SJR11

188459-3

By Senators Orr, Reed and Marsh

RFD: Rules

First Read: 09-JAN-18
CREATING THE CODE OF ETHICS REFORM AND CLARIFICATION

COMMISSION.

WHEREAS, in a representative democracy, the public
has a right to: A government in which the public officials are
independent and impartial; be confident in the integrity of
the government; and be secure in the knowledge that the best
qualified individuals are not discouraged from public service;
and

WHEREAS, the Alabama Code of Ethics was originally
enacted more than 40 years ago and has been amended at least
25 times since then; and

WHEREAS, the multiple piecemeal amendments over the
last 40-plus years and the evolving interpretation of the Code
of Ethics have created an environment where reasonable
individuals can sometimes disagree on what is permitted and
what is not with the result that qualified individuals are
discouraged from seeking public office; and

WHEREAS, the Code of Ethics applies to more than
300,000 individuals and their families, including individuals
campaigning for or holding elected offices ranging from Governor to members of town councils; individuals holding appointive office ranging from the heads of state departments to members of local planning boards, and individuals employed by public agencies, such as teachers, firefighters, law enforcement officers, school bus drivers, gardeners, maintenance workers, social workers, nurses, office workers, and the like; and

WHEREAS, everyone should be able to agree that the public is best served by an unambiguously articulated policy that clearly distinguishes between the private interests of public officers and public employees and the public duties of those officers and employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Code of Ethics Clarification and Reform Commission.

(a) The commission shall be comprised of the following members:

(1) Two members of the Senate, one of whom may not be a member of the majority party, appointed by the President Pro Tempore of the Senate.

(2) Two members of the House of Representatives, one of whom may not be a member of the majority party, appointed by the Speaker of the House of Representatives.

(3) The Legal Advisor to the Governor.

(4) The Attorney General or Chief Deputy Attorney General, who shall serve as cochair.
(5) The Executive Director of the Ethics Commission, who shall serve as cochair.

(6) A district attorney appointed by the Alabama District Attorneys Association.

(7) A circuit judge appointed by the Alabama Association of Circuit Judges.

(8) An attorney licensed in Alabama appointed by the Alabama State Bar.

(9) An attorney licensed in Alabama appointed by the Director of the Legislative Services Agency.

(10) An individual appointed by the Association of County Commissions of Alabama.

(11) An individual appointed by the Alabama League of Municipalities.

(12) An individual appointed by the Alabama Council of Association Executives.

(13) An individual appointed by the Alabama Press Association.

(b) The appointing powers shall coordinate their appointments to assure the commission membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

(c) The commission shall meet as soon as practical at a time and place set by the Senate President Pro Tempore.

(d) The commission shall study and make recommendations for reforming and clarifying the Code of Ethics and shall report its findings and recommendations to
the Legislature by the first legislative day of the 2019
Regular Session of the Legislature, at which time it shall be
dissolved.

(e) Upon the request of the chair, the Secretary of
the Senate and the Clerk of the House of Representatives shall
provide necessary clerical assistance for the work of the
commission.

(f) The Legislative Services Agency shall provide
necessary professional services to the commission.

(g) Each non-legislative member of the commission
may be reimbursed for expenses related to attending meetings
consistent with the policies of the various appointing
authorities.

(h) Each legislative member of the commission shall
be entitled to his or her regular legislative compensation,
per diem, and travel expenses for each day he or she attends a
meeting of the commission in accordance with Amendment 871 of
the Constitution of Alabama of 1901. The payments shall be
paid out of any funds appropriated to the use of the
Legislature by means of warrants drawn by the Comptroller on
the State Treasury.