing and the regulation of professionals' use of AI
24 tools;
- 25 (e) employment practices and protections for Kansas workers from AI-
26 enabled discrimination;
- 27 (f) housing and the prevention of AI-enabled discriminatory practices in
28 housing markets;
- 29 (g) healthcare and the regulation of AI systems used in medical
30 decision-making;
- 31 (h) consumer protection and the prevention of AI-generated fraud and
32 identity theft;
- 33 (i) environmental and land use regulation related to data center
34 construction and operation; and
- 35 (j) protecting the privacy of children and regulating AI companion
36 applications; and

37 *Be it further resolved:* That we reject any federal preemption proposal
38 that:

- 39 (a) Fails to include a clear exemption preserving state authority to
40 enforce criminal laws against AI-enabled crimes, including the
41 production of non-consensual synthetic media, identity fraud and
42 election interference;
- 43 (b) does not offer federal protections or minimum standards to replace

- 1 state authority, leaving Kansas residents in a regulatory vacuum;
- 2 (c) uses ambiguous definitions of AI systems or AI regulation that
- 3 invite litigation and regulatory paralysis;
- 4 (d) allows private entities to enforce federal restrictions on state
- 5 authority, subjecting Kansas to costly litigation;
- 6 (e) conditions the receipt of federal funding, including, but not limited
- 7 to, Broadband Equity Access and Deployment (BEAD) Program
- 8 funds, on Kansas' refusal to enact or enforce AI regulations; or
- 9 (f) attempts to achieve preemption through executive order, which
- 10 exceeds presidential constitutional authority; and

11 *Be it further resolved:* That we affirm the constitutional authority of the
12 state of Kansas to regulate artificial intelligence within its borders and
13 the responsibility of Kansas to protect its citizens from AI-related
14 harms; and

15 *Be it further resolved:* That nothing in this resolution shall be construed
16 as endorsement of all AI regulations or opposition to reasonable
17 federal AI standards that are paired with preservation of meaningful
18 state authority; and

19 *Be it further resolved:* That the Secretary of State shall send enrolled
20 copies of this resolution to:

- 21 (a) Each member of the Kansas congressional delegation;
- 22 (b) the President of the United States;
- 23 (c) the Speaker of the United States House of Representatives;
- 24 (d) the President pro tempore of the United States Senate;
- 25 (e) the chairpersons and ranking members of the United States House
- 26 Committee on Energy and Commerce and the United States Senate
- 27 Committee on Commerce, Science, and Transportation;
- 28 (f) all state governors and state legislative leaders; and
- 29 (g) the national media outlets.