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May 1, 1996

ADVISORY OPINION NO. 96-42

The Honorable Beth Acker
Assistant Attorney General
State of Alabama
Legal Counsel
Home Builders Licensure Board
400 South Union Street
Suite 195
Montgomery, Alabama 36130-3605

Statement Of Economic Interest/ A Statement Of Economic Interest Shall Be Completed And Filed In Accordance With This Chapter With The Commission No Later Than April 30, Covering The Period Of The Preceding Calendar Year By Appointed Members Of Boards And Commission Having Statewide Jurisdiction.

Members of the Home Builders Licensure Board being a body having statewide jurisdiction are required to file Statements of Economic Interest under Section 36-25-14(4).

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Dear Ms. Acker:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of this Commission, and this opinion is issued pursuant to that request.

QUESTION PRESENTED

Are board members of the Home Builders Licensure Board required to file Statements of Economic Interests under Section 36-25-14?

FACTS AND ANALYSIS

The Home Builders Licensure Board is established by Section 34-14(a)(1), Code of Alabama, 1975. The Home Builders Licensure Code exempts from coverage of the Home Builders Licensure Law counties having populations of less than 30,000 according to the most recent decennial census.

Based on this exemption, the Home Builders Licensure Board has requested an opinion as to whether or not they are required to file Statements of Economic Interests.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-14(a)(4) states:

"(a) A statement of economic interests shall be completed and filed in accordance with this chapter with the commission no later than April 30 of each year covering the period of the preceding calendar year by each of the following:

(4) Members of the Alabama Ethics Commission; appointed members of boards and commissions having statewide jurisdiction (but excluding members of solely advisory boards)."

While state law exempts those counties having a population of less than 30,000 from coverage of the Home Builders Licensure Law, it would appear that the Home Builders Licensure Board is still a board having statewide jurisdiction due to the fact that should counties having a population of less than 30,000 according to the most recent decennial census exceed that population figure they would automatically come under the jurisdiction of the Home Builders Licensure Board.

Based on the above, board members of the Home Builders Licensure Board are required

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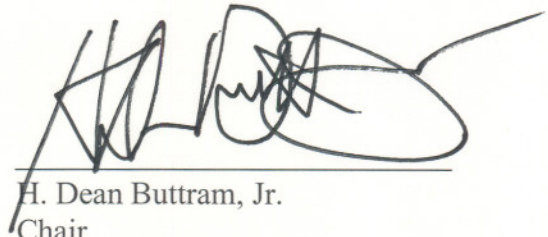
to file Statements of Economic Interests as they are a board having statewide jurisdiction pursuant to Section 36-25-14(4).

CONCLUSION

Members of the Home Builders Licensure Board being a body having statewide jurisdiction are required to file Statements of Economic Interest under Section 36-25-14(4).

AUTHORITY

By 5 - 0 vote of the Alabama Ethics Commission on May 1, 1996.

A handwritten signature in black ink, appearing to read 'H. Dean Buttram, Jr.', written over a horizontal line.

H. Dean Buttram, Jr.
Chair
Alabama Ethics Commission