

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE CONCURRENT
RESOLUTION NO. 5014**

As Recommended by House Committee on
Judiciary

Brief*

HCR 5014, if adopted by a two-thirds majority of each chamber of the Kansas Legislature and approved by voters, would amend the *Kansas Constitution* to create a new section in Article 1 concerning legislative oversight of administrative rules and regulations. The new section would provide that, whenever the Legislature by law has authorized any officer or agency within the executive branch to adopt rules and regulations that have the force and effect of law, the Legislature may provide by law for revocation or suspension of any such rules and regulation, or any portion thereof, by a majority vote of the members of each house.

The resolution requires the following explanatory statement be printed on the ballot with the text of the amendment if it is submitted to voters for their approval:

The purpose of this amendment is to provide the legislature with oversight of state executive branch agencies and officials by providing the legislature authority to establish procedures to revoke or suspend rules and regulations.

A vote for this proposition would allow the legislature to establish procedures to revoke or suspend rules and regulations that are adopted by state executive branch agencies

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

and officials that have the force and effect of law.

A vote against this proposition would allow state executive branch agencies and officials to continue adopting rules and regulations that have the force and effect of law without any opportunity for the legislature to directly revoke or suspend such rules and regulations.

If approved by two-thirds of the Legislature, the text of the resolution and the yea and nay votes of both the Kansas House of Representatives and the Kansas Senate would be published in the journals of both chambers.

The resolution requires the Secretary of State to publish the resolution and to submit the proposed constitutional amendment to voters at the 2022 General Election, unless a special election is called at a sooner date by concurrent resolution of the Legislature, in which case it would be submitted to voters at the special election.

Background

The concurrent resolution was introduced by the House Committee on Appropriations at the request of Representative Finch.

House Committee on Judiciary

In the House Committee hearing on March 22, 2021, the Attorney General; representatives of Americans for Prosperity –Kansas, Kansas Chamber of Commerce, and Kansas Livestock Association; and a representative of Kansas Agribusiness Retailers Association, Kansas Grain and Feed Association, and Renew Kansas Biofuels Association testified as **proponents**, stating the proposed constitutional amendment would allow the Legislature to restore its ability to

suspend or revoke administrative rules and regulations, which was held to be unconstitutional by the Kansas Supreme Court in 1984.

Representatives of the Kansas Bankers Association and Kansas Cooperative Council provided written-only **proponent** testimony.

No neutral or **opponent** testimony was provided.

Fiscal Information

No fiscal note was available at the time the House Committee took action on the concurrent resolution.

Rules and regulations; legislative oversight; Kansas Constitution