

Committee Report

REGULAR CALENDAR

September 29, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Legislative Administration to which
was referred HB 1359,**

**AN ACT relative to employment as a lobbyist. Having
considered the same, report the same: NOT
RECOMMENDED FOR FUTURE LEGISLATION.**

Rep. Kimberly Rice

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Legislative Administration
Bill Number:	HB 1359
Title:	relative to employment as a lobbyist.
Date:	September 29, 2020
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

The bill was not recommended for future legislation because the terms were not well defined e.g. what constitutes a lobbyist's client? Is it someone employed by a company that happens to have its own political action committee — where membership in that PAC is purely optional? The bill also doesn't clearly specify the amount of time after leaving office that the prohibition from employment as a lobbyist would last nor was there any interest from the committee to amend the bill accordingly.

Vote 8-2.

Rep. Kimberly Rice
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Legislative Administration

HB 1359, relative to employment as a lobbyist.**NOT RECOMMENDED FOR FUTURE LEGISLATION** .

Rep. Kimberly Rice for Legislative Administration. The bill was not recommended for future legislation because the terms were not well defined e.g. what constitutes a lobbyist's client? Is it someone employed by a company that happens to have its own political action committee — where membership in that PAC is purely optional? The bill also doesn't clearly specify the amount of time after leaving office that the prohibition from employment as a lobbyist would last nor was there any interest from the committee to amend the bill accordingly. **Vote 8-2.**

Original: House Clerk
Cc: Committee Bill File

2020 Interim Study Bills - Legislative Administration

Approved by Wall, reviewed/edited by Pam

1. HB 441, relative to disclosure of the source of legislative bill proposals and the disclosure of certain information by lobbyists.
Not Rec, Graham, 9-1

The issue of clearly identifying the source of model legislation, similar to what is done when a state agency requests legislation, is not new. At least twice before this subject has been before this body and both times found Inexpedient to Legislate. While the committee is supportive of further transparency in the bill drafting process, the majority felt that putting this requirement into statute was not the correct approach. The committee believes that a more expedient, and more responsive, solution would be to add such a requirement to House Rules.

Approved by Wall, reviewed/edited by Pam

2. HB 1359, relative to employment as a lobbyist.
Not Rec, Rice, 8-2

The bill was not recommended for future legislation because the terms were not well defined e.g. what constitutes a lobbyist's client? Is it someone employed by a company that happens to have its own political action committee — where membership in that PAC is purely optional? The bill also doesn't clearly specify the amount of time after leaving office that the prohibition from employment as a lobbyist would last, nor was there any interest from the committee to amend the bill accordingly.

Approved by Wall, reviewed/edited by Pam

3. HB 1669, requiring electronic filing of lobbyist's forms and statements.
Not Rec, Ley, 10-0

The committee has not received any evidence of serious problems in the filing of lobbyist forms and statements. Furthermore, the committee has been assured by the Deputy Secretary of State that electronic filing will be established in the near future as part of the digitization of much of the work of the Secretary of State's office. In light of the above, the committee believes there is no need of future legislation, especially as digitization of filing can likely be better accomplished through administrative rules rather than statutory enactment.

Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 1359

BILL TITLE: relative to employment as a lobbyist.

DATE: September 11, 2020

LOB ROOM: Remote Meeting

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Rice

Seconded by Rep. Graham

Vote: 8-2

Respectfully submitted,

Rep Betsy McKinney, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

9/3/2020 8:33:29 AM
Roll Call Committee Registers
Report

2020 SESSION

Legislative Administration

Bill #: 1359
~~1339~~ Motion: Not rec'd AM #: _____ Exec Session Date: 9/11/20

Members	YEAS	Nays	NV
Wall, Janet G. Chairman			
Ley, Douglas A. Vice Chairman	✓		
Smith, Timothy J.			A
Bernet, Jennifer	✓		
Frost, Sherry A.		✓	
Nutting-Wong, Allison R.	✓		
Turcotte, Alan J.			A
Wilhelm, Matthew B.		✓	
Hinch, Richard W.			A
McKinney, Betsy Clerk	✓		
Graham, John A.	✓		
Hill, Gregory G.			A
Rice, Kimberly A.	✓		
Greene, Bob J.	✓		
TOTAL VOTE:			

8 - 2

Rice
Graham

Sub-Committee Actions

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 1359

BILL TITLE: relative to employment as a lobbyist.

DATE: September 11, 2020

Subcommittee Members: Reps. Wall, Ley, McKinney, Bernet, Frost, Nutting-Wong, Wilhelm, Graham, Hill and Greene

Comments and Recommendations: Rep. Rice - Should not support restricting employment. Rep. Graham - Fixable time two years would mean four years, etc.

