SB230

198427-1

By Senators Albritton, Holley, Whatley, Marsh, Chambliss, Melson, Butler, Barfoot, Elliott, Shelnutt and Chesteen

RFD: Governmental Affairs

First Read: 03-APR-19
SYNOPSIS: Under existing law, public officials and public employees at the state and local level of government, as well as lobbyists and principals, are governed by a code of ethics which prohibits or limits certain transactions and requires disclosures of certain activities and interests. The code of ethics is administered by the State Ethics Commission. Criminal enforcement is administered by the Office of the Attorney General or a district attorney.

This bill would move, from the code of ethics to the criminal code, provisions that prohibit a public official or public employee from using his or her office for material personal gain, from using office equipment or facilities for personal use, or from soliciting a thing of value from a person that the public official or employee regulates or inspects.

This bill would move, from the code of ethics to the criminal code, provisions that
prohibit a member of a legislative body from voting on legislation of which the member has a conflict of interest and that prohibit a member of the Legislature from acting as a lobbyist before an executive department or agency.

This bill would revise the crime of bribery.

This bill would provide circumstances under which an individual acting as an economic development professional is not considered a lobbyist.

This bill would redefine certain terms, including thing of value and principal.

This bill would require a lobbyist to report to the State Ethics Commission a thing of value given to a public official, public employee, or family member of the official or employee, but would allow a lobbyist or principal to give, and a public official or public employee to receive, a thing of value in certain circumstances.

This bill would revise the lobbyist reporting requirements.

This bill would revise the commission's authority to impose civil penalties for minor violations of the code of ethics.

This bill would require the commission to refer all criminal cases to a district attorney.
This bill would provide that an individual who knowingly violates a disclosure requirement would be subject to a civil penalty not to exceed $5,000 to be levied by the commission, and make all other violations of the code of ethics, other than minor violations, a Class A misdemeanor.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.
A BILL

TO BE ENTITLED

AN ACT

Relating to ethics; to amend Sections 13A-10-60 and 13A-10-61, Code of Alabama 1975; to add Sections 13A-10-61.1, 13A-10-61.2, and 36-25-1.3 to the Code of Alabama 1975, to add Chapter 25B, commencing with Section 36-25B-1, to Title 36, Code of Alabama 1975; to repeal Chapter 25 of Title 36, commencing with Section 36-25-1, Code of Alabama 1975; to move from the ethics code to the criminal code provisions prohibiting a public official or public employee from using his or her office or position for material personal gain, from using office equipment or facilities for personal use, or from soliciting a thing of value from a person that the public official or employee regulates or inspects; to move from the ethics code to the criminal code provisions prohibiting a member of a legislative body from voting on legislation of which the member has a conflict of interest and provisions prohibiting a member of the Legislature from acting as a lobbyist before an executive department or agency; to revise the crime of bribery and further define act corruptly; to provide circumstances under which an individual acting as an economic development professional is not considered a lobbyist; to require lobbyists or principals who give a thing of value to report the exchange to the State Ethics Commission but allow lobbyists and principals to give a thing of value to
a public official or public employee, except when intending to act corruptly; to revise the penalty for failing to disclose information required to be disclosed to the State Ethics Commission under the code of ethics from a Class A misdemeanor to a civil penalty imposed by the commission of up to $5,000; to define terms; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Legislature hereby finds and declares the following:

(1) It is essential to the proper operation of democratic government that public officials and public employees be independent and impartial.

(2) Governmental decisions and policy should be made in the proper channels of the governmental structure.

(3) No public office should be used for private gain other than the remuneration provided by law.

(4) It is important that there be public confidence in the integrity of government.

(5) The attainment of one or more of the ends set forth in this subsection is impaired whenever there exists a conflict of interest between the private interests of a public official or public employee, except when intending to act corruptly; to revise the penalty for failing to disclose information required to be disclosed to the State Ethics Commission under the code of ethics from a Class A misdemeanor to a civil penalty imposed by the commission of up to $5,000; to define terms; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.
official or a public employee and the duties of the public official or public employee.

(6) The public interest requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of public officials and public employees in situations where conflicts exist.

(b) The Legislature hereby finds and declares that it is also essential to the proper operation of government that those best qualified be encouraged to serve in government. Accordingly, legal safeguards against conflicts of interest shall be so designed as not to unnecessarily or unreasonably impede the service of those men and women who are elected or appointed to do so. An essential principle underlying the staffing of our governmental structure is that its public officials and public employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of public officials and public employees to the public cannot be avoided. To greater facilitate this end, those persons serving in government must fully disclose their financial interests and provide full transparency of their interactions with persons over whom they exercise regulatory authority. This disclosure should be made in a manner that is fully available to the public and lack of candor in this disclosure should result in appropriate penalties.
(c) The Legislature further declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to the legislative bodies and to officials of the Executive Branch, their opinions on legislation, on pending governmental actions, and on current issues. To preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade members of the legislative bodies or members of the Executive Branch to take specific actions, either by direct communication to these officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. This act shall be liberally construed to promote complete disclosure of all relevant information and to insure that the public interest is fully protected.

(d) The Legislature further declares that the policy and purpose of this act is to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the service of qualified personnel by prescribing essential restrictions against conflicts of interest in public service without creating unnecessary barriers thereto.

(e) The Legislature finds that the criminal laws of this state should be clear, concise, and enforceable. These laws should be enforced by professional prosecutors devoted to
that end. Criminal laws should be contained in the criminal
code with all applicable definitions and procedures applicable
to their investigation and prosecution.

Section 2. Sections 13A-10-60 and 13A-10-61 of the
Code of Alabama 1975, are amended to read as follows:

"§13A-10-60.

"(a) The definitions contained in Section Sections
13A-10-1 and 36-25B-1 are applicable in this article unless
the context otherwise requires.

"(b) The following definitions also apply to this
article:

"(1) BENEFIT. Any gain or advantage to the
beneficiary, including any gain or advantage to a third person
pursuant to the desire or consent of the beneficiary.

"(2) CONFLICT OF INTEREST. A conflict on the part of
a public official or public employee between his or her
private interests and the official responsibilities inherent
in an office of public trust. A conflict of interest involves
an intentional action, inaction, or decision by a public
official or public employee in the discharge of his or her
official duties which would materially affect his or her
financial interest or those of his or her family members or
any associated business in a manner different from the manner
it affects the other members of a class to which he or she
belongs. A conflict of interest does not include any of
following:
"a. A loan or financial transaction made or conducted in the ordinary course of business.

"b. An occasional nonpecuniary award publicly presented by an organization for performance of public service.

c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for the personal attendance of a public official or public employee at a convention or other meeting at which he or she is scheduled to participate in connection with his or her official duties and for which reimbursement is not fully made by the state.

d. Any campaign contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if the contribution is actually used for political purposes.

"(2)(3) PECUNIARY BENEFIT. Benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain. Expenses associated with social occasions afforded public servants and party officers shall not be deemed a pecuniary benefit within the meaning of this article.

"(3)(4) PUBLIC SERVANT. As used in this article, such term includes persons who presently occupy the position of a public servant, as defined in Section 13A-10-1(7), or have been elected, appointed, or designated to become a public servant although not yet occupying that position.
PARTY OFFICER. A person who holds any position or office in a political party, whether by election, appointment, or otherwise.

§13A-10-61.

(a) A person commits the crime of bribery if:

(1) He or she offers, confers or agrees to confer any anything, regardless of whether the thing is a thing of value upon a public servant or a family member of a public servant with the intent that the public servant's vote, opinion, judgment, exercise of discretion or other action in his or her official capacity will thereby be corruptly influenced; or

(2) While a public servant, he or she solicits, accepts or agrees to accept for himself or herself or a family member of the public servant any pecuniary benefit upon an agreement or understanding that his or her vote, opinion, judgment, exercise of discretion or other action as a public servant will thereby be corruptly influenced.

