

SUBJECT: AGENCY HEAD SERVING ON NATIONAL BOARD

SUMMARY: An agency director who serves on a national board may receive reasonable expense reimbursement directly from the national board.

QUESTION: The Personnel Director for ETV questions whether the agency head, who is a member of a national board, may be paid travel, subsistence, and per diem under the following conditions:

- (1) the agency is a member of the national organization
- (2) the nature of the Board's business decisions do not directly affect the agency other than how it would affect all member agencies, and
- (3) the agency head is on annual leave when attending a board meeting.

She also questions whether the travel, subsistence, and/or per diem must be reported on the Statement of Economic Interests.

DISCUSSION:

This opinion is rendered in response to a letter dated April 27, 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.

The State Ethics Commission advised in Advisory Opinion SEC AO92-058 that Forestry Commission employees could attend meetings sponsored by the Federal government, sister states, or a national association with travel, lodging and meals arranged by or reimbursed by the sponsor without violating the Ethics Reform Act, provided such travel is in accordance with state travel policies and procedures. It does not appear that the agency head would be prohibited from serving on the national board and receiving reasonable travel, lodging and meals provided by or arranged by the national board.

As to the second question, there is no requirement for disclosure on that employee's Statement of Economic Interests of such travel reimbursement unless it originates with a lobbyist principal as defined in Section 2-17-10(14).