

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 2009-EC-001

Issued February 20, 2009

The Arkansas Ethics Commission has received a written advisory opinion request from Don F. Hamilton, a commissioner on the Civil War Sesquicentennial Commission ("CWSC"). The question presented is whether or not members of the referenced commission are required to annually file a Statement of Financial Interest.

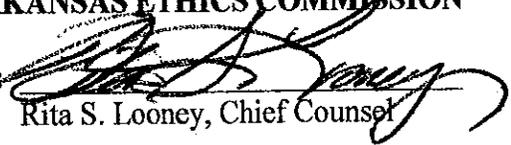
Pursuant to Ark. Code Ann. § 21-8-701(a)(5)(A), any public appointee to any state board or commission that is authorized or charged by law with the exercise of regulatory authority or is authorized to receive or disburse state or federal funds is required to file a Statement of Financial Interest on an annual basis. However, pursuant to Ark. Code Ann. § 21-8-701(a)(5)(B), a public appointee to a state board or commission that is not charged by law with the exercise of regulatory authority and that receives state or federal funds only for expense reimbursement is not required to file a Statement of Financial Interest.

Act 635 of 2007 created the CWSC to commemorate the sesquicentennial of the Civil War era and to encourage examination of the Civil War and facilitate Civil War-related activities throughout Arkansas. While Act 635 states that "[m]embers of [the CWSC] shall serve without pay but may receive reimbursement in accordance with § 25-16-902," the Act further provides that the General Assembly "shall allocate sufficient funding to support the activities of the Commission." See Ark. Code Ann. §§ 13-13-102(d) and 13-13-104.

Because the General Assembly is required to allocate sufficient funding to support the activities of the CWSC, it appears that the CWSC receives state funds beyond mere expense reimbursement. Accordingly, it is the Ethics Commission's opinion that members of the CWSC are required to file an annual Statement of Financial Interest.

This advisory opinion is issued by the Commission pursuant to Ark. Code Ann. § 7-6-217(g)(2).

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By: 

Rita S. Looney, Chief Counsel