(b) For purposes of this section, to act corruptly means to act voluntarily, deliberately, and dishonestly to either accomplish an unlawful end or result or to use an unlawful method or means to accomplish any otherwise lawful end or result.

(c) It is not a defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he or she
had not yet assumed office, lacked jurisdiction, or for any other reason.

"(c)(d) Bribery is a Class C felony."

Section 3. Sections 13A-10-61.1 and 13A-10-61.2 are added to the Code of Alabama 1975, to read as follows:

§13A-10-61.1.

(a) A public official or public employee may not use or cause to be used his or her official position or office to obtain material personal gain for himself or herself, a family member of the public official or public employee, or any associated business of the public official or public employee, except as otherwise provided by law, as provided pursuant to a lawful employment agreement, or as regulated by agency policy. Personal gain is achieved when the public official, public employee, or family member receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.

(b) A member of a legislative body may not vote for any legislation in which he or she knows that he or she has a conflict of interest.

(c) A public official or public employee may not use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or a principal campaign committee, as defined in Section 17-5-2, which would materially affect his or her
financial interest, except as otherwise provided by law, as provided pursuant to a lawful employment agreement, or as regulated by agency policy.

(d) A public official or public employee, other than in the ordinary course of business, may not solicit a thing of value from a subordinate or person whom he or she directly inspects, regulates, or supervises in his or her official capacity.

(e)(1) A public official or public employee who knowingly violates this section, upon conviction, is guilty of a Class A misdemeanor when the personal gain to the public official or public employee, family member, or associated business is material but less than six thousand dollars ($6,000), or the cost to the state or local government is material but less than six thousand dollars ($6,000).

(2) A public official or public employee who knowingly violates this section, upon conviction, is guilty of a Class C felony when the personal gain to the public official or public employee, family member, or associated business is more than six thousand dollars ($6,000), but less than one hundred thousand dollars ($100,000), or the cost to the state or local government is more than six thousand dollars ($6,000), but less than one hundred thousand dollars ($100,000).

(3) A public official or public employee who knowingly violates this section, upon conviction, is guilty of a Class B felony when the personal gain to the public official
§13A-10-61.2.

(a) An individual elected to a statewide office or a member of the Legislature may not serve as a lobbyist before any governmental body during the term to which he or she was elected regardless of whether the individual leaves office before the term expires. Nothing in this subsection shall be construed to prohibit an elected public official from engaging in private practice in his or her profession or field of expertise, including representing a client before a governmental body of which the public official is not a member, provided such engagement is not related in any manner to his or her official duties.

(b) An individual elected to a county or municipal office may not serve as a lobbyist before any governmental body within the geographical jurisdiction of the county or municipal office for which the public official is serving or had served during the term to which he or she was elected, irrespective of whether the public official leaves office before the term expires.

(c) This section shall not be construed to prohibit an individual elected to a statewide office or a member of the Legislature from performing his or her official duties or responsibilities.
(d) An individual who violates this section, upon conviction, shall be guilty of a Class C felony.

Section 4. (a) Chapter 25, commencing with Section 36-25-1, of Title 36 of the Code of Alabama 1975, is repealed.

(b) The Code Commissioner shall conform references in the Code of Alabama 1975, to reflect the changes made by this act. Code changes, including the renumbering of references to Chapter 25, Title 36, to reflect the appropriate code sections in Chapter 25B, Title 36, as created by this act, shall be made at a time determined to be appropriate by the Code Commissioner.

Section 5. Chapter 25B, commencing with Section 36-25B-1, is added to Title 36, Code of Alabama of 1975, to read as follows:

§36-25B-1.

This chapter shall be known and may be cited as the Alabama Ethics Act.

§36-25B-2.

Whenever used in this chapter, the following words and terms shall have the following meanings:

(1) ASSOCIATED BUSINESS. A business of which an individual or a family member of the individual is an officer, director, owner, partner, employee, consultant, or a holder of more than five percent of the fair market value of the business.
(2) BUSINESS. Any corporation, partnership,
proprietorship, firm, enterprise, franchise, self-employed
individual, or other business entity.

(3) CANDIDATE. The term as defined in Section
17-5-2.

(4) COMMISSION. The State Ethics Commission.

(5) CONSULTANT. An individual who, for compensation,
provides professional services or advice.

(6) DAY. Calendar day.

(7) DEPENDENT. An individual claimed as a dependent
for income tax purposes.

(8) DE MINIMIS. Anything having no intrinsic resale
value or having a value of twenty-five dollars ($25) or less
per recipient per occasion. The value shall be adjusted by
five-dollar increments by the commission not later than
January 1 following any year in which the value, as adjusted
pursuant to the U.S. Department of Labor's Consumer Price
Index or a successor index, exceeds the current amount by five
dollars ($5) or more.

(9) DIRECTOR. The Executive Director of the
commission.

(10) ECONOMIC DEVELOPMENT PROFESSIONAL. An
individual seeking to advance specific, good faith economic
development or trade promotion projects or related objectives
for a business, chamber of commerce or similar nonprofit
economic development organization in this state, a city, a
county, a political subdivision of the state, or a
governmental corporation or authority. The term does not include elected officials, legislators, or any former legislator within two years of the end of the term for which he or she was elected.

(11) ENTITY. A business, union, association, committee, club, organization, or other legal entity.

(12) FAMILY MEMBER. The spouse or a dependent.

(13) GOVERNMENTAL BODY. Any department, agency, office, commission, board, or other political subdivision at the state or local level in the executive, judicial, or legislative branch, including any regulatory body, legislative body, or governmental corporation or authority.

(14) GOVERNMENTAL CORPORATION OR AUTHORITY. Any public or private corporation or authority established pursuant to state law for the purpose of carrying out a specific governmental function. Notwithstanding the foregoing, the term does not include hospitals or other health care organizations.

(15) LAW ENFORCEMENT OFFICER. A full-time employee of a governmental body responsible for the prevention or investigation of crime who is authorized by law to carry firearms, execute search warrants, and make arrests.

(16) LEGISLATIVE BODY. The term includes the following:

a. The Legislature of Alabama, which includes both the Senate of Alabama and the House of Representatives of Alabama, unless specified otherwise by the express language of
any provision herein, and any committee or subcommittee thereof.

b. A county commission, and any committee or subcommittee thereof.

c. A city council, city commission, town council, or other municipal council or commission, and any committee or subcommittee thereof.

(17) LEGISLATIVE CAUCUS. A legislative caucus registered pursuant to Section 17-5-5.1.

(18) LOBBY or LOBBYING. Any act to influence or attempt to influence any legislative action or rulemaking action. The term does not include any of the following:

a. Providing public testimony before a legislative body or as part of an administrative proceeding.

b. Carrying out ongoing negotiations following the award of a bid or contract or rendering legal services in a legal matter before a governmental agency.

c. Responding to a government request for information.

d. Providing professional services in drafting bills, advising clients, and rendering opinions as to the construction and effect of proposed or pending legislation, executive action, or rules.

(19) LOBBYIST.

a. An individual who receives compensation or reimbursement from a person to lobby. The term includes an employee who lobbies as a regular and usual part of
employment, whether or not any compensation in addition to regular salary and benefits is received.

b. The term does not include:

1. A reporter or editor while pursuing normal reportorial and editorial duties.

2. A public official or public employee who lobbies as part of his or her official duties.

3. An individual acting as an economic development professional who is not otherwise required to register as a lobbyist, unless and until he or she seeks incentives through legislative action in the Legislature that are above and beyond, or in addition to, the then current statutory or constitutional authorization.

(20) PERSON. An individual, business, governmental body, or entity.

