



Testimony in Support of House Bill 2648

Kansas Senate Committee on Commerce

March 19, 2024

Andrew Wiens
On behalf of
Opportunity Solutions Project

Chair Erickson and Members of the Kansas Senate Committee on Commerce:

Good morning! 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 Bill 2648. This bill is an opportunity for Kansas to strengthen transparency and political accountability. It would ensure that elected representatives have the chance to weigh in on the most burdensome rules before agencies can impose them on the public.

The policy is straightforward. If an agency estimates a proposed rule will cost a million dollars within five years, then it couldn't move forward with the proposal until a bill is passed authorizing the agency to do so. This policy would not codify a rule into statute. Instead, it adds a new step to the rulemaking process for million-dollar regulations—the type that have a major impact on the day-to-day lives of Kansans.

Both Florida and Wisconsin have passed similar policies.¹⁻² The bill focuses on high-dollar rules, but this policy has also helped slow the growth of government by slowing the pace of rulemaking.³⁻⁴ But it hasn't halted rulemaking altogether in other states. Kansas could expect the same. Agencies would still be able to implement nuts-and-bolts regulations without legislative approval under this bill.

In the eighties, the Kansas Supreme Court struck down a statute that allowed the legislature to revoke existing rules by concurrent resolution, which doesn't require presentment to the governor.⁵ This bill is different. Like the policies in Florida and Wisconsin, the bill concerns proposed rules that have yet to go into effect, as opposed to rules that are already on the books. And it requires ratification through a bill, which is subject to the governor's veto just like any other bill. This is a tested policy in other states, and it's distinct from past efforts in Kansas that haven't worked.

This bill isn't anti-regulation. It's pro-accountability. Rules carry the force and effect of law, and increasing oversight on million-dollar rules will place legislators back in the driver's seat when it comes to major policy decisions that affect businesses and families across Kansas. Thank you for your consideration of HB 2648.

¹ Florida Statutes § 120.541.

² Wisconsin Statutes § 227.139.

³ Haley Holik, "How legislative and executive oversight helps Florida cut and control red tape," Foundation for Government Accountability (2023), <https://thefga.org/research/legislative-executive-oversight-helps-florida-cut-control-red-tape/>.

⁴ Haley Holik, "Why Florida is a national model for regulatory reform," Foundation for Government Accountability (2022), <https://thefga.org/paper/florida-is-a-national-model-for-regulatory-reform/>.

⁵ State ex rel. Stephan v. Kansas House of Representatives, 236 Kan. 45 (Kan. 1984).