

SUBJECT: FINANCIAL DISCLOSURE REQUIREMENTS OF COMMUNITY MENTAL HEALTH BOARD MEMBERS

SUMMARY:

Community Mental Health Board Members are not, for the purposes of the Ethics Reform Act, public members who are required to file the Statement of Economic Interests.

QUESTION:

The General Counsel for the Department of Mental Health questions whether members of local community mental health center boards are required to file a Statement of Economic Interests. There are seventeen mental health centers, each with its own board which is appointed by the Governor upon the recommendation of the legislative delegation.

DISCUSSION:

This opinion is rendered in response to a letter dated January 6, 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.

Section 8-13-1110(B) provides in part as follows:

(B) 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:

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

Section 8-13-1110(B)(11) requires the filing of the Statement of Economic Interests by members of

state boards, commissions, or councils. The Commission advises that members of local community mental health center boards are encompassed by the provisions of the Ethics Reform Act, however, for the purposes of this Act, they are not public members of a state board, commission, or council.