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SPRINGFIELD

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FILE NO. S-1077

**GOVERNMENTAL ETHICS AND
CONFLICT OF INTEREST:
Officers Required to File
Statements of Economic Interests**

Bruce Sagan, Chairman
Illinois Arts Council
111 North Wabash Avenue
Chicago, Illinois 60602

Dear Mr. Sagan:

This responds to your request for an opinion as to whether members of the Illinois Arts Council are required to file verified written statements of economic interest under section 2 of article XIII of the Illinois Constitution of 1970, or by article 4A of the Illinois Governmental Ethics Act. (Ill. Rev. Stat., 1975, ch. 127, pars. 604A-101 through 604A-107.) The Illinois Arts Council was created by "AN ACT creating the Illinois Arts Council, defining its powers and duties and making an appropriation in connection therewith". (Ill. Rev.

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Stat. 1975, ch. 127, pars. 214.11 et seq.) The Illinois Arts Council was created by the General Assembly and not by the Constitution. Members of the Council are appointed by the Governor; are not subject to confirmation by the Senate; and serve without compensation.

Section 2 of article XIII of the Illinois Constitution of 1970 provides in part as follows:

"All candidates for or holders of state offices and all members of a Commission or Board created by this Constitution shall file a verified statement of their economic interests, as provided by law. * * * "

I am of the opinion that since members of the Council do not hold a position created by the Constitution, they are not required under section 2 of article XIII to file a statement of economic interests.

I am also of the opinion that the Illinois Governmental Ethics Act, supra, does not require members of the Council to file a statement of economic interests. Section 4A-101 lists the persons required to file such statements. Members of the Council do not fall within any of the categories listed in the Act and are thus not required under the Act to file a statement of economic interests.

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This opinion does not relate to the authority of the Governor to require filings of statements of economic interests by executive order or other means.

Very truly yours,

A T T O R N E Y G E N E R A L