



March 19, 2024

Statement of Pacific Legal Foundation before the Kansas Senate Commerce Committee in support of HB2648

Chair Erickson and members of the Commerce Committee:

My name is James Manley, and I am State Legal Policy Deputy Director at Pacific Legal Foundation. PLF is a nonprofit public interest law firm dedicated to defending Americans' liberties when threatened by government overreach and abuse. Since our founding 50 years ago, we have been helping Americans fight for their constitutional rights in courthouses and legislatures across the country. We have won 17 cases and counting at the United States Supreme Court.

PLF supports HB2648, because it places important guardrails on the administrative authority the legislature has entrusted to state regulators. Administrative agencies with insufficient democratic controls do more than fill in technical gaps left by the legislature in regulatory schemes, but instead, often write detailed rules with the force of law that have sweeping social and economic consequences, including imposing significant civil or even criminal penalties on businesses and individuals.

Writing law and setting broad social and economic policy is the duty of the Legislature. HB2648 helps improve democratic accountability for agency major rules by giving legislators more effective mechanisms to ensure agencies stay within the bounds of their delegated authority, ensuring policy is not set in one-off adjudications, and limiting agencies' authority to unilaterally issue burdensome rules that would not pass the legislative process.

Thank you for the opportunity to testify. I am happy to answer any questions; my contact information is listed below.

Respectfully,

James M. Manley
State Legal Policy Deputy Director