

SUBJECT: FILING REQUIREMENTS OF COUNCIL ON WORK FORCE EXCELLENCE

SUMMARY:

The Governor's Council on Work Force Excellence is not a state board, commission, or council for the purposes of filing a Statement of Economic Interests under the Ethics Reform Act.

QUESTION:

The Executive Director of the State Board for Technical and Comprehensive Education questions whether members of the Governor's Council on Work Force Excellence are required to file a Statement of Economic Interests. The Council is appointed by the Governor to provide advice to the Governor and to the State Board on the conduct, delivery, and program thrust of the Work Force Initiative.

DISCUSSION:

This opinion is rendered in response to a letter dated January 8, 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.

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:

* * *

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

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)(11) requires the filing of the Statement of Economic Interests by members of state boards, commissions, or councils. The Commission advises that members of the Council on Workforce Excellence 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.