

HB 268-FN – AS INTRODUCED

2013 SESSION

13-0086  
03/05

HOUSE BILL            **268-FN**

AN ACT                establishing a moratorium period for lobbying by certain state officers.

SPONSORS:            Rep. P. Sullivan, Hills 10

COMMITTEE:          Legislative Administration

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ANALYSIS

This bill prohibits certain public officials from lobbying for one year after leaving office or employment with the state.

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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                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen*

AN ACT                    establishing a moratorium period for lobbying by certain state officers.

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

1            1    New Paragraph; Lobbyists; Prohibited Activities. Amend RSA 15:5 by inserting after  
2 paragraph II the following new paragraph:

3            III. For one year after leaving office or employment with the state, no public official, member  
4 of the governor’s staff, or member of the legislature shall appear as a lobbyist under this chapter. In  
5 this paragraph, “public official” includes the governor, the attorney general, the state treasurer, the  
6 secretary of state, an executive councilor, a commissioner, as defined in RSA 21-G:5, V, and a  
7 director, as defined in RSA 21-G:6, II.

8            2    Repeal. RSA 21-G:26, relative to the 6-month restriction on lobbying for public officials under  
9 the executive branch code of ethics, is repealed.

10           3    Effective Date. This act shall take effect January 1, 2014.

**HB 268-FN - FISCAL NOTE**

AN ACT                    establishing a moratorium period for lobbying by certain state officers.

**FISCAL IMPACT:**

The Department of Justice, Judicial Branch, and New Hampshire Association of Counties state this bill, **as introduced**, may increase state and county expenditures by an indeterminable amount in FY 2014 and each year thereafter. There will be no impact on state, county, and local revenue, or local expenditures.

**METHODOLOGY:**

The Department of Justice states this bill prohibits lobbying by certain public officials for one year after leaving office, and repeals the current six-month prohibition on lobbying currently in place under the executive branch code of ethics. The Department states a violation of the bill would be a misdemeanor if a natural person or a felony if any other person, and could be prosecuted by a county attorney's office or by the Attorney General. The Department also states it would incur a cost in instances where an appeal is taken to the state Supreme Court. The Department states it is unable to estimate how many cases will be generated by the bill or how many cases will be appealed to the Supreme Court.

The Judicial Branch states the bill may result in additional misdemeanor prosecutions. The Branch states the average cost of a class A misdemeanor in the district division of the circuit court will be \$62.71 in FY 2014 and \$64.40 in FY 2015. The average cost of a class B misdemeanor will be \$44.32 in FY 2014 and \$45.84 in FY 2015. The Branch states these case cost estimates are based on data that is more than seven years old and does not reflect the changes to the courts over that same period of time or the impact these changes may have on the processing of these types of cases. The Branch has no information on which to estimate how many additional charges may be brought as a result of the bill. However, if a single case were to be appealed to the New Hampshire Supreme Court, the fiscal impact would be in excess of \$10,000.

The New Hampshire Association of Counties states to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties may have increased expenditures. The Association states it is unable to determine how many individuals might be charged under either the existing six-month lobbying moratorium or the

one-year moratorium proposed by the bill, and so the impact on county expenditures is indeterminable. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000.

The Judicial Council states the bill will likely have no fiscal impact on the Council, since it is unlikely anyone charged under the bill will be eligible for appointed counsel at state expense.

The Department of State states the bill will have no fiscal impact on the Department.