

SUBJECT: FINANCIAL DISCLOSURE BY HISTORICAL AND RECREATIONAL COMMISSION MEMBERS

SUMMARY:

Members of a District Historical and Recreation Commission who are appointed by the Governor upon recommendation of the legislative delegation are not required to file a Statement of Economic Interests.

QUESTION:

The Executive Director of the Pendleton District Historical and Recreational Commission questions whether Commission members are required to file a Statement of Economic Interests. The Governor appoints the Commission members upon recommendation of the legislative delegations in Anderson, Oconee, and Pickens Counties).

DISCUSSION:

This opinion is rendered in response to a letter dated January 10, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Public member is defined in Section 8-13-100(26) as:

"Public member" means an individual appointed to a non-compensated part-time position on a board, commission, or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.

The provisions of the Ethics Reform Act apply to public members of public agencies. See Section 8-13-100, et. seq., 1976 Code of Laws, South Carolina, as amended.

Section 8-13-1110(B) provides:

Each of the following public officials, public members and public employees must file a statement of economic interests with the appropriate supervisory office, unless otherwise provided:

\* \* \*

(11) a public member who serves on a state board, commission, or council;

The Pendleton District Historical and Recreational Commission, for the purposes of the Ethics Reform Act, is a political subdivision and is not a "state board, commission, or council". Examples of political subdivisions are noted in Section 8-13-1110(B)(6) as including, but not limited to, school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions. Therefore, the members of the Pendleton District Historical and Recreational Commission are encompassed by the provisions of the Ethics Reform Act, but they are not required to file a Statement of Economic Interests based upon their association with that Commission.