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Rice

Seconded by Rep. Graham

Vote: 8-2

Respectfully submitted,

Rep. Betsy McKinney
Subcommittee Clerk

HOUSE COMMITTEE ON

SUBCOMMITTEE WORK SESSION on

BILL TITLE: ¹³⁵⁹ 1334

DATE: 9/11/20

Subcommittee Members: see attendees sheet 10 members

Comments and Recommendations:

Rep. Rice - ~~time~~ should not support
restricting employment -
Rep. Graham - should not be in legislation - rules
Rep. Frost - fixable ~~up~~ time ~~eyes~~ would mean 4 eyes etc

MOTION: Recommended for Future Legislation
 Not Recommended for Future Legislation

Moved by Rep. Rice Seconded by Rep. Graham Vote: 8-2

Respectfully submitted,

Rep. Betsy DeVos
Subcommittee Chairman/Clerk

Committee Report

CONSENT CALENDAR

February 10, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Legislative Administration to which
was referred HB 1359,**

**AN ACT relative to employment as a lobbyist. Having
considered the same, report the same with the
recommendation that the bill be REFERRED FOR
INTERIM STUDY.**

Rep. Matthew Wilhelm

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Legislative Administration
Bill Number:	HB 1359
Title:	relative to employment as a lobbyist.
Date:	February 10, 2020
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

This bill prohibits members of the General Court, Executive Council, and Governors from becoming lobbyists for a period of time after leaving office. The committee believes that while the bill is well intended, the length of time between a member leaving office and becoming a lobbyist was of concern. Future legislation would benefit from additional work and data.

Vote 12-1.

Rep. Matthew Wilhelm
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Legislative Administration

HB 1359, relative to employment as a lobbyist. **REFER FOR INTERIM STUDY.**

Rep. Matthew Wilhelm for Legislative Administration. This bill prohibits members of the General Court, Executive Council, and Governors from becoming lobbyists for a period of time after leaving office. The committee believes that while the bill is well intended, the length of time between a member leaving office and becoming a lobbyist was of concern. Future legislation would benefit from additional work and data. **Vote 12-1.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: LEGISLATIVE ADMINISTRATION

BILL NUMBER: 1359

TITLE: An act relative to employment as a lobbyist

DATE: 2/5/2020 CONSENT CALENDAR: YES [X] NO []

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

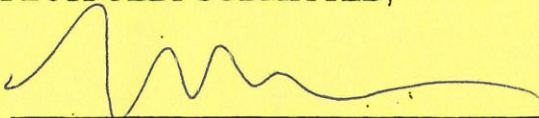
This bill prohibits members of the general court, ~~and~~ executive council, and governors from becoming lobbyists for a period of time after leaving office. The committee believes that while the bill is well-intended, the length of time between a member leaving office and becoming a lobbyist was of concern. ~~With some additional work and data, the committee may~~ future legislation would benefit from additional work and data.

COMMITTEE VOTE: _____

Jgd

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. 

For the Committee

Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 1359

BILL TITLE: relative to employment as a lobbyist.

DATE: February 5, 2020

LOB ROOM: 303

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Wilhelm

Seconded by Rep. Rice

Vote: 12-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Betsy McKinney, Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 1359

BILL TITLE: relative to employment as a lobbyist.

DATE: 2/5/20

LOB ROOM: 104

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Motion withdrawn

Moved by Rep. Rice Seconded by Rep. Whiteman Vote: 12-1

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # _____ (if offered)

Moved by Rep. Wellman Seconded by Rep. Rice Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # _____ (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # _____ (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Betsy McKinney Rep Betsy McKinney, Clerk



2020 SESSION

Legislative Administration

Bill #: 1359 Motion: Continuation Study AM #: _____ Exec Session Date: 2/5/20

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Wall, Janet G. Chairman	✓		
Ley, Douglas A. Vice Chairman	✓		
Smith, Timothy J.		✓	
Bernet, Jennifer <i>Mangipudi</i>	✓		
Frost, Sherry A.			
Nutting-Wong, Allison R.	✓		
Tureotte, Alan J. <i>Abbott</i>	✓		
Wilhelm, Matthew B.	✓		
Hinch, Richard W.	✓		
McKinney, Betsy Clerk	✓		
Graham, John A.	✓		
Hill, Gregory G.	✓		
Rice, Kimberly A.	✓		
Greene, Bob J.	✓		
TOTAL VOTE:			

Chairman

12--1

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 1359

BILL TITLE: relative to employment as a lobbyist.

DATE: January 29, 2020

LOB ROOM: 303

Time Public Hearing Called to Order: 10:25 a.m.

Time Adjourned: 10:35 p.m.

