



March 22, 2021

Kansas House Judiciary Committee

HCR 5014

Dear Chairman Patton and Members of the Committee,

My name is Elizabeth Patton and I am the State Director for Americans for Prosperity-Kansas. Thank you for the opportunity to testify in strong support of HCR 5014.

Over the past few decades, legislatures at all levels of government have gradually given broad authority to regulatory agencies to not only carry out the law, but also to create it. This has created an imbalance of power in an otherwise balanced system. In order to restore the checks and balances that ensure a representative government for all Americans and to reduce burdensome regulatory accumulation, legislatures must reclaim their authority over the lawmaking process. Legislative accountability helps to reduce unnecessary, outdated, duplicative, and particularly costly regulations.

We believe the successful passage of this Constitutional Amendment can open a path to significantly reduce red tape and compliance costs by allowing both regulators and the regulated community to focus on legitimate rules that protect the public. Kansas is one of only 16 states in which there is no clear, permanent requirement in the state constitution or law for a legislative review body to weigh in on new regulations before they go into effect.<sup>1</sup> This Constitutional Amendment would simply make clear that, insofar as the Legislature has delegated limited authority to executive branch agencies to create and implement binding regulations, it has the authority to reclaim that authority by revoking or suspending particular rules.

In 2020, the Mercatus Center at George Mason University released Version 2.0 of its State RegData project, which examines the cumulative volume of regulations found in the administrative codes of 44 states and the District of Columbia. Kansas' administrative code contains more than 70,000 regulatory restrictions.<sup>2</sup>

A related analysis<sup>3</sup> found that that these 70,000 regulatory restrictions include more than 3.2 million words, which would take someone 4.5 weeks to read. Leading the way in regulatory output is the Kansas Department of Health and Environment (almost 20,000 restrictions) and the Kansas Corporation Commission (over 5,000 restrictions).

Additional research from the Mercatus Center also shows that cumulative state and federal regulation has a regressive impact on Kansas, increasing consumer prices and poverty, while decreasing

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<sup>1</sup> [https://ballotpedia.org/Nondelegation\\_doctrine:\\_States\\_with\\_regulatory\\_review\\_bodies](https://ballotpedia.org/Nondelegation_doctrine:_States_with_regulatory_review_bodies).

<sup>2</sup> <https://www.mercatus.org/publications/regulation/quantifying-regulation-us-states-state-regdata-20>

<sup>3</sup> <https://www.mercatus.org/publications/regulation/snapshot-kansas-regulation-2019>

entrepreneurship.<sup>4</sup> From 1997 to 2015, the regulatory burden upon Kansas increased by 72 percent. Unfortunately, Kansas ranks outside the top 20 states for doing business according to Area Development magazine as well as middle of the pack in the Small Business & Entrepreneurship Council's 2019 Small Business Policy Index rankings. We hope to change that with intentional policies such as this one.

Jurisdictions that have adopted red-tape-reduction programs in the U.S. and Canada have not experienced diminished protection for public health and safety or other adverse effects that critics warn of. Instead, many have experienced resounding economic success.<sup>5</sup> Idaho, Arizona and Virginia among many others were able to see a stark increase in economic growth following their ability to reform their regulatory codes and reduce red tape. This Constitutional Amendment, if passed, would enable our state to follow suit.

We thank you for the opportunity to testify today, and we look forward to working together to achieve these sensible reforms that will boost productivity and open economic opportunities for all residents of Kansas.

Sincerely,

Elizabeth Patton

State Director

Americans for Prosperity-Kansas

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<sup>4</sup> <https://www.mercatus.org/publications/regulation/regressive-effects-regulations-kansas>

<sup>5</sup> <https://www.governing.com/finance/How-States-Are-Leading-the-Way-on-Regulatory-Reform.html>