

MINUTES  
LEGISLATIVE ETHICS COMMITTEE  
JUNE 23, 2025, MEETING  
{Approved: September 18, 2025}

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, June 23, 2025, at 2:00 P.M. in Room 103 of the State House.

The following members were present: the Honorable Edward M. Gordon, Chairman, the Honorable Donna Sytek, Vice Chairman, Senator Cindy Rosenwald, Senator Ruth Ward, Representative Bob Lynn, Representative Catherine Rombeau, and the Honorable David H. Hess. Also participating were Richard M. Lambert, Executive Administrator, and Representative Gregory G. Hill.

The Committee's meeting consisted of the following agenda items:

ITEM #1

Consideration of the draft *Minutes* from the Committee's meeting held on May 16, 2025.

Following review, Vice Chairman Sytek moved to adopt the *Minutes* with the correction of a typo in the third paragraph, second sentence of Item #2, replacing "later" with "latter." Representative Lynn seconded the motion, and the Committee voted 5 to 0 in favor of the motion, with 1 abstention.

ITEM #2

Further discussion of a request for an Interpretive Ruling from Representative Gregory G. Hill (Merr/02).

Chairman Gordon summarized the request. "The request was made by Representative Greg Hill having to do with the definitions that were found in House Bill 1388, more specifically with regard to the state budget and general revenue bills. I did prepare a draft which was circulated, and I know that there were concerns with regard to the draft itself. ... At our last meeting, we discussed the definitions of 'state budget,' what we all agreed was HB 1 would qualify as 'state budget' and then we discussed HB 2 and I thought there was general consensus at the time that HB 2, 'the trailer bill,' would be a 'general revenue bill,' or could be considered a general revenue bill, because generally it affects the general operation and funding of the state budget. And then the third issue was how are amendments handled? If there is an amendment to the budget, what is the responsibility of an individual legislator to recuse themselves under House Bill 1388, or the current law?"

Representative Lynn said, "My basic concern is the last part, the amendments. And I understand the theory that if you would be recused from voting in Judiciary or Criminal Justice (committees), then if that same bill would go into HB 2, then why shouldn't you be recused from that? I'm just concerned that I can see a lot of complications to doing that because there would be some that would be very obvious, but I can see a number of situations where it would be really tricky. So, knowing that there is not a perfect response, my inclination would be to say, you can vote on HB 2 and its amendments, even if it does create some issues..."

Representative Rombeau referenced the paragraph in the draft interpretive ruling which discusses whether amendments to House Bill 2 qualify for the exception to recusal. The paragraph reads:

"If a legislator has a conflict of interest which would require recusal on an amendment to HB 2, he or she would not be exempted from recusal by RSA 14-C:4-b. The exception from recusal would apply to 'any official activity regarding the preparation, review, or approval or

disapproval of the state budget or general revenue bills.’ The language of the statute does not include ‘amendment’ as a qualifying official activity. Approval or disapproval of the state budget or a general revenue bill applies to the bill in its entirety, not to proposed amendments.”

After reading the language which quotes the statute and which states that the exception to recusal will apply to “any official legislative activity regarding preparation, review, or approval or disapproval of the state budget or general revenue bills,” Representative Rombeau asked why an amendment to House Bill 2 wouldn’t fall into that language and qualify for the exception.

Chairman Gordon said, “When I did the draft, I thought it did.”

Representative Lynn said, “I think that’s a good point. ...I agree. I think you’re absolutely right.”

Senator Rosenwald said, “I keep thinking back to when Representative Hill first came before us with his bill and he told us that his intent with ‘general revenue bills’ was that it only applied to income or sales taxes. And so, I don’t know how we get from that to House Bill 2, except that House Bill 1 doesn’t work without a House Bill 2. ...But I also think that we should also remember that sometimes, unlike this time, House Bill 1 might not be the budget. It might be House Bill something else. I’m not sure this interpretive ruling’s language has enough leeway for a bill that’s not House Bill 1 to be the equivalent, which is an easy fix...”

Chairman Gordon said that the draft could be revised to fix that.

After further discussion, Representative Lynn said, “If we were to say that HB 1 and HB 2, in total, amendments and the basic bill, are exempt from the recusal, I’m not sure why that would have to mean that, for example, suppose somebody introduced a separate bill and went to ED&A for a COLA for retirees and then there was some amendment to it and it got through ED&A, I would assume that the Speaker and, if it was in the Senate, the President, assuming that it passed on the floor out of a policy committee, would then refer it to Finance. And so, I guess what I would say is, if somebody had to recuse, they would recuse when the bill was before the policy committee, but if in fact it got referred to Finance and then went back to the floor, you wouldn’t have to recuse then if it were folded into HB 2. But if it was just on the floor, even after Finance as a separate bill, then the recusal applies.”