(21) PRINCIPAL. An individual or entity that employs or otherwise retains a lobbyist. A principal that is an entity shall identify a responsible individual to fulfill the reporting requirements of this chapter. A principal that is an entity is responsible for any covered actions on its behalf by its agents.

(22) PROBABLE CAUSE. A finding that the allegations are more likely than not to have occurred.

(23) PUBLIC EMPLOYEE. An individual employed by a governmental body. The term does not include an individual employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the
compensation for which constitutes less than 50 percent of the
part-time employee's income.

(24) PUBLIC OFFICIAL. An individual elected or
appointed to a public office in a governmental body. The term
includes the chairs and vice chairs or the equivalent offices
of each state political party as defined in Section 17-13-40.

(25) REGULATORY BODY. A state agency that adopts
rules or a state, county, or municipal department, agency,
board, or commission that controls, according to rule or
regulation, the activities, business licensure, or functions
of any person.

(26) REPORTING PERIOD or REPORTING YEAR. The
calendar year.

(27) STATEMENT OF ECONOMIC INTERESTS. A financial
disclosure form filed with the commission by certain public
officials and certain public employees.

(28) SUPERVISOR. A public official or public
employee having authority to hire, transfer, suspend, lay off,
recall, promote, discharge, assign, or discipline other public
employees, or an individual responsible for directing them,
adjusting their grievances, or recommending personnel action,
if, in connection with the foregoing, the exercise of the
authority is not of a merely routine or clerical nature but
requires the use of independent judgment.

(29) THING OF VALUE.

a. Anything of monetary value.

b. The term does not include any of the following:
1. A contribution reported under Chapter 5 of Title 17 or a contribution to an inaugural or transition committee.

2. Anything given by a member of the recipient's family within the third degree of consanguinity or affinity unless the circumstances make it clear the gift is not motivated by the family relationship and is given because of the recipient's official position.

3. Anything given by a friend of the recipient unless the circumstances make it clear the gift is not motivated by the friendship and given because of the recipient's official position.

4. Anything of de minimis value.

5. Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class of persons of which the recipient is a member.

6. Rewards and prizes given to competitors in contests or events, including random drawings, that are open to the public or where any attendee can win.

7. Anything that is paid for by a governmental entity or an entity created by a governmental entity to support the governmental entity or secured by a governmental entity under contract, except for tickets to a sporting event offered by an educational institution to anyone other than faculty, staff, or administration of the institution.

8. Any exchange for full value.

9. Compensation, other benefits, hospitality, and gifts earned or received from a non-government employer,
vendor, client, prospective employer, or other business

relationship in the ordinary course of employment or

non-governmental business activities unless the circumstances

make it clear that the thing is provided for reasons related
to the recipient's public service as a public official or

public employee.

10. Any assistance provided or rendered in

connection with a safety or a health emergency.

11. Any charitable contribution that does not

personally benefit the public official, public employee, or a

family member of the public official or public employee.

12. Any food or beverages provided at an event to

which all members of a legislative caucus, a legislative
standing committee, or a legislative body are invited, or at
an event to which at least 20 public officials or public
employees are invited.

13. Anything provided by any of the following:

(i) An association or organization to which the

state or, in the case of a local government official or
employee, the local government pays annual dues as a
membership requirement.

(ii) An association or organization to an individual

who is deemed a public official by virtue of his or her
membership in that association or organization.

(iii) A professional or local government association

or corporation to a public official who is also an elected
officer or director of the professional or local government
association or corporation for services actually provided to
the association or corporation in his or her capacity as an
officer or director.

c. Nothing in this chapter shall be deemed to limit,
prohibit, or otherwise require the disclosure of gifts through
inheritance received by a public employee or public official.

(30) VALUE. The fair market price of a like item if
purchased by a private citizen. In the case of tickets to
social and sporting events and associated passes, the value is
the face value printed on the ticket.

§36-25B-3.

(a) The State Ethics Commission is continued in
existence. It shall be composed of five members, each of whom
shall be a fair, equitable resident of this state and of high
moral character and ability. The following individuals shall
not be eligible to be appointed as members: (1) a public
official; (2) a candidate; (3) a registered lobbyist or a
principal; or (4) a former employee of the commission. A
member of the commission may not be reappointed to succeed
himself or herself unless the prior service was for less than
a full term. The members of the commission shall be appointed
on a rotating basis by the following officers: The Governor,
the President of the Senate, and the Speaker of the House of
Representatives. Appointments shall be subject to Senate
confirmation and individuals appointed shall assume their
duties upon confirmation by the Senate. Members of the
commission serving on January 1, 2020, shall continue to serve
until their respective term expires. Successor members shall serve for a term of five years beginning service on September 1 of the year appointed and shall serve until their successors are appointed and confirmed. If at any time there is a vacancy on the commission, a successor member shall be appointed by the original appointing authority to serve for the unexpired term. The commission shall elect one member to serve as chair of the commission and one member to serve as vice chair. The vice chair shall act as chair in the absence or disability of the chair or in the event of a vacancy in that office.

(b) The commission membership shall be inclusive so that diversity of gender, race, and geographical areas is reflective of the makeup of this state. One member of the commission shall be a State of Alabama-licensed attorney in good standing and one member shall be a former elected public official who served at least two terms of office.

(c) A vacancy in the commission does not impair the right of the remaining members to exercise all the powers of the commission, and three members thereof shall constitute a quorum.

(d) The commission, at the close of each fiscal year, or as soon thereafter as practicable, shall report to the Legislature and the Governor concerning the actions it has taken, the name, salary, and duties of the director, the names and duties of all individuals in its employ, the money it has disbursed, other relevant matters within its jurisdiction, and
such recommendations for legislation as the commission deems appropriate.

(e) Members of the commission, while conducting commission business, shall be entitled to receive compensation at the rate of fifty dollars ($50) per day, and each member, when approved by the chair, shall be paid his or her travel expenses incurred in the performance of his or her duties as a member of the commission as other state employees and officials are paid. If for any reason a member of the commission wishes not to claim and accept the compensation or travel expenses, the member shall inform the director, in writing, of the refusal. The member, at any time during his or her term, may begin accepting compensation or travel expenses; however, the member's refusal for any covered period shall act as an irrevocable waiver for that period.

(f) The director, members of the commission, and all employees of the commission may not engage in partisan political activity, including making any campaign contribution, at the state, county, and local level, and may not make any public statement, for a period of 120 days before an election, about a candidate, regardless of whether or not a candidate has a matter pending before the commission, other than a comment directly relating to the final disposition of the matter. This subsection shall in no way limit or restrict an individual's ability to vote in any election.

(g) The commission shall appoint a full-time director. The director shall be subject to Senate
confirmation, and the individual appointed shall assume his or her duties upon confirmation by the Senate. If the Senate fails to vote on an appointee's confirmation before adjourning sine die during the session in which the director is appointed, the appointee is deemed to be confirmed. No appointee whose confirmation is rejected by the Senate may be reappointed. The director shall serve at the pleasure of the commission and shall appoint other employees as needed. All employees, except the director, shall be employed subject to the state Merit System law, and their compensation shall be prescribed pursuant to that law. The employment of attorneys shall be subject to subsection (i). The compensation of the director shall be fixed by the commission, payable as the salaries of other state employees. The director shall be responsible for the administrative operations of the commission and shall administer this chapter in accordance with the commission's policies. No rule shall be implemented by the director until adopted by the commission in accordance with the Alabama Administrative Procedure Act.

