

State of Kansas

Senate Chamber

ANTHONY HENSLEY
STATE SENATOR, NINETEENTH DISTRICT
SHAWNEE, DOUGLAS, JEFFERSON
& OSAGE COUNTIES

HOME ADDRESS:
2226 S.E. VIRGINIA AVENUE
TOPEKA, KANSAS 66605-1357
(785) 232-1944—HOME

E-MAIL
ANTHONY.HENSLEY@SENATE.KS.GOV



Office of Democratic Leader
STATE CAPITOL, ROOM 318-E
TOPEKA, KANSAS 66612
(785) 296-3245
FAX (785) 296-0103

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Testimony of Senator Anthony Hensley To the Committee on Ethics, Elections and Local Government Supporting the passage of Senate Bill 394

Good Morning Chairman Esau and members of the Committee:

Senate Bill 394 closes a major loophole in our lobbying statutes related to the executive and judicial branches of government. Under current law, only those seeking legislative action or state agency action regarding rules and regulations must register as lobbyists. This bill expands that requirement to individuals lobbying executive or judicial branch offices seeking action for state business.

While this issue has been a concern of mine for many years, it became much more apparent as the approval process for the building of a new Lansing Correctional Facility (LCF) moved forward. The LCF project was heard in both the Joint Committee on State Building and Construction and Legislative Budget Committee before coming to the State Finance Council for consideration and a vote. CoreCivic acknowledged before the State Finance Council that it had hired three individuals as lobbyists on the proposal and they registered on November 13, 2017.

This raised concerns as to whether these individuals were on CoreCivic's payroll to lobby the executive branch prior to November 13, 2017. Since current law does not require disclosure of such information, we will never know if that was the case. We will never know whether Governor Brownback's former Chief of Staff-turned-lobbyist used his access and influence to assist CoreCivic in obtaining this contract or getting it through the approval process.

Senate Bill 394 not only requires these individuals to register as lobbyists but also report which state agency or office they will be lobbying. This concept is not new. Approximately 35 states require individuals seeking to influence the executive or judicial branch to register as a lobbyist. While there are many different approaches states have taken to define what constitutes "lobbying," the most common and simplest approach is "supporting or opposing any action."

I have heard some concerns that this legislation would require anyone and everyone to register as a lobbyist. Even individual citizens who just want to talk to their legislators or individuals who work in the executive or judicial branch. That is not the case. If you would be required to register as a lobbyist today, you will be required to register after passage of Senate Bill 394. If you are not required to register as a lobbyist today, you will not be required to register as a lobbyist under Senate Bill 394. The only exception to that would be if you are hired by a state agency through a contract to lobby.

Requiring individuals seeking to influence the executive and judicial branches of government is long overdue. No one should be allowed to work behind the scenes to influence the executive branch to obtain state business. They should be required to register and report just as individuals who lobby the legislative branch do. I appreciate your consideration of this bill.