

SUBJECT: FILING BY CONSERVATION OFFICERS

SUMMARY: Conservation officers, for purposes of the Ethics Reform Act, are public employees and are not required to file a Statement of Economic Interests.

QUESTION:

The Deputy Chief Counsel for the Wildlife and Marine Resources Department questions whether Conservation Officers are required to file a Statement of Economic Interests. He notes that public appointed officials are defined as public officials. He further cites legal interpretations that law enforcement officers are officials of the state.

DISCUSSION:

This opinion is rendered in response to a letter dated February 12, 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 8-13-100 (25) defines public employee as:

"Public employee" means a person employed by the State, a county, a municipality, or a political subdivision thereof

The State Ethics Commission would advise that, for the purposes of the Ethics Reform Act of 1991, Conservation Officers are considered public employee. Their actions and restrictions should be considered in accord with that determination. A Conservation Officer is not required to file a Statement of Economic Interest solely as a result of that position but would if he/she either holds another public position which requires such filing or is associated with a regulated business.