(h) The director may appoint part-time stenographic reporters or certified court reporters, as needed, to take and transcribe the testimony in any formal or informal hearing or investigation before the commission or before any individual authorized by the commission. The reporters are not full-time employees of the commission, are not subject to the Merit System law, and may not participate in the State Retirement System.
The director, with the approval of the Attorney General, may appoint competent attorneys as legal counsel for the commission. Each attorney so appointed shall be of good moral and ethical character, licensed to practice law in this state, and be a member in good standing of the Alabama State Bar Association. Each attorney shall be commissioned as an assistant or deputy attorney general and, in addition to the powers and duties conferred in this chapter, shall have the authority and duties of an assistant or deputy attorney general, except that his or her entire time shall be devoted to the commission. Each attorney shall act on behalf of the commission in actions or proceedings brought by or against the commission pursuant to any law under the commission's jurisdiction or in which the commission joins or intervenes as to a matter within the commission's jurisdiction or as a friend of the court or otherwise.

The director shall designate in writing the chief investigator, should there be one, and a maximum of eight full-time investigators who shall be and are hereby constituted law enforcement officers of the State of Alabama with full and unlimited police power and jurisdiction to enforce the laws of this state pertaining to the operation and administration of the commission and this chapter. Investigators shall meet the requirements of Article 3, commencing with Section 36-21-40, of Chapter 21 of Title 36 and shall in all ways and for all purposes be considered law enforcement officers entitled to all benefits provided in
subsection (e) of Section 36-15-6. Notwithstanding the foregoing, the investigators shall only exercise their power of arrest as granted under this chapter pursuant to an order issued by a court of competent jurisdiction.

§36-25B-4.

(a) The commission shall do all of the following:

(1) Prescribe forms for statements required to be filed by this chapter and make the forms available to persons required to file such statements.

(2) Prepare guidelines setting forth recommended uniform methods of reporting for use by persons required to file statements required by this chapter.

(3) Accept and file any written information voluntarily supplied that exceeds the requirements of this chapter.

(4) Develop, where practicable, a filing, coding, and cross-indexing system consistent with the purposes of this chapter.

(5) Make reports and statements filed with the commission available during regular business hours and online via the Internet to public inquiry subject to such rules as the commission may prescribe.

(6) Preserve reports and statements for a period consistent with the statute of limitations as contained in this chapter. The reports and statements, when no longer required to be retained, shall be disposed of by shredding the reports and statements and disposing of or recycling them, or
otherwise disposing of the reports and statements in any other
manner prescribed by law. Nothing in this section shall in any
manner limit the Department of Archives and History from
receiving and retaining any documents pursuant to existing
law.

(7) Make investigations with respect to statements
filed pursuant to this chapter, and with respect to alleged
failures to file, or omissions contained therein, any
statement required pursuant to this chapter and, upon
complaint by any individual, with respect to alleged violation
of any part of this chapter to the extent authorized by law.
When, in its opinion, a thorough audit of any person should be
made in order to determine whether this chapter has been
violated, the commission shall direct the Examiners of Public
Accounts to have an audit made and a report thereof filed with
the commission. The Examiners of Public Accounts, upon receipt
of the directive, shall comply therewith.

(8) Enforce this chapter as further provided in this
section and Section 36-25B-23.

(9) Issue and publish advisory opinions on the
requirements of this chapter, based on a real or hypothetical
set of circumstances. Advisory opinions shall be adopted by a
majority vote of the members of the commission present and
shall be effective and deemed valid until expressly overruled
or altered by the commission or a court of competent
jurisdiction. The written advisory opinions of the commission
shall protect the person at whose request the opinion was
issued and any other person reasonably relying, in good faith, on the advisory opinion in a materially like circumstance from liability to the state, a county, or a municipal subdivision of the state because of any action performed or action refrained from in reliance of the advisory opinion. Nothing in this section shall be deemed to protect any person relying on the advisory opinion if the reliance is not in good faith, is not reasonable, or is not in a materially like circumstance. On and after July 1, 2020, any advisory opinion issued before January 1, 2020, is void unless an individual has requested the continuance of an advisory opinion and the commission has affirmatively decided to uphold that opinion.

(10) Initiate and continue, where practicable, programs for the purpose of educating candidates, officials, employees, and residents of this state on matters of ethics in government service.

(11) Adopt and enforce rules pursuant to the Alabama Administrative Procedure Act to carry out this chapter.

(b) Except as necessary to permit the sharing of information and evidence with a district attorney, a complaint filed pursuant to this chapter, together with any statement, evidence, or information received from the complainant, witnesses, or other individuals shall be protected by and subject to the same restrictions relating to secrecy and nondisclosure of information, conversation, knowledge, or evidence of Sections 12-16-214 to 12-16-216, inclusive. Such restrictions shall apply to all investigatory activities taken
by the director, the commission, or a member thereof, staff, employees, or any individual engaged by the commission in response to a complaint filed with the commission and to all proceedings relating thereto before the commission. The restrictions shall also apply to all information and evidence supplied to the Attorney General or district attorney. Any individual who discloses information in violation of this section, upon conviction, shall be guilty of a Class C felony.

(c)(1) The commission may authorize an investigation upon a complaint filed with the commission, provided, all of the following occur:

a. The commission receives a written and signed complaint setting forth in detail the specific charges against a respondent and the factual allegations that support the charges.

b. The commission verifies the identity of the complainant and verifies the complainant has credible and verifiable information supporting the allegations.

c. The director makes an initial determination that the complaint, on its face, alleges facts that if true, would constitute a violation of this chapter and that reasonable cause exists to conduct an investigation.

(2) If the director determines that the complaint does not allege a violation or that reasonable cause does not exist, the charges shall be dismissed, but the action must be reported to the commission.
(3) A complainant may not file a complaint on behalf of any other individual in order to circumvent this subsection.

(d) The commission may also authorize an investigation upon written consent of four commission members, upon an express finding that probable cause exists that a violation or violations of this chapter have occurred. Upon the commencement of any investigation, the Alabama Rules of Criminal Procedure as applicable to the grand jury process shall apply and shall remain in effect until the complaint is dismissed or disposed of in some other manner. A complaint may be initiated by a vote of four members of the commission; provided, however, the commission may not conduct the hearing, but rather the hearing shall be conducted by three active or retired judges, who shall be appointed by the Chief Justice of the Alabama Supreme Court. The Chief Justice shall appoint judges to a panel so that diversity of gender and race is reflective of the makeup of the judiciary of this state. The three-judge panel shall conduct the hearing in accordance with the procedures contained in this chapter and in accordance with the rules of the commission. If the three-judge panel unanimously finds that a person has violated this chapter, the three-judge panel shall impose a civil penalty or refer the case to the appropriate district attorney pursuant to Section 36-25B-23. In all matters that come before the commission concerning a complaint on an individual, the laws of due process shall apply.
(e) Not less than 45 days prior to any hearing before the commission, the respondent shall be given notice that a complaint has been filed against him or her and shall be given a summary of the charges contained in the complaint. Upon the timely request of the respondent, a continuance of the hearing for not less than 30 days shall be granted for good cause shown. The respondent charged in the complaint shall have the right to be represented by legal counsel. The commission may not require the respondent to be a witness against himself or herself and shall provide discovery to the respondent pursuant to the Alabama Rules of Criminal Procedure.

(f)(1) All fees, penalties, and fines collected by the commission pursuant to this chapter shall be deposited into the state General Fund.

(2) All monies collected as reasonable payment of costs for copying, reproductions, publications, and lists shall be deemed a refund against disbursement and shall be deposited into the appropriate fund account for the use of the commission.

(g)(1) In the course of an investigation, the commission may subpoena witnesses and compel their attendance and may also require the production of books, papers, documents, and other evidence. If any person fails to comply with any subpoena lawfully issued, or if any witness refuses to produce evidence or to testify as to any matter relevant to the investigation, it shall be the duty of any court of
competent jurisdiction or the judge thereof, upon the
application of the director, to compel obedience upon penalty
for contempt, as in the case of disobedience of a subpoena
issued for such court or a refusal to testify therein.

