

House Concurrent Resolution No. 5008

By Committee on Judiciary

Requested by Representative Wassinger on behalf of Representative B. Carpenter

1-28

1 A PROPOSITION to amend article 2 of the constitution of the state of
2 Kansas by adding a new section thereto; providing legislative
3 oversight of rules and regulations adopted by executive branch
4 agencies and officials.
5

6 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
7 *members elected (or appointed) and qualified to the House of*
8 *Representatives and two-thirds of the members elected (or appointed)*
9 *and qualified to the Senate concurring therein:*

10 Section 1. The following proposition to amend the constitution of
11 the state of Kansas shall be submitted to the qualified electors of the state
12 for their approval or rejection: Article 2 of the constitution of the state of
13 Kansas is hereby amended by adding a new section to read as follows:

14 "**§ 31. Legislative oversight of administrative rules and**
15 **regulations.** (a) In accordance with the legislature's power to
16 authorize the adoption of administrative rules and regulations,
17 the legislature shall oversee the adoption of such rules and
18 regulations. The legislature may provide by law for the
19 legislature to approve proposed rules and regulations and
20 proposed amendments to existing rules and regulations prior to
21 their becoming effective.

22 (b) The legislature may revoke or suspend any rules and
23 regulations, or any portion thereof, by adoption of a concurrent
24 resolution if the legislature finds that such rules and regulations,
25 or any portion thereof, are:

- 26 (1) Obsolete;
27 (2) not enforced by the executive branch agency or official
28 charged with such enforcement;
29 (3) not in compliance with the legislative intent of the
30 authorizing statute;
31 (4) in conflict with state law or with federal law or
32 regulations;
33 (5) a cause of harm to public safety or the economy during
34 an emergency;
35 (6) overly burdensome;

- 1 (7) an unnecessary infringement on individual rights;
2 (8) duplicative of existing requirements under state law or
3 federal law or regulations; or
4 (9) in the sole discretion of the legislature, not beneficial to
5 the public good."

6 Sec. 2. The following statement shall be printed on the
7 ballot with the amendment as a whole:

8 "*Explanatory statement.* The purpose of this amendment is to
9 protect the people of Kansas from burdensome rules and
10 regulations and to promote accountability and transparency
11 by providing legislative oversight of rules and regulations
12 adopted by executive branch agencies and officials. This
13 amendment authorizes the legislature to provide for
14 legislative approval of rules and regulations and for
15 legislative revocation or suspension of rules and regulations
16 that are unnecessary, burdensome or otherwise not beneficial
17 to the public good.

18 "A vote for this proposition would authorize the legislature to
19 provide for legislative approval of rules and regulations and
20 for legislative revocation or suspension of rules and
21 regulations that are unnecessary, burdensome or otherwise
22 not beneficial to the public good.

23 "A vote against this proposition would allow executive branch
24 agencies and officials to continue adopting rules and
25 regulations that have the force and effect of law without
26 oversight from the elected representatives to directly
27 approve, revoke or suspend such rules and regulations."

28 Sec. 3. This resolution, if approved by two-thirds of the members
29 elected (or appointed) and qualified to the House of Representatives and
30 two-thirds of the members elected (or appointed) and qualified to the
31 Senate, shall be entered on the journals, together with the yeas and nays.
32 The secretary of state shall cause this resolution to be published as
33 provided by law and shall cause the proposed amendment to be submitted
34 to the electors of the state at a special election, which is hereby called on
35 August 4, 2026, pursuant to section 1 of article 14 of the constitution of
36 the state of Kansas, to be held in conjunction with the primary election
37 held on such date.