

Advisory Opinion 2007-2

Please Note: For clarity, references to and excerpts from provisions of statutes or the Ethics Guidelines have been updated to conform to subsequent changes in numbering and language, where the changes have not affected the substance of the Opinion.

February 20, 2007

Attorney David Frydman
House Legal Counsel
Office of the Speaker
State House Room 312

Dear Attorney Frydman:

I am writing in response to your letter dated January 31, 2007, requesting an advisory opinion on behalf of the House Finance Committee regarding the acceptance and use of private auditorium space by a house committee, in order to hold public hearings, at no charge to the committee or its members.

The Committee reviewed your letter at our meeting held on February 5, 2007. Following review, the Committee determined that the offer of meeting space has been made to, and would be accepted by, the House Finance Committee as a whole in order to hold a public hearing. As such it would not constitute a gift to a legislator, implicating the prohibitions on the acceptance of gifts set forth in RSA 14-C:3 and Ethics Guidelines Section 3, II. No legislator would receive a personal benefit from the use of the space nor would any legislator have a right to use it except as a member of the committee while conducting the committee's official business. Thus, no value would accrue to any individual legislator; the benefit would be to the public as a whole and to the institution of the House. Therefore, it would be permissible for the committee to accept the use of such space and committee members would not be required to file any report, including the Honorarium or Expense Reimbursement Report established in RSA 14-C. This determination applies whether or not a fee would be typically charged to third-parties for use of the venue.

Please contact me if I can answer any further questions about this matter.

Very truly yours,
Russell F. Hilliard
Chairman

cc: Members of the Legislative Ethics Committee