(2) A subpoena may be issued only upon the vote of
four members of the commission upon the express written
request of the director. The subpoena shall be subject to
Rules 17.1, 17.2, 17.3, and 17.4 of the Alabama Rules of
Criminal Procedure.

(3) The commission, upon seeking issuance of the
subpoena, shall serve a notice to the recipient, at least 10
days before the commission intends to serve the subpoena, of
the commission's intent along with a copy of the proposed
subpoena. Any individual or entity served with notice may
serve an objection to the issuance of the subpoena within 10
days after service of the notice on the grounds set forth
under Rule 17.3(c) of the Alabama Rules of Criminal Procedure
and, in such event, the subpoena shall not issue until an
order to dismiss, modify, or issue the subpoena is entered by
a state court of proper jurisdiction. The order shall be
entered within 30 days after making of the objection.

(4) Any vote taken by the members of the commission
relating to the issuance of a subpoena shall be protected by
and subject to the restrictions relating to secrecy and
nondisclosure of information, conversation, knowledge, or
evidence as provided in Sections 12-16-214 to 12-16-216,
inclusive.
(h) After receiving or initiating a complaint, the commission has 180 days to determine whether probable cause exists. At the expiration of 180 days from the date of receipt or commencement of a complaint, if the commission does not find probable cause, the complaint shall be deemed dismissed and may not be reinstated based on the same facts alleged in the complaint. Upon good cause shown, the director may request from the commission a one-time extension of 180 days. Upon the majority vote of the commission, the staff may be granted a one-time extension of 180 days in which to complete the investigation. If the commission finds probable cause that a person committed a criminal violation of this chapter, the case and the commission's findings shall be forwarded to the district attorney for the jurisdiction in which the alleged acts occurred. The case, along with the commission's findings, shall be referred for appropriate legal action. Any applicable statute of limitations for a criminal violation shall be tolled for a period of 180 days, or 360 days if extended, upon the receipt or initiation of a complaint pursuant to this section. Once a matter is referred to a district attorney for appropriate legal action, the commission may not take any enforcement action against the person on that matter.

(i) Within 180 days of receiving a case referred by the commission, the district attorney to whom the case was referred shall notify the commission, in writing, stating whether he or she intends to take action against the respondent, including an administrative disposition or
settlement, conduct further investigation, or close the case without taking action. If the district attorney decides to pursue the case, he or she shall inform the commission of the final disposition of the case.

§36-25B-5.

(a) In addition to the authorities prescribed in Section 36-25B-4, the commission shall work with the Secretary of State to implement the reporting requirements of the Alabama Fair Campaign Practices Act and shall do all of the following:

(1) Approve all forms required by the Fair Campaign Practices Act.

(2) Suggest accounting methods for candidates, principal campaign committees, and political action committees in connection with reports and filings required by the Fair Campaign Practices Act.

(3) Approve a retention policy for all reports, filings, and underlying documentation required by the Fair Campaign Practices Act.

(4) Approve a manual for all candidates, principal campaign committees, and political action committees, describing the requirements of the Fair Campaign Practices Act that shall be published by the Secretary of State.

(5) Investigate and hold hearings for receiving evidence regarding alleged violations of the Fair Campaign Practices Act as set forth in this chapter that demonstrate a
(6) Conduct or authorize audits of any filings required under the Fair Campaign Practices Act if evidence exists that an audit is warranted because of the filing of a complaint in the form required by this chapter or if there exists a material discrepancy or conflict on the face of any filing required by the Fair Campaign Practices Act.

(7) Affirm, set aside, or reduce civil penalties as provided in Section 17-5-19.2.

(8) Refer all evidence and information necessary to the appropriate district attorney for prosecution of any criminal violation of the Fair Campaign Practices Act as set forth in this chapter.

(9) Make investigations with respect to statements filed pursuant to the Fair Campaign Practices Act, and with respect to alleged failures to file, or omissions contained therein, any statement required pursuant to the Fair Campaign Practices Act and, upon complaint by any individual, with respect to alleged violation of any part of that act to the extent authorized by law. When, in its opinion, a thorough audit of any person should be made in order to determine whether the Fair Campaign Practices Act has been violated, the commission shall direct the Examiners of Public Accounts to have an audit made and a report thereof filed with the commission. The Examiners of Public Accounts, upon receipt of the directive, shall comply therewith.
(10) Issue and publish advisory opinions on the requirements of the Fair Campaign Practices Act, based on a real or hypothetical set of circumstances. Such advisory opinions shall be adopted by a majority vote of the members of the commission present and shall be effective and deemed valid until expressly overruled or altered by the commission or a court of competent jurisdiction. The written advisory opinions of the commission shall protect the person at whose request the opinion was issued and any other person reasonably relying, in good faith, on the advisory opinion in a materially like circumstance from liability of any kind because of any action performed or action refrained from in reliance of the advisory opinion. Nothing in this section shall be deemed to protect any person relying on the advisory opinion if the reliance is not in good faith, is not reasonable, or is not in a materially like circumstance. Any advisory opinion on the requirements of the Fair Campaign Practices Act issued prior to January 1, 2020, is effective until overruled.

(b) A complaint filed pursuant to the Fair Campaign Practices Act shall be subject to the same secrecy and nondisclosure restrictions and prohibitions, as well as penalties for violations, as described in subsection (b) of Section 36-25B-4 for potential violations of this chapter.

(c) The commission shall investigate complaints of possible violations of the Fair Campaign Practices Act and refer complaints, as appropriate, to the district attorney, in
the same manner as described in subsections (c) to (h), inclusive, of Section 36-25B-4 for violations of this chapter.

§36-25B-6.

Notwithstanding any other law or rule, a complaint may not be made available to the public or available on the Internet until the disposition of the matter. In no event may a complaint be made public or available on the Internet if the complaint is dismissed or found not to have probable cause. In the matters where the complaint is dismissed or found not to have probable cause, only the disposition of the matter may be made available to the public or available on the Internet. Nothing in this section shall be deemed a direct grant of authority for the commission to publicize or make available on the Internet any complaint or investigation if not permitted by any other law or rule.

§36-25B-7.

(a) At the beginning of each legislative quadrennium, the commission shall provide for and administer training programs on this chapter for members of the Legislature, state constitutional officers, cabinet officers, executive staff, municipal mayors, council members and commissioners, county commissioners, and lobbyists.

(1) The training program for legislators shall be held at least once at the beginning of each quadrennium for members of the Legislature. An additional training program shall be held if material changes are made to this chapter within three months of the effective date of the changes. The
time and place of the training programs shall be determined by
the director and the Legislative Council. The commission shall
also provide a mandatory training program for any legislator
elected in a special election within three months of the date
that the legislator assumes office.

(2) The training program for the state
constitutional officers, cabinet members, and executive staff,
as determined by the Governor, shall be held within the first
30 days after the Governor has been sworn into office. An
additional training program shall be held if material changes
are made to this chapter within three months of the effective
date of the changes. The specific date of the training program
shall be established by the director with the advice of the
Governor and other constitutional officers.

(3) The training program for lobbyists shall be held
four times annually as designated by the director, the first
of which shall be held within the first 30 days of the year.
Training shall be available online and may be conducted online
or in person. Each lobbyist must attend a training program
within 90 days of registering as a lobbyist. A lobbyist who
fails to attend a training program within the 90-day period
may not further engage in lobbying. After attending one
training program, a lobbyist shall not be required to attend
an additional training program unless material changes are
made to this chapter. The additional mandatory training
program shall be held within three months of the effective
date of the changes.
(4) All municipal mayors, council members and commissioners, county commissioners, and members of any local board of education shall obtain training within 120 days of being sworn into office. Training shall be available online and may be conducted either online or in person. Evidence of completion of the training shall be provided to the commission via an electronic reporting system provided on the official website. The scheduling of training opportunities for municipal mayors, council members and commissioners, and county commissioners shall be established by the director with the advice and assistance of the Alabama League of Municipalities and the Association of County Commissions of Alabama. Any provision of this section to the contrary notwithstanding, the training for county commissioners required by this subdivision shall be satisfied by the successful completion of the 10-hour course on ethical requirements of public officials provided by the Alabama Local Government Training Institute established pursuant to Article 2 of Chapter 3 of Title 11. The Alabama Local Government Training Institute shall provide in writing to the commission quarterly the names of those county commissioners completing the institute's program.

