



Kansas Grain & Feed Association (KGFA)
Kansas Cooperative Council (KCC)
Kansas Agribusiness Retailers Association (KARA)
Renew Kansas

816 SW Tyler, Topeka, Kansas 66612

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TO: House Committee on Federal and State Affairs
From: Randy Stookey, Vice President and General Counsel
Kansas Grain and Feed Association / Renew Kansas Association
Kansas Agribusiness Retailers Association

Leslie Kaufman, President/CEO, Kansas Cooperative Council

RE: Testimony in Support of HCR 5022, urging congress to propose the Regulation Freedom Amendment to the United States constitution

Chairperson Pauls and members of the House Committee on Federal and State Affairs. Thank you for the opportunity to comment today in support of HCR 5022. This testimony is being jointly submitted on behalf of the Kansas Grain and Feed Association, the Kansas Cooperative Council, the Renew Kansas Association, and the Kansas Agribusiness Retailers Association.

KGFA is a voluntary state association with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. KGFA's membership includes over 950 Kansas business locations and represents 97% of the commercially licensed grain storage in the state. The KCC's membership includes farm marketing and agricultural supply cooperatives, rural electric and telecommunications companies, insurance and risk management operations, credit unions and Farm Credit system members. Renew Kansas is a voluntary trade association representing the fuel ethanol processing, storage, and transportation industry in Kansas. KARA is a voluntary trade association whose membership includes over 700 agribusiness firms that are primarily retail facilities supplying fertilizers, crop protection chemicals, and seed to Kansas farmers.

Our members conduct business, employ thousands of workers, and contribute to the economic vitality of local municipalities all across the state. For the purposes of ensuring occupational safety; regulating environmental impacts on air, soil and water; providing market oversight; safeguarding our food supply; and, promoting national security, our members' industries are heavily regulated at both the state (Kansas Dept. of Agriculture, Kansas Dept. of Health and Environment, Kansas Corp. Commission/Kansas Highway Patrol, Kansas Dept. of Labor), and federal levels

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(USDOL/OSHA, USEPA, USDA, FDA, USDOT, DHS, Commodity Futures Trading Commission, and others.) Thus, this bill is of interest to our associations and members.

Each federal agency granted regulatory jurisdiction over member businesses maintains the authority to pass rules and regulations to carry out the general intent of Congress as expressed in legislation. For this reason, each federal agency named above has become a new and separate arm of federal bureaucracy, each with its own stove-piped regulatory oversight. Each new regulation passed by these agencies expands the already distended and unworkable regulatory construct. This regulatory reality is especially reflective of regulatory and reporting requirements for the agribusiness industry.

Too often, the negative implications of such an overly-burdensome regulatory system result in stunted business development and lower wages and benefits for employees. On the macroeconomic level, the effect of our current regulatory environment has resulted in an increase in unemployment, less national economic activity, less competitive domestic industries, and a reduction in the gross domestic product.

For many years, our industries have found it necessary to oppose a number of new federal rules and regulations as being outside of the authorizing legislation, improperly promulgated, containing faulty economic analysis, being overly broad, unworkable, without reliable scientific basis or a combination of several of these points. Recently, many proposed regulations by the USEPA, OSHA, and the FDA have generated nation-wide calls to action against the proposal, to include lawsuits to estop the responsible agency from enforcing the proposed regulations, and communications to the responsible agencies from Governors, Attorneys General, Congress, regulated industry groups, and concerned citizens.

The power to legislate (through the creation of rules, regulations, guidance documents, publications, policies, memorandums, and letters of interpretation – all with the force and effect of law) has too often been delegated to unelected, career federal employees. This has created an imbalance in the separation of powers model of our federal government.

As reflected in HCR 5022, the unnecessary and unnatural growth and abuse of federal regulatory authority threatens our constitutional liberties and dulls the edge of our economic vitality. HCR 5022 would require greater accountability by federal employees to our elected representatives – those actually granted the constitutional authority to create laws. By instilling a more robust system of checks and balances, HCR 5022 would return to Congress the power to legislate - consistent with our constitutional framework – and restore the balance of power in our federal government.

For the reasons stated, we feel this House Resolution is beneficial and appropriate and would respectfully request that the committee pass HCR 5022 favorably out of committee.

Thank you for allowing us the opportunity to testify on HCR 5022.

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