Committee Members: Rep. Wall

Bill Sponsors:

Rep. T. Smith

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Tim Smith - Prime sponsor of the bill. Close the revolving door of someone serving as Representative, etc. from using their connections to become a lobbyist.

Respectfully submitted,

Rep. Betsy McKinney
Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 1359

BILL TITLE: relative to employment as a lobbyist.

DATE: 1/29/00

ROOM: 104

Time Public Hearing Called to Order: 10:25

Time Adjourned: 10:35

(please circle if present)

Committee Members: Reps. Wall, Ley, McKinney, T. Smith, Bernet, Frost, Nutting-Wong, Turcotte, Wilhelm, Hinch, Graham, Hill, Rice and Greene

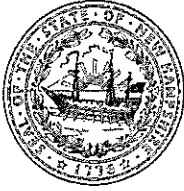
Bill Sponsors:
Rep. T. Smith

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. T. Smith, sponsor - close the revolving door of someone serving as Rep. etc. from desiring their connects to become a lobbyist.

Testimony



HOUSE COMMITTEE RESEARCH OFFICE
New Hampshire House of Representatives
4th Floor, Legislative Office Building
Concord, NH 03301
(603) 271-3600

Pam Smarling, Senior Committee Researcher
(603) 271-3387; Pam.Smarling@leg.state.nh.us

To: Rep. Janet G. Wall, Chairman, House Legislative Administration Committee

From: Pam Smarling, Senior Committee Researcher
House Committee Research

Date: January 27, 2020

RE: Restrictions on Employment as a Lobbyist; History in NH; Other State Laws
HB 1359, relative to employment as a lobbyist

You asked:

1. Do New Hampshire officials currently have to wait for a period of time before accepting employment as lobbyists? When was this law adopted?
2. Have there been attempts to extend the waiting period?

HB 1359 (2020) - Moratorium on Employment as a Lobbyist

HB 1359 would prohibit individuals who served as state legislators, executive councilors or governor from accepting employment that would require registering as a lobbyist under RSA 15:1 for a period of **4 years**. This bill would also prohibit a state legislator from negotiating an employment offer with a lobbying firm while in office.

Current Law

Since 2004 a restriction on employment as a lobbyist has been a part of the NH Executive Branch Code of Ethics. RSA 21-G:26, prohibits **executive branch officials and classified employees** from appearing as lobbyists in New Hampshire for **6 months** after leaving employment with the state. This section was amended and recodified in 2006.

The term “executive branch official” (defined in RSA 21-G:21, II-a) includes:

- the governor,
- members of the executive council,
- every commissioned, unclassified, or nonclassified executive branch employee other than one elected by the legislature,
- the constitutional officials - the secretary of state, the state treasurer, their deputies, assistants, and all employees of their departments, and
- any person other than a classified employee who conducts business on behalf of the governor, an executive branch official, or executive branch agency, including a volunteer.

RSA 21-G:26 Employment Restrictions. –

For 6 months after leaving office or employment with the state, no executive branch official or classified employee shall appear as a lobbyist:

I. To promote or oppose directly any specific legislation pending or proposed before the general court; or

II. To directly promote or oppose action or inaction on any matter, contract, license, permit, or administrative rule pending before the executive branch or with regard to any matter over which that executive branch official or classified employee had personal and direct responsibility while in state government.

Restrictions on State Legislators

Although legislation has been filed to adopt this change, there is no current prohibition on members of the NH state legislature accepting employment as lobbyists after concluding their service in the General Court.

Previous Legislation to Amend Lobbying Restriction

Comprehensive legislation to reform the lobbyist laws introduced in 1997 included a provision specifically prohibiting former members of the General Court from working as lobbyists for 2 years after the end of their term of office. This bill was not adopted.

Since the adoption of the restriction on lobbying imposed on executive branch officials in 2004, two bills have been filed to revise the moratorium provision. HB 1481 (2006) and HB 268 (2013) repealed RSA 21-G:26 and added a new paragraph to RSA 15 that increased the period of time that a state official would have to wait between leaving office and accepting employment as a lobbyist **from 6 months to one year**. The

moratorium in these bills was also extended to state legislators in addition to executive branch officials. Specifically the proposed changes applied to:

- Members of Governor's staff
- Members of the Legislature
- Governor
- Attorney General
- State Treasurer
- Secretary of State
- Executive Councilor
- Commissioners ("the individual in charge of the operations of a department, who is directly responsible to the governor", RSA 21-G:5, V)
- Department division Directors (not strictly defined in RSA 21-G:6, II, but this section states "The principal unit of the department shall be the division; and each division shall be headed by a director.")