(b) The curriculum of each session and faculty for the training program shall be determined by the director. The curriculum shall include, but not be limited to, a review of the current law, a discussion of actual cases and advisory opinions on which the commission has ruled, and a question and
answer period for attendees. The faculty for the training program may include the staff of the commission, members of the faculties of the various law schools in the state, and other individuals deemed appropriate by the director and shall include experts in the field of ethics law, individuals affected by the ethics law, and members of the press and media.

(c) Except as provided herein, attendance at any session of the training program shall be mandatory, except in the event the individual verifies he or she, in good faith, cannot or could not attend the training program.

(d) This section shall not preclude the penalizing, prosecution, or conviction of any member of the Legislature, any public official, or public employee prior to the individual attending a mandatory training program.

(e) All public employees required to file a statement of economic interests shall participate in an online educational review of this chapter provided on the official website of the commission. Newly hired public employees shall have 90 days to comply with this subsection. Evidence of completion of the educational review shall be provided to the commission via an electronic reporting system provided on the official website. The educational review required under this subsection shall only be required once, so long as the public employee continuously remains in public service.

§36-25B-8.
(a) Except as provided in subsection (b), the commission shall implement and maintain each of the following:

(1) A system for electronic filing of all statements, reports, registrations, and notices required by this chapter.

(2) An electronic database accessible to the public through an Internet website which provides at least the following capabilities:

a. Search and retrieval of all statements, reports, and other filings required by this chapter, excluding complaints made confidential by subsection (b) of Section 36-25B-4, by the name of the public official or public employee to which they pertain.

b. Generation of an aggregate list of all things of value provided to each public official or public employee and his or her family members, as reported pursuant to Section 36-25B-17, searchable and retrievable by the name of the public official or public employee.

(b) The commission shall exclude from any electronic database accessible to the public, identifying information, as defined in Section 41-13-7, that is included in any statement of economic interest filed by any public official or public employee.

§36-25B-9.

A public official, public employee, former public official or former public employee, for a period consistent with the statute of limitations as contained in this chapter,
may not use or disclose confidential information gained in the
course of or by reason of his or her position or employment in
any way that could result in financial gain other than his or
her regular salary as such public official or public employee
for himself or herself, a family member of the public employee
or the public official, or for any other person.

§36-25B-10.

(a) Unless expressly provided otherwise by law, an
individual may not serve as a member or employee of a state,
county, or municipal regulatory board or commission or other
body that regulates any associated business of the individual.
Subject to subsection (b), nothing herein shall prohibit a
real estate broker, agent, developer, appraiser, mortgage
banker, or other individual in the real estate field, or other
state-licensed professional, from serving on any planning
board or commission, housing authority, zoning board, board of
adjustment, code enforcement board, industrial board,
utilities board, or state board or commission.

(b) Membership of real estate brokers and agents on
a county or municipal regulatory board or commission may not
exceed more than one less of a majority of the board or
commission.

§36-25B-11.

(a) If a public official or public employee, a
family member of the public official or public employee, or an
associated business of the public official or public employee
represents a client or constituent for a fee before any
governmental body, the public official or public employee shall notify the commission not more than 10 days after the first day of the appearance.

(b) If a public official, public employee, a family member of the public official or public employee, or an associated business of the public official or public employee enters into a contract to provide goods or services that is to be paid in whole or in part out of state, county, or municipal funds, the public official or public employee shall give a copy of the contract to the commission not more than 10 days after the contract has been executed. This subsection does not apply to any contract awarded through competitive bid laws.

§36-25B-12.

(a) An appointed public official, for a period of two years after leaving service, may not serve as a lobbyist before the governmental body for which he or she had served.

(b) An elected public official, for a period of two years after the expiration of the term to which he or she was elected, may not serve as a lobbyist before the governmental body for which he or she had served, regardless of whether the public official leaves office before the expiration of the term.

(c) A public employee or an individual who works for a governmental body pursuant to a consulting agreement, agency transfer, loan, or similar arrangement, for a period of two years after leaving the employment or other arrangement, may
not serve as a lobbyist before the governmental body for which he or she had worked.

(d) A public official or public employee who has authority over procurements or who recommends or materially influences the approval of grants, awards, or contracts for goods or services, for a period of two years after leaving service or employment, may not enter into, solicit, or negotiate a grant, award, or contract for goods or services with the governmental body for which he or she served or worked.

(e) A public official or public employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual, for a period of two years after leaving service or employment, may not solicit or accept employment or enter into a consulting agreement with that private business, corporation, partnership, or individual.

(f) Nothing in this section shall limit or prohibit any of the following:

(1) A former public employee from resuming employment with his or her former employer, unless otherwise restricted or prohibited by law.

(2) A former public employee from entering into a consulting agreement with his or her former employer to personally provide consulting services, unless otherwise restricted or prohibited by law.
(3) A public official or public employee from accepting employment with another governmental body or another department within the same governmental body and from representing the interests of his or her public employer before the governmental body for which he or she had served.

(4) An attorney from representing a client in a legal capacity as an attorney.

(g) Nothing in this chapter shall be deemed to limit the right of a public official or public employee to publicly or privately express his or her support for, or to encourage others to support and contribute to, any principal campaign committee as defined in Section 17-5-2, political action committee as defined in Section 17-5-2, referendum, ballot question, issue, or constitutional amendment.

(h) An individual who violates this section, upon conviction, is guilty of a Class A misdemeanor and shall forfeit any income received as a result of the violation.


(a) A statement of economic interests shall be completed and filed in accordance with this chapter with the commission no later than April 30 of each year covering the period of the preceding calendar year by each of the following:

(1) All elected public officials.

(2) Any appointed public official whose total compensation during the preceding calendar year meets or exceeds eighty thousand dollars ($80,000) or a higher
(3) Any public employee whose total compensation from public funds during the preceding calendar year meets or exceeds eighty thousand dollars ($80,000) or a higher threshold amount if the commission sets a higher threshold under subsection (g).

(4) Members of the State Ethics Commission.

(5) Appointed members of boards and commissions having statewide jurisdiction, but excluding members of solely advisory boards.

(6) All full-time nonmerit employees, other than those employed in maintenance, clerical, secretarial, or other similar positions.

(7) Chief county and municipal clerks, managers, administrators, and administrative officers.

(8) Any public official or public employee whose primary duty is to invest public funds.

(9) Chief and assistant county building inspectors.

(10) Any county or municipal administrator with power to grant or deny land development permits.

(11) Chiefs of police.

(12) Fire chiefs.

(13) City and county school superintendents and school board members.

(14) City and county school principals or administrators.
(15) Purchasing or procurement agents having the authority to make any purchase.

(16) Directors and assistant directors of state agencies.

(17) Chief financial and accounting directors.

(18) Chief grant coordinators.

(19) Each employee of the Legislature or of agencies, including temporary committees and commissions established by the Legislature, other than those employed in maintenance, clerical, secretarial, or similar positions.

(20) Each employee of the Judicial Branch of government, including active supernumerary district attorneys and judges, other than those employed in maintenance, clerical, secretarial, or other similar positions.

(21) Every full-time public employee serving as a supervisor.

(b) Notwithstanding subsection (a) or any other provision of this chapter, no coach of an athletic team of any four-year institution of higher education that receives state funds shall be required to include any income, donations, gifts, or benefits, other than salary, on the statement of economic interests, if the income, donations, gifts, or benefits are a condition of the employment contract.