Chairman Gordon said, “Just for practical purposes though, whatever else we think, I think everybody would agree that it was intended that HB 1 and HB 2 were bills that would be exempt from recusal...and HB 25. They would all be exempt from recusal. The issue, as I understand it, at the last meeting was there’s a specific definition in statute as to what constitutes a budget bill, and HB 2 does not qualify for that definition. So, the question is, can HB 2 be characterized in another manner which would, in fact, affect the original intent of (House Bill) 1388, which is to make it exempt from recusal? So, to that extent, we had sort of an agreement in our last meeting that HB 2 could be characterized as a general revenue bill in that it, in fact, the budget basically says this is how we’re going to expend our funds, but HB 2 does more than that and that is it shows how those funds are going to be raised and appropriated. So, I think it can be characterized as a general revenue bill and carry out that intent. And that fulfills, I think, the original intention of those people who were looking to exempt it from recusal. And then, the question is if there’s an amendment and, frankly, if I look strictly at the plain language, I think, amendments, basically, you would have to recuse yourself if

there was an amendment on the floor and you were gonna get a direct and substantial benefit. But I think that what you've raised today are practical considerations and the practical considerations are it just doesn't work that way. It is part of the budget process and probably for all practical purposes should be excluded for recusal as part of the budget as well. And I'm not unhappy with that if that's the way the Committee thinks we should go."

Vice Chairman Sytek said, "I think that ... when amendments are offered to House Bill 2 ... and if you have a conflict, you shouldn't be able to vote on them at that point even though it's House Bill 2. I'd have to swallow hard to say that the trailer bill should be considered a general revenue bill. Sometimes it is, but it isn't necessarily a general revenue bill. They don't always need to put new taxes in the trailer bill. So, I went along with it last time because I thought that was a clever way of getting out of the pit that we were in. But I still think you should not be able to vote on an amendment where you have a clear conflict. When it comes back from committee of conference and it's up or down, I think you ought to be exempt from the recusal. The whole package. But while it's alive and still amendable, I think you shouldn't be able to vote on amendments to it if you have a conflict."

Senator Rosenwald asked, "What if you're on the conference committee and there is something you have to recuse yourself on, would you have to step away from the table?"

Chairman Gordon responded that he didn't think that the legislator would have to step away from the committee of conference. He said, "I would think that that is part of the 'preparation' of the bill itself, as opposed to a floor amendment on the floor of the House."

After further discussion, Chairman Gordon said, "Getting back to your (Vice Chairman Sytek's) other point about HB 2 potentially not being a general revenue bill, the issue that we were addressing last time was that there is another statute that specifically addresses what the 'state budget' is. We could, rather than dealing with it as a 'general revenue bill,' we could just be straight up and just say HB 1 doesn't work without HB 2 and acknowledge the fact that there's a statute that defines the budget, but that for purposes of the recusal and the intent behind the original HB 1388, we consider HB 2 to be part of the budget and include it in the definition..."

Vice Chairman Sytek, Senator Rosenwald and Representative Lynn said they agreed with that approach.

Representative Lynn suggested possibly saying that HB 2 "either constitutes a general revenue bill – and in many ways it probably does – but even to the extent that it would not be considered a general revenue bill it's integral to the budget, and for sort of a combination of those reasons that's why we don't consider it for recusal purposes."

Vice Chairman Sytek asked, "So, we're not saying anything about the general revenue bills. We're not going to define that?"

Chairman Gordon replied, "We won't define it. I think we can do exactly as Representative Lynn has just suggested and that is to say in many cases it may be considered a general revenue bill, but not necessarily. But for all practical purposes it's part of the budget."

Mr. Hess said he had just one addition in terms of HB 2 and that is "the practical issue of interpretation. We can't imagine that the authors of the bill intended to establish recusal requirements for elements of HB 2 because otherwise, if so, that would mean that half or more of the chamber

might be recused, which would deprive maybe hundreds of thousands of constituents from representation on the bill. An absurd result..." After further comments, he added, "I think I agree with Madam Speaker's position that on amendments, if you have a direct conflict, I think recusal would be warranted..."

The Committee then discussed the issue of whether recusal is required for an amendment to House Bill 2 when a legislator has a conflict of interest on an amendment that would otherwise warrant recusal.

After brief discussion, Chairman Gordon observed that the Committee seemed to be divided over the issue of amendments to HB 2. For purposes of discussion, he offered an example that captured the issues involved. He asked, "If you were to use the Group II (of the NH Retirement System) issue that is going on right now, and so you have a Group II issue and it's not in the budget and ... there's an amendment made on the floor that says we're going to increase money into Group II and you're a Group II member that's going to get affected by it, should you have to recuse yourself?"

Vice Chairman Sytek responded, "I think that the mere fact that it's in the budget doesn't excuse you from having the conflict. It shouldn't depend on where it is."

Chairman Gordon replied, "And I agree. You have a conflict. And the question, I guess, is the practical – first of all it's the language of the statute itself and then it's the practical purposes. Is it practical at that point in time to exclude people from participating?"

Representative Rombeau asked, "What if there is an amendment that said yes, we change the Group II benefit, but also in the same amendment we're doing three other things that are totally unrelated...Is the representative supposed to discern which is primary in that amendment? He cannot vote and not represent his constituents in the other things that amendment might cover?"

Chairman Gordon responded, "Let's say it was just a bill on the floor. Not a budget bill. It was a bill on the floor, and it had three different parts and in one part of it you were going to get a direct and substantial benefit from it. Should you recuse yourself? I would say yes you got to."

