

Advisory Opinion 2007-4

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.

November 15, 2007

Ms. Deborah Nielsen
House Sergeant-at-Arms
State House Room 318
107 North Main Street
Concord NH 03301-4951

Dear Ms. Nielsen,

The Legislative Ethics Committee, at its meeting on October 29, 2007, reviewed your request for an advisory opinion in a memorandum dated October 4, 2007. The question you presented is whether it is permissible for you in your capacity as House Sergeant-at-Arms to participate in soliciting New Hampshire lobbyists and other third parties to contribute to the National Legislative Services and Security Association (NLSSA) so the association can underwrite portions of its 2008 annual training conference, scheduled to be held in New Hampshire.

In your memorandum, you state that NLSSA is a professional association of the National Conference of State Legislatures (NCSL) and that the New Hampshire General Court is a member of NCSL. You describe your proposed activities as including providing to NLSSA a list of possible contributors which NLSSA could contact to request contributions or sponsorship, and contacting prospective contributors directly yourself to encourage or solicit them to make contributions.

The Ethics Guidelines prohibit a legislative employee or officer from attempting to use "the employee's or officer's official position to (1) personally obtain any privilege, exemption, special treatment or any other thing of value, or (2) obtain any such benefit for others except as required to perform duties within the scope of employment" [Section 8, II(f)]. Based upon the information you provided to the Committee, we conclude that you would not personally obtain any benefit through your proposed activities on behalf of the NLSSA conference. Although your participation in soliciting contributions would clearly benefit "others," the Committee does not construe that term as including an organization with which the General Court has an official relationship. Therefore, based on the identity of the

group to be benefited and the General Court's relationship with it, your proposed activities are permissible.

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