(c) The statement shall be made on a form made available by the commission and shall contain the following information:
(1) Name, residential address, business; name, address, and business of living spouse and dependents; name of living adult children; name of parents and siblings; and name of living parents of spouse. Undercover law enforcement officers may have their residential addresses and the names of family members removed from public scrutiny by filing an affidavit stating that publicizing this information would potentially endanger their families.

(2) A list of occupations to which one third or more of working time was given during the previous reporting year by the public official, public employee, or his or her spouse.

(3) A listing of total combined household income of the public official or public employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation and listing the names of each business and the income derived from such business in the following categorical amounts: Less than one thousand dollars ($1,000); at least one thousand dollars ($1,000) and less than ten thousand dollars ($10,000); at least ten thousand dollars ($10,000) and less than fifty thousand dollars ($50,000); at least fifty thousand dollars ($50,000) and less than one hundred fifty thousand dollars ($150,000); at least one hundred fifty thousand dollars ($150,000) and less than two hundred fifty thousand dollars ($250,000); or at least two hundred fifty thousand dollars ($250,000) or more. The individual reporting shall also name any business or subsidiary thereof in which he or she or his
or her spouse or dependents, jointly or severally, own five percent or more of the stock or in which he or she or his or her spouse or dependents serves as an officer, director, trustee, or consultant where the service provides income of at least one thousand dollars ($1,000) and less than five thousand dollars ($5,000); or at least five thousand dollars ($5,000) or more for the reporting period.

(4) If the filing public official or public employee, or his or her spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural management, or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category:

Electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil or gas exploration companies, or both, oil and gas retail companies, banks, savings and loan associations, loan or finance companies, or both, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine or liquor companies or distributors, or combination thereof, trade associations, professional associations, governmental
associations, associations of public employees or public
officials, counties, and any other businesses or associations
that the commission may deem appropriate. Amounts received
from combined clients in each category shall be reported in
the following categorical amounts: Less than one thousand
dollars ($1,000); more than one thousand dollars ($1,000) and
less than ten thousand dollars ($10,000); at least ten
thousand dollars ($10,000) and less than twenty-five thousand
dollars ($25,000); at least twenty-five thousand dollars
($25,000) and less than fifty thousand dollars ($50,000); at
least fifty thousand dollars ($50,000) and less than one
hundred thousand dollars ($100,000); at least one hundred
thousand dollars ($100,000) and less than one hundred fifty
thousand dollars ($150,000); at least one hundred fifty
thousand dollars ($150,000) and less than two hundred fifty
thousand dollars ($250,000); or at least two hundred fifty
thousand dollars ($250,000) or more.

(5) If retainers are in existence or contracted for
in any of the above categories of clients, a listing of the
categories along with the anticipated income to be expected
annually from each category of clients shall be shown in the
following categorical amounts: Less than one thousand dollars
($1,000); at least one thousand dollars ($1,000) and less than
five thousand dollars ($5,000); or at least five thousand
dollars ($5,000) or more.

(6) If real estate is held for investment or revenue
production by a public official, his or her spouse or
dependents, then a listing thereof in the following fair market value categorical amounts: Under fifty thousand dollars ($50,000); at least fifty thousand dollars ($50,000) and less than one hundred thousand dollars ($100,000); at least one hundred thousand dollars ($100,000) and less than one hundred fifty thousand dollars ($150,000); at least one hundred fifty thousand dollars ($150,000) and less than two hundred fifty thousand dollars ($250,000); at least two hundred fifty thousand dollars ($250,000) or more. A listing of annual gross rent and lease income on real estate shall be made in the following categorical amounts: Less than ten thousand dollars ($10,000); at least ten thousand dollars ($10,000) and less than fifty thousand dollars ($50,000); fifty thousand dollars ($50,000) or more. If a public official or an associated business of the public official received rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission.

(7) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: Banks, savings and loan associations, insurance companies, mortgage firms, stockbrokers and brokerages or bond firms; and the indebtedness to combined organizations in the following categorical amounts: Less than twenty-five thousand dollars ($25,000); twenty-five thousand dollars ($25,000) and less than fifty thousand dollars ($50,000); fifty thousand dollars ($50,000) and less than one hundred thousand dollars
($100,000); one hundred thousand dollars ($100,000) and less than one hundred fifty thousand dollars ($150,000); one hundred fifty thousand dollars ($150,000) and less than two hundred fifty thousand dollars ($250,000); two hundred fifty thousand dollars ($250,000) or more. The commission may add additional business to this listing. Indebtedness associated with the homestead of the individual filing is exempted from this disclosure requirement.

(d) Filing required by this section shall reflect information and facts in existence at the end of the reporting year.

(e) If the information required under this section is not filed as required, the commission shall notify the public official or public employee concerned as to his or her failure to so file, and the public official or public employee shall have 10 days to file the report after receipt of the notification. In addition to the civil penalty under subsection (a) of Section 36-25B-23, the commission may assess a fine of ten dollars ($10) a day, not to exceed one thousand dollars ($1,000), for failure to file timely.

(f) Upon petition, the commission may waive the filing requirement if the filer is deceased or incapable of filing due to infirmity or due to active service in the military.

(g) By January 31 of any year during which the threshold amount referenced in subdivisions (2) and (3) of subsection (a) increases by an amount of two thousand dollars
($2,000) or more pursuant to the U.S. Department of Labor's Consumer Price Index or a successor index, the commission shall adjust the threshold amount to reflect the two thousand dollar ($2,000) increase.

(h) An individual who unintentionally neglects to include any information relating to the financial disclosure filing requirements of this chapter shall have 90 days to file an amended statement of economic interests without penalty.

(i) The duty to file the statement of economic interests rests with the individual covered by this chapter. Nothing in this chapter shall be construed to exclude any public employee or public official from this chapter based on whether or not he or she is required to file a statement of economic interests.

§36-25B-14.

(a) Candidates at every level of government shall file a completed statement of economic interests covering the previous calendar year with the commission simultaneously with the date the candidate files his or her qualifying papers with the appropriate election official or in the case of an independent candidate, the date the individual complies with the requirements of Section 17-9-3. Each election official who receives a declaration of candidacy or petition to appear on the ballot for election from a candidate, within five days of the receipt, shall notify the commission of the name of the candidate and the date on which the individual became a candidate. The commission, within five business days of
receipt of such notification, shall notify the election official whether the candidate has complied with this subsection.

(b) Any candidate who remains qualified on or after January 1 in the year following the year in which he or she first qualified and filed under subsection (a), shall file with the commission by April 1 of that year, a statement of economic interests covering the previous calendar year.

(c) Other provisions of the law notwithstanding, if a candidate does not submit a statement of economic interests or when applicable, an amended statement of economic interests in accordance with this chapter, the name of the individual shall not appear on the ballot and the candidate shall be deemed not qualified as a candidate in that election.

Notwithstanding the foregoing, the commission, for good cause shown, may allow the candidate an additional five days to file the statement of economic interests. If a candidate is deemed not qualified, the appropriate election official shall remove the name of the candidate from the ballot.

§36-25B-15.

(a) The head of every governmental body shall file a report with the commission on any matter that comes to his or her attention in his or her official capacity that, after an appropriate investigation, constitutes a violation of this chapter within 10 days of completing the investigation.

(b) The heads of governmental bodies shall cooperate in every possible manner in connection with any investigation
§36-25B-16.

(a) Every lobbyist shall register by filing a form prescribed by the commission no later than January 31 of each year or within 10 days after the first undertaking requiring such registration. Each lobbyist shall pay an annual fee of one hundred dollars ($100) on or before January 31 of each year or within 10 days of the first undertaking requiring such registration.

