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OCT 18 1984

Honorable Jim Bennett
Member
Alabama State Senate
1524 Valley Avenue
Birmingham, Alabama 35209

Parks and Recreation - Tannehill
Furnace & Foundry Commission -
Officer and Officers - Conflict
of Interest

Tannehill Furnace & Foundry Com-
mission may under its general
authority to operate the Tanne-
hill Park or historic site cause
or allow the creation of a foun-
dation for the purpose of rais-
ing private contributions to be
used for the purposes of the
Commission, as provided by law.
A member of the Commission may
serve as head of such an inde-
pendent foundation.

Dear Senator Bennett:

You have requested of this office opinions respecting
the following questions:

1. May the Tannehill Furnace & Foundry Commission
establish a foundation for soliciting private financial
support for Tannehill Park?
2. May the Commission allocate some of the park's
internally generated revenues to the "start-up" expenses of
such a foundation?

3. May a member of the Tannehill Furnace & Foundry Commission serve as the head of such a foundation?

4. May a member of the Tannehill Furnace and Foundry Commission accept income from a book written by such member about the Tannehill Furnace and its history?

The purpose and authority of the Tannehill Furnace & Foundry Commission is found in §§41-9-320, et seq., Code of Alabama 1975. The Commission is a body corporate with "all powers necessary or convenient to effect the purposes for which it has been established...together with all powers incidental thereto or necessary to the discharge of its said powers and duties." Section 41-9-324, Code, supra. Its purposes are "to establish, operate and maintain as a state park or historic site the land and buildings in the County of Tuscaloosa where one of the state's early iron works, known as the Tannehill Furnace & Foundry, was located." Section 41-9-320, Code, supra. Further,

"(b) The Commission may enter into agreements with any civic organization, lay group or industrial, professional or governmental organization relative to the general management of the park or historic site.

"(c) The Commission is also specifically authorized to accept gratuitous services from individuals and organizations and to employ such hostesses, guards, superintendents and other employees as, in its opinion, are needed for the operation and exhibition of such park or historic site."

Section 41-9-327, Code, supra. Under these provisions of the Code, and specifically the general powers of the Commission as a body corporate, it is the opinion of this office that the Commission may encourage the establishment of a foundation for the purposes of raising private financial assistance to the park and the other purposes of the Commission. The Commission may go so far as to cause the establishment of such a foundation. However, park revenues, whether or not from appropriated funds, may not be given to the foundation.

Honorable Jim Bennett
Page 3

Accordingly, your first question is answered in the affirmative, and your second question is answered in the negative.

Since the proposed foundation will be an independent corporate entity that does not receive funds from state appropriations nor from the Commission, there does not appear to be any reason why a member of the Commission could not serve as the head of such foundation.

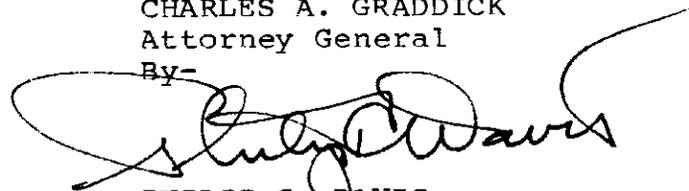
In answering your fourth question, we assume that the book is a product of its author's research and other independent effort, and that it is to be commercially published on behalf of the author. With these assumptions it would appear that a commission member could accept income produced by the sale of the book; however, as this question involves matters concerning ethics, we must refer you to the Alabama Ethics Commission for a more complete consideration of your question.

I trust that the foregoing answers your questions. If this office can be of further assistance to you, please let us know.

Yours very truly,

CHARLES A. GRADDICK
Attorney General

By-

A handwritten signature in black ink, appearing to read "Philip C. Davis", written over a horizontal line.

PHILIP C. DAVIS
Assistant Attorney General

PCD:bb