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August 23, 1996

ADVISORY OPINION NO. 96-82

Larry F. Oaks
Executive Director
Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36130

Statement Of Economic Interest/
Members Of Alabama Historical
Commission Required To File
Statement of Economic Interests.

Members of the Alabama Historical
Commission, being a board having
statewide jurisdiction and not being a
solely advisory board, are required to
file Statement of Economic Interests
pursuant to Section 36-25-14(4).

Dear Mr. Oaks:

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 members of the Alabama Historical Commission required to file Statements of Economic Interests with the Alabama Ethics Commission?

FACTS AND ANALYSIS

Larry Oaks the Executive Director of the Alabama Historical Commission has expressed some concern as to whether or not members of the Alabama Historical Commission are required to file Statements of Economic Interests. It is his feeling that they are predominantly advisory in nature.

The Alabama Historical Commission was established in 1966, under the authority of Section 41-9-240 to 41-9-254 of the Code of Alabama of 1975.

The purpose of the Alabama Historical Commission is to foster an awareness of the value of historical structures, sites and objects of value in the State of Alabama and to facilitate the preservation and documentation of these historical assets. The Commission is composed of 20 members, that membership being comprised of various Constitutional officers, various department heads, and residents of the State of Alabama at large.

The Legislation establishing the Alabama Historical Commission gives them the power of eminent domain for the purpose of acquiring historical structures. Eminent domain is defined as "*the power to take private property for public use*" Black's Law Dictionary, Fifth Edition. The Commission is authorized to accept for renovation, restoration, or preservation, public and private buildings as well as sites located within the State of Alabama, which are considered to have historic value.

Their duties further include conducting and maintaining surveys of significant historical objects, nominating properties to the National Register of Historic Places, promoting , and restoring significant historical properties, providing technical information relating to preservation, and establishing criteria for selection, acquisition, restoration and interpretation of properties for state ownership.

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

Section 36-25-14-(a)(4) states:

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

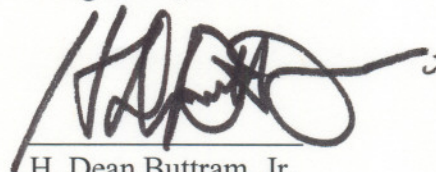
Based on the above law and the enabling legislation establishing the Alabama Historical Commission, the Alabama Historical Commission is a board or commission having statewide jurisdiction, is not solely advisory in nature, and as it has the power of eminent domain as well as the responsibility to promulgate guidelines for the preservation of historical items in Alabama and are therefore required to file Statements of Economic Interests with the Alabama Ethics Commission.

CONCLUSION

Members of the Alabama Historical Commission being a board having statewide jurisdiction and not being a solely advisory board are required to file Statement of Economic Interests pursuant to Section 36-25-14(a)(4).

AUTHORITY

By 4 - 0 vote of the Alabama Ethics Commission on August 23, 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