Chairman Gordon asked Senator Ward what her thoughts were on the question of amendments. She responded that she was still considering the issues involved. He then posed a hypothetical example, asking her, "HB 2 comes to the floor and now it's open to amendment, and then an amendment comes up and you're sitting there, and you may get some direct and substantial benefit from what that amendment does, do you then have to recuse yourself?"

Senator Ward responded, "If I personally get a substantial benefit, yes, absolutely. But if I'm part of a group and the whole group is going to get a benefit from it, then I really should not recuse myself because I'm voting for and representing a larger group."

Senator Rosenwald said, "That was the whole discussion about people who have children in school. How big is the public at large? And, I think, what you're saying is if you're part of a group that might get a direct and substantial benefit but if it's no more substantial than the rest of the group, then you shouldn't have to recuse yourself."

Representative Lynn said, “But I think that’s sort of a different issue. I understand what you’re saying, but isn’t that really a different issue than the issue of the amendment versus the main bill?”

Chairman Gordon said, “And, frankly, I think that’s probably where we have to go next if we’re going to do that. And that is we’ve defined what ‘substantial’ is, but we haven’t defined what ‘direct’ is. And I think with the proposed Senate amendment, and I think there was some effort on their part to define what ‘direct’ is and I think if the Committee were to define ‘direct’ we’d get to that issue of how large a group has to be. How do you define a group, not necessarily how large it has to be, but how do you define a group.”

Senator Rosenwald asked, “But doesn’t ‘direct’ really have to do with whether there’s any intervening action before the substantial benefit or detriment accrues to you? Does it just happen as a result of a law change or does some person have to take action to make that happen? And I’ll go directly to the issue of Senator Fenton and the car inspections. He was told by this Committee he had to recuse himself (see Advisory Opinion 2025-1), but there I don’t feel the direct action. Somebody has to choose to have their car inspected at his Toyota dealership.... So, to me it doesn’t meet the level of ‘direct.’ A COLA I could see as being direct because we changed the law. It happens. Nobody has to do anything.”

Following further discussion, Chairman Gordon suggested voting separately on whether recusal is required on amendments to House Bill 2.

Mr. Hess moved that recusal is not required on House Bill 2 in its entirety, but recusal is required on specific floor and committee amendments to House Bill 2 that warrant recusal under the recusal law (RSA 14-C:4 et seq.). Vice Chairman Sytek seconded the motion, and the Committee voted as follows:

Voting in favor of the motion were Chairman Gordon, Vice Chairman Sytek, Senator Ward, and Mr. Hess, and voting in opposition were Senator Rosenwald, Representative Lynn and Representative Rombeau. The motion passed 4 to 3.

The Committee unanimously agreed that House Bill 2, or the “trailer bill,” is exempt from the recusal requirement and voted to issue *Interpretive Ruling 2025-6* by a vote of 7 to 0. Chairman Gordon said he would circulate a draft for the Committee’s final approval of its specific language.

### ITEM#3

Discussion of *Complaint 2025-1*. (Nonpublic Session)

Vice Chairman Sytek moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to discuss *Complaint 2025-1*. Representative Lynn seconded the motion, and the Committee voted as follows:

Mr. Hess	Yea
Representative Lynn	Yea
Representative Rombeau	Yea
Senator Ward	Yea
Senator Rosenwald	Yea
Chairman Gordon	Yea
Vice Chairman Sytek	Yea
{MOTION ADOPTED}	

{NONPUBLIC SESSION}

Vice Chairman Sytek moved to exit nonpublic session. Senator Ward seconded the motion, and the Committee voted as follows:

Mr. Hess	Yea
Representative Lynn	Yea
Representative Rombeau	Yea
Senator Ward	Yea
Senator Rosenwald	Yea
Chairman Gordon	Yea
Vice Chairman Sytek	Yea

{MOTION ADOPTED}

The Committee took no new action regarding *Complaint 2025-1* during its nonpublic session.

#### ITEM #5

New/Other Business

a) Review of Advisory Opinions and Interpretive Rulings in relation to HB 1388.

Chairman Gordon noted that a report had been prepared by Vice Chairman Sytek and Mr. Lambert, and it had been distributed to them. He asked Mr. Lambert to address the Committee about it. Following a brief discussion, the Committee agreed with the report's recommendations regarding which opinions and rulings should be retained or revised on the Committee's website. The Committee also agreed that the opinions and rulings that the report recommended removing from their current posting should be preserved on the website in a separate subsection with the following statement: "These advisory opinions and interpretive rulings are superseded by statutory changes and are no longer authoritative."

b) The Committee noted the passing of David H. Bradley, Esq., who served as a member of the Legislative Ethics Committee for three terms, from 2015 through 2020, who passed away in May. The Committee discussed his extraordinary career in the legal profession, his public service and contributions to his community.

#### ITEM #6

Scheduling of the next meeting.

The Committee next meeting will be at the call of the chair.

The Committee's meeting adjourned at approximately 3:15 P.M.

{Prepared by Richard M. Lambert, Executive Administrator}