The bills' sponsors testified in favor of them making the following points:

- this change would help restore the trust of the general public in the political process
- this change is important for establishing and accountability and avoiding conflict of interest
- NH's ethics laws do not rank well compared to other states
- the federal government has a one-year moratorium
- NH has one of the shortest waiting periods for state officials who wish to work as lobbyists
- lobbyists have too much influence on legislation

Rep. Michael O'Neil, Majority Leader, was the only person who testified in opposition to HB 1481. He expressed concern that public employees would not be permitted to use their expertise to obtain employment.

Neither of these bills passed the House. The detailed disposition of each bill follows:

2006 - HB 1481, establishing a moratorium period for lobbying by certain state officers

Sponsors: Rep. Peter Sullivan and Rep. Jim Splaine

Referred to: House Election Law Committee

Committee Report: Refer for Interim Study, vote 13-4

Rep. Richard B. Drisko for Election Law: This bill would amend RSA 15:1-a by extending the moratorium period on allowing former state officials or employees to become lobbyists. The bill expands the definition of affected employees and public officials. The committee is concerned that the bill as written has the potential to unfairly limit employment opportunities for certain individuals after they complete a period of service to the state. The committee felt that the issue should be subjected to additional review. In addition, some of the content of the bill was considered in SB 206.

House Vote: Referred for Interim Study, roll call vote 201-132

Committee Report after Interim Study: Not Recommended for Future Legislation,
Vote 11-3

Rep. Richard B. Drisko: The intent of this bill is to prohibit certain public officials from lobbying for one year after leaving office or employment with the state. This issue was adequately addressed in SB 206, Chapter 21, 2006.

Chapter 21, Laws of 2006 was a major ethics reform bill. It amended RSA 21-G:26 by changing its 6 month moratorium from applying to “commissioned, unclassified, or nonclassified executive branch employees”, with the exception of officials elected by the legislature to all executive branch officials. This expanded the scope of the provision to include more officials such as the Secretary of State, the State Treasurer, and classified employees.

Final Action: Killed in House

2013 - HB 268, establishing a moratorium period for lobbying for certain state officers.

Sponsor: Rep. Peter Sullivan

Referred to: House Legislative Administration

Committee Report: Inexpedient to Legislate, vote 11-0, Consent Calendar

Rep. Joel F. Winters for Legislative Administration: This bill would extend the prohibition on lobbying by certain public officials after leaving office from six months to one year. The committee was not persuaded that there a problem with the current law that needed to be fixed.

House Vote: Inexpedient to Legislate, voice vote

Final Action: Killed in House

Lobbying Moratorium Laws in Other States

According to NCSL, most states have laws establishing mandatory waiting periods before state legislators, and often other public officials, are permitted to accept employment as lobbyists. The laws in at least 38 states apply to state legislators. The length of time legislators must wait before working as lobbyists varies in the states. The law in Michigan applies only to the remainder of a term after a legislator resigns from office. Laws in North Carolina and Missouri impose a 6-month waiting period and the laws in the remaining 35 states establish 1- or 2-year moratoriums. Voters in Florida recently adopted a ballot initiative that will impose a 6-year cooling off period for members of the legislature and statewide elected officers. This provision will take effect on December 31, 2022.

If I can provide further information on this, please let me know.

Bill as
Introduced

HB 1359 - AS INTRODUCED

2020 SESSION

20-2603
05/10

HOUSE BILL **1359**

AN ACT relative to employment as a lobbyist.

SPONSORS: Rep. T. Smith, Hills. 17

COMMITTEE: Legislative Administration

ANALYSIS

This bill prohibits members of the general court and executive council and former governors from becoming lobbyists for a period of time after leaving office. The bill also prohibits members of the general court from negotiating employment with a lobbyist, or a lobbyist's client, while in office.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to employment as a lobbyist.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Lobbyists; Registration. Amend RSA 15:1 by inserting after paragraph V the
2 following new paragraph:

3 VI. Individuals who served as members of the general court, members of the executive
4 council, or as governor, or would have served but for resignation, are prohibited from accepting
5 employment which would require registration as a lobbyist under RSA 15:1 for a period of time equal
6 to twice the total length of their current term of office for which they were elected to serve regardless
7 of time actually served.

8 2 New Section; Members of the General Court; Employment Restriction. Amend RSA 14-A by
9 inserting after section 6 the following new section:

10 14-A:7 Prohibition on Employment Offers from Lobbyists. No member of the general court may
11 negotiate an employment offer with a lobbyist, a lobbyist's client, or the parent or subsidiary of a
12 lobbyist's client while the member is serving in office, even if such employment would not begin until
13 after the member's term of office has ended.

14 3 Effective Date. This act shall take effect 60 days after its passage.