

**Before the Senate Judiciary Committee**  
**Presented by Zack Pistora, Kansas Sierra Club**  
**Opponent to HCR 5014**  
**3-2-22**



Madam Chair Warren and members of the committee,

Thank you for the opportunity to submit testimony against HCR 5014, which aims to amend the Kansas Constitution to provide the Legislature the ability to revoke or suspend rules and regulations that come out of the Executive Branch.

As a nonpartisan, nonprofit grassroots environmental organization with nearly 5000 members across the state, we have a vested interest in engaging and supporting policy safeguards at all levels of government to steward our natural resources and protect our air, water, land, and communities from pollution. Environmental safeguards to protect air, water, land, and communities have been promulgated by the Legislature, but are further enforced and specified by agencies within rules and regulations. Because rules and regulations typically implement the Legislature's law in greater level of detail, we support the opportunity for agencies and those dedicated civil servants guided by a single special interest – the mission of the agency – to maintain their current process of developing rules and regulations without the cloud of veto power by the Legislature. While this resolution's enabling of 'veto power' upon state agencies' rules and regulations may seem logical given the Legislature's principal role of being the lawmaking branch of government, **HCR 5014 could spell trouble for sensible environmental safeguards if Legislative majorities feel compelled to micromanage or politicize administrative enforcement of a particular topic, say pollution standards.**

The current process of developing rules and regulations has been tested and tried for over forty years. In practical terms, the Legislature currently does influence the agencies' rules and regulations, as proposed changes go before the Legislature's Joint Committee on Rules and Regulations. There, the Legislative committee members debate the specifics and provide guidance of the proposed rules and regulations before going into effect. In addition, there are typically opportunities for stakeholder engagement and public comment throughout the rulemaking process for which Legislators and/or constituents can be part of. If the Legislature feels any rules or regulations are inadequate, the Legislature can alter the law and put in more specificity. If a private entity feels a rule or regulation violates the law, that entity can challenge the rule or regulation in the courts.

We are worried that giving the Legislature the power to revoke or suspend the rules and regulations could lead to greater political pressure on Legislators by powerful special interests seeking less regulatory scrutiny upon their industry or business. **HCR 5014, if approved, could distort our rules and regulations process by giving more ability for moneyed interests and corporations to persuade their backed elected leaders toward narrow favors** of suspending and revoking certain rules and regulations. The Kansas Legislature seems never short on pressing matters and bills to consider in usual form; the Legislature should be wary of opening the nearly 71,000 Kansas Administrative Regulations for objection by those with self-serving political agendas.

This concern is not as hypothetical as it might sound; there are several pro-industry lobby groups behind this resolution that often side with less regulations upon environmental polluters.

**In sum, the Kansas Sierra Club feels there is little need – and a whole lot of risk – in passing HCR 5014.**

Sincerely,

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*The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years.*