(b) The registration shall be in writing and shall contain the following:

(1) The registrant's full name and business address.
(2) A full-face photograph of the registrant.
(3) The full name and address of the registrant's principal or principals.
(4) If a registrant's activity is done on behalf of the members of a group other than a corporation, a categorical disclosure of the number of persons of the group as follows: 1-5; 6-10; 11-25; over 25.
(5) A statement signed by each principal that he or she has read the registration, knows its contents and has authorized the registrant to be a lobbyist in his or her behalf as specified therein, and that no compensation will be paid to the registrant contingent upon passage or defeat of any legislative measure.
(c) A registrant shall file a supplemental registration indicating any substantial change or changes in the information contained in the prior registration within 10 days after the date of the change.

§36-25B-17.

Every individual registered as a lobbyist pursuant to Section 36-25B-16 and every principal shall file with the commission a report provided by the commission pertaining to the activities set out in that section. The report shall be filed with the commission no later than January 31, April 30, July 31, and October 31 for each preceding calendar quarter, and contain, but not be limited to, the following information:

(1) The cost of any thing of value given to a candidate, public official, public employee, or a family member of the candidate, public official, or public employee by the lobbyist, a subordinate of the lobbyist, or the principal, with the name of the recipient or recipients and the date the thing of value was given.

(2) A detailed statement showing the exact amount of any loan given or promised to a public official, candidate, public official, or candidate.

(3) A detailed statement showing any direct business association or partnership with any public official, candidate, or family member of the public official or candidate.

§36-25B-18.
Any individual who is not otherwise a lobbyist pursuant to this chapter who negotiates or attempts to negotiate a contract, sells, or attempts to sell, goods or services, or engages or attempts to engage in a financial transaction with a public official or public employee in his or her official capacity and who, within a calendar day, expends more than two hundred fifty dollars ($250) on the public employee, public official, or a family member of the public official or public employee, shall file a detailed quarterly report of the expenditure with the commission in accordance with the reporting requirements in Section 36-25B-17.

§36-25B-19.

(a) An individual who ceases to engage in activities requiring registration pursuant to Section 36-25B-16 shall file a written, verified statement with the commission acknowledging the termination of activities. The notice shall be effective immediately.

(b) An individual who files a notice of termination pursuant to this section shall file the reports required pursuant to Section 36-25B-17 for any reporting period during which he or she was registered pursuant to this chapter.

§36-25B-20.

No former member of the House of Representatives or the Senate of the State of Alabama shall be extended floor privileges of either body in a lobbying capacity.

§36-25B-21.
No principal or lobbyist shall accept compensation for, or enter into a contract to provide, lobbying services which is contingent upon the passage or defeat of any legislative action.

§36-25B-22.

(a) A supervisor shall not discharge, demote, transfer, or otherwise discriminate against a public employee regarding such employee's compensation, terms, conditions, or privileges of employment based on the employee's reporting a violation, or what he or she believes in good faith to be a violation, of this chapter or giving truthful statements or truthful testimony concerning an alleged ethics violation.

(b) Nothing in this chapter shall be construed in any manner to prevent or prohibit or otherwise limit a supervisor from disciplining, discharging, transferring, or otherwise affecting the terms and conditions of a public employee's employment so long as the disciplinary action does not result from, or is in no other manner connected with, the public employee's filing a complaint with the commission, giving truthful statements, and truthfully testifying.

(c) A public employee may not file a complaint or otherwise initiate action against a public official or other public employee without a good faith basis for believing the complaint to be true and accurate.

(d) A supervisor who is alleged to have violated this section shall be subject to a civil action in the circuit
courts of this state pursuant to the Alabama Rules of Civil Procedure.

(e) A public employee who files a complaint against a supervisor without a good faith belief in the truthfulness and accuracy of the complaint shall be subject to a civil action in the circuit courts in the State of Alabama pursuant to the Alabama Rules of Civil Procedure. A public employee who violates this subsection is subject to appropriate and applicable personnel action.

§36-25B-23.

(a) Any individual subject to this chapter who knowingly violates any disclosure or reporting requirement of this chapter is subject to a civil penalty levied by the commission not to exceed five thousand dollars ($5,000).

(b) Any individual who knowingly makes or transmits a false complaint pursuant to this chapter, upon conviction, shall be guilty of a Class A misdemeanor and shall be liable for the actual legal expenses incurred by the respondent against whom the false report or complaint was filed.

(c) Any individual who makes false statements to an employee of the commission or to the commission itself pursuant to this chapter without reason to believe the accuracy of the statements, upon conviction, shall be guilty of a Class A misdemeanor.

(d) If the commission determines to address a violation of this chapter or the Fair Campaign Practices Act
administratively, the action shall preclude any criminal
prosecution pursuant to this chapter for the same conduct.

(e) In the event the commission, by majority vote,
finds that any criminal provision of this chapter or a
provision of the Fair Campaign Practices Act has been
violated, subject to subsection (d), the alleged violation and
any investigation conducted by the commission shall be
referred to the district attorney of the appropriate
jurisdiction. The commission shall provide appropriate
assistance to the district attorney. A district attorney may
request from the Attorney General any opinion, instruction, or
advice necessary or proper to aid the district attorney in the
prosecution of a violation, as provided in Section 36-15-15.

(f) If a person fails to pay any civil penalty
imposed by the commission pursuant to this chapter or the Fair
Campaign Practices Act, the commission may file an action to
collect the penalty in the District Court of Montgomery
County. The person shall be responsible for paying all costs
associated with the collection of the penalty.

(g) Any appeal of a civil penalty imposed by the
commission shall be made in the Circuit Court of Montgomery
County.

(h) Nothing in this chapter limits the power of a
legislative body to discipline its own members or to impeach
public officials, or limits the powers of a governmental body
to discipline its respective public officials or public
employees.
(a) The Legislature shall appropriate such sums as it deems necessary to implement the provisions of and administer this chapter and the Fair Campaign Practices Act.
(b) Notwithstanding any other provision of law to the contrary, the annual appropriation to the commission in the state General Fund Appropriations Act shall not be less than one tenth of one percent of the total state General Fund amount appropriated in the state General Fund Appropriations Act unless a lower appropriation amount is expressly approved by two-thirds of the membership of the House of Representatives and two-thirds of the membership of the Senate.

§36-25B-25.
This chapter shall be construed in pari materia with other laws dealing with the subject of ethics, including, but not limited to, Title 13A.
Section 6. Section 36-25-1.3 is added to the Code of Alabama 1975, to read as follows:
§36-25-1.3.
(a) Notwithstanding any provision of law, including, but not limited to, this chapter, an individual acting as an economic development professional is not a lobbyist, unless and until he or she seeks incentives through legislative action in the Legislature, that are above and beyond, or in addition to, the then current statutory or constitutional authorization.
(b) For purposes of this section, an economic development professional is an individual seeking to advance specific, good faith economic development or trade promotion projects or related objectives for a business, chamber of commerce or similar nonprofit economic development organization in the State of Alabama, a city, a county, a political subdivision of the state, or a governmental corporation or authority.

(c) For purposes of this section, the term economic development professional does not include elected officials, legislators, nor any former legislator within two years of the end of the term for which he or she was elected.

(d) This section shall not apply to any person that is otherwise required to register as a lobbyist.

Section 7. A violation or offense committed prior to the repeal of Chapter 25 of Title 36 pursuant to this act is not affected by the repeal of that chapter, and any prosecution or proceeding before the State Ethics Commission for any violation or offense in Chapter 25 pending on January 1, 2020, shall proceed as if the chapter was not repealed.

Section 8. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the
bill defines a new crime or amends the definition of an existing crime.

Section 9. This act shall take effect on January 1, 2020, following its passage and approval by the Governor, or its otherwise becoming law, except Section 6 shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming law.